Racial Propositions
Ballot Initiatives
and the Making of Postwar California

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extremism or conservatism. His concern focused instead on the endurance of a political subjectivity and collective identity (evident in his reference to “we’ Americans of the Old Stock”) that was constituted through and determined by a particular understanding of what race meant, and the kinds of hierarchy and power it authorized. Liberal commitments to tolerance, rights, equality, and opportunity did not nullify or negate this political subjectivity, which was “ordinary” and extended to even some progressive groups. Instead, this subjectivity could constitute the terms and boundaries within which such liberal commitments could be expressed—a liberalism that was always already racial.

DEFINING POLITICAL WHITENESS

The political “feeling” that Miller described so deftly in 1944 anchors the conceptual category I define as “political whiteness.” Political whiteness describes a political subjectivity rooted in white racial identity, a gaze on politics constituted by whiteness. This concept draws from and extends both George Lipsitz’s observations about the “possessive investment in whiteness” and Cheryl Harris’s critical account of “whiteness as property.” Whiteness, Lipsitz argues is “possessed” both literally in the form of material rewards and resources afforded to those recognized as white as well as figuratively through the “psychological wages” of status and social recognition detailed by W.E.B. DuBois.31 Harris similarly describes a “valorization of whiteness as treasured property,” recognized by the law and enforced by the state, which produces a “settled expectation” that its beneficiaries will face no “undue” obstacles in claiming its rewards. Whiteness, she explains, “is simultaneously an aspect of identity and a property interest, it is something that can be both experienced and deployed as a resource.”32

The concept of political whiteness describes how these norms, “settled expectations,” and “investments” shape the interpretation of political interests, the boundaries of political communities, and the sources of power for many political actors who understand themselves as white. It does not simply describe the interests or politics of “white people,” which after all are necessarily varied. It instead concerns the process by which some political claims and interests come to be defined as white. James Baldwin described an “American delusion” fostered by whiteness that leads people to believe “not only that their brothers all are white but that the whites are all their brothers.”33

Like whiteness in general, political whiteness is a subjectivity that con-
stantly disavows its own presence and insists on its own innocence. It operates instead as a kind of absent referent, hailing and interpolating particular subjects through various affective appeals witnessed in claims to protect “our rights,” “our jobs,” “our homes,” “our kids,” “our streets,” and even “our state” that never mention race but are addressed to racialized subjects.

Political whiteness is, in one sense, a widely studied phenomenon. Scholars and observers have long sought to explain the relationship between white racial identity and political behavior and action. In most accounts, however, white racial identity is viewed as fully realized and defined, constructed outside of the field of politics. Conflicts like ballot measures merely express its preordained interests. This account, by contrast, does not view political whiteness as a fixed, a priori identity that simply becomes expressed through political conflicts. Carmichael and Hamilton’s argument certainly holds true: there are deep “traditions” of racism embedded in diverse institutions and structures that shape the contours and trajectory of white political identity at any given moment. But white political identity is hardly static; it also becomes transformed and renewed through struggles such as ballot initiative campaigns.

THE HEGEMONIC CHARACTER OF POLITICAL WHITENESS

Political whiteness bears two characteristics that are central to all hegemonic formations. First, as cultural studies scholar Raymond Williams explains, “the hegemonic has to be seen as more than the simple transmission of an (unchanging) dominance. On the contrary, any hegemonic process must be especially alert and responsive to the alternatives and opposition which question and threaten its dominance” because a “lived hegemony is always a process.” It must be “renewed, recreated, defended, and modified” as it is “continually resisted, limited, altered, [and] challenged by pressures not all its own.”34

California’s racialized ballot measures reveal precisely such a process at work. Taken together, they demonstrate the contested formation of political whiteness, a gaze on politics that is characterized by both continuity and change. Rather than viewing these ballot measures as primarily concerning the rights of various racialized minorities, we can understand them instead as contests over the political authority and “settled expectations” of whiteness itself.

A central assertion of this book is that the political forces that opposed civil rights and racial justice policies are the ones that have best understood
the malleable nature of political whiteness, and have constantly tested the ways they could adapt and incorporate new ideas, values, and experiences. Their opponents, by contrast, rarely attempted to challenge political whiteness as a fundamental identification, treating it instead as an inexorable force of political life.

Williams’s second point about hegemonic formations concerns the question of opposition. By definition, ballot initiatives are viewed as contests between opposing political projects, which presumably do not share similar ideas, commitments, or values. But Williams argues that the very power of hegemonic formations derives from their capacity to shape the terms on which they are opposed: “nearly all initiatives and contributions, even when they take on manifestly alternative or oppositional forms, are in practice tied to the hegemonic: that the dominant culture, so to say, at once produces and limits its own forms of counter-culture.”

Within California’s racialized ballot measures, political whiteness has been sustained by forces on both sides of the initiative debates, as putative opponents often echoed and refined ideas that valorized and naturalized this subjectivity. Unwilling or unable to challenge political whiteness as a universal standard of political judgment, self-identified liberal groups played an active role in reproducing its normative assumptions, constraining the boundaries of acceptable claims for racial justice in the future. Such limitations became profoundly evident during the racialized ballot measures of the 1990s.

This conceptualization of hegemony challenges a dominant rhetorical arc long embraced by many civil rights supporters that draws a bright line between a racially egalitarian and liberal political order on one side and an ascriptive and conservative order on the other. From this perspective, the endurance of racial domination in political life is attributed solely to those who stubbornly refuse to renounce their racist commitments to the latter camp. Such representations mask important convergences in the ways diverse political actors and movements collaborated to racialize many critical policy debates in the postwar era. While the categories of racial conservatism and liberalism have some heuristic utility, particularly in describing differing policy prescriptions, such rubrics can often obscure as much as they reveal.

The trajectories of racial liberalism and political whiteness in postwar California may have certainly been intertwined, but their destinations were not preordained. White political identity did not teleologically absorb the lofty tenets of racial liberalism as it progressed from ethnocentrism to enlightenment. Nor did it abruptly and intuitively reject those tenets once civil rights protesters filled the streets. Their fates were determined through political struggles, waged across time, and argued within the same normative framework. The ballot initiatives examined in the pages that follow tell one story about how the high aspirations of racial liberalism ultimately ran aground on the shoal of political whiteness.
6. "They Keep Coming!"

The Tangled Roots of Proposition 187

On January 5, 1994, readers of the Los Angeles Times opened their morning paper to a front-page article on the status of several initiative petitions attempting to qualify for the upcoming primary and general elections. A lagging economy, reticent donors, and the lack of substantive issues, experts agreed, had slowed the number of initiatives likely to qualify to a trickle. While some twenty initiative petitions were still in circulation, the Times explained, "virtually all of them appear to lack significant political and financial support." "It's a bleak year," declared Mike Arno, of American Petition Consultants. His firm's effort to qualify a measure that would sentence repeat felony offenders to life in prison had been forced to suspend its paid signature gathering after proponents ran out of cash a month earlier. A measure sponsored by former Los Angeles County supervisor Pete Schabarum to eliminate medical care for undocumented immigrants was receiving only "questionable enthusiasm." Schabarum conceded that his fundraising and political support was floundering. Buried in the article's closing paragraphs was a two-sentence mention of an initiative petition sponsored by two former high-ranking Immigration and Naturalization Service (INS) officials, Alan Nelson and Harold Ezell, to "expel illegal immigrants from public schools." Unrelated to the Schabarum effort, it also had not received any large donations. California Republican Party strategists, activists, and donors seemed to be paying little attention to these initiatives, focusing instead on the upcoming gubernatorial election—Republican incumbent Pete Wilson's approval ratings had hovered in the mid-thirties for the last two years—as well as trying to pry a few seats away from the Democrats' solid hold on the state assembly and senate. As Tony Miller, the chief deputy secretary of state observed, as far as initiative issues were concerned, 1994 seemed to be "a light year in terms of substantive and weighty measures."¹

The political developments that erupted over the next ten months confounded nearly every one of these predictions. While the measure sponsored by Schabarum never reached the ballot, the more far-reaching immigration restriction measure by Ezell and Nelson qualified for the November election as Proposition 187. The initiative passed by eighteen percentage points after a tumultuous and deeply polarizing campaign. Proposition 187's far-reaching mandate—to make alleged violations of federal immigration status grounds for denying all public benefits, education, and health services and to require all public employees to report anyone suspected of such violations to federal authorities—immediately reordered the landscape for immigration policy debates nationally. Though the courts eventually ruled that most of the measure's operating provisions were unlawful, many of the initiative's animating ideas found their way into the overhaul of federal welfare and immigration policies over the next two years. On the same ballot as Proposition 187, the criminal-sentencing initiative, Proposition 184, dubbed "Three Strikes and You're Out" won 72 percent of the vote.² The legislation would extend the sentences of tens of thousands of Californians over the next fifteen years, including at least 8,200 condemned to spend the rest of their lives inside one of the state's eighteen maximum-security prisons, and it further heightened enormous racial disparities within the criminal justice system.³

To be sure, much about California was rapidly changing as Proposition 187 marched toward the ballot: the state's job and tax base shrank dramatically, housing values in many neighborhoods plummeted, poverty rates and income inequality skyrocketed, and the state's demographic profile changed considerably. Immigration from Latin America and Asia helped drive a 25 percent increase in the California's overall population during the 1980s, while the non-Hispanic white proportion fell from 71 to 59 percent.⁴ The conflagration and turmoil in May 1992 following the acquittal of the Los Angeles police officers accused of beating motorist Rodney King and the trial of O.J. Simpson in early 1994 sharpened the sense that divisions of race, class, and opportunity in California ran deep.⁵

While a souring economy may have legitimated the resolutions offered by Proposition 187 in particular ways, these circumstances alone did not produce the measure. Nor did the initiative pass solely because of an inescapable reaction to demographic transformations. Specific political actors and institutions, armed with evolving and often contradictory ideas and political objectives, labored for many years to make immigration restriction the subject of popular debate. To be sure, many of these actors, like the proponents of the English Only ballot measures explored in chapter 5,
marshalled long-standing constructions of Mexican immigrants in particular as racially and culturally subordinate. But the effort also incorporated ideas about individual worthiness and national belonging embraced by a broad range of political figures, including many self-identified liberals.6

As much as any measure in this book, the Proposition 187 contest reveals how an issue shaped by an array of contradictory and ambivalent attitudes became almost singularly framed by the expectations of political whiteness through an initiative campaign. This effect was evident in remarks made by Governor Wilson in his press conference the morning after the election. Triumphantly celebrating his fifteen-point victory over Democratic challenger Kathleen Brown, but mindful of the accusations of racism and xenophobia he and other Proposition 187 supporters faced during the campaign, Wilson proclaimed, “There is no room in California for bigotry or discrimination. . . . California remains a state of compassion and tolerance. . . . This is a state of opportunity.”

Wilson then announced he was suspending a program that provided prenatal care for low-income women without regard to their immigration status because it violated the exclusions promised by Proposition 187.7 How did it come to be that a state that had just declared a significant portion of its residents to be civically dead—void of any publicly recognizable rights to food, education, shelter, or medicine—could simultaneously celebrate its own “compassion and tolerance”? What social, cultural, and political forces permitted this seeming paradox to be embraced by such a wide portion of the state’s body politic?

THE BIRTH OF PROPOSITION 187

The group that met on October 5, 1993, at the opulent members-only Center Club in the Orange County city of Costa Mesa to draft what would become Proposition 187 could not be easily described as a coherent or well-developed political movement. Some of the participants had long-standing relationships, but the group as a whole did not have a history of working together, nor did they share a common organizational base or even a common political affiliation, though several had ties to the state and county GOP. In fact, the group largely disbanded soon after the initiative was drafted and then publicly feuded with one another in the weeks before the election, eventually leaving the campaign more than $200,000 in debt.

The October meeting was convened by Robert Kielty, a forty-six-year-old Republican political consultant and a former chair of the Orange County Republican Party, along with his wife, Barbara Kielty, age forty-seven and

the mayor of the wealthy enclave of Yorba Linda. Also at the table were Ronald Prince, a forty-six-year-old accountant from nearby Tustin who had been a registered voter for only three years; Barbara Coe, sixty, another political neophyte, who published an immigrant-restrictionist newsletter from her home in Huntington Beach; Alan Nelson and Harold Ezell, two high-ranking INS officials under President Reagan; and Richard Mountjoy, a Republican assemblyman from Monrovia, a suburb east of Los Angeles. Prince had approached the Kieltrys a few months earlier after claiming he had been defrauded of $500,000 by a business partner he contended was an “illegal alien from Canada.” (Court records would later reveal that the man in question had been a legal U.S. resident since 1961.) Prince had drafted his own homespun petition, asking, “Do you believe illegal immigration is a problem in California?” and stood outside a Von’s supermarket near his home in the small Orange County city of Tustin to collect signatures. Prince found the response to be overwhelming, explaining that “with each signature came a story” about how “illegal immigration” was “affecting California just about everywhere they could see.”8

Robert Kielty, sensing a potential opportunity for his consultancy, eventually contacted Ezell, a Newport Beach businessman who had parlayed his role as a Republican fund-raiser into an appointment as the INS’s western commissioner, overseeing the nation’s busiest ports of entry, though he lacked any experience related to immigration policy. Ezell brought in Nelson, his former boss at the INS, who was currently working for the Federation for American Immigration Reform as a lobbyist in Sacramento, and Coe, a civilian employee of the Anaheim Police Department. Coe, described in one account as possessing “an apocalyptic vision of the world that is all exclamation points and question marks,” was connected to an expanding network of grassroots immigration-restriction organizations in the area.9

After extensive discussions at the October 5 meeting, the group decided that a ballot initiative would be the most promising avenue for their multiple legislative priorities. A ballot measure had the advantage of generating the kind of “massive public attention” that a legislative effort could not, and it would not be subject to the same sort of compromises.10 In addition, a ballot measure could incorporate a broader set of policies reflecting the varying priorities of those in the group. For example, Mountjoy wanted a provision regarding criminal penalties for the fraudulent use of social security cards, drivers’ licenses, and other government documents. Coe insisted that the grassroots immigration-restriction activists she represented would only circulate the measure if it mandated the exclusion of
undocumented children from public schools. Coe and others hoped this controversial clause would provoke a legal challenge to the 1982 Supreme Court ruling in Plyer v. Doe, which invalidated a Texas school district effort to enact a similar ban. Nelson, a long-standing fiscal conservative, viewed the elimination of public benefits as the top priority.11

Once the committee gave its final approval to the language in early November, Nelson and Ezell assumed the public face of the campaign as the authors and sponsors of the petition, though Ezell in particular contributed only a few words to the measure. The final text of the measure incorporated an ambitious set of policy proposals that just a few years earlier could only be found in the communications of FAIR and other staunchly restrictionist organizations. It included additions to the state’s Penal Code, Welfare and Institutions Code, Health and Safety Code, Education Code, and Government Code that would implement the specified bans on public education (including postsecondary education), health services, and public benefits, along with the new criminal penalties for document forgery. In addition, the measure required all law enforcement officers to fully cooperate with the INS and state attorney general in reporting persons suspected of immigration violations, and it required all public entities or those receiving state funding, including hospitals, schools, and social service programs, to similarly verify the immigration status of anyone attempting to use their services. Public schools were additionally obligated to check the immigration status of all students who were enrolled or were attempting to enroll, as well as the status of each of their parents or guardians; the measure required the expulsion within ninety days of any student whose status (or that of the their parents or guardians) could not be verified or who was “reasonably suspected” of being in violation of federal immigration laws. Finally, every school in the University of California, California State University, and the 199-campus California Community College systems would be required to verify the immigration or citizenship status of every student enrolled; the institutions would have to repeat such verification for all three million students at the beginning of every term or semester and prohibit any student who did not comply. No due process or appeals provisions were included; a determination of suspicion alone was adequate grounds for the denial of services and referral to state and federal authorities.12

The formal title of the initiative conferred by the secretary of state when it was approved for circulation in January 1994—“Illegal Aliens. Ineligibility for Public Services. Verification and Reporting”—sounded a bureaucratic tone. The proponents, however, announced their effort as the

Save Our State, or S.O.S., initiative, a moniker reinforced by the opening paragraphs of the measure:

The People of California find and declare as follows:

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.

That they have a right to the protection of their government from any person or persons entering this country unlawfully.13

This central narrative—the “suffering” and “hardship” of an innocent populace at the hands of lawbreaking intruders—came to singularly define the campaign over the next twelve months. It was a message that resonated powerfully and immediately with the electorate; the first polling done on the measure in late March 1994, in the midst of the signature-gathering effort, found that 62 percent of registered voters declared they would support the initiative, while only 32 percent said they would oppose it, a margin that would persist for most of the campaign.14

Before Proposition 187, an immigration-restriction measure had not appeared on the California ballot since 1920, when voters approved a measure to restrict “aliens ineligible for citizenship” from owning land, primarily targeting Japanese American farmers.15 Indeed, even as the number of both authorized and unauthorized immigrants in California grew dramatically during the late 1980s and early 1990s—including an estimated 42 percent jump in the number of unauthorized residents between 1988 and 1992 alone—public opinion polls consistently found that immigration ranked relatively low in comparison to other public policy concerns. In six statewide polls conducted between May 1992 and August 1993, for example, immigration was never cited by more than 5 percent of respondents as the most important problem facing the state, far below issues such as crime, the economy, and education.16 Yet by the November 1994 election, some 48 percent of Orange County voters would identify immigration as the most important issue shaping their voting preferences, far outpacing any other option.17

Restrictionist organizations like FAIR had labored since the late 1970s to find the public language, frameworks, and policy demands that would allow immigration to become a source of legitimate public debate, failing much more often than they triumphed. In Congress during the 1980s, as immigration scholar Daniel Tichenor explains, “the political processes favoring a decidedly pro-immigration regime were overwhelming.”18
Political pressure from agribusiness and manufacturing interests in the West and Southwest and from civil rights activists nationally—including a growing Latino advocacy community—rebuffed any attempts to lower aggragtive immigration levels. In signing the 1986 Immigration Reform and Control Act—which implemented a limited battery of sanctions targeting employers who failed to verify the legal status of their workforce and also provided amnesty to more than two million undocumented persons already in the country—President Reagan praised the newly secured opportunities “to improve the lives of a class of individuals who now must hide in the shadows, without access to many of the benefits of a free and open society.” While there was certainly national media coverage focused on “illegal aliens” as a political, cultural, and economic threat, and prominent figures inside and outside Washington called for greater restriction, these efforts did not culminate in any decisive policy victories.

 IMMIGRATION-CONTROL GROUPS READY FOR BATTLE

During this period, it was a series of grassroots restrictionist organizations that emerged in Southern California that helped incubate the unflinching criticism of immigration that animated Proposition 187. Since Harold Ezell’s and Alan Nelson’s tenures at the INS in the late 1980s, these groups had become increasingly active in the white suburban communities of San Diego, Orange, and Los Angeles counties and often had loose affiliations with FAIR or other national restrictionist groups. Fueled by their relative proximity to the border and long-standing commitments to “taxpayer” and “homeowner” rights, they were the first to denounce new entrants as deviant and criminal, the proverbial “bad immigrant” subjects discussed in chapter 5.

In early 1992, Bill King, who had retired from his position as Border Patrol chief under Ezell, a political ally, set out to find like-minded champions for immigration restriction. He soon met Barbara Coe, who like many early activists cited “billions of tax dollars . . . being put out to illegal aliens” in explaining her motivation. Coe and King decided to convene a meeting in nearby Costa Mesa and placed a classified ad in the National Review to recruit people who had “been victims of crimes either financial (welfare, unemployment, food stamps, etc.), educational (overcrowding, forced bilingual classes, etc.) or physical (rape, robbery, assault, infectious disease, etc.) committed by illegal aliens.”

The meetings that followed established the membership base of Citizens for Action Now. Participants, primarily white, middle-aged residents of Orange County, echoed Coe’s accounts of fiscal decline elaborated through cultural alienation. Their testimonies connected stories of personal loss and injury—of medical and education benefits denied, fear of crime and violence, neighborhoods lost to “marauders”—to the racial transformation of their communities. They focused relentlessly on the suffering of law-abiding, hardworking, taxpaying citizens who were “literally being inundated” by a lawbreaking class of “illegals” whose degraded and criminal behavior they were forced to subsidize. Often expressed in gendered terms, they fixated on Latina women as rogue reproducers and deviants whose presence threatened the cultural stability of the nation. Indeed, many of FAIR’s founders emerged out of the reproductive rights and population-control movements of the 1970s and 1980s. While Coe and her fellow activists were always quick to deny any racist motivations, the collective identity they invoked in framing their injury had unmistakable racial dimensions. Coe explained that the group “decided that the only way we are literally going to save our heritage is to put the focus on the illegal alien problem.” In this setting, political whiteness secured a range of identities—taxpayer, homeowner, American—which made the distinctions between worthy and unworthy subjects recognizable.

Scholar Lisa Cacho suggests that these collective narratives of “white injury”—captured powerfully in Proposition 187’s opening declaration that “The People of California . . . are suffering”—rely on individual stories of victimhood that disavow racist intent while constructing a population of “illegals” as existing beyond the pale of civil society. From Coe’s perspective, racism, defined as the illegitimate and unlawful subjugation of an otherwise rights-bearing subject, could not be fairly charged. Here, a civil offense, technically defined by the INS as “entry without inspection,” becomes a racial offense, an affront to a civilizaiton and a people and thus grounds to impeach a racialized population, evident in the transformation of the term “illegal” from an adjective to a noun. Linguist Otto Santa Ana’s extensive study of the language, metaphors, and imagery used to characterize Mexican immigrants within public discourse during the Proposition 187 campaign documents the violent and dehumanizing dimensions of this collective racial project: such immigrants were metaphorically represented as animals, invaders, and vectors of degeneracy.

Provocative and incendiary attacks such as these were certainly connected to a much longer history of subordination forced upon the Mexican-origin population of Southern California, rationalized by implicit and explicit claims of inevitable racial, cultural, and national hierarchies.
This history played a constitutive role in the region’s development, evident in the formative acts of violence during and after the U.S. War against Mexico, the simultaneous importation and segregation of Mexican labor that followed, the multiple rounds of deportation launched throughout the twentieth century amid economic downturns, and the history of forced sterilizations of Mexican American women that did not end until the 1970s. The steady increase in migration from Mexico during the 1980s corresponded directly to periods of high demand for low-wage labor; uniform national quotas imposed by federal immigration law (which afforded the same number of visas to Mexico as for almost every other country in the world) necessitated that authorized immigration alone would not meet this demand. As some Proposition 187 critics would point out, when the logics of this hierarchy were obeyed—as when low-wage manufacturing workers, landscapers, and domestics dutifully assumed their roles—the suburban enclaves of Southern California eagerly welcomed a Latino immigrant presence, legally authorized or not. But when those underlying logics became disturbed—through perceptions that immigrants were making claims for public goods, political power, or cultural autonomy—they were met in some corners with seething anger and resentment. Here again, an underlying and largely unstated notion of apartheid—a natural understanding of social position and division mediated by race—served to rationalize acerbic group-based claims of domination and subordination.

CHALLENGES FACING RESTRICTIONISTS MOVEMENTS

In the early 1990s, immigration restrictionists still had few prominent supporters, even within conservative ranks. The most recent bipartisan reform to federal immigration policy, the 1990 Immigration Act signed by President Bush, actually raised the annual ceiling on visas by 40 percent. Those championing greater restrictions, such as Peter Brimelow, a senior editor at Forbes, excoriates fellow conservatives for their participation in a “conspiracy of silence” regarding immigration policy. Among national Republicans, only far-right presidential candidate Pat Buchanan attempted to make immigration an issue in the 1992 presidential election. In the midst of the Republican primary, Buchanan held a news conference along the border in San Diego and called for doubling the size of the Border Patrol, further fortifying and militarizing border crossing areas, and charging a two-dollar toll on legal crossings to fund border enforcement.

Lacking support among leading conservatives, Bill King and Barbara Coe moved to expand their network among other grassroots activists. In May 1992 they announced the formation of the California Coalition for Immigration Reform (CCIR) to bring together a dozen similar groups, immediately claiming a collective membership of four thousand activists. Most of the concrete initiatives they pursued failed. A proposed statewide ballot initiative requiring cities to enforce immigration law and to study the impact of immigration on the state’s economy and quality of life (modest goals to be sure in comparison to Proposition 187) was entirely ignored by elected officials from both parties. Alan Nelson’s legislative proposals on behalf of FAIR to eliminate all social services, public benefits, and public education for undocumented immigrants were roundly defeated, and FAIR continued to complain about the marginal status afforded to immigration issues.

None of these efforts reaped any tangible policy reforms. But even these failed attempts helped Coe, King, and other grassroots activists refine the narratives, symbols, and story lines they would deploy within future public debates and allowed them to assemble a set of policy proposals that would be ready when the opportunity arose. These activities also enabled them to broaden their base of support, recruiting more volunteers and developing relationships with a number of Republican elected officials willing to promote their demands in the legislative arena.

THE AMBIVALENT IMMIGRATION POLITICS OF PETE WILSON

Most accounts of Proposition 187’s development and passage give Governor Pete Wilson almost singular credit for raising the profile and salience of immigration politics within the state during this period. Immigration, together with crime, indeed rose to the top of Wilson’s political agenda as the ballot initiative was beginning to emerge in the fall of 1993, and his 1994 campaign for governor took up many of the ideas animating the measure. But Wilson’s full embrace of immigration occurred after many other public officials, including nearly all of the state’s prominent Democratic leaders, signaled that they were willing to make immigration restriction and enforcement a leading political priority.

To understand these seemingly contradictory developments, it is helpful to understand Wilson’s own history regarding immigration politics. In California in the 1980s, few political opinion leaders spoke in favor of drastically reducing immigration levels or public benefits to immigrants, certainly not Senator Pete Wilson. Wilson’s almost singular focus with regard to immigration policy was guaranteeing access to migrant labor
for agribusiness. He cosponsored legislation that required judges to sign warrants before the INS could conduct sweeps targeting undocumented farmworkers, arguing that such protections would ensure that “timely harvests” would not be jeopardized. And he was instrumental in the passage of a provision within the 1986 legislation to ensure that some 350,000 temporary workers would be admitted annually. Agricultural lobbies rewarded Wilson with nearly $520,000 in political contributions during the 1980s. 

In commenting on immigration policy during his 1990 campaign for U.S. Senate, he reminded voters that “a state cannot limit immigration” and suggested that “we should celebrate our diversity as a strength and distinct cultural asset” while bearing in mind the “limit on the financial burden the federal government can equitably impose through allocation of refugees.”

Wilson did not imagine the Mexican workers he lobbied to admit to have rights and claims once the crops were harvested. As he was championing an expansive guest-worker program on behalf of the agricultural lobby, he announced his support for Proposition 63, U.S. English’s 1986 Official English ballot proposition (see chapter 5). He also described the border region as “out of control” and suggested that migrants crossed the border not for employment but because they “want their babies born here” and sought access to public services available in the United States. He suggested that “closing (the border physically) . . . with some sort of physical barrier or with armed guards” was a harsh but necessary solution to this problem.

Even in the early 1990s, however, Wilson’s embrace of more restrictionist and racially charged attacks against immigrants unfolded unevenly and with considerable assistance and support from Democratic leaders; his initial overtures were not considered particularly nativist or restrictionist. In 1991, as the state’s economic downturn headed into its second year and the state budget forecast looked grim, Wilson released a report claiming that California’s large population of unauthorized and unauthorized immigrants and refugees was straining the state’s fiscal capacity. Alan Nelson seized on the report to call on the governor to stop providing all employment, public benefits, college education, tax refunds, and driving privileges to unauthorized immigrants.

Wilson ignored Nelson’s plea and instead announced that he would travel to Washington to lobby for more than $200 million he claimed the state was owed by the federal government for providing services to immigrants and refugees. While some critics accused Wilson of blaming immigrants for the state’s budget woes, most Democratic leaders wholeheartedly endorsed the plan, including Assembly Speaker Willie Brown, who insisted that the “federal government should appropriate more money and assign that money to where the problems are. He (Wilson) has got to go get the money. We need it. And we are entitled to it.”

When Wilson continued to press these claims in 1992 and 1993, for even more money, he again did so with the support of a large majority of Democrats. San Jose congressman Don Edwards, the senior member of the California delegation, declared that in seeking the funds from Washington the “governor made a point on which there is no disagreement.”

The San Francisco Chronicle reported that Wilson’s efforts to recover the funds “cheered immigrant rights advocates and city financing experts.”

During this period, only a year and a half before Proposition 187 was drafted, Wilson focused far more attention on allegedly high levels of spending on welfare programs than he did on immigration restrictions or benefits. In 1992, Wilson faced a budget stalemate that forced the state to issue IOUs, sending Wilson’s approval ratings plummeting. In response, Wilson drafted a ballot measure to reform the state’s welfare programs and budgeting process and funded a petition drive to qualify it for the November election. The measure, Proposition 165, denied cash benefits to children born to mothers already receiving welfare, restricted the amount that could be paid to applicants who had moved from other states, and implemented a 23 percent reduction in cash benefits paid to most other recipients.

Thus, as the state’s budget crisis was peaking and as voter frustration was heightening, Wilson believed that welfare reform, rather than immigration, was the issue that would arouse the greatest public anger. That is, at least for Wilson and his strategists and allies, immigration was not yet regarded as an issue that offered much political advantage. In addition, in spite of conditions that seemed quite encouraging for its passage—a budget stalemate, attacks on a program often regarded as unpopular with the electorate, and a well-funded statewide media campaign—Proposition 165 failed at the polls by nearly one million votes, losing 53.4 to 46.6 percent. An opposing coalition of Democratic leaders and labor unions poured more than $2.5 million into television ads of their own, depicting the measure as a power grab by the governor at the expense of vulnerable children, seniors, and families. While their campaign largely focused on portraying Wilson as an ineffective and power-hungry leader, they did not reproduce or reiterate any of the stigmatizing caricatures of welfare recipients in their campaign.

Proposition 165’s failure in 1992 suggests that conditions assumed favorable to a ballot initiative’s success—taxpayer anger, budget shortfalls, and...
racial stigmatized social programs—did not guarantee passage. The electorate may have indeed harbored many misgivings towards welfare programs and frustration over the state’s economic decline, but Proposition 165’s opponents successfully defended the families targeted by the measure while challenging the intentions and credibility of the measure’s proponents. When the public debate turned to immigration policy, however, the same coalition of Democratic and union leaders employed a dramatically different strategy.45

When the legislative session opened in January 1993 following Wilson’s Proposition 165 defeat, immigration restriction still did not garner the support of many lawmakers beyond a group of Southern California conservatives who represented districts where the grassroots restrictionist groups were most active. Assemblyman Mountjoy failed in his legislative efforts to press FAIR-endorsed measures to bar unauthorized immigrants from all public schools, colleges, and universities and to restrict medical care.46 Mountjoy, according to one account, regularly got “hooted down as a right-wing kook whenever he attempt[ed] to advocate one of his proposals on the Assembly floor.”47

IMMIGRATION COMES OUT OF THE CLOSET

Rather than Governor Wilson, it was Senator Diane Feinstein, who won the seat vacated by Wilson in 1992 but had to stand for reelection at the expiration of the term in 1994, who made the first public move to take “immigration out of the closet,” as one newspaper columnist described it. In an op-ed piece in the Los Angeles Times in June 1993, Feinstein detailed the growing hardships that “illegal residents” and the lack of enforcement at the border were imposing on California: drug smuggling, increased crime, and nearly two billion dollars in school, medical, and corrections costs. Feinstein insisted that she was raising the issue in order “to avoid a serious backlash against all immigrants” and to forestall more extreme proposals emanating from the “far right.” But her policy prescriptions were largely taken from those same groups—her solutions mirrored those made by Pat Buchanan just one year earlier—and focused almost entirely on punitive measures. The proposals included an expansion of the Border Patrol’s personnel and budget paid for in part by a new border-crossing fee, increased federal penalties for smuggling, new policies to restrict newcomer access to Medicaid, and a crackdown on unauthorized immigrants who committed federal crimes. FAIR executive director Dan Stein was thrilled, noting that Feinstein “is in a position to be a defining figure” and calling on FAIR supporters to rally “a lot of positive reinforcement” on her behalf. Stein and other observers commented that Feinstein was the first California senator in decades to take a hard-nosed stand on immigration policy, a telling comment considering that Pete Wilson and Samuel Hayakawa occupied the seat before her. Feinstein publicized her proposals aggressively, appearing on national news talk shows.48

Other prominent Democrats, including Senator Barbara Boxer, President Clinton, State Treasurer Kathleen Brown, and Attorney General Janet Reno, announced their own intentions to toughen border enforcement and deal with the fiscal costs associated with immigration.49 Longtime Democratic congressman Anthony Beilenson endorsed a proposal to revoke automatic birthright citizenship to children of unauthorized immigrants and called for a tamperproof national identification card to limit unauthorized access to public benefits. Referencing his background as an environmentalist, Beilenson explained that the reason he had “long been sensitive to immigration issues of all kinds [was that he had] long been concerned about population problems” in other countries.50 Beilenson, representing an affluent Santa Barbara district that relied heavily on low-wage immigrant labor, was a central figure in the effort to link immigration restriction to environmental concerns, eventually becoming a member of the FAIR Board of Directors.51

It was not until August 1993, after considerable debate within his administration, that Pete Wilson decided to add his voice to the restrictionist chorus. Continuing to face dismal approval ratings, the governor abandoned his previous restraint and joined his Democratic counterparts in championing a new restrictionist regime. On August 9, 1993, he issued an “open letter on behalf of the people of California” to President Clinton, reproduced in full-page ads in the New York Times, USA Today, and the conservative-leaning Washington Times, declaring that “massive illegal immigration will continue as long as the federal government continues to reward it...[by] providing incentives to illegal immigrants” and leaving California “under siege.” Wilson’s demands included the denial of public education and health care services to unauthorized residents; the creation of a new tamper-resistant identification card for legal immigrants; the end of the country’s long-standing birthright citizenship policy; and using negotiations over NAFTA to win commitments from the Mexican government to deter unauthorized border crossings. He also suggested that all legal migration be temporarily halted to reduce the demand for state services. These policies virtually replicated the demands made by Alan Nelson and FAIR two years earlier, when few politicians, Democrat or Republican, took
them seriously. Now, the incumbent governor of California had decided to base his reelection campaign on the very same agenda.52

Though Wilson's proposals were denounced by many Latino civil rights groups as trading in "the politics of racial polarization," they were received cordially by high-profile Democratic leaders. Senator Boxer suggested that "the proposals Gov. Wilson has outlined warrant serious consideration," and Senator Feinstein thought the national identification card merited particular attention. FAIR's Orange County representative said her group was "delighted to see the governor ... beginning to deal with this issue."53 Wilson's approval ratings shot up immediately, with one opinion poll finding that more than 80 percent of respondents now believed that "illegal immigration" had become a major problem.54

With Wilson moving to take more aggressive restrictionist positions and with leading Democrats like Feinstein, Boxer, and Clinton all endorsing the idea that unauthorized immigration posed a serious threat to the state's well-being, it became almost impossible for Democrats to offer legitimate opposition to Wilson's policies. In late August, the California Democratic Party attempted to undercut some of the momentum Wilson seemed to have built after his announcements; the party ran television ads attacking the governor for "flip-flopping" on immigration, charging him with "opening our borders to cheap labor" during his tenure in the Senate. State Democratic political director Bob Mulholland declared that Wilson's actions "made it easier for criminal migrant networks to bring their foot soldiers into the country."55 But once immigration became framed through the language of criminality and fiscal austerity—a move that Democrats played no small part in facilitating—"toughness" increasingly became the singular standard around which positions on immigration would be measured.

Political pragmatism alone, however, did not fully explain why various Democratic figures joined the alarmist chorus around immigration. Calls for strident restriction and law enforcement did not necessarily violate long-standing liberal positions around immigration policy. Since 1965, federal immigration policy had been structured broadly within the Hart-Cellar Act, which eliminated discriminatory national immigration quotas that had long favored northern European immigrants. Passed by a Democratic Congress and signed by President Johnson in the shadows of the Statute of Liberty, the 1965 act brought the liberal commitments of equality of opportunity and nondiscrimination driving much civil rights legislation to bear on federal immigration policy. While supporters emphasized the traditions of inclusion and American exceptionalism on which the act was founded, the legislation did not disavow the ideals of restriction altogether. Nearly all of the proponents of the 1965 act eagerly insisted that only those newcomers whose presence could be justified as beneficial to the nation would be welcomed. As Senator Ted Kennedy, a forceful champion of the 1965 law explained, "Favoritism based on nationality will disappear. Favoritism based on individual worth and qualifications will take its place." He specifically assured his colleagues "that the people who comprise the new immigration—the type which this bill would give preference to—are relatively well educated and well to do. . . They share our ideals."56

While public discourse over immigration changed noticeably in the aftermath of the Hart-Cellar Act, stigmatizing some restrictionist demands as nativist and bigoted, the legislation also remained heavily invested in the principle that individual contribution, merit, and worthiness were defensible tests of admissibility and inclusion. Immigrants (or their advocates) had to be prepared to justify and explain how their presence benefited the nation economically, culturally, and politically. This distinction, between worthy and unworthy immigrant subjects, rehearsed in the English Only initiatives of the mid-1980s, operated powerfully within the emerging debate over immigration enforcement, allowing actors from across the political spectrum to insist that restrictionist policies were necessary to defend and protect the nation's inclusionary traditions. Thus, when President Clinton announced an effort in late 1994 to further militarize and fortify the border, he explained that the nation would "not surrender our borders to those who wish to exploit our history of compassion and justice."57 Though the 1965 law disavowed official policies that placed immigrants from different nations into a hierarchy, race could still operate as a silent referent within this framework, helping to distinguish those who did and did not meet the criteria for worthiness. Proposition 187 would be debated within, rather than beyond, the framework of liberal immigration policy, as its proponents insisted that the nation was justified in excluding those immigrants who failed to meet these tests.

Even Democratic assemblyman Richard G. Polanco of Los Angeles, who as head of the state Latino Caucus led the legislative fight against the proposals backed by Mountjoy and FAIR earlier in 1993, felt compelled to publicly distinguish between worthy and unworthy immigrants. His Los Angeles Times opinion piece on August 23, 1993, endorsed Feinstein's border-crossing toll, a proposal by the Clinton administration to limit preventive and emergency health care for undocumented immigrants, and echoed Wilson's long-standing demand for Washington to reimburse the state for expenses related to immigration. Polanco described his position
As the initiative circulated, Pete Wilson continued to frame his own attacks on immigration strategically. On the one hand, during the petition phase, Wilson insiders were cautious about how the S.O.S. effort would play out. Wilson did not participate in drafting the initiative nor did he contribute funding to the effort or use his campaign organization to help collect signatures. To be clear, Wilson did not harbor substantive ethical or moral concerns about the measure. Instead, it is important to remember that even a growing critic of undocumented immigration like Wilson had early doubts about how Proposition 187 would play in the arena of public opinion. Though Wilson would ultimately announce his support of the measure six weeks before the election, and tether much of his reelection campaign to the initiative’s passage, at these preliminary stages his official support was measured rather than unqualified.63

At the same time, Wilson sharpened and explicitly racialized his own attacks on immigration. In mid-May, almost at the exact time that S.O.S. proponents submitted their signatures to the secretary of state for verification, Wilson’s gubernatorial campaign released a highly controversial and inflammatory television spot. Over grainy footage of a group of figures running past cars identified by an on-screen graphic as a “Border Crossing . . . San Diego County” an ominous voice warned, “They keep coming. Two-million illegal immigrants in California. The federal government won’t stop them at the border, yet requires us to pay billions to take care of them.”64 The ad rehearsed the same distinctions animating the S.O.S. initiative—a beleaguered body of hardworking taxpayers under siege by lawbreaking foreign invaders. Like the S.O.S. backers, Wilson made the racial and spatial dimensions of the threat easy to comprehend—the invasion was coming from Mexico, and the invaders were beyond the pale of civil society. Here, race and national identity again helped signify which potential immigrants failed to meet the test of worthiness. Wilson’s concluding line, “Enough is enough,” suggested that the taxpayers’ tolerance and compassion had been exhausted and that only muscular and punitive action could resolve the crisis.65

Wilson’s position on the S.O.S. initiative converged powerfully with his support for a “Three Strikes” criminal-sentencing initiative that would also appear on the November 1994 ballot, and there were strong resonances between the two measures. California had been in the midst of a historic prison boom since the early 1980s, with the Department of Corrections’ budget swelling from $728 million to $3.1 billion between 1984 and 1994.66 Since voters had adopted a death-penalty measure in 1972, sixteen subsequent criminal-sentencing enhancements or prison-construction measures
had been approved by the electorate, many driven by the same political forces (and actors) implicated in the antitax, antidesegregation, and homeowner's rights initiatives. But the high-profile abduction and murder of twelve-year-old Polly Klass from a slumber party in Marin County in October 1993, and the media frenzy that followed, paved the way for more. Mike Reynolds, a photographer whose own eighteen-year-old daughter had been murdered at a Fresno restaurant the year before, was waiting in the wings with a legislative proposal to dramatically increase prison sentences for repeat felony offenders, including those convicted of nonviolent crimes. Wilson, who had ignored the Reynolds measure before the Klass murder, now became a loud defender of the far-reaching legislation. Wilson signed the law in March 1994, inaugurating what one analyst described as "the largest penal experiment in American history." Wilson then joined Reynolds in championing identical legislation as a ballot measure, in order to ensure that their quest to place "career criminals, who rape women, molest innocent children and commit murder, behind bars where they belong," could not be undone by a simple majority vote of the legislature. As in the Proposition 187 conflict, the Three Strikes debate depicted an angry and vulnerable populace drawing the line against an incorrigible criminal class that lay beyond the pale of society. Both the Three Strikes measure (Proposition 184) and eventually Proposition 187 helped Wilson establish himself as the singular figure defending "Californians who work hard, pay taxes, and obey the law."

THE OPPOSITION BEGINS TO ORGANIZE

Throughout the qualification period in the first half of 1994, civil rights groups, immigrant rights organizations, union and Democratic leaders, and other opponents of the measure were reluctant to call public attention to the petition, fearing that such publicity might inadvertently help proponents to further announce their effort. They regarded the initiative's sponsors as fringe organizations drawn from the most reactionary corners of Orange County politics, and they remained unconvinced that such groups had the capacity or sophistication to bring their agenda before a statewide electorate. Indeed, the signature-gathering effort received relatively little attention from the press, much to the chagrin of Ronald Prince and Barbara Coe. The opponents of S.O.S mostly hoped the petition would go away.

On June 23, 1994, when the secretary of state announced that the S.O.S. initiative had qualified for the November ballot, all such illusions were shattered. Only then did a coalition of leading Democratic elected officials and organizations announce the formation of a No on S.O.S. fundraising committee. The group included representatives from the Service Employees International Union, California Federation of Teachers, State Federation of Labor, and the California Medical Association as well as Assembly Speaker Willie Brown and Assemblyman Richard Polanco. All sophisticated and experienced players in state politics, they soon realized they faced a daunting task. A Los Angeles Times poll in late May revealed that the measure was favored by 59 percent of registered voters and opposed by only 27 percent. In addition, public denunciations of the "illegal alien" crisis had escalated dramatically during the last twelve months, culminating in Wilson's fuming "They Keep Coming" spot. Funding prospects for the opposition were not encouraging; the state Democratic Party remained officially undecided about the issue, withholding any funding until a statewide meeting in September. At the same time, the state GOP formally endorsed Proposition 187, and both the party and individual Republican candidates began to aggressively promote it. And while Proposition 187's proponents had been developing a network of grassroots supporters and refining their populist rhetoric for many years, the opponents were forced to build a fund-raising and public messaging strategy from scratch, with the election only four months away.

THE TAXPAYERS AGAINST 187 CAMPAIGN

In early July, the No on S.O.S. committee turned to the political consulting firm of Woodward and McDowell, a veteran ballot initiative consultancy, to develop a strategy to defeat Proposition 187. Based in the tony San Francisco peninsula suburb of Burlingame, the firm's two principals, Richard Woodward and Jack McDowell, were Republicans who specialized in defeating heavily favored ballot measures, most famously two 1990 pro-environmental measures, nicknamed Big Green and Forests Forever, opposed by corporate interests. The decision by a Democratic-civil rights-labor coalition to retain a Republican consultancy to derail a deeply racialized ballot initiative spoke volumes about the limited confidence they had in their own ability to communicate with the electorate about this issue.

Woodward and McDowell quickly undertook its own survey and convened focus groups to gauge public opinion on the initiative and to test potential messages and arguments. In mid-July, the consultants produced a memo for their clients summarizing their findings. The "bad news," the memo began, was that "without a doubt, voters are eager to do something (anything) to address what they perceive to be an illegal immigration prob-
Proposition 187 is not a real solution. It warned that the measure would "kick 400,000 kids out of school and onto the streets" but "won't result in their deportation" and would certainly create more "crime and graffiti." It declared that "every day, hundreds of thousands of undocumented workers handle our food supply in the fields and restaurants. Denying them basic health care would only spread communicable diseases throughout our communities and place all at risk." The argument concluded with an unambiguous declaration: "Illegal immigration is illegal. Isn't it time we enforce the law?" It called for more enforcement at the border and the punishment of "employers who continue to hire illegal immigrants." The argument was signed by Los Angeles County Sheriff Sherman Block and the heads of the California Medical Association and California Teachers Association.

During the next four months, Taxpayers continued to appeal to the same sense of political whiteness—a shared understanding of political community, interests, and opposition—that Proposition 187 supporters had painstakingly constructed in the years leading up to the campaign. Woodward himself criticized the education ban as folly because the students would "have free time and [be] on the streets. It doesn't take too much imagination to see that it will lead to more gang activity, and more graffiti." He pledged that the Taxpayers campaign would not try "to argue that illegal immigration is good" but would instead make the case that more aggressive law enforcement was the real solution. He explained that Proposition 187 "does nothing to beef up the Border Patrol. This doesn't deport one single illegal alien. This doesn't touch the thousands of illegal aliens in prison."

From one perspective, the logic of the Taxpayers campaign followed the conventional wisdom about how to defeat a controversial initiative that starts out with a sizable lead among voters: frame arguments in terms of the perceived self-interests of frequent and persuadable voters; give voters concrete reasons to reject the measure and suggest troubling unintended consequences if the measure passes; and use credible, recognizable public figures to deliver the message through mainstream television and radio advertising. To be sure, the consultants at Woodward and McDowell were not the only figures insisting upon such a strategy. Many of the labor, health, and education leaders that formed the leadership of the campaign similarly believed that if the goal of the campaign was to win on Election Day, they could not afford to rehearse wide-eyed claims about immigrant rights and social justice.

This line of reasoning even proved highly influential to one of the
leading Washington, D.C.-based advocates for immigrant rights. Frank Sharry, the executive director of the National Immigration Forum, a leading advocacy coalition supporting immigrant rights and liberal immigration reforms, took a leave of absence from his job to work on the Taxpayers campaign as deputy campaign manager. Sharry became convinced that the strategy advised by Woodward and McDowell provided the only realistic possibility for defeating the measure; what mattered in the end was "the goal of winning 50% plus 1 of the votes on election day" and that "actions and decisions made need[ed] to flow from the priority of winning." 62

Other seasoned advocacy organizations agreed. The Service Employees International Union, which was in the midst of its groundbreaking Justice for Janitors campaign to organize tens of thousands of immigrant workers who cleaned downtown office buildings in Los Angeles, San Jose, and other western cities, also joined the Taxpayers effort. The union loaned an organizer to serve as the campaign's deputy manager in the newly opened Los Angeles office. 63

IMMIGRANTS RIGHTS GROUPS ORGANIZE

To other opponents of Proposition 187, however, the "pragmatic" decision to rehearse the most stigmatizing and degrading caricatures of immigrants was appalling. Since the passage of the Immigration Reform and Control Act (IRCA) in 1986, dozens of service and advocacy groups had formed across the state, especially in Los Angeles and the San Francisco Bay Area, to assist immigrants in taking advantage of the amnesty provisions and to help them access various social and legal services. Groups like the Northern California Coalition for Immigrant and Refugee Rights (NCCIRR), which included some sixty affiliated organizations in the Bay Area that operated such programs, also lobbied in Sacramento and Washington, D.C., in favor of inclusive public benefit programs and other immigrant rights issues. From their perspective, one of the main imperatives of immigrant rights advocacy was to challenge the demeaning language and assaults that immigrants, particularly those from Mexico and Central America, often faced in the political arena. 64

Many local immigrant rights advocates were thus outraged when informed of the Taxpayers strategy. They were particularly mortified that the first line of the No on 187 ballot argument was an explicit attack on undocumented immigrants, essentially endorsing the proponents' claim that "illegal immigration is out of control." Ignatius Bau, an immigrant rights attorney for the Lawyers Committee for Civil Rights in San Francisco, saw in the argument "all the 'racial specters' of undocumented kids running around causing crime, undocumented immigrants spreading disease, [and] all the fear" that the Taxpayers campaign hoped to use to motivate voters. "All of us said there's absolutely no way we're going to sign off on this," Bau said in an interview. It was inconceivable to try and defeat a measure attacking immigrants by joining the attacks. 65

Bau and other California-based immigrant rights advocates quickly concluded that there was little they could say or do to deter Taxpayers from its message or strategy. These immigrant rights groups, however, faced a severe limitation. Unlike the consultants and the unions who made up the mainstream campaign, the immigrant rights organizations had little experience organizing around a ballot initiative or participating in electoral politics more generally. "Groups interacting the most with undocumented folks [didn't] historically play in the electoral arena," explained Bau. To fight a ballot initiative meant that it was "no longer a conversation about organizing in the Mission District" of San Francisco and other immigrant-rich neighborhoods but about "what do you say in San Bernardino or Orange County to voters." A group—including Bau, NCCIRR executive director Emily Goldfarb, and others—realized they needed help to navigate this unfamiliar terrain.

They quickly turned to Jan Adams, a veteran organizer who cut her political teeth during the Berkeley antiwar movement in the late 1960s before doing Central America solidarity work in the 1980s. Adams also had important electoral experience; she had been a field organizer in her hometown of San Francisco for a campaign to defeat a 1989 ballot proposition that would have repealed the city's first domestic-partnership ordinance. Adams's employer, the Applied Research Center, an Oakland-based nonprofit focusing on racial justice issues, agreed to allow her to help establish and organize a grassroots response to Proposition 187 centered on immigrant communities in particular. Together with Goldfarb and Bau, Adams helped launch what would be one of the main grassroots efforts against the measure, Californians United against 187. 66

Working out of a small office provided by the teachers union in San Francisco, Adams, Goldfarb, Bau, and other Californians United organizers began their work with the election only four months away. They had no difficulty generating interest or passion in the issue among their own constituents. As word spread of Proposition 187's qualification during the late summer, particularly in immigrant Latino communities, small groups in dozens of cities began to meet and organize on their own. Sometimes the groups were simply comprised of parents seeking to share and disseminate
information about the measure; other groups were convened by activists based in local community organizations or college campuses. Adams later described the effort as “probably one of the most intense campaign experiences” she had ever had in more than three decades of organizing: “The quality of emotion of the people who were against it was greater than anything I’ve ever seen before or since.... The notion that somebody would put to a vote whether their kids should enjoy the benefits of living in this country, should be able to go to school, should be able to get health care was a moral outrage of the sort that people don’t usually feel.”

The challenge that Adams and others faced was trying to provide basic organization and infrastructure to this upsurge of activism. To be sure, there was already deep and sophisticated political experience within many of these communities. Many immigrants and refugees who arrived from Mexico and Central America in the 1980s were politicized during the often violent civil and military struggles that raged within their countries of origin; they needed no tutoring in political analysis, the operation of power, or the importance of civil and human rights. But the nonprofit and civic organizations that had been built in these communities during the last decade had focused most of their energies on direct service and legislative advocacy rather than on overt political conflicts. Proposition 187 would be a baptism by fire.

Over the next three months, Adams and other Californians United organizers attempted to support, enhance, and expand this upsurge of activity. The San Francisco campaign eventually trained and organized more than a thousand volunteers to take on specific tasks to reach voters directly. During the weekend before the election alone, a group of more than seven hundred activists delivered some sixty thousand door hangers across the city and made more than thirty thousand calls. Phone banks were conducted in English, Chinese, and Spanish—an innovation at the time—and flyers and other publicity materials were translated into as many as eight languages.

Californians United eventually expanded its work beyond San Francisco and affiliated with several other anti-187 local efforts across the state. By early September, a loose coalition of anti-187 groups based in immigrant communities was beginning to take shape, with groups actively organizing in Los Angeles, Sacramento, San Diego, Marin County, the San Francisco East Bay, Orange County, and San Diego. As in San Francisco, many were built out of the emerging network of immigrant rights advocacy organizations. In Los Angeles, advocates and organizers based in nonprofit organizations such as the Central American Resource Center, One Stop Immigration, and the Coalition for Humane Immigrant Rights of Los Angeles coordinated various anti-187 activities, focusing most of their efforts in immigrant communities. A coalition of Asian American groups called Asian Pacific Americans Opposed to Proposition 187 also joined the statewide alliance, though as Ignatius Bau later pointed out, “no major contributions from Asian Pacific American organizations, businesses, or individuals were made” to the opposition campaign. Other groups, such as the newly founded Latino Civil Rights Network and various student organizers based at different campuses within the University of California and California State University systems, also eschewed the Taxpayers strategy of focusing solely on high-frequency white voters by affirming anti-immigrant sentiments. But the grassroots strategy also had its limitations.

**CHALLENGES FACING THE GRASSROOTS CAMPAIGNS AGAINST PROPOSITION 187**

Three critical challenges faced the grassroots campaigns, which operated independently of the Taxpayers campaign. First, the assertion by the Woodward and McDowell consultants that white voters dominated the electorate was entirely accurate. In 1994, Latinos constituted 29 percent of the California population, 26 percent of the adult population, 14 percent of the eligible voter population, and only 12 percent of registered voters. In the June 1994 primary, white voters cast 83 percent of the total ballots, compared to just 8 percent for Latinos and 4 percent each for African Americans and Asian Americans. On this point, there could be no dispute; the fate of most statewide elections was largely in the hands of the collective white electorate.

The reasons that white voters dominated the electorate, and that Proposition 187 opponents lacked a political vocabulary to discuss immigration politics, however, were more complex. Historian and union organizer Kenneth Burt suggests that as the Chicano movement of the late 1960s and 1970s demobilized, an emerging bloc of Latino leaders focused attention on political incorporation within the electoral system rather than building grassroots organizations. “In the general absence of grassroots social movements,” he explains, “radical Latinos utilized the court system or formed alliances with Democratic legislative leaders. While these moves produced tactical victories in an increasingly hostile political environment, the failure to invest resources in naturalization and citizenship classes, voter registration, and get-out-the-vote drives served to depress Latino working class participation in politics. It also failed to incorporate new
voters among the millions of immigrants and their children who arrived in the state from Mexico and Central America during the seventies and eighties.96

In addition, the provisions within IRCA for obtaining citizenship were not instantaneous, and naturalization rates among Latinos in California eligible to become citizens were relatively low. And unlike restrictionist groups such as FAIR, which were constantly developing and promoting a public language through which to contest immigration policy, these advocates had no such experience or capacity, confining their work almost exclusively to service delivery or occasional legislative lobbying. Groups that had historically served as the repository for more robust political claims on behalf of the undocumented, such as the leftist Centro de Acción Social Autonomos (CASA), went into decline by the late 1970s.97 As a result, even immigrant rights advocates affiliated with Californians United against 187 had little experience in making forceful demands for the rights of immigrants in general and the undocumented in particular.98 They understood clearly what they opposed—the derogatory racial propositions that fueled both the S.O.S. and Taxpayers campaigns—but they struggled to articulate a more proactive and unified framework on behalf of immigrant rights. Even among social justice organizations, there were vigorous disputes about the most effective way to respond to Proposition 187.99

A second major challenge facing the various grassroots efforts against Proposition 187 involved the rapid expansion of a political discourse shaped by often violent claims that undocumented immigrants lacked any standing to assert political rights or demand civic recognition. The emergence of these dynamics was at least two decades in the making; public opinion about immigration had always been contradictory and paradoxical rather than unified and coherent.100 But as a growing number of elected officials and opinion leaders from across the political spectrum affirmed the notion that unlawful immigration was the central policy crisis of the day—and as grassroots restrictionist groups grew in size, recognition, and influence (accelerated through the process of qualifying Proposition 187)—claims for immigrant rights became increasingly stigmatized and ridiculed within public debates. The restrictionist claim that unauthorized immigrants—constructed in racialized terms as undeserving, criminal, and degenerate—lacked any claims-making authority now moved to the center of California political culture.

This shift did not exempt the standard-bearers of the Democratic Party. While gubernatorial candidate Kathleen Brown, Senators Boxers and Feinstein, and President Clinton all eventually came out against Proposition 187 by late October, their stance was hardly unequivocal. Feinstein continued to conduct tours of the California-Mexico border accompanied by the press to spotlight her call for greater enforcement. In July, a Feinstein campaign ad accused her Republican challenger, Congressman Michael Huffington, of failing to vote for additional border guards while declaring that Feinstein herself “led the fight to stop illegal immigration.” The ad included footage similar to that used by Wilson’s “They Keep Coming” ad of a shadowy mass of border crossers and a voice-over by Feinstein declaring that “three thousand illegal immigrants try to cross the border many nights.” Even when Feinstein came out against Proposition 187 in late October, she championed her alternative plan of 2,100 additional Border Patrol agents, a dollar-per-person border-crossing fee, and a tamperproof work permit.102 At a September press conference in Los Angeles, Attorney General Janet Reno announced the inauguration of Operation Gatekeeper to further fortify the San Diego sector of the Border Patrol with new agents and resources.103 In short, while leading Democrats did not endorse Proposition 187, they fully participated in constructing unauthorized immigration as a political and economic crisis that required uncompromising action, essentially affirming the rationale that fueled Proposition 187.

Grassroots immigrant rights advocates struggled with these sentiments in their daily work. In the midst of the election in 1994, the Orange County Register carried a story about the nascent anti-187 organizing efforts of a group affiliated with the Delhi Community Center and the Sisters of St. Joseph in Anaheim. Rigoberto Rodriguez, a recent graduate of University of California, Irvine, who worked for the community center and the newly formed Orange County against 187 campaign, recalled that for two full days after the story ran a barrage of hostile callers tied up the center’s phone lines with complaints, demanding to know why the nonprofit organization was supporting lawbreaking “illegals.” Overwhelmed by the outrage and response, Rodriguez came to the sinking realization that the callers were probably “the same people calling the elected officials and media” with similar charges, a capacity that Proposition 187 opponents simply did not have.104

A final challenge facing the grassroots anti-187 campaigns concerned the ongoing, sometime public disagreements that erupted with the Taxpayers against 187 campaign. These disagreements were rooted in differences over tactics as well as the types of public narratives and messages the campaigns used. The Taxpayers continued to maintain that the framework asserted by Governor Wilson and Proposition 187’s proponents, which constructed a fundamental opposition between them (unauthorized
immigrants) and us (the innocent taxpayers) could not be contested; it was a fixed feature of the political landscape. Therefore, the only credible response was to affirm the basic framework but argue that the initiative would cause "us" more problems without doing anything about "them."

Again, it was not only the Republican consultants who embraced the logic of this approach. Many Latino elected officials, Democratic and labor leaders, and even prominent Latino civil rights organizations recited variations of this core message. For example, John Palacio of the Mexican American Legal Defense and Education Fund wrote in an Orange County Register op-ed that if three hundred thousand "kids without proper documentation" were thrown "out of our schools and into our streets... some of these kids would surely become involved in committing crimes."101

Frank Wu, the attorney who volunteered for several months with Californians United against 187, says that he was initially persuaded by this logic, particularly after making public presentations to audiences who were extremely hostile toward any perceived defense of undocumented immigrants. But Wu says that, in retrospect, he might have favored embracing what he describes as the "moral high-ground" argument, foregrounding the human rights of the undocumented and challenging the racist suppositions of the ballot measure. Wu suggests that the attempts to appeal to the notion of self-interest by arguing "we don't like them any more than you do but if we don't provide these services we'll all suffer" might be persuasive if voters somehow considered the measure entirely through a "rational policy discourse" framework and if they employed a "strict cost-benefit analysis." But Wu concludes that if a "racial subtext is there," then voters are not "amenable to these" claims, resulting in the use of "arguments [that] just don't sound good" or ethical, like those used by the Taxpayers campaign.102

The grassroots and Taxpayer factions began to clash, often publicly, accusing each other of sabotaging the campaign. Many grassroots organizers felt that the Taxpayers campaign sought to muddle them before the mainstream press, fearing their strident opposition to the measure would alienate the very voters they were targeting. As one Los Angeles organizer told the Sacramento Bee, "We're tired of all this scapegoating. If the people in the suburbs can't deal with it, they can't deal with it. I have my disagreements with Taxpayers Against 187 and some of the arguments they've raised, too."103

The Taxpayers campaign was well aware of this friction. Scott Macdonald conceded in an interview after the election that the decision to affirm the idea that undocumented immigration was a problem "drove the people who were supposed to be our allies right through the roof," and the conflict diverted the time and energy of people on both sides of the debate. But he maintained that he and his colleagues at Woodward and McDowell had the expertise regarding "how to evaluate the polling and come up with the messages" and that a campaign like theirs had to "reflect those messages and further the public's understanding of them, or it is a waste." Because grassroots activists like Californians United, he insisted, "did not concentrate on those messages" the Taxpayers campaign had developed, their efforts were a "waste and in fact counterproductive."104

Disputes over tactics were another main difference between the two anti-187 campaigns. The Taxpayers campaign believed the best way to reach the high-frequency voters was to use recognizable centrist or even conservative spokespersons. Los Angeles County sheriff Sherman Block thus became one of the main spokespersons for the Taxpayers campaign, in the hopes that he could credibly make the case that Proposition 187 risked increasing the threat of street crime. In addition, there was an unspoken but well-understood rule within the campaign that Latino immigrants themselves would not be persuasive representatives before the white electorate.105

Groups like Californians United, by contrast, felt that the initiative provided an important opportunity for immigrants themselves to get involved in political activity. Even those who could not vote could still speak to the ethnic media and join phone banks and precinct walks in their communities. And whereas Macdonald felt that any imperative other than winning on Election Day was a distraction and a waste, organizers like Jan Adams with Californians United held the opposite view. According to Adams, when she looked at the initial polling data and realized the tenor of the political debate that was unfolding, it became "clear absolutely from the get-go that we could not defeat this thing." Adams and many of her colleagues hoped to use the campaign to build the political capacity of immigrant communities beyond the election by developing networks, relationships, and skills. To focus exclusively on the (unattainable) task of winning a majority of the votes statewide while neglecting the very communities being targeted made little sense.106

This dispute erupted most forcefully a few weeks before the election when anti-187 activists called for a large march in downtown Los Angeles. On October 16, an estimated crowd of seventy thousand to one hundred thousand people marched from East Los Angeles to city hall, a four-mile trek through the heart of the city's Latino community. Newspaper coverage of the crowds fixated on the thousands of Mexican flags carried by the marchers and their strident denunciations of Pete Wilson and Propo-
sition 187. Over the next two weeks, students at dozens of high schools across the state followed by organizing their own walkouts and marches; thousands of students, mostly Latino, participated in the loosely coordinated actions.107

For some, these marches represented a breathtaking display of political energy—a rejection of a deeply abusive and racist political culture that constructed Latino immigrants as fit for low-wage labor but not for basic human rights or civic recognition. Californians United, which did not organize the marches formally but attempted to channel some of the energy into the election, felt that the marches and walkouts represented an outpouring of political anger and expression that could not and should not be suppressed. As Californians United’s Irma Munoz explained, “Students are extremely frustrated. They’re worrying about whether their friends and neighbors are going to be able to attend school, and they want to do something about it. But they can’t vote, and they don’t know how to make an impact.”108 Adams believed it was pointless for organizers to fret over the impact the marches would have on broader public opinion; they were going to happen regardless of whether the organized campaigns thought they were tactically effective. Californians United tried to recruit some of the students participating in the walkouts to join phone-banking and precinct-walking efforts before the election.

The Taxpayers campaign, however, regarded the marches and walkouts as a huge tactical blunder that sabotaged much of their work during the last three months. Their entire campaign strategy had been based on avoiding explicit discussions about race, immigration, and the political status of Latinos while largely affirming the anti-immigrant sensibilities of white voters. The march represented an outright rejection of such a strategy—a refusal to remain politically invisible and silent in the midst of venomous attacks or to apologize for one’s presence. From the perspective of the Taxpayers campaign, the images of thousands of Latino students marching in the streets waving Mexican flags undercut any progress made by affirming the deepest fears of white voters. Taxpayers consultant Jack McDowell described the marches and walkout as a “tragedy. [The marchers] were trying to help. But the result was, I believe, they hurt.”109 As one letter in the Los Angeles Times put it, “Why should Californians support a foreign welfare state on its own soil? I would like to see all those Mexican flag-wavers go back to Mexico and demand free health care, education aid to dependent children and welfare.”110

RACIAL LIBERALISM AND PROPOSITION 187

Just as the marches were erupting in mid-October, the Taxpayers campaign opened up a second front in their attack on Proposition 187. The Taxpayers launched a series of radio ads charging that the measure was tainted by extremism through its associations with the controversial Pioneer Fund, a New York–based foundation with a long history of funding eugenic and often explicitly racist social science research. Since 1988, the Pioneer Fund had contributed at least $600,000 to FAIR, which was employing Alan Nelson as a part-time consultant when he helped draft Proposition 187. The Taxpayer ads charged that “white supremacists are behind 187” and suggested that indiscriminate profiling would result if the measure were passed.111

The Taxpayers decision to affirm the racialized anxieties of the electorate, while simultaneously charging that Proposition 187 was a measure that went “too far,” was a familiar tactic. The same approach was used by fair employment proponents in 1946 and continued with opponents of the anti–fair housing measure in 1964, the antidesegregation measures of the 1970s, and the English Only measures of the 1980s. The Taxpayers campaign similarly argued that Proposition 187 violated the principles of tolerance, fairness, and racial liberalism more generally.

The ballot measure’s proponents, however, eagerly refuted such charges, recalling an equally familiar strategy of defending racialized political
claims within the same discourse of fairness, tolerance, and liberalism. Disavowing any racist intent and invoking a long tradition of racial innocence, the proponents claimed the measure had nothing to do with race; it was illegal behavior, rather than people, they sought to address. Here, narratives about the environmental and fiscal "carrying capacity" of the state—the regrettable but inevitable limits imposed by nature itself—as well as the distinction between worthy and unworthy immigrants, effectively refuted charges of extremism. Ronald Prince asked, "What is it about the initiative that's racist? It doesn't deal with race. No one is identified in the initiative by race, creed or color." To the contrary, he insisted, "We're doing this out of love; we love our country." Republican congressman Dana Rohrabacher similarly held that "people with love in their hearts and good intentions know we can't afford to take care of everybody that comes here."

Pete Wilson also defended his support of Proposition 187—he finally endorsed the measure on September 18—by rehearsing the distinction between worthy and unworthy immigrants. A television ad Wilson released in late October, which ran extensively during the two weeks before the election, opened with a nighttime view of the Statue of Liberty before cutting to a proud sea of faces at a citizenship ceremony. The warmhearted narration began, "It's how most of us got here. It's how this country was built. American citizenship is a treasure beyond measure." The ad then cut to the same footage of a stampede across a border checkpoint used in the "They Keep Coming" advertisement from the spring. Turning more stern and alarmist, the narrator intoned, "But now the rules are being broken." Alternating between these two images—proud new citizens affirming their loyalty and ominous figures streaming across the border—the narration concluded, "There's a right way, and there's a wrong way. To reward the wrong way, is not the American way."

Some Proposition 187 supporters did certainly embrace the measure as a deliberate expression of racial nationalism and nativist exclusion. For example, Glen Spencer, head of a San Fernando Valley–based restrictionist group, Voices of Citizens Together, declared that "illegal immigration" was a "part of a reconquest of the American Southwest by foreign Hispanics." He added, "Someone is going to be leaving the state. It will either be them or us." Another bombastic Long Beach–based activist within the California Coalition for Immigration Reform similarly declared, "I have no intention of being the object of 'conquest,' peaceful or otherwise, by Latinos, Asians, blacks, Arabs or any other group of individuals who have claimed my country."

But political scientist Robin Dale Jacobson, who conducted interviews with Proposition 187 supporters after the election, concluded that her respondents dismissed any notion that they were motivated by racism or cultural chauvinism. From their perspective, pragmatic notions of fiscal limitations and the rule of law motivated their support for the measure, which they believed adhered to the basic principles of tolerance, fairness, and indeed racial liberalism as they understood them. Heavy-handed restrictions on unauthorized immigrants could not be regarded as racist because unauthorized immigrants remained legally outside of the nation's protections; they were not recognized as rights-bearing subjects.

This critique and disavowal worked on the terms and terrain of a liberal national political imagination. As legal scholar Linda Bosniak has perceptively argued, even progressive critics of Proposition 187 had difficulty establishing the normative grounds on which the measure could be opposed. For such progressives, the nation-state still functioned as the arbiter of rights for disenfranchised or subordinated groups. Because a nationally defined conception of political community seemed by definition to exclude unauthorized persons from its protections, progressives lacked a political vocabulary and imagination to summon a bold defense of the rights of the unauthorized. Bosniak argues that, as a result, even progressive critics of the measure primarily emphasized the collateral damage the measure would cause—such as violations of the rights of U.S.-born Latinos through racial profiling—rather than defending the rights of the undocumented as such.

In the imagination of many Proposition 187 supporters, nationally defined ideals of rights and protections similarly exempted them from any charge of racism or an unwarranted denial of rights. Race could still function as an absent referent in this discourse, an unstated proxy for those who resided beyond the protections of the nation. And race, gender, and nation still mediated conceptions of worthiness and unworthiness through distinctions drawn between taxpayers and "illegals." But the normative ideals of rights, equality, and nondiscrimination not only failed to offer any resources or protection against such equivalences, they actually nurtured them, supplying Proposition 187 proponents with a liberal vocabulary through which to narrate and legitimize their claims.

While I describe the political subjectivity shaping this process as political whiteness, support for Proposition 187 extended beyond white voters. The distinctions between "good" and "bad" immigrants were also embraced by some African American, Asian American, and even Latino voters. A Latina in East Los Angeles fumed in a television interview that undocu-
mented immigrants “know if they come over here, everything is going to be free. They have more babies ... they have it made.” While scholars have cited various factors for the support Proposition 187 garnered among some Latinos, the comment reveals that the gaze of political whiteness, which relies on race to help signify the boundaries of exclusion and the grounds of inclusion, can be inhabited by those who do not identify as white.

COUNTDOWN TO THE ELECTION

As the election approached, Proposition 187 was still only endorsed by the California Republican Party, some individual Republicans, and a network of grassroots restrictionist organizations. The opposition, by contrast, won endorsements from nearly every leading news organization in the state; dozens of prominent law enforcement, health care, and religious officials; numerous corporate representatives and various chambers of commerce; and even several prominent Republicans, including Jack Kemp, President Bush’s secretary of housing and urban development, and William Bennett, who served as secretary of education under President Reagan. Kemp and Bennett, summoning the figure of the good immigrant argued that the “vast majority of immigrants hold principles which the Republican Party warmly embraces: an entrepreneurial spirit and self-reliance, hostility to government intervention, strong family values, and deeply-rooted religious faith.”

In addition, the original proponents of the measure began openly feuding, as grassroots activists like Barbara Coe and Ronald Prince faced off with more prominent figures like Harold Ezell and Alan Nelson. The sponsoring committee largely abandoned fund-raising and waged no organized campaign. Several proponents, including Ezell and Prince, stopped talking to the media altogether, wary of the increasingly strident tone and tactics of their critics.

These developments, ordinarily disastrous for an initiative effort, mattered little in the campaign’s final weeks, as the terms of the debate had already been firmly set. During the preceding year, Democrats had reasoned that by taking a tough posture on some restrictionist reforms—especially increased border enforcement and limiting access to public benefits—they would forestall demands for more sweeping changes. The opposite occurred. With Democrats now fully endorsing the claim that immigrants were indeed responsible for many of the state’s crises, the rationale for limiting far-reaching policy prescriptions, such as those within Proposition 187, had largely dissipated. The state GOP never directly involved itself in the racialized ballot measures discussed in previous chapters in this book, and its support of Proposition 187 was uneven during the qualification period, as party operatives waited to see how the initiative would play. But with Democrats also advocating a crackdown on unauthorized entrants and with polls suggesting that voters believed the measure to be reasonable rather than extremist, the risks of backing the measure seemed small. The California Republican Party decided to make the ballot measure the central issue of its voter mobilization efforts, distributing slate mailers, coordinating volunteer phone banks, and delivering more than two million door hangers to mobilize voters. Wilson also aggressively promoted and backed the measure with millions of dollars after also deciding in late September that the potential benefits outweighed the risks of backlash.

Wilson’s focus on the measure in the weeks leading up to the campaign was relentless. According to one Wilson critic, “by the time the election rolled around, Wilson’s internal tracking polls showed that more than 90% of voters knew Wilson’s position on Proposition 187, more than the number of people who could identify Sacramento as the state capital.” Wilson’s own pollster conceded the recognition number was “amazing.”

The Taxpayers against 187 campaign, which fell well short of its $4 million fund-raising goal, continued attempting to convince voters that while their hostilities toward undocumented immigrants were legitimate, the unintended consequences the measure would produce would outweigh any benefits. But opinion polls taken in the closing weeks before the election seemed to confirm that many voters cared less about the specific components of Proposition 187—and their relative benefit or harm—and more about the message it would send to lawmakers and immigrants themselves that, as Wilson declared, “Enough is enough.” That is, they responded affirmatively to the first part of the Taxpayers message—that “illegal immigration” was indeed a problem—and remained ambivalent toward the second part—that Proposition 187 only made a bad problem worse. As Frank Wu of Californians United against 187 suggested, the effort to reach the rational and utilitarian voter who would be amenable to a “right idea, wrong solution” message was futile. With both sides affirming the proposition that there were indeed worthy and unworthy immigrants, the dispute mainly focused on the best method of containing or expelling the bad ones.

A troubling irony also undergirded this strategy. Though the Taxpayers consultants concluded that the campaign must endorse the idea that many immigrants posed a somber threat to the welfare of the state, they also implicitly participated in wildly exaggerating the scale and impact of this
alleged threat. As scholar David Hayes-Bautista later pointed out, beginning in the early 1990s immigration to the state had dropped considerably; in 1994 and 1995 more Latino immigrants left California than arrived, a pattern that continued for much of the decade. California’s rapidly contracting labor market dimmed the prospects facing new arrivals. Yet even Senator Feinstein’s reelection ad, depicting shadowy border crossings at night, insisted, “And they keep coming! Three thousand each night.” Hayes-Bautista argues that if Feinstein’s figures were correct, by the end of 1994 one in three California residents would have been an undocumented Mexican immigrants, and eight out of ten Latinos in Los Angeles County would have been undocumented.126

Hayes-Bautista also notes the flaws in the alarmist charges that “our children’s classrooms” had become “over-crowded by those who are illegally in our country.”127 In fact, the overall enrollment in the Los Angeles Unified School District was actually 2.7 percent lower in 1994 than it was in 1969, and most school overcrowding could be traced to the district’s decision in the early 1980s (in the wake of the ballot measures slashing property taxes and fanning public discontent over busing) to close many schools. Roughly 95 percent of Latino students in Los Angeles public schools were U.S. citizens or legal permanent residents; the “flood” of undocumented students was entirely imaginary, yet it was a problem affirmed by Proposition 187’s proponents and opponents alike. Similarly, the large-scale cutbacks in public services that fueled so much of the animosity driving Proposition 187, nearly all of which could be traced to the wave of property tax–slashing measures in the late 1970s and early 1980s as well as to the increase in state prison spending, became almost singularly understood as a result of the impact of undocumented immigration.128 But these points became largely inadmissible in the debate over Proposition 187.

THE OUTCOME OF THE ELECTION AND BEYOND

Proposition 187 was approved by 59 percent of the California electorate, receiving more than five million votes (see table 5). Exit polls suggested that the Taxpayers strategy of targeting white moderate and suburban voters largely failed. Sixty-three percent of white voters supported the measure, along with 62 percent of independent voters and 55 percent of self-described moderates.

Proposition 187 spawned multiple and contradictory legacies. Immediately after the election, a coalition of civil rights groups, backed by an array of unions, school boards, city councils, and religious and medical groups, filed successful legal challenges before the California Superior Court and U.S. District Court to block implementation of the measure; the suits had been readied well before election day by attorneys in anticipation of the measure’s passage. Multiple legal cases were ultimately consolidated as the League of United Latin American Citizens et al. v. Wilson. The case took more than four years to finally adjudicate; not until activists groups pressured Democratic Governor Gray Davis, who succeeded Pete Wilson in 1998, did the state formally drop its appeal and accept the judge’s ruling blocking implementation of nearly all provisions of the measure. Only the section providing for penalties for document forgery were permitted to stand, and even those had a contradictory impact, as errors in the phrasing of the initiative language meant that the new provisions actually lowered criminal penalties for some forgery infractions.129

Though the courts prevented the state from implementing most of Proposition 187’s provisions, several of the key tenets of the measure provided the blueprint for sweeping and more far-reaching federal reforms. The Republicans’ 1994 Contract with America included no mention of immigration policy reforms. But after Proposition 187, a newly organized Congressional Task Force on Immigration Reform, chaired by Republican Elton Gallegly of California, essentially recommended federalizing much of Proposition 187. California Democrats, including Anthony Beilenson, Howard Berman, and Jane Harmon, expressed “strong support” for many of the proposals.130 Major revisions to federal welfare law through the 1996 Personal Responsibility and Work Opportunity Reconciliation Act and immigration law through the 1996 Illegal Immigration Reform and
Immigration Act prohibited undocumented immigrants from receiving most public health services and benefits. The laws further prescribed a five-year waiting period even for lawful permanent residents to receive many of these services.\(^{330}\)

For their part, the grassroots restrictionist organizations responsible for bringing Proposition 187 to the ballot failed to grow significantly in size or authority after the election. Proponents like Barbara Coe promised they would successfully recall many of the elected officials who supported the court’s ruling against the measure. None of these efforts were successful. Nor did these organizations succeed in multiple subsequent attempts to qualify a Son of 187 measure for the ballot after the initial court rulings. Indeed, between 1994 and 1999, restrictionist groups attempted to qualify seven different statewide measures barring unauthorized immigrants from receiving different public services or benefits; Proposition 187 was the only one to even reach the ballot. Attempts to qualify measures in 2004 and 2006 also failed to meet the signature threshold. The populist ire claimed by Proposition 187 supporters proved less reliable and enduring than imagined.\(^{331}\) But the boundaries of legitimate discourse over immigration control had been firmly established; political actors who did not make their claims through appeals to an aggrieved California populace risked swift dismissal. And as the next chapter explains, Democratic Party leaders in particular would come to view such boundaries as unassailable.

For many California Latinos, both immigrant and nonimmigrant, Proposition 187 represented a singularly important political event. During and after the election, advocacy organizations noted a swift upsurge in reported incidents of anti-Latino violence and aggression; one Los Angeles group set up a hotline that recorded more than one thousand incidents in the eleven months following the measure’s passage.\(^{332}\) In time however, analysts would conclude that the measure would help bring about a dramatic increase in naturalization, voting, and political participation rates among many Latinos, producing a cohort of deeply politicized voters that would begin transforming the composition of the California electorate.\(^{333}\) Nonprofit organizations serving immigrant communities would also increasingly come to appreciate the role of political participation in asserting the rights of their constituents.\(^{334}\)

For Proposition 187’s organized opponents, response to the measure’s passage fell into two distinct camps. The groups affiliated with the mainstream Taxpayers against 187 reiterated their contention that the crisis posed by undocumented, largely Latino immigrants could not be fundamentally altered, at least within the cycle of any election. The Taxpayers strategists insisted that pragmatism alone should govern the messaging and framing strategies for future public debates and ballot measures over immigration policy. A postmortem memo authored by Frank Sharry, head of the Washington, D.C.-based National Immigration Forum who worked for the Taxpayers campaign, made these points forcefully. Sharry declared that the “goal of winning 50% plus 1 of the votes on election day” was the only imperative that mattered with regard to such initiatives. Sharry emphasized that he “strongly endorse[d] the kind of messages” used by the Taxpayers campaign and that these themes should serve as the blueprint for future initiative campaigns.\(^{335}\)

Organizers aligned with the Californians United against 187 effort sharply disagreed with this assessment. A postelection memo written by two of the main Californians United organizers and leaders,Ignatius Bau and Emily Goldfarb, challenged the fundamental assumption that the Taxpayers campaign strategy had any impact on the electorate or that a winning campaign must start with the concession that “something must be done to stop illegal immigration.” They insisted that their “pro-immigrant/immigrant rights messages [were] sound” and that “Proposition 187 was a pretext for racism, for fear and anger about the demographic changes in California.” Goldfarb and Bau conceded that their groups were “totally unprepared for an initiative campaign. . . . We didn’t have the experience, expertise, or resources to respond.”\(^{136}\)

Jan Adams of Californians United also rejected the “50% plus 1” criteria asserted by Sharry. From her perspective, the anti-187 campaign had already arrived too late and with too few resources or electoral expertise to have any realistic hope of defeating the measure. She agreed that the various grassroots efforts to defeat Proposition 187 all “suffered from lack of electoral experience.” In particular, the challenge of how to compete for votes within an electorate that was older, whiter, and more conservative than the populace as a whole was much different than shaping public opinion within the constituencies the groups behind Californians United typically engaged. In this Adams largely agreed with Sharry’s assertion that marches and walkouts could not win elections, though she did contend that “this kind of activism was an important way for threatened communities to express perfectly justifiable outrage” and to “raise the visibility of the threat of the groups under attack.”\(^{137}\) However, as long as the electorate remained overwhelmingly white and expertise in electoral organizing remained the sole province of high-priced consultants who frowned upon grassroots involvement, the Proposition 187 outcome would likely be repeated in future electoral cycles.
For Adams, Goldfarb, and Bau, building the capacity to contest statewide elections and expanding the electorate more generally constituted the long-term imperative. In this regard, the Californians United campaign in San Francisco County, 71 percent of voters rejected Proposition 187. Adams would insist that this outcome was not simply the bias of the state’s most liberal electorate, pointing out that other liberal campaigns—including the effort to approve a single-payer health insurance initiative (Proposition 186) and to reject the Three Strikes criminal-sentencing law (Proposition 184)—did not achieve similar results. Even the most conservative districts in San Francisco rejected Proposition 187, and margins in solidly immigrant and progressive areas exceeded 80 percent. 

The San Francisco outcome and experience, Adams reasoned, gestured toward a new model of electoral organizing. What if, rather than ceding the capacity to run successful electoral campaigns to consultants, community organizations developed these skills and abilities themselves? What if, rather than focusing almost exclusively on the mythical white, middle of the road voter, such a project grounded itself precisely within the communities that were most often marginalized by the electoral process? And finally, what if such a project placed the battle over ideas and interests—especially regarding race and racial oppression—at the center of its aspirations and tactics, refusing to subordinate itself to the “50% plus 1” mantra?

Adams and her colleagues soon began drafting a concept paper for a new framework for electoral organizing. Their plan, they soon realized, would face an immediate test: sponsors of a sweeping proposal to abolish all public affirmative action programs promised to qualify their own ballot measure within the next eighteen months.

7. “Special Interests Hijacked the Civil Rights Movement”

Affirmative Action and Bilingual Education on the Ballot, 1996-2000

In 1997, on the thirty-fourth anniversary of the 1963 March on Washington, where Rev. Martin Luther King Jr. had delivered his famed “I Have a Dream” speech, a smaller but similarly spirited crowd joined Rev. Jesse Jackson in a procession across the Golden Gate Bridge. This March to Save the Dream also coincided with the first day of the implementation of Proposition 209, a ballot measure approved the previous November banning public affirmative action programs in California. Together with the 1994 passage of Proposition 187 and the Three Strikes initiative, and with a signature-gathering effort underway to ban public bilingual education programs, a disturbing pattern seemed to be taking shape. Jackson implored the marchers to initiate a new civil rights movement in the Golden State in response to Proposition 209’s “bludgeoning the dreams of this generation.”

Much of the crowd’s ire was directed toward Republican governor Pete Wilson and University of California regent Ward Connerly, the African American businessman and Wilson ally who led the Proposition 209 campaign. Particularly infuriating to opponents was the use of the language and imagery associated with King—the ballot measure was dubbed the California Civil Rights Initiative. Jackson told the crowd, “Those who did not march with [King], who did not support him, cannot be the interpreters of the dream. I can interpret the dream. I marched with him. I walked with him and talked with him.” Similar charges would soon be directed at Ron Unz, the conservative Silicon Valley entrepreneur who would name his 1998 anti-bilingual education initiative English for the Children.

Jackson’s charge echoed not only a common sentiment among many of the activists who labored to defeat these ballot measures but also pointed to something of an unfulfilled desire. If the opponents of civil rights would
CHAPTER 6


5. Haefele, "California Shipwreck."


24. In California, groups such as Zero Population Growth in Los Angeles demanded tough immigration restrictions. E. Gutierrez, Fertile Matters, chapter 7.


26. Cacho, "People of California are Suffering," Santa Ana, Brown Tide Rising; Leo Chavez, Covering Immigration; Ono and Sloop, Shifting Borders.

27. See, for example, Almaguer, Racial Fault Lines; Sanchez, Becoming Mexican American; Deverell, Whitewashed Adobe; and E. Gutierrez, Fertile Matters.


30. For a critique of the ambivalent stance of Republicans in general during the preceding decade, see Laham, Ronald Reagan and the Politics of Immigration Reform.

31. Brimelow, "Time to Rethink Immigration?"


39. FAIR did praise Wilson at the time for pointing out that “illegal immigration” was a “prime contributor to California’s and the nation’s budget woes.” “Cut Off Aid to Immigrants, Group Urges,” LAT, November 22, 1991.
40. “Wilson to Seek Funds for Immigrant Services,” LAT, November 22, 1991. In the same article, Democratic state senator Art Torres of Los Angeles said he was “disappointed” by Wilson’s “anti-immigrant sentiment” but supported the governor’s lobbying mission.
52. The newspaper ads are quoted in Wroe, Republican Party and Immigration Policies, 44. See also “Many Obstacles to Wilson Plan on Immigration,” LAT, August 21, 1993.
54. “Residents Call Migrants a Burden Immigration,” LAT, August 22, 1993; “Immigration Stance Helps Wilson’s Rating,” LAT, August 21, 1993. Wilson’s August approval rating grew to 22 percent, up from 15 percent in May, while his negative rating fell to 33 percent, the lowest it had been during the preceding year.
57. Nevins, Operation Gatekeeper, 1.
63. Wroe, Republican Party and Immigration Politics, 68; Dan Schnur, telephone interview with author, October 15, 2008.
65. On the role of racialized political advertisements, see Mendelberg, Race Card.
69. California Ballot Pamphlet, General Election, November 8, 1994 (Sacramento: California Secretary of State, 1994), 36.
70. This was the tagline of several of Governor Wilson's campaign commercials, including one on immigration, www.youtube.com/watch?v=0of1PE8Kzmg (accessed January 31, 2009).


75. Ibid.; Wroe, Republican Party and Immigration Politics, 15.

76. "Opponents Hire a Proven Winner," Orange County Register, November 2, 1994; "History Doesn't Favor Anti-Immigrant Initiative," Long Beach Press Telegram, September 26, 1994; Wroe, Republican Party and Immigration Politics, 75.


78. California Ballot Pamphlet, General Election, November 8, 1994 (Sacramento: California Secretary of State, 1994), 55.


80. See Shultz, Initiative Cookbook.

81. Wroe, Republican Party and Immigration Politics, 76.

82. Frank Sharry, "Interested Parties" memo, December 7, 1994 (in author's possession).

83. "Taxpayers against 187 Campaign Update: Introducing the Taxpayers against 187 Staff," press release, box 319, folder 14, AB. See also Martinez, "Fighting 187."

84. On the role of nonprofits in the legalization programs of IRCA, see S. Baker, Cautious Welcome, chapter 5.


87. Ibid.

88. Ibid.


94. Mario Garcia, Memories of Chicano History, 314. In the early 1970s, groups such as CASA organized in undocumented communities, calling attention to abusive workplace and residential raids conducted by the INS and even calling for open borders. Pulido, Black, Brown, Yellow, and Left.


96. Emily Goldfarb, telephone interview with author, November 6, 2008; Jan Adams, interview with author, September 18, 2008, San Francisco. For more recent organizing and advocacy work addressed toward such a framework, see the essays in Buff, Immigrant Rights in the Shadows of Citizenship.

97. See Simon and Alexander, Ambivalent Welcome.


102. Frank Wu, telephone interview with author, November 12, 2008. For a similar position, see Park, "Race Discourse and Proposition 187," 175-204.


104. Quoted in Wroe, Republican Party and Immigration Politics, 76.

105. Ibid.


109. "Opponents Hire a Proven Winner," Orange County Register, November 2, 1994. The Taxpayers campaign claimed that internal polls and a Field Poll suggested the race was tightening in late October, but that the marches and walkouts sabotaged this movement. However, the largest demonstration took place on October 25, well before the polls were taken, suggesting the marches did not immediately raise support for the measure, though they certainly shaped news coverage of the campaign.

110. Quoted in Wroe, Republican Party and Immigration Politics, 88.

111. "White Supremacist Link Trips Prop 187," San Francisco Chronicle, October 23, 1994. See also "Pro-Prop 187 Group Admits It Bought Ads," Orange County Register, October 26, 1994. FAIR immediately sought to distance itself from Proposition 187, stating that Nelson was not working for the organization when he helped draft the measure and that FAIR had contributed no funding toward the campaign. But the Taxpayers campaign released documents showing that FAIR had arranged to purchase radio advertisements in the weeks before the election. "Both Sides Air Ads on Prop. 187," LAT, November 6, 1994.


113. Wroe, Republican Party and Immigration Politics, 86.

118. See, for example, Newton, “Why Some Latinos Supported Proposition 187;” and Morris, “Afri can American Voting on Proposition 187.”
125. Hayes-Bautista, La Nueva California, 127, 130. See also H. Johnson, Undocumented Immigration to California.
126. California Ballot Pamphlet; General Election, November 8, 1994 (Sacramento: California Secretary of State, 1994), 54.
127. See Schrag, Paradise Lost.
129. Congressional Task Force on Immigration Reform, “Report to the Speaker Newt Gingrich,” June 29, 1995, box 320, folder 8, AB. The committee was formed at the start of the 104th Congress.
130. For an insightful account of these developments and their impact on Asian American immigrants, see Fujii, Asian America: Mothers without Citizenship.
132. The hotline group ultimately determined that 229 of these inquiries and complaints were “serious rights abuses.” Cervantes, Khokha, and Murray, “Hate Unleashed,” 9.
134. Wong, Democracy’s Promise.
138. The Californians United campaign did not appear to be particularly successful at registering new voters, however. Five weekends of voter registration work in San Francisco during September only yielded four hundred new registrants, a result Adams admitted was “not gargantuan.” “A Push to Get Immigrants to Vote Campaign to Defeat Prop. 187,” San Francisco Chronicle, September 24, 1994.
139. Adams, “Mobilizing against White Backlash.”

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5. Ibid.
7. Ibid., 8.
8. On the Jesse Helms “Hands” ad, see Reeves, Voting Hopes or Fears? 17–19.
9. See also DuBois, Black Reconstruction in America; and Foner, Reconstruction.