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Social Policy Debate and Rising Political Backlash Towards Latino Undocumented Immigrants in California, 1971-1994

“The biggest deadbeat dad in the country is the federal government. They’ve just walked away from the illegal immigration problem. We’re tired of supporting the federal kid.”

- Brian Bilbray, San Diego County Supervisor, 1993¹

Latino illegal immigration has emerged as a prominent American grassroots conservative political issue, making regular national media headlines. Since 2010, states such as Arizona, Alabama, and Georgia, amongst others, have won attention for passing laws targeting illegal immigration. Questions about state and local immigration policymaking roles are not new in the United States by any means, however. While the federal government legally asserted its constitutional supremacy in immigration law in the late nineteenth century, undocumented immigrants remained subjects of state and local government policy. Most prominently in the recent past, in 1994, 59% of California voters approved Proposition 187, a court-blocked ballot initiative that sought to prohibit undocumented immigrants’ access to public education, non-emergency medical care, and other social services, as well as implement a tight system of local, state, and federal immigration law enforcement cooperation. Proposition 187 influenced major federal immigration and welfare law overhauls in 1996 that set key national policy paradigms fully actualized in the post 9/11 period.

Most academic analyses of modern American illegal immigration politics focus on the early 1990s forward, since Latino illegal immigration emerged as a prominent national conservative political issue. Interdisciplinary scholars have benefited from historical studies about nativism during earlier American historical eras and have richly analyzed how early 1990s economic and especially cultural dynamics, namely concerns over national identity and law and order, helped fuel a popular political backlash towards immigrants.² The timely American policy issue of Latino illegal immigration still demands more historical research and contextualization in the recent past than it has received. Deeper analysis of debates over undocumented immigrants’ use of public social services spanning back to the 1970s particularly can enhance

our understanding of why Latino illegal immigration became such a politically contentious issue during the early 1990s.

Prior to the mid-1990s, when settlement really began to nationalize, the border state of California was home to an estimated half of all Latino undocumented immigrants in the United States.³ California state government, and Los Angeles, Orange, and San Diego Counties most prominently, grappled with large undocumented immigrant populations arguably earlier and more intently than anywhere in the country, providing a strong case to study to understand the evolution of modern American illegal immigration politics.

Modern political debate that emerged over increasing Latino illegal immigration during the 1970s in California and nationally centered foremost on economic concerns. Alongside liberal-driven concerns over labor market impacts of undocumented workers, policymakers paid increasing attention to undocumented immigrants' use of public social services. In a context of rising government fiscal crisis in the wake of new federal and state restrictions on undocumented immigrant access to major social service programs, conflict rose between local, state, and federal government officials in California over responsibility for financing social services for growing undocumented immigrant populations on a bipartisan basis. Starting noticeably in the 1980s, emboldened conservatives began to politicize undocumented immigrant social service use in an unprecedented manner, pioneering a nativist political reframing of fiscal issues. The complexity of American federalism made it extremely difficult to resolve questions of fiscal responsibility for undocumented immigrants' social service use, intensifying and prolonging debate to facilitate its nativist political reframing by the 1990s.

State and Federal Social Service Program Eligibility Reforms, 1970-1976

During the early to mid-1970s, broad California and federal eligibility reforms of major means-tested social service programs newly restricted access for most undocumented immigrants. Amongst many other reforms rooted in concerns about increasing program costs, federal and state policymakers set new laws and regulations to bar most undocumented immigrants from eligibility for Social Security Numbers (SSN), Aid to Families with Dependent Children (AFDC), Medicaid (Medi-Cal in California), Supplemental Security Income for the Aged, Disabled, and Blind (SSI), and food stamps. Republican California Governor Ronald

Reagan made social service program reform a top priority in 1970 as enrollments, which had grown steadily over the 1960s, rose dramatically amidst a state recession. While excluding undocumented immigrants was far from a central reform priority, Reagan approved new state regulations in 1970 to exclude persons not “legally entitled to remain indefinitely in the United States” from programs including AFDC, Old Age Assistance, and Aid to the Disabled. The next year, he signed the California Welfare Reform and Medi-Cal Reform Acts that set restrictive non-citizen eligibility statutes for those programs and Medi-Cal with slightly less restrictive language.⁴ Noting legal obstacles to barring non-citizens broadly, the California Department of Social Welfare Director also stressed caution about potentially shifting state social service costs for immigrants onto counties, declaring, “Do you let the kids of legal or even illegal entrants go hungry? County general relief ends up having to care for immediate needs.”⁵ Starting in 1972, the Presidential Administration of Republican Richard Nixon and U.S. Congress followed California’s lead to enact restrictive non-citizen eligibility laws and regulations for SSN, SSI, AFDC, Medicaid, and food stamps as part of broad reforms. The Nixon Administration did not initially seek to restrict undocumented immigrant eligibility, with U.S. Department of Health, Education, and Welfare (HEW) officials proposing regulations to prohibit states from excluding otherwise eligible residents from Social Security Act (SSA) programs on the basis of citizenship or immigration status in interpretation of a 1971 U.S. Supreme Court ruling, *Graham v. Richardson*. Reagan submitted numerous social service program reform recommendations to Congress, including one for the federal government to assume full fiscal responsibility for services for non-citizens on grounds of exclusive federal immigration responsibility, to no serious consideration. In 1972, Nixon signed SSA Amendments to require SSN applicants to provide legal status and work eligibility evidence and limit new SSI program eligibility to citizens, legal permanent residents, and persons “resident under the color of the law” (a phrase of uncertain legal meaning inserted to ensure Cuban refugee inclusion).⁶ Conforming to the new law, HEW set regulations in 1973 that states must include eligible residents who were “a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing under the color of the law; and must exclude any individual who is not lawfully in this country” from SSA programs.⁷ HEW affirmed that California’s precedent of offering non-citizen applicants presumptive eligibility pending INS status verification was acceptable. In 1974, the U.S. Department of Agriculture adopted similar non-citizen eligibility regulations for food stamp

programs yet refused benefits to “questionable” non-citizen applicants pending INS status verification.⁸

California state and local officials placed a relatively low priority over the early 1970s on implementing the new non-citizen eligibility laws and regulations amidst broad social service program reforms and experienced confusion from inconsistent policy language. When officials began focusing more attention in the mid-1970s, they faced legal, logistical, and political challenges. In 1973, the advisory State Social Welfare Board criticized low official priority on the 1971 non-citizen eligibility statutes, decrying a “general lack of awareness that a problem exists” of non-citizen social service use.⁹ Following the criticism, state officials set tighter AFDC regulations to require every non-citizen applicant to complete an Alien Status Verification Form to be forward to the INS for verification but were enjoined by a federal judge in liberal advocate litigation for exceeding their authority. A few conservative state and local officials criticized the ruling as increasing ineligible non-citizen AFDC enrollment. State officials grappled with logistical challenges of INS collaboration, particularly a lack of INS capacity to verify the legal statuses of all non-citizen applicants in a timely manner. Under Democratic Governor Jerry Brown in 1975, they set revised AFDC and Medi-Cal regulations to allow eligibility only for permanent legal residents and persons permanently residing “under the color of the law” (now defined as refugees, parolees, and persons granted indefinite departure or indefinite stays of deportation), with all non-citizen applicants required to complete a form and present status documentation to county eligibility workers; those lacking or presenting suspect documentation could gain presumptive eligibility yet now must interview with the INS. A parent’s refusal to complete a form would not result in benefit deprivation to their citizen children. While HEW officials endorsed the new state regulations, they warned they would no longer pay the federal cost share for benefits presumptively given to non-citizens later found ineligible; while not actually carrying this out, the specter led state officials in 1977 to try to make counties assume the federal cost share, only to reverse course in the face of county litigation threats.¹⁰

Defining Undocumented Immigrants as a Local Government Fiscal Problem, 1973-1976

By the mid-1970s, California local government officials recognized that they faced disproportionate cost burdens in providing social services to undocumented immigrants with

state and federal social service program access restrictions and limited population accounting for federal and state revenue sharing. Local governments were mandated by state law to provide undocumented immigrants certain services, the most costly being health care and education. Local officials began to lobby federal officials and support legislation for federal fiscal responsibility for population social services on grounds that immigration was an exclusive federal responsibility, with no success. Emergent local and federal government research seeking to assess undocumented immigrant economic impacts suggested a net fiscal benefit in terms of population social service use and tax contributions yet highlighted that population tax contributions mostly filled federal and state coffers while local governments bore most service costs.

California state law required counties to provide emergency and public health care and school districts to provide free K-12 education to undocumented immigrants. Many California counties also provided non-emergency health care services to undocumented immigrants. With regard to health care services particularly, state law required county facilities to provide emergency and public health care to all persons irrespective of legal residency or ability to pay as well as for all public or private hospitals to provide emergency care to any person “in danger of loss of life or serious injury or illness.” It also mandated counties to provide non-emergency health care services to indigent residents not enrolled in programs like Medi-Cal.¹¹ San Diego County health officials, claiming a lure of U.S. hospitals for indigent Mexicans, adopted a self-described “hard-nosed” policy of emergency room screenings to try to stem access of and compel payment for services by undocumented immigrants and Mexican legal visitors they estimated cost the county \$1.5 million from 1971 to 1974.¹² Los Angeles County health officials contrarily set no procedures to screen patient immigration status at county facilities, stressing that undocumented immigrant access to all services was critical to ensure the public health of the greater community; tensions still rose upon the estimate that the population cost the county \$8.1 million in 1974. Orange County health officials set no procedures to screen patient immigration status and also did not track undocumented immigrant costs.¹³

Starting in the early 1970s, California local and state officials endorsed legislation and began to lobby on a bipartisan basis for federal fiscal responsibility for social services for undocumented immigrants, particularly health care services, to no success. In 1972, Democratic U.S. Representative Bernice Sisk of Fresno introduced a bill to authorize federal reimbursement

of unpaid undocumented immigrant emergency health care costs at any health care facility, stressing it would relieve counties of the “tremendous financial burden they now must morally and legally carry in treating indigent illegal aliens;” by 1975, 23 California counties and the California state legislature endorsed the bill and several bipartisan California congressmen signed on as co-sponsors.¹⁴ Over the mid-1970s, the San Diego and Los Angeles County Boards of Supervisors lobbied federal officials and, the latter unanimously petitioned the federal Immigration and Naturalization Service (INS) then HEW to pay for the county’s estimated costs as well as discussed possible litigation to compel it. Los Angeles County officials incredulously rejected an INS official suggestion that county health care providers report suspected undocumented immigrants to the INS so they could be deported to stem costs. At a 1975 public hearing, conservative Republican Los Angeles Supervisor Pete Schabarum emphasized his motive as simply seeking state and federal money to pay for social service costs for undocumented immigrants and not to cut their access to services. “Clearly, our county is responsible from both a humanistic and legal standpoint to provide such services,” he declared. “However, the question is who is responsible for the payment of these services. Both the State and Federal Government have disallowed responsibility for the payment of social and medical services to illegal aliens.”¹⁵ In 1976, the Los Angeles Board endorsed full federal reimbursement of county health and welfare costs for undocumented immigrants and rejected the policy that anyone should need to expose themselves to the INS to access essential services. Highlighting its humanitarian concern further, it created a special temporary county General Relief program for a small group of elderly, indigent, long-term undocumented residents whose who lost welfare benefits amidst federal SSI eligibility reevaluations.¹⁶ City of Los Angeles officials urged for new federal and state undocumented immigrant population estimates on grounds an accurate count was critical for adequate revenue sharing and infrastructure investment and planning.¹⁷

Over the mid-1970s, San Diego and Los Angeles Counties and the U.S. Department of Labor and INS directed research studies of varying methodological sophistication to investigate illegal immigration economic impacts. With the exception of the roundly criticized INS-commissioned study, they collectively suggested that undocumented immigrant tax payments net exceeded the costs of their use of social services yet that their taxes mostly filled federal and state coffers while counties and school districts bore most of the costs. U.S. Department of Labor-commissioned researchers who interviewed male majority Mexican undocumented

immigrants found that 77 percent had federal Social Security taxes and 73 had federal income taxes withheld from their paychecks. Notably, neither the U.S. Census Bureau nor INS had a solid estimate of the undocumented immigrant population's size during this period. In response to an inquiry of Republican President Gerald Ford's Domestic Council Committee on Illegal Aliens (DCCIA) founded in 1975, HEW officials declared limited information of impact yet noted that undocumented immigrants were reluctant to seek social services and that "the popular estimate of the degree to which illegal immigrants utilize welfare has been somewhat exaggerated."¹⁸ The final early 1977 DCCIA report criticized the limited base of empirical knowledge informing illegal immigration policy debates and while acknowledging intergovernmental fiscal problems, offered no solutions. "The illegal alien both adds to the burdens upon society's infrastructure and is fearful of using services because it increases the likelihood of discovery and apprehension," it declared.¹⁹

Fiscal Crisis and a Taxpayer Revolt Escalate Intergovernmental Fiscal Conflict, 1977-1981

As California local government officials began protesting federal disavowal of fiscal responsibility for social services for growing undocumented immigrant populations on a bipartisan basis, they faced broad fiscal strain of reduced federal and state social service funding. In 1978 further, California voters passed Proposition 13, the signal call of a national populist taxpayer revolt that decimated a primary local government revenue source by capping property tax rates, ushering in unprecedented fiscal austerity. Mirroring the local fiscal crisis, intergovernmental conflict over financing social services for undocumented immigrants grew more intense over the late 1970s, with federal as well as state government officials resisting local pleas for assistance. The greatest conflict centered on health care services, a field in which costs surged well faster than inflation. Conservative county officials and advocates now began to aggressively push to restrict undocumented immigrant access to non-emergency health care services despite health professional and Latino community protest. Numerous California counties unsuccessfully sued the federal government for health care cost reimbursement. Despite a growing body of government and academic research reinforcing suggestions that undocumented immigrants used a limited range of social services and paid substantial taxes,

some officials publicized sensational and erroneous claims of population fiscal impacts. Conflict also arose over counting undocumented immigrants in the 1980 U.S. Census.

Over the late 1970s, California local and state government officials pressed federal government officials with unprecedented vigor on a bipartisan basis to assume fiscal responsibility for social services for undocumented immigrants and local officials increasingly also urged state officials for greater fiscal assistance.²⁰ The U.S. House finally convened a hearing on legislation for federal reimbursement of health care facilities for undocumented immigrants' unpaid emergency care costs but no action resulted; the legislation now had a dozen bipartisan California co-sponsors who dominated testimony with denouncements of rising local costs and demands that the federal government assume fiscal responsibility because of its sole responsibility for immigration. The County Supervisors Association of California estimated from a survey that county health care costs for undocumented immigrants statewide now totaled \$57 million yearly.²¹ The new Presidential Administration of Democrat Jimmy Carter, while discussing local and state fiscal burdens for social services for undocumented immigrants, failed to incorporate federal reimbursement into its mid-1977 illegal immigration policy plan. "California is probably more heavily impacted by illegal migration than any other state," Carter's Cabinet Task Force on Undocumented Aliens observed, internally commenting that "unrealistic demands" for reimbursement stemmed from the fact that "Problems are felt at the local and regional level but local officials have few tools with which to respond for the laws involved are federal."²² In introducing its legislation including status legalization for certain undocumented immigrants with bars on federal social service program eligibility, the White House publicized that undocumented immigrants were "not now a major drain on public assistance programs paid for by taxpayers."²³ As Congress began debating Carter bills, Los Angeles County officials and National Association of Counties representatives vocally criticized Administration policy on fiscal grounds, with one conservative Los Angeles Board of Supervisors staffer stressing to Congress, "These people work, they pay social security and income taxes, but they cannot take advantage of the Medi-Care provision of the Social Security Act, and local governments who have nothing to do with national immigration policies and practices must pick up the Federal Government's tab."²⁴ California state legislators debated state fiscal aid to counties for undocumented immigrant health care costs during 1977 but did not act; their investigation

moreover illuminated extremely low rates of unauthorized or fraudulent undocumented immigrant participation in major social service programs.²⁵

As it became clear that federal fiscal responsibility would be slow in coming, conservative California county officials and advocates pushed over the late 1970s to cut undocumented immigrant access to county non-emergency health care services despite substantial health professional and Latino community opposition that it would endanger the public health, violate medical ethics and human rights, not be cost-effective, and would be unfair to undocumented immigrant taxpayers. Conservatives stimulated unprecedented local health care policy debate in Los Angeles and Orange Counties particularly which drew in state officials. In 1976, the Pacific Legal Foundation, a self-described conservative public interest law firm run by former California Ronald Reagan staffers, threatened to sue Los Angeles Board of Supervisors members to hold them liable for undocumented immigrant non-emergency health care costs and challenge the county policy of not widely referring patient information to the INS. In 1977, Los Angeles County health officials acquiesced to conservative county official suggestions that immigration status screening of non-emergency patients might yield cost savings to stave broad health care service cuts in response to declining federal and state funding and dramatic cost inflation without acting, releasing a study estimating that county health care costs for undocumented immigrants, mostly emergency services, were as high as \$61 million in 1976 and up to 12.4 percent of total costs.²⁶ In 1977, Orange County health officials set a new policy to require indigent undocumented immigrant patients at county-funded facilities to apply for Medi-Cal with INS referral or pay full costs of care with the threat of INS exposure for failure, yet the County Board of Supervisors, which created a Task Force on Medical Care for Illegal Aliens that criticized the policy, rescinded it in 1978 in the face of strong health professional and community protest.²⁷ California Department of Health Services staffers internally urged that undocumented immigrants should have full access to county health care services to protect the public health and the Department Director stressed in 1978 in response to conservative legal inquiry that counties had authority to provide any services deemed necessary to undocumented immigrants to protect the public health and warned that immigration status health care screening “could result in both public health hazards and civil rights violations.”²⁸ During 1979 still, amidst looming post-Proposition 13 fiscal austerity, conservative Los Angeles County officials pushed with new aggression to restrict undocumented immigrant non-emergency health care access, fueling

months of contentious debate finally resulting in a narrow vote for no policy action; they still won support of new Republican California Attorney General George Deukmejian, who issued an advisory legal opinion arguing it was illegal for counties to provide non-emergency health care to undocumented immigrants.²⁹ In the wake of a publicized 1979 San Diego County case of hospital discrimination towards a wounded Latino citizen suspected of being an undocumented immigrant, state legislators held a special local hearing on emergency health care access at which a range of hospital officials complained of rising costs of care for indigent undocumented immigrants and criticized county policy on the issue.³⁰

Intergovernmental conflict over fiscal responsibility for health care services for undocumented immigrants took a dramatic turn in 1979, as several California counties sued the federal government for cost reimbursement, ultimately unsuccessfully. Los Angeles County sought \$89 million in damages for county health care costs for undocumented immigrants for 1977 and 1978, alleging that the federal government neglected its exclusive duty to control against the entry and presence of undocumented immigrants and wrongfully refused to provide for population health care needs or reimburse the county for its costs. San Diego County filed a nearly identical lawsuit seeking a less substantial \$1.8 million in damages over the past three fiscal years. Federal judges dismissed San Diego's lawsuit in 1980 on grounds that health care costs were not a property loss under the Federal Tort Claims Act so they lacked jurisdiction to hear the case. "The workers are really undocumented taxpayers. It's part of our lawsuit," declared Republican San Diego County Supervisor Roger Hedgecock, announcing appeal plans. "The feds, on the one hand, are taking this tax revenue from the situation they have created. On the other hand, they have refused to share that money with local jurisdictions that have to give the service." Los Angeles County joined the appeal, which the U.S. Ninth Circuit Court of Appeals denied in 1981 and U.S. Supreme Court in 1982. In 1980 further, Democratic California Governor Jerry Brown, after a year of evasion in the face of intense local official lobbying, openly rejected his Department of Health Services' proposed Medi-Cal eligibility reform to cover more undocumented immigrants and end applicant INS referral, on cost grounds.³¹

Counting undocumented immigrants in the 1980 U.S. Census stimulated some partisan contention in California and contention nationally between states, with stakes of determining federal funding distribution for state and local governments and electoral apportionments. The U.S. Census Bureau admitted to undercounting urban and minority populations in 1970 and

sought to achieve a more accurate count as California local officials stressed a need for accurate planning and resource allocation. In 1979, Democratic California Governor Jerry Brown signed a Democrat-authored state bill to fund efforts promoting minority and undocumented immigrant census participation. While proponents declared goals of maximizing federal funding and providing some relief to state and local taxpayers shouldering disproportionate costs for undocumented immigrant services, some Republican legislators expressed concern that a full population count could threaten their electoral prospects as the population mostly lived in Democratic areas. California state and local officials joined Latino advocates in successfully pressing the Carter Administration to publicize Census confidentiality and temporarily limit INS raids during it. A new Washington-based Federation for American Immigration Reform (FAIR), joined by a group of federal politicians mostly from Pennsylvania, sued the Census Bureau in 1979 to try prevent a population count without separate enumeration of undocumented immigrants on grounds of alleged harm to voting rights and equal protection of the law in public resource allocation. Federal judges dismissed the suit in 1980 on grounds that the plaintiffs lacked standing to show injury, noting that even if they had, they would be inclined to rule for the federal government since, “The language of the Constitution is not ambiguous” in requiring a census of all inhabitants.³² In the ruling’s wake, some California state conservative politicians and bipartisan federal politicians from across the U.S. tried, unsuccessfully, to push legislation to restrict undocumented immigrant inclusion in counts for appropriations and reapportionment.³³

Late 1970s federal government and academic research reinforced suggestions that undocumented immigrants used limited social services and paid substantial taxes, as well as that population tax contributions exceeded costs of their use of services on a net level. The U.S. Government Accountability Office (GAO) released a report in late 1977 reviewing available evidence on undocumented immigrant impacts on social service programs noting limited major program impacts (the greatest being on local and state health care, education, and unemployment insurance), that services did not appear to incentivize them to enter or remain, that indirect impacts through their citizen children and possibly displaced legal resident workers could be greater than direct impacts, and that they paid substantial taxes. Using new data in 1980, the GAO estimated that suggested undocumented immigrant tax contributions net exceeded their use of social and community services nationally by \$200 million to \$1 billion yearly. Political scientist Wayne Cornelius, who founded the Center for US-Mexican Studies at UCSD in 1979,

stressed Mexican immigrant cultural opposition to public welfare and argued, “Mexican migrants represent something of a windfall for the United States, in the sense that they are young, highly productive workers, whose health care, education and other costs of rearing have been borne by Mexico, and whose maintenance during periods of unemployment and retirement is also normally provided by their relatives in Mexico.” Princeton University sociologist Doug Massey echoed Cornelius, arguing, “Far from ripping off the system, illegal aliens are more likely to be subsidizing it.”³⁴ This growing body of research notably did not stem the publicity of some sensational claims about undocumented immigrant social service impacts. In 1980, for example, the *San Diego Union* reported that Proposition 13 promoter Howard Jarvis had publicly decried undocumented immigrants as “welfare cheats” and “taxpayer rip-offs.”³⁵ The U.S. Select Commission on Immigration and Refugee Policy (SCIRP) created by Carter and Congress in 1978 to study U.S. immigration policy and recommend reform, notably received extensive California testimony on local government fiscal burdens of providing services for undocumented immigrants yet failed to commission issue research. Its final 1981 report in fact simply declared that undocumented immigrants did not comprise a major burden on public social services and that many cost claims were “inflated.”³⁶

Fiscal Debate Evolves in a New Era of Conservative Governance, 1981-1986

The 1980 election opened a new era of conservative governance nationally and in California and federal and state social service spending reductions increased the contentiousness of intergovernmental conflict over fiscal responsibility for social services for undocumented immigrants. Emboldened conservative local officials and new conservative INS officials began to politicize and spin debate over undocumented immigrant social service use in an unprecedented manner. They alleged that the population caused fiscal crises, competed with needy citizens for public resources, widely engaged in benefit fraud, and were free riders driven to migrate because of liberal social service access. They ignored population revenue contributions and conflated disproportionate local and state costs as a net cost despite more research suggesting a net national fiscal benefit. INS officials pushed a new intergovernmental Systemic Alien Verification for Entitlements (SAVE) program. As Congress began debate over the Immigration Reform and Control Act (IRCA) in 1982, California federal, state, and local

officials and national county and state interest groups aggressively lobbied for federal fiscal responsibility for social services for prospective amnesty recipients on a bipartisan basis, a difficult policy battle in an increasingly conservative national fiscal context.

The new Presidential Administration of Republican Ronald Reagan had no interest in assuming fiscal responsibility for social services for undocumented immigrants amidst its agenda to trim social service spending broadly. It in fact enthusiastically implemented new federal laws, including those passed by Congress in 1980, to tighten restrictions on undocumented immigrant access to AFDC, public housing, legal aid, and food stamps. Reagan's 1981 illegal immigration policy plan included status legalization of certain undocumented residents for ten years of renewable temporary status during which time they would be ineligible for federal social service programs; a U.S. Public Health Service Deputy Assistant argued to Congress that low undocumented immigrant social service use justified no federal funding for services for prospective amnesty recipients.³⁷ In response to new federal laws and regulations and a desire to reduce costs, California state policymakers also tightened several non-citizen social service program eligibility laws and regulations over the early 1980s.³⁸ In 1981, a now conservative majority Los Angeles County Board of Supervisors set a policy for county non-emergency health care service screening to restrict undocumented immigrant access unless they applied for Medi-Cal with INS referral, while simultaneously endorsing full federal fiscal responsibility without a condition of INS referral. Los Angeles County health officials estimated health care costs for undocumented immigrants at \$121 million for 1981 yet opposed restricting population non-emergency service access since only a fraction would be saved and emergency and public health costs could increase. Supervisor Pete Schabarum framed the issue in zero sum terms, declaring, "Which is less humane, less health care for citizens or less to non-citizens?"³⁹ Liberal advocates successfully sued to enjoin county implementation of immigration status screening on grounds it would violate state health laws as well as equal protection of the law and the Board in turn filed an unsuccessful cross-complaint against state officials seeking to enjoin state Medi-Cal eligibility regulations requiring non-citizen applicant referral to the INS on grounds it violated federal and state confidentiality laws, exceeded state law, and denied the county funding that it was entitled to.⁴⁰ Notably, as county health care system fiscal strain increased over the mid-1980s, the Board moved on a bipartisan basis to implement a fee system for undocumented immigrants seeking non-emergency health care services.⁴¹

Alongside dramatic federal and state social service funding cuts over the early to mid-1980s, emboldened conservative California local officials adopted increasingly politicized stances on social service costs for undocumented immigrants. In 1982, newly elected Los Angeles County Supervisor Dean Dana pushed for a new report on population costs and revenues, created his own illegal immigration study task force, and lobbied federal officials to reimburse local population costs to which he attributed county budget problems. County finance officials reported that in 1982 undocumented immigrants and their citizen children cost the county \$213.8 million (\$76.5 million for health care, \$3 million for welfare, and the remainder for criminal justice, general fund, and community services) and school districts \$415.5 million and paid \$2.54 billion total in taxes (\$1.48 billion to the federal government, \$830 million the state, \$95 million to the county, and \$130 million to other local bodies), at a net county cost of \$118.5 million. Dana publicized population costs without contributions, defensively explaining, “Regardless of how much illegals contribute to the economy, we are still short. The simple fact is that the money is not coming back to Los Angeles County to pay for these services and our citizens are being shortchanged.”⁴² In 1985, Supervisor Pete Schabarum publicized an undocumented immigrant “baby boom” of “crisis proportions” and solicited a county report on how many of their citizen children born in county hospitals enrolled in social service programs; county welfare officials projected that 25.6 percent of children born to undocumented women received Medi-Cal or AFDC services while county health officials noted that 62.8 percent of deliveries at one hospital were to Mexican-born women.⁴³ Supervisor Michael Antonovich made illegal immigration a cornerstone of a failed 1986 U.S. Senate Republican primary campaign, publicizing erroneous cost claims, alleging that undocumented immigrants were drawn to the U.S. in part by a “magnet” of liberal social service, and endorsing the deportation of citizen children of undocumented immigrants and repeal of U.S. birthright citizenship.⁴⁴ He led the Board to declare the County a federal “immigration disaster area” for special fiscal aid while Schabarum led it to approve a new federal reimbursement lawsuit never filed.⁴⁵ Republican San Diego County Supervisor Susan Golding convened a press conference in 1986 at which she declared, “We are being invaded by illegal aliens...It is costing local taxpayers an arm and a leg,” waving a \$23 million “invoice” of five years of costs and alleging a real cost closer to \$100 million. She described a zero sum scenario where undocumented immigrant service use meant service cuts for vulnerable citizens and strained infrastructure. She led the county to bill the

federal government for \$16 million in documented health care costs for undocumented immigrants and support federal reimbursement legislation.⁴⁶

During the mid-1980s, Reagan-appointed conservative INS officials began publicizing claims that undocumented immigrants were widely fraudulently participating in major social service programs and promoted a new INS intergovernmental program, Systemic Alien Verification for Entitlements (SAVE), to give state and local social service agencies direct access to an INS Alien Status Verification Index computer system to verify non-citizen legal statuses. California state employment officials agreed in 1983 to a SAVE pilot for unemployment insurance but were soon enjoined by a federal judge in response to liberal advocate litigation on grounds of regulatory violations and discrimination towards Latinos; over three months INS officials estimated \$19 million in cost savings. While Nelson projected “literally hundreds of millions of dollars” in taxpayer savings with national SAVE implementation for all social service programs, other INS officials projected \$10.7 billion (\$2.8 billion for California) on the basis of implausibly cost-maximizing assumptions.⁴⁷ In 1985, Orange County launched SAVE for all county social service programs, with officials holding a press conference at which a regional INS official sensationalized undocumented immigrant economic impacts and erroneously claimed that SAVE savings would go to social services for needy citizens.⁴⁸

Mid-1980s academic and think tank reports surveying evidence about California’s Mexican immigrants, of whom undocumented immigrants were a majority, reaffirmed suggestions that the population was a net national fiscal benefit in terms of public service use and tax payments yet still a local as well as state fiscal burden. Reagan Administration-affiliated economists stressed a population fiscal benefit or at least a wash. As a result of 1980 U.S. Census data, researchers now had firmer insight into the U.S. undocumented immigrant population, estimated by U.S. Census Bureau officials at 2 million nationally, 50 percent in California and 32 percent in Los Angeles County alone.⁴⁹ The UCSD Center for US-Mexican Studies and Urban Institute and RAND Corporation released reports highlighting Mexican immigrant economic contributions yet imbalances of their public social service use, predominantly of health care and K-12 education, and their local and state revenue contributions, stressing economic subsidies nationwide from this imbalance in California.⁵⁰ In 1986, Reagan’s Council of Economic Advisors stressed undocumented immigrants’ positive economic impacts, commenting that they “appear to pay their own way from a public finance standpoint.”⁵¹ Some conservatives still

notably heralded a speculative cost-maximizing Virginia-based American Immigration Control Foundation report by Donald Huddle of Rice University that projected a net cost of \$1 billion in social service and law enforcement costs per million undocumented immigrants.⁵²

With the introduction of Immigration Reform and Control Act (IRCA) bills in 1982, the U.S. Congress began serious debate over illegal immigration policy action, including over status legalization for some undocumented immigrants. On a bipartisan basis, California federal politicians joined local and state officials and national local and state government interest groups, including the National Association of Counties, U.S. Conference of Mayors, National Governor's Association, and National Conference of State Legislatures, to force attention onto state and local fiscal concerns. While the U.S. House endorsed full federal reimbursement of state and local government costs for social services for amnesty recipients to be temporarily barred from some yet not all major social service programs, the Senate and Reagan Administration sought limited block grant reimbursement and full eligibility bar. While the Senate passed its IRCA bill in 1982 and again in 1983 with amendments for limited federal block grant reimbursement to states, the House passed its in 1984 with an amendment by Democrat Don Edwards of San Jose to provide full federal reimbursement subject to available appropriations. Reagan Administration officials argued that they would not support full reimbursement or immediate amnesty recipient eligibility for any major social service programs on grounds of needed national budget austerity and a lack of cost control. A U.S. Department of Health and Human Services Deputy Assistant Secretary elaborated in 1983, "We believe that access to full welfare entitlement programs would reward illegal entry unfairly, attract more illegal immigration, and potentially, lead to unnecessary welfare dependency among aliens, most of whom are now employed and self-sufficient."⁵³ Echoing many other California politicians, Republican U.S. Representative Carlos Moorhead of Los Angeles declared, "There's no reason in the world why this burden [amnesty recipient social services costs] should be bucked off on California by the federal government." Congressional conference negotiators abandoned IRCA in late 1984 after becoming bogged down in debate over amnesty cost reimbursement amongst other provisions. Reagan did still then notably sign a Texas promoted Emergency Immigrant Education Act establishing a \$30 million annual U.S. Department of Education program to aid local school districts with non-citizen students.⁵⁴ During 1985, Reagan Administration officials defended capped federal block grants with claims that full reimbursement would be a "fiscal

windfall” for state and local governments they stressed were collecting taxes from and receiving other economic benefits from undocumented immigrants. INS Commissioner Alan Nelson urged for mandated state SAVE participation.⁵⁵ The Senate passed its IRCA bill again in late 1985, with a new bipartisan amendment by California Senators Pete Wilson and Alan Cranston to increase state block grant size and another to mandate state SAVE participation.⁵⁶ In a last ditch vote in late 1986, the House passed its bill retaining full federal reimbursement of state and local costs and immediate amnesty recipient eligibility for some major social service programs as well as mandated state SAVE participation with an opt-out procedure (much skepticism was raised in debate over whether implementing SAVE would be cost-effective given research indicating very low rates of fraud by non-citizens). Congressional conference negotiators quickly succeeded in broaching a final IRCA compromise bill.⁵⁷

In late 1986, President Ronald Reagan signed IRCA as well as the Omnibus Budget Reconciliation Act (OBRA), which both promised some state and local government fiscal relief for undocumented immigrant social service costs. IRCA’s status legalization provision allowed undocumented residents since 1982 as well as ninety-day resident Special Agricultural Workers to apply for five years of temporary legal residency prior to eligibility for permanent status, with eligibility for Medicaid for emergency, pregnancy, children, and public health care services as well as eligibility for SSI, education, children’s, and disability programs but not eligibility for all other major social service programs for five years. IRCA provisioned for \$4 billion, the maximum amount Reagan would support, in federal State Legalization Impact Assistance Grants (SLIAG) to cover state and local government costs for social services for amnesty recipients, including required language and civics education programs, with federal program costs deducted. It also required states to implement the SAVE program for all major social service programs with full federal reimbursement, with an opt-out if states claimed it was redundant or not-cost effective. IRCA stipulated further that, subject to available appropriations, the U.S. Attorney General could reimburse states for costs of incarcerating undocumented immigrants.⁵⁸ OBRA revised federal Medicaid eligibility law to newly allow undocumented immigrant eligibility for emergency health care services, including pregnancy labor and delivery, specifically while ending federal fiscal participation for Medicaid non-emergency services for non-citizens presumptively eligible under state programs with the exception of prenatal care.⁵⁹

IRCA and OBRA of 1986 redressed some longstanding intergovernmental conflicts over social service costs of undocumented immigrants in California yet also helped to fuel increasing intergovernmental fiscal conflict. Most contentiously, Congress failed to appropriate IRCA-provisioned State Legalization Impact Assistance Grants (SLIAG) funds to states to cover state and local social service costs for amnesty recipients as promised and OBRA-provisioned partial Medi-Cal eligibility expansion for undocumented immigrants increased state government health care costs for the population. Conflict also arose again over counting undocumented immigrants in the 1990 U.S. Census. IRCA ultimately failed to legalize a substantial part of California's Latino undocumented immigrant population or prevent increasing illegal immigration.

Implementation of IRCA and OBRA in California was marked by intergovernmental suspicion and conflict over the late 1980s. California local officials initially responded cautiously to the new provisions for partial federal cost reimbursement of social services for undocumented immigrants. They expressed relief to prospectively no longer have to pay for costly emergency health care services for the population especially yet concerns that IRCA provisioned-SLIAG reimbursement would not cover increased county costs for social services for amnesty recipients, including non-emergency health care and welfare services, as well as that state officials would not provide counties their fair share of funding.⁶⁰ In late 1986, Republican U.S. Senator Pete Wilson noted his perspective to Los Angeles County officials that federal SLIAG reimbursement to state and local governments was inadequate, declaring, "It is only fair and appropriate that the federal government protect you and impacted counties nationwide from the costly burdens amnesty represents."⁶¹ With the San Diego County Board of Supervisors' support, in early 1987 Republican Supervisor Susan Golding traveled cross-country to organize other local officials concerned about IRCA and OBRA implementation into a national coalition Operation Fair Share to lobby federal officials on behalf of their fiscal interests, stressing research that local governments paid disproportionate costs for undocumented immigrants.⁶² State health and welfare officials took leadership of California IRCA and OBRA implementation, creating a task force including local officials and immigrant advocates to help develop state policy and lobbying federal officials over regulatory policymaking. State officials set principles that federal and state agencies should interpret IRCA to maximize the number of undocumented immigrants legalized,

that the state should avoid creating bureaucracy by implementing IRCA through existing agencies and private sector organizations, and that the state should use SLIAG funds first for what it deemed critical core social service programs - health, welfare, and education programs essential for successful status legalization – before using it to provide other social services to amnesty applicants. The SLIAG program got off to a rocky start with U.S. Department of Health and Human Services (DHHS) delays over 1987 in issuing draft regulations, which in turn delayed the flow of funding to states for the initial 1988 fiscal year. State officials protested proposed federal regulations for SLIAG funding allocations (how much weight to give to amnesty impact versus applicant numbers in determining the distribution of state funding), specific mandates for types of program spending, and acceptable methods of state and local social service cost documentation, amongst other issues. State officials also protested INS regulations barring amnesty recipients from certain state social services they believed exceed the law and would harm other state policy agendas. On a general level, the SLIAG program was problematically designed out of sync with expected amnesty recipient state and local social service demands, with most funding distributed in the first couple of years after IRCA as amnesty applications were still ongoing and service needs still being assessed.⁶³ It became clear by early 1988 that California would have more than half of all amnesty applicants in the country but that almost as many state undocumented immigrants would not seek to or be able to legalize their status. In 1988, after extensive county negotiation with state health officials and legislators to maximize state and federal funding and prevent INS referrals, Republican California Governor George Deukmejian signed a law revising state Medi-Cal eligibility law to extend eligibility to undocumented immigrants for emergency health care services as OBRA provisioned as well as for the state to independently fund undocumented immigrant eligibility for prenatal services.⁶⁴

Into the early 1990s, California federal, state, and local officials fought on a bipartisan basis to ensure IRCA-provisioned federal SLIAG state funding for social services for amnesty recipients in the face of bipartisan executive and congressional proposals to re-appropriate or eliminate them. As California had over half of all amnesty applicants nationwide and received over half off SLIAG state funding, its officials had a program interest not shared by most federal government officials. With 1.5 million amnesty applicants as of 1989 (900,000 in the regular program and the rest in the agricultural program), DHHS officials designated California to receive 58% of all SLIAG state funding, calculated to be \$1.7 billion of the IRCA-provisioned

\$4 billion stipulated (minus a federal offset) to be distributed over four years. The new Republican Presidential Administration of George H.W. Bush, following its predecessor's proposal, requested a dramatic SLIAG state funding cut of \$600 million yearly for 1990 and 1991 (\$348 million for California yearly), arguing that states were not fully spending funds distributed for 1988 and 1989 so did not need as much. Democratic U.S. Senator Edward Kennedy of Massachusetts also introduced legislation to re-allocate \$200 million in SLIAG state funding to an emergency Soviet refugee program. California local and state officials publicized that reductions would strain state and local social service programs with broadly harmful public implications. Parallel to advocacy spearheaded by Democrats Don Edwards of San Jose and Edward Roybal of Los Angeles in the House, Republican Pete Wilson and Democrat Alan Cranston joined Senators from other amnesty-impacted states to stress that current SLIAG state funding surpluses stemmed from "numerous federal bureaucratic impediments, and more importantly, the very design of the program" with costs anticipated to build over time and funding distributed preceding service delivery to be reimbursed, with state authorization to carry it over for seven years.⁶⁵ Republican California Governor George Deukmejian stressed to Bush Administration officials that they misunderstood California's need for SLIAG funding, which would not even cover full costs of services for amnesty recipients. "A decision to reduce SLIAG funding represents the Federal government turning its back on its partnership with the states in the area of immigration reform," he argued.⁶⁶ The Bush Administration still soon proposed to re-allocate an added \$320 million in SLIAG state funding to drug control initiatives. Congress accepted a Berman brokered compromise to cut \$555 million from SLIAG state funding (\$320 million from California) for 1990 with a promise to restore it in 1992, when Berman stressed they would not be able to ignore the costs. "We will assure that this national program will be supported by the national government, paid for and/by all of our citizens, and the taxpayers of Los Angeles, Orange, and San Diego Counties will not be unfairly and inequitably burdened," Roybal publicized.⁶⁷ To the vocal protest of California federal, state, and local officials again, the Bush Administration soon sought a SLIAG state funding cut of \$527 million (\$301 million from California) for 1991; Congress chose to cut \$567 million with a provision to restore it again in 1992. "The reduction will result in a cut in vital state and local services and will ultimately hurt the very people we are attempting to help with the amnesty program," Cranston publicized.⁶⁸ The Bush Administration sought no SLIAG state funding for 1992 and Congress voted to defer the

promised \$1.1 billion total cut for 1990 and 1991 to 1993 despite protest from forty-one California House members that, “The California delegation is united in its outrage at the flagrant discrimination against our state.”⁶⁹ In late 1991, now California Governor Pete Wilson traveled to Washington with Democratic state legislative leaders’ endorsement to lobby federal officials on the state need for more SLIAG funding to pay for amnesty recipient social services already delivered, noting such costs threatened to add to the state growing budget deficit. In response to California advocacy, the Bush Administration sought \$300 million in SLIAG state funding for 1993. While California Republicans expressed relief with some funding, Democrats publicized outrage at the shortfall from the total promised. Despite coordinated lobbying of all California federal politicians for a major increase, Congress only approved \$312 million for 1993, again promising to reallocate the rest in 1994 and 1995.⁷⁰ Alongside SLIAG funding conflicts, federal controversy and unsuccessful legislation and litigation also rose, as it had a decade prior, over the count of undocumented immigrants in the 1990 U.S. Census, an issue in which California had a different interest than many other states, constitutional considerations aside.⁷¹

A Rising Nativist Political Backlash towards Undocumented Social Service Users, 1990-1994

Over the early 1990s, Latino illegal immigration to California continued unabated in a context of economic recession, intensifying state and local government fiscal crisis, and multiethnic social tension. Predominantly conservative California state and federal officials joined their local counterparts in sensationalizing the social service use of undocumented immigrants and their citizen children in a nativist manner. They lobbied for federal reimbursement of state and local undocumented immigrant social service costs similarly to amnesty recipients and sought new study of population fiscal impacts. By 1993 notably, Republican state officials began to push for enhanced state social service program access restrictions for undocumented immigrants and some endorsed an end to birthright U.S. citizenship for children of undocumented immigrants. In 1994, the state sued the federal government for reimbursement of diverse population costs and leading Republicans endorsed a novel punitive state illegal immigration ballot proposition that fused state and local social service restrictions with enhanced intergovernmental immigration law enforcement.

In the tight fiscal context of the early 1990s, California local government officials began aggressive lobbying again for federal reimbursement of undocumented immigrant social service costs and sought new study of population fiscal impacts, including of their citizen children, with many conservatives sensationalizing the issue. Some state and federal officials embraced similar inquiry and rhetoric. Over the late 1980s, notable tension rose in northern San Diego County over transient Latino immigrant workers of mixed legal status, drawing city, county, state, and federal attention. In 1990, the City of Encinitas (which was incorporated after 1986 so not receiving SLIAG funding) declared a local emergency over its immigrant population and sent a bill for their services to the GAO, arguing they were a federal responsibility. Republican U.S. Representative Ron Packard shortly coordinated a meeting of local officials on federal funding lobbying and suggested they sue for it. “I think most cities in Southern California can demonstrate rather visually and rather significantly the costs they are having to bear when it comes to immigration,” he publicized. “Many cities simply are not able to continue to sustain the costs. My colleagues need to realize that the federal government just can’t arbitrarily make laws pertaining to our border without realizing the costs.”⁷² After a county advisory panel criticized insufficient federal funding for legal and undocumented immigrant social services, Supervisor John MacDonald organized an Immigration Funding Project in 1991 of local officials from twenty states that led a lobbying delegation to Washington.⁷³ In 1992, a California Senate Special Committee on Border Issues headed by Republican William Craven released a largely speculative, widely criticized report declaring a yearly net San Diego County cost for undocumented immigrants greater than all local government budget deficits.⁷⁴ In Los Angeles County, Supervisor Michael Antonovich, who also lobbied in Washington, publicized rising undocumented immigrant births (now estimated by county health officials as over half of all county hospital births) and alleged rising AFDC use of their citizen children.⁷⁵ In 1992, county officials released a lengthy report commissioned to boost the federal funding case that estimated a yearly net county cost for undocumented immigrants at \$308 million and for their citizen children at \$92 million, the former mostly health care and criminal justice services and latter mostly health care and some AFDC services.⁷⁶ “As long as the federal government turns its back on illegal immigration... county taxpayers will subsidize the cost, at the expense of public safety, the coroner, libraries, parks and recreation, museums and our cultural centers,” Antonovich argued, citing the report.⁷⁷ In 1991, the Orange County Board of Supervisors lobbied federal

officials for funding for undocumented immigrants' children's social services and funded a study on undocumented immigrant county fiscal impacts that proved inconclusive with missing data.⁷⁸ In 1991, Republican Governor Pete Wilson publicly attributed some the state's increasing budget problems in part to legal and undocumented immigrant social service users, alleging a "magnetic effect" of social services for new residents.⁷⁹ State finance officials released a report that year that noted increasing immigrant K-12 education and Medi-Cal health care service costs as adding to an alleged growing state demographic imbalance between taxpayers and "tax receivers."⁸⁰ The former Reagan INS Commissioner now consulting for the national immigration control advocacy group FAIR convened a press conference praising Wilson.⁸¹ Contemporaneously, Republican U.S. Representative Elton Gallegly of the San Fernando Valley introduced a U.S. Constitution amendment proposition to repeal birthright citizenship to children born to undocumented immigrants, arguing, "The bottom line, when you look at the costs for childbirth and for payments to them afterward, is that all the other needy children...are being deprived."⁸²

Starting in 1993, California state officials began to aggressively lobby for federal funding for state social services for undocumented immigrants alongside for remaining promised SLIAG state funding as conservatives pushed state legislation to further restrict population access to state social service programs. Republican Governor Pete Wilson, who had long been a moderate on illegal immigration, dramatically shifted to espouse nativist rhetoric similar to immigration control advocates and newly called for state policy leadership on illegal immigration. In 1994, he led the state to file unsuccessful lawsuits against the federal government for state undocumented immigrant costs. The new Presidential Administration of Democrat Bill Clinton sought \$324 million in SLIAG state funding for 1994. In early 1993, on the heels of state health and welfare officials release of a report entitled, *A Failed Federal Promise: A Call for a Renewed Federal Partnership on Immigrant and Refugee Programs*, Wilson called for the full \$520 million of remaining SLIAG state funding for 1994 as well as federal funding for the \$532 million state share of Medi-Cal costs for undocumented immigrants and amnesty recipients, \$240 million state share of Medi-Cal and AFDC costs for undocumented immigrants' citizen children, and \$250 million in state costs for incarcerating undocumented immigrant criminals (an IRCA provision had authorized the U.S. Attorney General to reimburse such costs specifically yet they had never been allocated). Democratic California congressional leaders declared to Wilson that, "As Californians, we agree with you that the Federal government should treat the State of

California fairly,” yet raised concern that his demands were politically unviable in a tight federal budget context and stressed that the issue had festered under Republican leadership.⁸³ By 1993, many California conservative state and federal officials who embraced fringe immigration control advocate fiscal impact claims widely came to espouse a belief that liberal social service access drove Latino illegal immigration and that cutting service access would help stem it. Mostly conservative Republicans and a lone Democrat, stressing constituent demands for policy action, introduced a wave of mostly unsuccessful state bills to deny undocumented immigrant access to a wide range of state social service programs and/or to remake services into sites of immigration law enforcement by requiring beneficiaries to declare their immigration status, depriving non-citizens of confidentiality, and requiring social service providers to report suspected undocumented immigrants to the INS.⁸⁴ While the Clinton Administration proved somewhat more responsive than its Republican predecessors to California immigration funding advocacy, Congress rejected state proposals in mid-1993, leading Wilson to snap. “Time after time on immigration issues, the federal government has betrayed the states by making promises that it does not keep, offering reimbursements that never materialize and making commitments that ring hollow with empty rhetoric,” he declared. “There comes a time when Californians have to say enough is enough.”⁸⁵ He shortly signed state bills adding new restrictions on undocumented immigrant access to driver’s licenses and unemployment insurance and boosting intergovernmental cooperation on removing undocumented immigrant criminals while broadly calling to end social service “incentives” and birthright citizenship he alleged drew undocumented immigrants to the country. He publicized that while California should continue to push for federal illegal immigration policy reform, the state should take independent policy action “to deter illegal immigration,” as immigration control activists long advocated.⁸⁶ As California Congressional Democrats continued to lobby for federal funding for state education, emergency health care, and law enforcement costs for undocumented immigrants, Wilson in early 1994 launched a series of highly publicized unsuccessful state lawsuits against the federal government for reimbursement of assorted population service costs as well as for its alleged failure to repeal a “foreign invasion” of the state.⁸⁷

A rising nativist political backlash towards Latino undocumented immigrant social service users reached its apex in California in 1994. Immigration control advocates, including former Reagan INS officials, put forward a novel punitive state illegal immigration ballot

proposition fusing state and local population social service restrictions with enhanced intergovernmental immigration law enforcement, endorsed by Pete Wilson and other prominent Republicans. Proposition 187 sought to bar undocumented residents from public education (contrary to state law and U.S. Supreme Court *Plyer v. Doe* (1982) ruling), all but emergency health care services, and other public social services that in many cases already barred undocumented immigrant access. It also sought to require California social service providers to act as immigration status verification agents and provided for enhanced coordination and cooperation between federal, state, and local governments in immigration law enforcement. Endorsed by Wilson amongst other prominent California state Republicans, Proposition 187 won 59% of the state vote in late 1994 after months of a highly contentious campaigning during which opponents accused proponents of racism and scapegoating of immigrants for state economic problems. 63% of California white voters supported the measure, roughly half of African Americans and Asian Americans did, while less than a quarter of Latinos did. Proposition opponents, including liberal advocates and many local government officials, won immediate injunctions to prevent implementation. After extended court battles spanning until 1998, during which a federal judge ruled many Proposition 187 provisions in violation of federal immigration supremacy, new Democratic California Governor Gray Davis dropped the state's appeal. The ideas underlying Proposition 187 nonetheless still clearly influenced federal policymaking. Mid-1990s federal government bodies studying illegal immigration, including the U.S. Commission on Immigration Reform and conservative-dominated Congressional Task Force on Immigration Reform, picked up on California ideas to urge for additional federal limits on immigrant social service program eligibility. In 1996, Democratic President Bill Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act and Personal Responsibility and Work Opportunity Act (aka "welfare reform"), which collectively set new restrictions on undocumented and legal immigrant eligibility for major social service programs, created provisions for enhanced intergovernmental cooperation in immigration law enforcement, and imposed harsher criminal penalties on undocumented immigrants.⁸⁸

While interdisciplinary academic explanations of California's mid-1990s nativist political moment rightly emphasize cultural concerns and an immediately strained economic context, they have largely ignored a back-story of complex, contentious intergovernmental debate over fiscal responsibility for undocumented immigrant social service costs over the prior two decades that

helped make the issue so explosive. From the 1970s through the 1990s, conflict between local, state, and federal government officials rose over the issue in California on a largely bipartisan basis. The complex nature of American federalism made it very difficult to redress immigration fiscal problems through ordinary policy channels, intensifying and prolonging issue political debate. Starting noticeably in the 1980s and accelerating in the early 1990s, emboldened California conservatives began to re-spin fiscal issues in nativist political terms through direct attacks on Latino undocumented immigrant social service users, providing a cornerstone for an enduring national grassroots conservative political backlash towards Latino illegal immigration.

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³ Douglas H. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002)

⁴ Anthony Beilenson and Larry Agran, "The Welfare Reform Act of 1971," *Pacific Law Journal*, 3 (1972), 475-502; Lou Cannon, *Governor Reagan: His Rise to Power* (New York: Public Affairs, 2003), 248-262; California Department of Social Welfare, *Welfare Reform in California... Showing the Way*, December 1972; California Department of Social Welfare, "Redefinition of Residency" and "41-207 Evidence of Residence Intention," *Illegal Aliens, Hearings before Subcommittee Number One*, 92nd Congress, 1st and 2nd Session, 1971, 131, 165, 168-169; *Illegal Aliens*, 113-115, 118-124, 165, 150, 157; "Board Urges No Welfare for Aliens," *LAT*, 8 December 1970, B4; Rudolf H. Michaels, to Robert Martin, California Department of Social Welfare, Subject: Eligibility of Aliens for Public Social Services, 5 October 1979, Ronald Reagan Governor's Papers, Box H30, Folder 15, Ronald Reagan Library; Social Welfare Board, State of California, *Position Statement, Issue: Aliens in California*, January 1973, 1, 2, 15; Harry Bernstein, "Court Opens Door for Challenge on Employing of Illegal Aliens," *Los Angeles Times*, 23 July 1969, 31; Brief of Petitioners, *Leoner Alberti De Canas and Miguel Canas v. Anthony G. Bica and Juan Silva*, US Supreme Court, 1975, No: 74-882, MALDEF, RG4, Box 90, Folder 2

⁵ Jack Jones, "Pressure Builds on California's Welfare System," *LAT*, 16 November 1970, A1; "Supervisors Ask Curbs on Aliens Getting Welfare," *LAT*, 18 November 1970, A3; Walt Secor, "Shift in Welfare Load Asked," *LAT*, 24 November 1970, SF1; Rudolf H. Michaels to Robert Martin, Subject: Eligibility of Aliens for Public Social Services, 5 October 1979; Jack Jones, "Welfare Residency Rule Asked by Dorn," *LAT*, 9 July 1971, 25; Jesus to EDE, Additional Items Re: Item 1, 11 March 1975, Edmund Edelman, Box 332, Folder 1; Tom Goff, "Reagan Offers 70-Point Plan to Cut Welfare Expenditures," *LAT*, 4 March 1971, 1; Lou Cannon, *Governor Reagan*, 248-262; Unsigned, "Fact Sheet on A.B. 528 (Employment of Illegal Entrants)," Assembly Committee on Labor Relations, A.B. 528 (1971), LP184: 1, California State Archives; "Lawmaker Protests Industry Pressure on Alien Job Bill," *SFCh*, 5 November 1971; Dixon Arnett to Governor Reagan, 21 October 1971, Ronald Reagan Bill File,

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⁶ "Social Security Act Amendments Affecting Aliens," *Interpreter Releases*, Vol. 49, No. 45, 22 November 1972, 323-329; *Social Security Amendments of 1972, Conference Report to Accompany H.R. 1, Report No. 92-1605, US House of Representatives, 92nd Congress, 2nd Session*, 14 October 1972, 11-12; *Social Security Amendments of 1972, Report of the Committee on Finance, US Senate, to Accompany H.R. 1, Report No. 92-1230, 92nd Congress, 2nd Session*, 30 September 1972, 465-6; Ronald Reagan statement in *Social Security Amendments of 1971: Hearings Before the Committee on Finance, US Senate, 92nd Congress, 1st and 2nd Sessions, On H.R. 1*, 27 July 1971-9 February 1972, 1931, 1873-1939; "Social Security Administration Moves Against Illegal Aliens," *Interpreter Releases*, Vol. 50, No. 10, 23 March 1973, 62-66; "Social Security Offices Used to Tip Off US on Illegal Aliens," *LAT*, 20 June 1974, 3; "Social Security Administration Publishes Procedures For Issuance of Social Security Numbers," *Interpreter Releases*, Vol. 51, No. 10, 22 March 1974, 72-77; U.S. Department of Health, Education, and Welfare Social and Rehabilitation Service cited by Frances D. DeGeorge, Acting Administrator, Social and Rehabilitation Services, Social Security Administration, 45 CFR Parts 223, 248, Citizenship and Alienage: Notice of Proposed Rulemaking, Approved June 21, 1973, *Federal Register*, Vol. 38, No. 132, 27 June 1973, 16911; "United States Supreme Court on Immigration and Nationality During the 1970-1971 Term," *Interpreter Releases*, Vol. 48, No. 23, 28 June 1971; "Laws Barring Welfare for Aliens Invalidated," *LAT*, 15 June 1971, 5; *Illegal Aliens*, 1971, 125, 1327-1330, 1380-1389; US House of Representatives, Report No. 92-1366, 92nd Congress, 2nd Session, 17 August 1972; "Legislative Bulletin No. 4," *Interpreter Releases*, Vol. 49, No. 39, 20 October 1972; "Legislative Bulletin No. 1," *Interpreter Releases*, Vol. 50, No. 6, 7 February 1973; "Legislative Bulletin No. 3," *Interpreter Releases*, Vol. 51, No. 30, 26 August 1974; "Legislative Bulletin No. 1," *Interpreter Releases*, Vol. 52, No. 7, 27 August 1975; Charles Gordon, General Counsel, INS, "The Problem of Illegal Entries Into the United States" in *Interpreter Releases*, Vol. 48, No. 43, 6 December 1971; George R. Rosenberg, District Director, Los Angeles, United States Department of Justice, Immigration and Naturalization Service, to Ronald W. Youngren, Administrative Assistant, Assembly, California Legislature, 5 October 1971, Ronald Reagan Bill File, AB 528 (1971), CSA; Frank Mason, "Social Security Agency Can't Refuse Cards to Illegal Aliens," *LAT*, 30 October 1971, A4

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