

MILLER, ALYCE P., Ph.D. *From Immigrants to Activists: Immigration, Nativism, Welfare Reform and the Mobilization of Immigrant Voters in the Late Nineteenth and Late Twentieth Centuries.* (2012)  
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Within the political culture of the eighteenth through twentieth centuries, symbols abounded that negatively equated immigrants with criminals and welfare cheats. Particularly in the late nineteenth and early twentieth centuries there were clear similarities between the ways that individuals and groups on all sides of the immigration and welfare debate in America used such imagery as an effective tool for their cause, either to elicit sympathy for immigrants or fear and animus toward them.

This dissertation is interdisciplinary in nature. Through analysis of congressional records and other government documents, public opinion surveys, and newspaper and magazine articles in particular, this dissertation investigates the dominant narratives about both the poor and immigrants influencing United States' immigration and social welfare policy, culminating in the mid-1990s and resulting in Hispanic political mobilization that had a significant effect on anti-immigrant policy in the late twentieth century. I examine the importance of the conjuncture between immigration, social welfare policy, and rhetoric in the mid-1990s in order to show how the trope of the immigrant pauper, like the trope of the "welfare queen" in the 1980s and 1990s, informed major policymaking in last two decades of the twentieth century.

FROM IMMIGRANTS TO ACTIVISTS: IMMIGRATION, NATIVISM, WELFARE  
REFORM AND THE MOBILIZATION OF IMMIGRANT VOTERS IN THE  
LATE NINETEENTH AND LATE TWENTIETH CENTURIES

by

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Approved by

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To my mother, Andrea, who has always supported me in all my endeavors.

## APPROVAL PAGE

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## CHAPTER I

### INTRODUCTION

Within the political culture of the eighteenth through the late twentieth centuries, anti-immigrant and anti-immigration activists attempted to mainstream a negative immigrant narrative that depicted immigrants as criminals, paupers, unfair job competitors, lowering or at least stagnating wages, morally corrupt, and using a disproportionately high share of governmental assistance. There were particularly strong analogues between this rhetoric in the late nineteenth and late twentieth centuries. For example, in the late nineteenth century, many nativists feared an “immediate and overwhelming invasion from Asia,” and further lamented the “ruinous influx of Asiatic immigrants.” They asserted that, “The labor of these people [the Chinese] is brought into unfair competition with white labor, and that the Chinese are themselves so vile as to debase and corrupt society.”<sup>1</sup> Anti-immigrant proponents in the late twentieth century sounded some of the very same alarms, though this time largely directed at Hispanic immigration. In California, Republican Governor Pete Wilson sued the United States government for \$5.4 billion in order to recoup the cost of educating illegal immigrant children from 1991-1994. This lawsuit states that, “The massive and unlawful migration of foreign nationals ... constitutes an invasion of the state of California against which the

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<sup>1</sup>“John Chinaman Again,” *The New York Times*, February 20, 1877.



United States is obligated to protect California.”<sup>2</sup> Fears that immigrants took jobs away from native-born citizens were also prevalent in the late twentieth century. Barbara Coe, a member of anti-immigrant groups such as Citizens for Action Now and California Coalition for Immigration Reform, was prominent in California efforts to pass Proposition 187, and argued that, “They [immigrants] violate our laws and demand we feed them, clothe them and educate them in their own language. They are taking jobs away from American citizens.”<sup>3</sup>

Perhaps the most influential symbol within immigration and welfare discourse over the course of American history has been the symbol of the immigrant pauper. In the mid-nineteenth century, anti-immigrant proponents both within and outside of Congress, added an anti-crime discourse to the symbol of immigrants as paupers. Newspaper articles depicted the influx of immigrants as helping to increase crime in the U.S., particularly by importing people of low character and predisposed toward committing such criminal acts, such as Nikolaus Bader, an immigrant pauper from Germany. Bader arrived in the United States after being released from a twenty-four year incarceration in an insane asylum for committing murder.<sup>4</sup> Congressional reports such as the 1856 “Report on Pauperism and Crime,” pointed to statistics such as those found in the 1850

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<sup>2</sup>Daniel M. Weintraub, “Wilson Sues U.S. Over Immigrants’ ‘Invasion,’” *Los Angeles Times*, September 23, 1994.

<sup>3</sup> Robert Reinhold, “A Welcome for Immigrants Turns to Resentment,” *The New York Times*, August 25, 1993.

<sup>4</sup> “Nikolaus Bader, Pauper: More About the Penniless Immigrant Who Was Shipped to The United States,” *The Washington Post*, April 29, 1891.

census.<sup>5</sup> According to this 1850 census, about 27,000 people committed crimes in the United States. Of these 27,000 criminals, immigrants made up a disproportionately high amount. 14,000 of these criminals were immigrants while only 13,000 were native born.<sup>6</sup> Stories such as those of Nikolaus Bader and crime statistics such as those from the 1850 census were used as an effective tool by nativists in order to portray immigrants as criminal or detrimental to American society. Anti-immigrant rhetoric in the late twentieth century also included an anti-crime element. According to prominent anti-immigrant and anti-immigration activists John Tanton and Wayne Lutton, “All illegal aliens show at least some propensity for crime by their very presence.”<sup>7</sup> Tanton and Lutton also targeted legal aliens as being disproportionately made up of criminals such as street gang members, drug dealers, thieves, and terrorists. “Frighteningly large numbers of newcomers see crime as their avenue to the American dream.”<sup>8</sup> There are clear similarities between this rhetoric and imagery in the late nineteenth and in the late twentieth centuries, which I highlight throughout this work.

In this dissertation, I examine the opposing discourses about immigrants in American political culture to discover why the political Right, in particular, grouped

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<sup>5</sup> House Committee on Committee on Foreign Affairs, *Foreign Criminals and Paupers*, 34th Cong., 1st sess., 1856, H. Rep. 359, 1-4, 26-29; Abbot, ed., *Historical Aspects of the Immigration Problem*, 824-825, 827-828.

<sup>6</sup>These numbers were even more damning toward immigrants than they appeared at first glance because in 1850, the United States population consisted of 17,737,505 native born and 2,216,828 immigrants. “Imported Crime,” *New York Daily Times*, September 24, 1853, 4-4.

<sup>7</sup>Wayne Lutton and John Tanton, *The Immigration Invasion* (Petroskey, MI: The Social Contract Press, 1994), 61.

<sup>8</sup>Lutton and Tanton, *The Immigration Invasion*, 62.

aliens in with undeserving native born welfare mothers in the mid-1990s and what this discourse tells us about the political Right at this juncture in history. This dissertation is interdisciplinary in nature. Through analysis of Congressional records and other government documents, public opinion surveys, and newspaper and magazine articles in particular, this dissertation investigates the alternative narratives about both the poor and immigrants surrounding United States immigration and social welfare policy, culminating in the mid-1990s and resulting in Hispanic political mobilization. I examine the importance of this conjuncture between immigration and social welfare policy and rhetoric in the mid-1990s to show how the trope of the immigrant pauper, like the trope of the “welfare queen” in the 1980s and 1990s, informed major policymaking in the second half of the twentieth century.

The rise of modern conservatism (and with it the grassroots political Right) in the United States began in earnest in the 1950s, where it largely existed “outside of the political structure.”<sup>9</sup> The mid-twentieth century was a very tumultuous time period, which encompassed the Cold War, Rights Revolution (or struggle for equal rights by all minority groups from the 1940s through the 1980s), Civil Rights Movement, the decline of organized labor’s influence, and the dominance of liberalism as expressed through Presidents John F. Kennedy and Lyndon Johnson. Within this broader context, there were concrete factors that led to the rise of modern conservatism, much of it a backlash to dominant liberal ideas. These factors included desegregation, anti-communism, rejection of liberalism’s New Deal and Great Society frameworks, the 1957 recession, and the

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<sup>9</sup> Mary C. Brennan, *Turning Right in the Sixties: The Conservative Capture of the GOP* (Chapel Hill: The University of North Carolina Press, 1995), 9.

Korean War.<sup>10</sup> They all contributed to an increasing societal dissatisfaction and attempts by members of this new Right to solidify their economic and social status through anti-immigration and anti-welfare rhetoric. The Right was able to bring seemingly disparate class interests together under the banner of the burgeoning grassroots conservative movement through their adept use of rhetoric based on the assumption that the public

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<sup>10</sup> See Fred Block et al., *The Mean Season: The Attack on the Welfare State* (New York: Pantheon Books, 1987). In their essay within this compilation, "The Historical Sources of the Contemporary Relief Debate," Piven and Cloward place the conservative critique of the welfare state within the context of power relationships, with class issues at its heart. They place business at the crux of this struggle and in the clear power position in the United States. They continue this exploration and historicization of the debate over welfare in "The Contemporary Relief Debate" in which they argue that the meaning of welfare and the welfare state is constructed by race. For critique of the liberal response also see Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: W.W. Norton & Company, 1992). Along with the Edsalls, both Kevin Kruse in *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005) and Matthew Lassiter in *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006) place race atop the hierarchy of factors leading to the rise of modern conservatism. Lassiter and Kruse see race as paramount between whites and blacks, but class issues as paramount in intra-racial issues. While they give insightful and nuanced analyses, both Kruse and Lassiter see race as affecting the meaning of the other issues tackled by the Right. The Edsalls see the rise of conservatism as a direct result of southern resistance to the Civil Rights Movement. Kruse definitely makes that connection, drawing a line from the KKK to the Citizen's Councils to homeowner's groups to modern conservatives. Yet, still both Kruse and Lassiter's analyses are much more complex than the theory of white racial backlash. Race and backlash to the civil rights movement is significant, but not the only important factor and not always the most significant factor. Kruse and Lassiter also place the beginnings of the rise of the conservative movement much earlier than Wallace's 1964 campaign. Lisa McGirr, in *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001) does not wholly discount the element of white racial backlash support in the rise of the Right, but she seems to underplay its significance to a much greater extent than Lassiter and Kruse. McGirr recognizes the racially coded appeals of conservatives such as Reagan. However, she emphasizes more the importance of such things as moral decay and the breakdown of the family, sexuality, gender roles, religion, consumerism, anti-communism, and the military-industrial complex. Thomas Sugrue, in *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1998), also argues that the rise of the conservatism of the 1960s was not a result of "white backlash" to Johnson's Great Society reforms. Sugrue shows how there had been increasing white discontent, particularly in urban areas, as well as fear of integration throughout both the North and the South since the 1940s. Yet in *Law and Order*, Michael W. Flamm argues that too much emphasis has been placed on the white racial backlash theory and too little emphasis placed on "the role of security." See Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005), 9. In *The Myth of Southern Exceptionalism*, Matthew Lassiter and Joseph Crespino argue that the rise of modern conservatism was not solely about resistance to the Civil Rights Movement and that the "southern strategy" thesis is inaccurate and oversimplistic. See Matthew D. Lassiter and Joseph Crespino, eds., *The Myth of Southern Exceptionalism* (New York: Oxford University Press, 2010), 6-7.

only wanted easy answers, not substance or nuance. One of the most important factors here was the role of public discourse as expressed through media and politicians, in helping to create this backlash.<sup>11</sup> Throughout United States history, political, economic, and social upheaval has consistently led to increased nativism and anti-immigration rhetoric, which led to attempts by members of the new Right to protect themselves and their families in the face of rapid economic and social change, which resulted in increased anti-immigrant and anti-welfare rhetoric and legislation within the American political landscape.<sup>12</sup> Uncertainty and dissatisfaction in the 1960s by the new Right led to genuine fears over personal safety, concern about the maintenance of law and order, and fear about declining economic prosperity. Members of this new grassroots conservatism also reacted to the mass immigration and changing demographics that resulted from the Immigration and Nationality Act of 1965 (INA), which eventually resulted in “permanent Republican strength” and a realignment of the geographical base of Republican power from the Eastern Establishment to the conservative grassroots dominated by the South and West.<sup>13</sup> As Lisa McGirr notes, the West was a stronghold for conservative grassroots organization and mobilization, which, while not synonymous with nativism, did provide fertile soil for nativist ideas in the 1990s.<sup>14</sup> This western conservative power and

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<sup>11</sup> See Lisa Levenstein, “From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961,” *Journal of Women’s History* 11, no. 4 (Winter 2000): 10-33.

<sup>12</sup> Brennan, *Turning Right in the Sixties*, 82-84, 23-25.

<sup>13</sup> *Ibid.*, 129-130, 134.

<sup>14</sup> McGirr, *Suburban Warriors*, 13-15.

influence became apparent in the 1994 Save Our State proposition in California, also known as Proposition 187.

Coinciding with the rise of modern conservatism in the United States in the 1950s was a growing perception of economic inequality within American, which caused increasing discontent.<sup>15</sup> This discontent with growing economic inequality was, in part, redirected toward immigrants under the charge that they were taking jobs and using resources intended for native-born Americans. Implicit in this argument was that immigrants were undeserving of these jobs, resources, and welfare benefits while native-born Americans *were* deserving. In *The Unsteady March: The Rise and Decline of Racial Equality in America*, Philip Klinker and Rogers Smith argue that “racial discomfort” is at the heart of even seemingly nonracist arguments that attempt to maintain the status quo and therefore, white privilege. This argument is consistent with Martin Gilen’s argument that it was the American public’s perception of groups as deserving or undeserving of aid that most influenced their support or rejection of social welfare programs and spending. The American populace’s perceptions of welfare programs were heavily informed by media-influenced stereotypes of the groups and individuals receiving such aid. Lisa Levenstein also emphasized the important role of the media and public discourse, along with race, in helping to shape public response to welfare. The portrayal of welfare recipients as undeserving of assistance (in which, race does play a role) was key here. Both Levenstein’s and Gilens’ treatment of the role of rhetoric and public discourse in

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<sup>15</sup> See Fred Block et al., *The Mean Season* and Edsall and Edsall, *Chain Reaction*.

shaping both policy and reactions to policy provide useful frameworks for my study because of their emphasis on the role of public debate and discourse through media.<sup>16</sup>

Another important source of anxiety that conservative grassroots organizations tapped into was fear of crime.<sup>17</sup> This fear of crime and the class, racial, and geographic elements intertwined with it helped to fuel both the rise of conservatism and various grassroots conservative organizations. Anti-immigrant and anti-welfare rhetoric also capitalized on these same fears, and frequently portrayed immigrants and welfare recipients as criminal. Conservative grassroots organizations such as the second Ku Klux Klan in the 1920s through 1930s and the John Birch Society in the 1950s through 1980s helped to give these anxiety-riddled white Americans a sense of control and stability, as well as a sense of their own individual power and voice in the midst of a changing American society and demographic landscape. In the 1990s, Republicans such as Pat Buchanan, Newt Gingrich, and Lamar Alexander significantly exploited these issues on a national level, while radical grassroots organizations such as the Birchers and the KKK reflected these moves by national Republicans and gave conservatives who felt marginalized a forum in which to express themselves politically. Important anti-

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<sup>16</sup> Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: The University of Chicago Press, 1999); Lisa Levenstein, "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961," *Journal of Women's History* 11, no. 4 (Winter 2000): 10-33; See also Philip A. Klinker and Rogers M. Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago: The University of Chicago Press, 1999), 327. Klinker and Smith agree with Gilens that "racial discomfort" is at the heart of even seemingly nonracist arguments that attempt to maintain the status quo and therefore, white privilege. An example of these arguments is the call for states' rights and the opposition to anything deemed to be in the slightest bit interventionist on the part of the federal government. States' rights arguments, of course, have a racist history themselves, and harken to the debate over slavery.

<sup>17</sup> David Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (Durham: Duke University Press, 1965), 114.

immigrant initiatives such as Proposition 187 stemmed from seemingly radical or marginal grassroots conservative groups. Thus, while existing on the fringes of conservative discourse at times, such groups nonetheless exerted a disproportionate and significant impact on public discourse and policymaking.

More recently, historians have linked the rise of modern conservatism to a backlash against the Rights Revolution, in which there were significant family and social changes as a result of the extension of equality and rights to minority (including immigrant) groups from the 1940s through the 1980s.<sup>18</sup> The conservative Right displayed an intense fear and anxiety about what they believed to be moral decay and the breakdown of the family as a result of the moral and social changes the nation had undergone, particularly in the previous twenty years.<sup>19</sup> Largely absent from these analyses on the rise of the reactionary politics embodied by modern conservatism was the

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<sup>18</sup> See Samuel Walker, *The Rights Revolution: Rights and Community in Modern America* (New York: Oxford University Press, 1998). In this work, Walker displays how these rights that were extended to minority groups were not actually “new” rights. Instead, our definition of community expanded to include more than white men and thus expanded the application of rights to fit the more inclusive definition of community. Walker sets forth an insightful analysis of this rights revolution through his systematic evaluation of its critiques. Particularly interesting is Walker’s discussion of rights and power. For example, he discusses the right to free speech as a fundamental and necessary right in order to enjoy full membership in any community. Walker uses particular cases of censorship in regard to information about birth control in order to show how the suppression of this knowledge from women was a way for men to maintain power over women and their bodies. According to Walker, “the right of free speech has altered the boundaries of community in America, invalidating the power of one group (in this case, men) to silence and disempower other groups (in this case, women).” Walker, 95. We see here then that gender and sexuality, in addition to race, have played important roles in the rise of modern conservatism. At its core, the rise of modern conservatism is an effort to maintain traditional power relationships. This is evident in the increasing economic inequality in America that directly corresponds with the rise of modern conservatism. In *Suburban Warriors*, Lisa McGirr also analyzes the role of anti-feminism, religion, the changing gender roles, and women’s reproductive rights on the rise of modern conservatism. As she does throughout, McGirr emphasizes loss of control and fear and anxiety as motivating factors on the Right. See McGirr, *Suburban Warriors*, 230-238.

<sup>19</sup> Bruce J. Schulman and Julian E. Zelizer, eds., *Rightward Bound* (Cambridge, MA: Harvard University Press, 2008), 16-18.



influence of citizenship status. The rise of modern conservatism and its associated anti-immigrant and anti-welfare narrative embodied in the 1994 elections and 1996 immigration and welfare legislation had its long roots in the nineteenth century. Within its more immediate context, the foundations of these mid-1990s anti-immigrant and anti-welfare narratives sprang from the 1970s and 1980s and was, in many ways, a backlash against the egalitarian values of the Rights Revolution as well as to United States immigration and refugee policy since the 1960s.

Beginning in the early nineteenth century and continuing through the late twentieth century, in both action and rhetoric, public officials attempting to distribute assistance divided the poor and immigrants into subclasses of “deserving,” “undeserving,” and “underclass.” As evidenced in the congressional speeches by politicians such as Levi Morton in the nineteenth century and in immigrant mobilization efforts in the late twentieth century, such as those by the National Council of La Raza, both elites and the popular masses contested the division of the poor into these categories. Michael Katz displayed how these opposing narratives about the poor competed for supremacy in American political culture and linked poverty and immigrants both in conceptualization and in articulation of the problems and issues associated with poverty and immigration. “How we think and speak ... and what we do (or don’t do) about it emerges as much from a mix of ideology and politics as from the structure of the problem itself.”<sup>20</sup> The very language used in these discourses displayed how the meanings of and

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<sup>20</sup> In *The Undeserving Poor*, Katz restricts his discussion to non-immigrants. However the framework laid out in the text is applicable to my discussion of the linked immigration and poverty discourses. Katz himself, in *The Price of Citizenship* also explicitly links poverty and immigration

competing solutions to perceived problems of immigration and welfare were formed, largely by politics and ideology. The actual meanings behind the language anti-immigrant proponents used to articulate what they perceived as immigration and welfare problems reflected the individual biases and worldview of particular actors. For example, the public officials and private philanthropists who handed out welfare assistance used their own middle-class criteria to categorize someone as deserving or undeserving of assistance. Alcohol use, frowned upon by middle class reformers, was used to classify someone as undeserving. Anti-immigrant proponents used such vices to classify peoples and to imbue these classifications with meaning. People in need of welfare assistance who drank were considered undeserving of that assistance because they were immoral, unwilling to help themselves, and might use that assistance to continue engaging in their immoral vices. Thus, particular groups were classified as “strangers” and such groups were ascribed certain “natural” or “inherent” qualities that were then interpreted as inherent to these groups, these people, and not the result of some other circumstance or disease.<sup>21</sup> “By mistaking socially constructed categories for natural distinctions, we reinforce inequality and stigmatize even those we set out to help.”<sup>22</sup> These assumptions disadvantaged certain groups of immigrants by stereotyping them as undeserving, criminal, or welfare recipients, which had the effect of marginalizing them within the majority society and

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discourse. See Michael B. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare* (New York: Pantheon Books, 1989), 5.

<sup>21</sup> For example, these nineteenth century reformers would argue that “the Irish were drunkards” rather than investigate the root cause of that individual’s affinity for alcohol.

<sup>22</sup> Katz, *Undeserving Poor*, 5-6.

branded them with negative stigma.<sup>23</sup> Historians have generally focused on how race and gender have affected social welfare policy, with little attention paid to the reality that post-1965 American society increasingly did not fit within the static black-white racial binary.<sup>24</sup> I focus on how state and national policy such as Proposition 187 and the Personal Responsibility and Work Opportunity Act (PRWORA) combined with rhetoric by politicians such as Ronald Reagan and anti-immigrant groups such as the Federation

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<sup>23</sup> Census officials also marginalized minority groups through sampling errors that consistently resulted in undercounts of African American populations, which affected Congressional reapportionment despite efforts to mitigate such errors after 1950. See Margo J. Anderson and Stephen E. Fienberg, *Who Counts? The Politics of Census-Taking in Contemporary America* (New York: Russell Sage Foundation, 1999); In *Black Identities: West Indian Immigrant Dreams and American Realities*, Mary Waters examines how racism and anti-immigrant stereotypes institutional and societal racism affects the real opportunities for and success of West Indian immigrants. See Mary C. Waters, *Black Identities: West Indian Immigrant Dreams and American Realities* (Boston: Harvard University Press, 2001).

<sup>24</sup> Linda Gordon examined social welfare policy in the United States within a race and gender framework. See Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935* (New York: Free Press, 1994), 1-3, 6; Ira Katznelson examined social welfare policy using a race-based analysis. See Ira Katznelson, *When Affirmative Action Was White: An Untold Story of Racial Inequality in Twentieth Century America* (New York: W.W. Norton & Co., 2005); I add immigration status to these frameworks. Jill Quadagno looked at the American welfare state using a race-based analysis, as well. Quadagno envisioned the American welfare state, particularly means-tested entitlements, as a way to shore up and perpetuate racial divisions and inequality in American society. Therefore, racial inequalities in American society and the desire to perpetuate them, have exerted a negative influence on the ability of the social welfare state in American society to effectively ameliorate economic or class-based inequalities. Thus, in Quadagno's analysis, the implementation of a social welfare system in the United States was influenced more by racial considerations than by economic ones. See Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York: Oxford University Press, 1994); Quadagno's privileging of racial over economic considerations in social welfare policy analysis is particularly useful framework when examining the trope of the "welfare queen" and President Clinton's promise to "end welfare as we know it." See Robert Pear, "The Welfare Bill: The Overview: Clinton to Sign Welfare Bill That Ends U.S. Aid Guarantee and Gives States Broad Power," *The New York Times*, August 1, 1996; In their analyses of the welfare state, Frances Fox Piven and Richard A. Cloward also privileged the influence of perceptions of race in their analysis. Piven and Cloward argued that social welfare spending targeted toward the poor was the most negatively perceived and the most susceptible to attack. They found that social welfare programs perceived to be largely targeted toward minorities were the most vulnerable parts of social welfare spending. Francis Fox Piven and Richard A. Cloward, "The Contemporary Relief Debate," in *The Mean Season: The Attack on the Welfare State*, Fred Block et. al. (New York: Random House, 1987), 48; These examinations of social welfare policymaking, what/who influenced this policymaking and the discourses surrounding them are useful in my study of the convergence of social welfare and immigration policy in the 1990s because they provide valuable examinations of the relative importance of race, class, gender, and the media within policymaking.

for American Immigration Reform (FAIR). The combination of important aspects of both anti-welfare and anti-immigrant stereotypes in public policy such as Proposition 187 and PRWORA reflected the intersection of a racialized and gendered stigma, on the one hand, and a stigma toward immigrants on the other.

Michael Katz contextualized social welfare policy within a longer time period, but used a largely class-based analysis, analyzing the division between public assistance and social insurance. Katz also examined the move toward a private welfare state in the United States, and its role in weakening public social welfare policy.<sup>25</sup> In *The Price of Citizenship*, Katz displayed the complex economic impact immigrants have on the American economy and society. Through the mid-1990s, immigrant populations concentrated in the “gateway cities” of Los Angeles, Miami/Dade County, New York City, and San Francisco. Therefore, the impact of immigrants and immigration were not equally dispersed throughout the geographic area of the United States. While immigrants benefited the nation economically, they did place strain on state and local economies and resources. This was because the federal government benefited the most from taxes paid by immigrants, while state and local governments were forced to pay the bills for overcrowded schools, emergency healthcare, and other assistance. Hispanic immigrants became increasingly associated with this economic strain on local resources because they had an increasing rate of poverty as compared with other immigrant groups. On a local level, anti-immigrant sentiment increased along with anti-welfare sentiment and the two became linked. This linkage was largely a result of the disproportionate economic

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<sup>25</sup> Michael B. Katz, *Improving Poor People: The Welfare State, The 'Underclass,' And Urban Schools As History* (Princeton, NJ: Princeton University Press, 1995), 66, 85.

pressure placed on state and local governments in the “gateway cities” because of the large numbers of immigrants settling there. Anti-immigrant groups targeted individuals and groups by profiling them using perceived cultural and ethnic differences.<sup>26</sup>

Mae Ngai added citizenship and immigration policy to the framework, specifically the precarious existence of illegal aliens within American society. Concentrating on the years 1924 to 1965, Ngai examined immigration policy, arguing that race influenced the creation, implementation and enforcement of immigration restriction and was simultaneously constructed by it, even today. Ngai also analyzed the role of business, particularly agricultural businesses in the Southwest, in the creation and perpetuation of negative racial stereotypes about Mexicans and Mexican-Americans and in the belief that there existed a “Mexican problem” in the form of high numbers of illegal Mexican immigrants. According to Ngai, both labor and foreign policy interests were the driving forces behind policies restricting Mexican immigration. For example, in order to ensure that it had a cheap oversupply of on demand labor, agribusiness lobbied for Mexican exclusion from citizenship on legal grounds. Through its actual use of illegal immigrants, its preference against Mexican American citizens and its refusal to use and follow the laws of the *bracero* program, agribusiness made clear that its intention was a cheap, exploitable oversupply of on demand labor. This profits-oriented agribusiness

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<sup>26</sup> Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books, 2001), 41-42.

practice aided in the creation of the idea of Mexicans as non-white and therefore unassimilable.<sup>27</sup>

The character of the pauper in American history has embodied America's worst fears about immigrant or alien society. Native-born Americans' fears about immigrants centered around pauperism, Catholicism, and immoral behavior such as drunkenness. This fear of the foreign or alien pauper can be traced back to the eighteenth century. Historian David H. Bennett asserted that, "Antialien enmity was part of the heritage of the colonial experience."<sup>28</sup> Initially, this "antialien enmity" centered on religion. Reflective of England's post-Reformation anti-Catholicism, "no-Popery" laws, and limited sanctuary for Roman Catholics existed in England's American colonies.<sup>29</sup> In the mid-eighteenth century, the Great Awakening and English wars against Catholic France and Spain stirred this hatred of Catholics and fear of Catholicism as a political threat, as well. Nativists viewed Catholics as subversive enemy agents of the Spanish and French governments. The renowned preacher of the Great Awakening, George Whitfield, warned of "swarms of monks ... and friars like so many locusts ... overspreading and plaguing

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<sup>27</sup> The exclusion of Mexican Americans from full social and political membership was done through the creation of a national origin system of racial quotas as well as through the outright exclusion of people of particular national origins, such as the Chinese. See Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 2, 7-8, 50-53, 95, 227-229.

<sup>28</sup> David H. Bennett, *The Party of Fear: The American Far Right From Nativist Movements to the New Right in American History* (New York: Vintage Books, 1988), 17.

<sup>29</sup> Carroll John Noonan, *Nativism in Connecticut, 1829-1860* (Washington, D.C.: Catholic University of America Press, 1938), 199-200; An American [Frederick R. Anspach], *The Sons of the Sires* (Philadelphia: Lippincott, Grambe, 1855), 18-20; Frederick Saunders and T.B. Thorpe, *A Voice to America* (New York: Edward Walker, 1855), 207-210; Anna Ella Carroll, *The Great American Battle* (New York: Miller, Orton and Mulligan, 1856), iii-iv; Bennett, *The Party of Fear*, 17.

the nation.”<sup>30</sup> This anti-Catholic strain of nativism existed alongside nativist efforts to prevent paupers and criminals from settling in colonial America. Legislation designed to prevent paupers from immigrating to colonial America began in the seventeenth century and has informed nativist rhetoric and legislation in the interim.

Immigration in general and Irish Catholic immigration in particular to the United States increased dramatically from 1827 to 1844. This was a time of significant change and upheaval in America, including the transportation revolution, the Industrial Revolution, movement westward, urbanization, as well as economic uncertainty, as evidenced by the Panic of 1837. During this era, nativist calls had religious, ethnic, and class undertones. In the rhetoric of the nineteenth century, inventor Samuel Morse exemplified this great antipathy toward immigrants and immigration in general. Morse feared that immigration could bring with it a threat to America’s political, social, and economic fabric. Morse argued that, “We are the dupes of our hospitality. The evil of immigration brings to these shores illiterate Roman Catholics, the tools of reckless and unprincipled politicians, the obedient instruments of their more knowing priestly leaders.”<sup>31</sup> Morse further feared that, “our very institutions are at the mercy of a body of foreigners.”<sup>32</sup>

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<sup>30</sup> Sister May Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century* (New York: Columbia University Press, 1936), 82; John Tracy Ellis, *Perspectives in American Catholicism* (Baltimore: Helicon Press, 1963), 43; Bennett, *The Party of Fear*, 20.

<sup>31</sup> Samuel F.B. Morse, *Foreign Conspiracy Against the Liberties of the United States* (New York: American Protestant Society, 1846), 59-73, 105-106, 164; Samuel F.B. Morse, *Imminent Dangers to the Free Institutions of the United States* (New York: E.B. Clayton, 1853), 13-28.

<sup>32</sup> Samuel F.B. Morse, *Foreign Conspiracy Against the Liberties of the United States* (New York: American Protestant Society, 1846), 59-73, 105-106, 164; Samuel F.B. Morse, *Imminent Dangers to the Free Institutions of the United States* (New York: E.B. Clayton, 1853), 13-28.

A number of different political parties in the nineteenth century used anti-immigrant and nativist rhetoric. These included the Anti-Masonic Party, the Whig Party, the National Republican Party, and the American Party. However, until the 1840s, nativist legislation was not passed on a national level because of political fears of alienating immigrant voters. The immigrant voting bloc was a formidable political force. An immigrant voting bloc would again flex its political muscles in the mid-1990s.

As a result of the Irish potato famine, 1.75 million people emigrated from Ireland from 1846 to 1854, many of whom came to America. Most of these new Irish immigrants remained in urban areas on the East coast in what became known as “gateway cities,” most notably New York, Boston, and Philadelphia. These new Irish immigrants were destitute, lacked skills, and were noticeably younger than other immigrant groups such as Germans. As increasing numbers of these Irish immigrants concentrated in urban centers, they became ever more reviled by the native population as unassimilable. Within this anti-immigrant rhetoric the concepts of “Catholic,” “immigrant,” and “pauper” were joined.<sup>33</sup>

Continuous throughout nativist rhetoric were the beliefs that immigrants caused crime, required a disproportionate amount of aid, were drunkards, and were physically and mentally weak. Native-born Americans saw immigrants as endangering their way of life. Congressional reports categorized the immigrant as “vicious foreigners ... paupers

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<sup>33</sup> Bennett, *The Party of Fear*, 72.



and criminals without character, morality, religion, industry.”<sup>34</sup> After the depression of the 1870s, nativists attempted to exclude immigrant paupers through what was essentially a head tax as well as through 1882 legislation such as the Chinese Exclusion Act and legislation forbidding entry to anyone likely to become a public charge. This legislation was influenced by fears that immigrants were a drain on society and resources and were unfair job competitors for native workers.<sup>35</sup>

Native whites feared that the mere entrance of paupers such as freedmen, Native Americans, and southern and eastern European immigrants into particular labor forces degraded that labor or profession. Native whites feared the unscrupulous labor practices of the agricultural, industrial, and lumber industries that preyed on the poor, weak, and illiterate people with few choices.<sup>36</sup> Whether through the peonage system’s abuses of African Americans and Native Americans or through agriculture’s exploitation of temporary worker programs to exploit Mexican labor, native white workers saw such laborers as unfair job competitors, driving down wages, and using a disproportionate share of resources (such as welfare). In the 1880s, anti-immigrant proponents saw immigrants as importing a dangerous brand of radicalism into the United States, as “foreign” and “immigrant” became associated with political and economic radicalism.

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<sup>34</sup> House Committee on Foreign Affairs, *Foreign Criminals and Paupers: Report from the Committee on Foreign Affairs*, 34<sup>th</sup> Cong., 1<sup>st</sup> sess., 1856, H. Rep. 359, 49-66.

<sup>35</sup> House Select Committee on Investigation of Foreign Immigration, *To Regulate Immigration*, 50<sup>th</sup> Cong., 2d sess., 1889, H. Rep. 3792, 1.

<sup>36</sup> House Committee on Immigration and Naturalization, *Imported Pauper Labor and Serfdom in America: Hearings before the Committee on Immigration and Naturalization, House of Representatives, Sixty-Seventy Congress, First Session ... Statement of Hon. John C. Box*, (Washington: GPO, 1921), 16.

During the late 1880s and 1890s, the American Protective Association (APA), founded in 1887, briefly came to prominence as a mass movement, reflective of the ability of economic crisis to fuel nativism. The APA was anti-Catholic, anti-Irish, and generally anti-immigrant. It also sought to prevent the displacement of native workers by immigrants as well as to protect native workers from immigrants driving down wages and generally degrading labor. As was apparent in the twentieth century as well, economic and labor anxiety was inherent in the nativist (in this case, APA) argument.<sup>37</sup>

Throughout the period between World War I and World War II, many nativists feared the increasing immigration from southern and eastern Europe and the demographic repercussions of such “non-white” mass immigration. These fears helped to influence immigration policy in the form of the 1924 National Origins Quota Law. The Immigration and Nationality Act of 1965 (INA) replaced the National Origins Quota Law in a seemingly liberal egalitarian victory, removing the national origins quota system from United States immigration law. However, the explicitly racial national origins hierarchy INA replaced was simply replaced in turn by other hierarchies, such as economic and skill desirability. The potential of post-1965 immigration to alter significantly the demographics of the United States had an impact on popular sentiment in favor of the restriction of alien rights. Further, the perception that mass immigration (including an influx of illegal immigrants) had caused a glut of low-skilled workers, driven down, or at least stagnated, wages, and increased job competition contributed to popular anti-immigrant sentiment in the mid-to-late twentieth century as it had in earlier

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<sup>37</sup> John Higham, *Strangers in the Land: Patterns of American Nativism 1860-1925*, 87-96; “Annual Address by W.J.H. Traynor,” *A.P.A. Magazine* (July 1895):166-168.

eras. Aliens continued to be seen as a burden on taxpayers largely because they were perceived to be disproportionately high consumers of government assistance. Through efforts by politicians such as Ronald Reagan, anti-immigrant activists such as John Tanton, and anti-immigrant interest groups such as FAIR, the hierarchical structures of the undeserving poor (or “welfare queen” as popularized by Ronald Reagan in the 1970s and 1980s) and that of the immigrant as a drain on society and governmental resources converged in the mid-1990s. In this dissertation, I examine differing narratives about immigrants’ impact and usefulness to American society beginning in the eighteenth century through the political culture that emerged in the latter part of the twentieth century that allowed for anti-immigrant activists to combine the legislative answer to the immigrant question and the welfare question in rhetoric and policy. Both positive (or at least sympathetic) immigrant narratives and negative immigrant narratives coexisted in the eighteenth through twentieth century American political culture, proponents of each vying to insert their narrative as the dominant narrative of immigrants in America.

The political culture of the 1980s was fraught with contradictions, which were evident both in legislation and rhetoric. Of particular policy importance here was legislation in the late 1970s and late 1980s that began to take away the rights to access to government resources from non-citizen aliens, as well as to reorient welfare away from entitlement status and toward attachment to the workforce, the Immigration Reform and Control Act of 1986 (IRCA), and the Immigration Act of 1990. These legislative actions revolved around a central contradiction of asserting an increasingly open immigration policy while at the same time restricting immigrant rights. This contradiction in policy

reflected the contradictions inherent in the dominant discourses about immigrants and welfare recipients in American society – that we were a society of immigrants, on the one hand, and that immigrants were a drain on the society and economy on the other. It also reflected the influence of business interests such as growers on legislation, as it proved more profitable to have immigrants without rights, providing growers and restaurants with a cheap, readily available, and easily exploitable workforce.

The political culture of immigration policy in the 1980s revolved around the belief that United States' borders were "porous and inadequately regulated" leading to what some feared was a "foreign invasion."<sup>38</sup> IRCA 1986 came about in response to these fears of an immigration "invasion." The impetus behind IRCA 1986 was the pressure on congress to deal with the issue of illegal aliens and the nation's porous borders, but, reflecting the contradictions inherent in the dominant immigration and welfare narratives, this legislation resulted in expanded immigration and the legalization of approximately three million illegal immigrants.<sup>39</sup>

Welfare policy in the late 1970s and 1980s began to move toward the idea of workfare, with the imposition of time limits on receipt of welfare and efforts to drastically reduce welfare rolls by moving people into the workforce.<sup>40</sup> One impetus

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<sup>38</sup> Daniel J. Tichenor, "The Politics of Immigration Reform in the United States, 1981-1990," *Polity* 26, no. 3 (1994): 333; Alan Greenblatt, "Buchanan Hopes His Vote Will Give Him a Voice," *CQ Weekly*, May 20, 1995.

<sup>39</sup> David M. Reimers, *Unwelcome Strangers: American Identity and the Turn against Immigration* (New York: Columbia University Press, 1998), 26-27.

<sup>40</sup> House Subcommittee on Human Resources of the Committee on Ways and Means, *Family Support Act of 1988 : Conference Report (to Accompany H.R. 1720)*, Report / 100th Congress, 2d Session, 1988); House Subcommittee on Human Resources of the Committee on Ways and Means, *Family Support Act of 1988*, 103d Cong., 2d sess, 1994; House Subcommittee on Human Resources of the Committee on Ways and Means, *Implementation of the Family Support Act of 1988*, 101st Cong., 2d sess., 1990.

behind this move was the depiction of welfare recipients as lazy and undeserving.

Beginning in 1976, Ronald Reagan popularized the image of the “welfare queen.”<sup>41</sup> This racialized and gendered figure became the most recognizable symbol of welfare recipients and the undeserving poor in American society. Reagan explained:

There’s a woman in Chicago. She has 80 names, 30 addresses, 12 Social Security cards and is collecting veterans’ benefits on four nonexistent deceased husbands. And she’s collecting Social Security on her cards. She’s got Medicaid, getting food stamps, and she is collecting welfare under each of her names. Her tax-free cash income alone is over \$150,000.<sup>42</sup>

That the so-called facts Reagan used in creating this symbol of the “welfare queen” were false was largely irrelevant. The imagery stuck within the popular psyche that welfare recipients were undeserving and taking advantage of the system and of hardworking American taxpayers.<sup>43</sup>

In 1979, with the creation of the Federation for American Immigration Reform (FAIR) by John Tanton, environmentalists emerged as part of a new anti-immigration lobby that argued that immigrants were placing significant strain on scarce United States resources.<sup>44</sup> Conservative publications such as the *National Review* also entered the

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<sup>41</sup> "'Welfare Queen' Becomes Issue in Reagan Campaign," *New York Times*, February 15, 1976; John O'Brien, "Chicago 'Welfare Queen' Accused in California Scam," *The Washington Post*, March 15, 1981.

<sup>42</sup> "'Welfare Queen' Becomes Issue in Reagan Campaign," *New York Times*, February 15, 1976.

<sup>43</sup> "'Welfare Queen' Becomes Issue in Reagan Campaign," *New York Times*, February 15, 1976; Robert Pear, "Anecdotes and the Impact They've Had on Policy," *New York Times*, December 27, 1983.

<sup>44</sup> Reimers, *Unwelcome Strangers*, 37-45.

debate.<sup>45</sup> In the 1990s, articles in the *National Review* began to blast the INA for what it saw as the INA's role in not only increasing the numbers of immigrants, but in ensuring that almost all of these immigrants lacked "useful" skills, were poor, and were from third world countries.<sup>46</sup> In this dissertation, I examine the role of these organizations, their leaders, and their publications in contributing to the anti-immigrant narrative and mainstreaming the anti-welfare and nativist Right.

The ultra-conservative John Birch Society also entered the immigration debate in the 1980s. Through their anti-immigration rhetoric, the Birchers depicted immigration as an "ongoing invasion" that had been escalating for over a decade.<sup>47</sup> This "invasion" rhetoric was common within the anti-immigration and anti-immigrant camps. The increasing immigration to the United States post-1965 as a result of the INA and, most recently, IRCA, which William Jasper asserted was a "disaster" and "full of fraud," heavily influenced this "invasion" rhetoric.<sup>48</sup> The Birchers viewed the welfare state as a "magnet," drawing aliens into the United States. They also argued that the extension of social services and educational benefits to legal and illegal aliens was very costly. The Birchers linked their restrictionist sentiment toward immigration and alien rights to their anti-welfare rights stance. To the Birchers, these were all examples of the failures of the Rights Revolution. The Birchers were reflective of many grassroots conservative

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<sup>45</sup> Ibid., 39.

<sup>46</sup> James Shenfield, "New Blood," *National Review*, September 3, 1990, 42-43.

<sup>47</sup> The John Birch Society, *Out of Control. Part 1 & 2 the Immigration Invasion*, (Belmont, MA: General Birch Services Corp., 1988), Visual Material.

<sup>48</sup> The John Birch Society, *Out of Control*.

organizations, which were very influential at the state and local level. One example of a grassroots conservative organization that became considerably influential at the state and thereby national level was the California Coalition for Immigration Reform (CCIR), which pushed Proposition 187.<sup>49</sup>

Groups such as the Birchers were reacting to an actual and significant increase in immigration. Pre-IRCA, in 1985, there were 570,000 immigrants to the United States. By 1989, the number of people immigrating to the United States increased to 1,090,924. By 1991, the number of immigrants to the United States increased yet again to 1,827,167.<sup>50</sup> The overall impact of the IRCA 1986 and the Immigration Act of 1990 was mass immigration to the United States. These immigrants changed the demographics of the United States, significantly and rapidly. Changing public sentiment was restrictionist toward immigration, as well as toward the rights of both legal and illegal aliens. Immigration policy remained relatively expansionist despite this public opinion largely because of the role of special interest groups on the policymaking process.<sup>51</sup> It was only policy regulating immigrant rights that was particularly responsive to public opinion. Through analysis of conservative publications, newspapers, and congressional hearings, this study identifies the main opinion shapers within the conservative coalition and how

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<sup>49</sup> S. Karthick Ramakrishnan, *Democracy in Immigrant America: Changing Demographics and Political Participation* (Stanford, CA: Stanford University Press, 2005), 118-122; Robert Suro, "Fortress America? Suddenly, the Golden Door is Closing," *The Washington Post*, September 20, 2006, C3.

<sup>50</sup> Susan B. Carter and Richard Sutch, "U.S. Immigrants and Emigrants: 1820-1998," in *Historical Statistics of the United States, Millennial Edition On Line*, ed. Susan B.. Carter et. al. (Boston: Cambridge University Press, 2006), 1-541, 1-542.

<sup>51</sup> Reimers, *Unwelcome Strangers*, 27-30; Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), 212-214.

they managed to mainstream their anti-welfare and anti-immigrant imagery within the context of the multiculturalist debate in American society.

Backlash against both legal and illegal aliens increased after IRCA and the Immigration Act of 1990, which was particularly evident in California's Proposition 187 and the 1994 elections. Because Proposition 187 was a policy dealing directly with the implications of illegal immigration on social welfare policy, immigration and welfare policy converged on a state level within the political culture surrounding Proposition 187. Republican California State Assemblyman William J. Knight circulated throughout the state legislature a racist poem given to him by a constituent, "Everything is mucho good./Soon we own the neighborhood/We have a hobby—it's called breeding./ Welfare Pay for baby feeding."<sup>52</sup> This poem typified some of the racist rhetoric in support of Proposition 187, which combined anti-welfare and anti-immigration symbols. Proposition 187 made all government services, including public education, inaccessible to illegal aliens. It also mandated reporting of suspected illegal immigrants by schools, teachers, doctors, etc.<sup>53</sup> Proposition 187 did not come from the fringe of immigration discourse. In fact, it largely echoed the recommendations of the United States Commission on Immigration Reform (CIR).<sup>54</sup>

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<sup>52</sup> Robert Reinhold, "A Welcome for Immigrants Turns to Resentment," *The New York Times*, August 25, 1993.

<sup>53</sup> Rebecca Melendez Melinda LaVally, *Proposition 187: "Save Our State Initiative"* (Sacramento, CA: Senate Office of Research, 1994); Larry M. Eig, *California's Proposition 187 a Brief Overview* (Washington, D.C.: Congressional Research Service, Library of Congress, 1995).

<sup>54</sup> Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004), 432-433; House Select Commission on Immigration and Refugee Policy, *U.S. Immigration Policy and the National Interest with Supplemental Views by Commissioners*, 97<sup>th</sup> Cong., 1<sup>st</sup> sess., 1981, H. Rep. 1089.



Ravi Mehta, deputy appointments secretary for California Governor Pete Wilson, stated, “The illegals don’t have a right to be in this country and they are a drain on California’s economy.”<sup>55</sup> That was the crux of the conservative Right’s narrative about immigrants, that they were a drain on the American society and economy and took jobs from native workers. This coalition included a rather odd mixture of bedfellows: environmental organizations, grassroots conservative organizations such as Save Our State, and the John Birch Society, as well as the mainstream national Republicans as evidenced in their 1994 “Contract With America.” Party entrepreneurs such as Newt Gingrich and Pete Wilson hoped to capitalize on the populist anti-welfare and nativist sentiment because they believed it was a win-win proposition because “immigrants don’t vote.”<sup>56</sup> Republican Pat Buchanan, a supporter of Proposition 187 asserted that, “it’s outrageous that American taxpayers, as hard-pressed as they are ... have to provide social welfare benefits for those whose accomplishments are to break the laws to get into the United States and to get on welfare.”<sup>57</sup> Here was the articulation of the idea, by a perennial conservative Republican presidential candidate, that immigrants were criminals and that the welfare state was a magnet drawing in illegal immigrants.<sup>58</sup> I explore how

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<sup>55</sup> Richard Springer, "Wilson, Brown Big Guns Fire over Prop. 187," *India - West*, October 28, 1994, A39.

<sup>56</sup> Dan Carney, "Immigrant Vote Swings Democratic as Issues Move Front and Center," *CQ Weekly*, May 17, 1997, 1132.

<sup>57</sup> Alan Greenblatt, "Buchanan Hopes His Vote Will Give Him a Voice," *CQ Weekly*, May 20, 1995.

<sup>58</sup> In Chapter Six I will examine how immigrants viewed the United States, which was largely as a means to work hard and provide a better life for themselves and their families and were not drawn to the United States by stories of welfare handouts.

this imagery and the sentiment behind it became enshrined in the “Contract with America” and the PRWORA.

Proposition 187 had a majority support of Asian Americans, African Americans, and Whites in the California electorate. Perhaps unsurprisingly, it was least popular amongst Hispanics in California.<sup>59</sup> In this dissertation, I examine the demographic electoral breakdown in California related to Proposition 187’s passage.<sup>60</sup> California Republican Governor Pete Wilson centered his reelection campaign in 1994 around support for Proposition 187. Despite this overall public support evidenced by its passage, the U.S. District Courts placed an injunction against the enforcement of Proposition 187 and in 1999 the courts struck the majority of Proposition 187 from the legal code.<sup>61</sup> Foreshadowing the influence that Proposition 187 would have on the PRWORA, Republican political consultant Edward Rollins, in the 1994 lead-up to the Proposition 187 California vote, stated that California is “two years ahead of the country.”<sup>62</sup>

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<sup>59</sup> Samuel R. Cacas, "Prop 187 Convincingly Passed by Californians: Proponents of 'Save Our State' Claim Victory," *Asianweek*, November 11, 1994, 1.

<sup>60</sup> Proposition 187 passed in fifty of California’s fifty-eight counties. Exit polls shed light on the demographic makeup of Proposition 187 supporters. 64 percent of whites, 57 percent of Asian Americans, 56 percent of African Americans, and 31 percent of Hispanics supported Proposition 187’s passage. Democrats such as Senator Dianne Feinstein supported Proposition 187 while President Clinton opposed it. See R. Michael Alvarez, “The Resurgence of Nativism in California? The Case of Proposition 187 and Illegal Immigration,” *California Institute of Technology* (1998): 31-38; Daniels, *Guarding the Golden Door*, 434.

<sup>61</sup> Daniels, *Guarding the Golden Door*, 434-435.

<sup>62</sup> “Election Overload: Voters in California Offer Rest of Nation Some Political Lessons --- Local Issues, Personal Touch and Simple Ad Messages Help Avert Big Tune-Out --- Hitting the Mute Button,” *Wall Street Journal*, November 1, 1994, A3.

Despite, or rather because of, Proposition 187's influence on the national political immigration and welfare debate, this marked the beginning of Hispanic counter-mobilization began in the 1990s. Hispanic immigrants were faced with the legislative legacy of the hardening of the distinctions between citizen and alien that had begun in the 1950s.<sup>63</sup> These Hispanic immigrant activists attempted to reframe the debate within the context of social citizenship and human rights and take control of the immigrant narrative. This Hispanic counter-mobilization in the mid-1990s signified a realization of the truth behind Supreme Court chief justice Earl Warren's reference to citizenship as "the right to have rights."<sup>64</sup> Hispanics mobilized in an effort to "have rights."

The impact that Proposition 187 had on immigration and welfare legislation at the national level and the power of the symbol of immigrants as a drain on American society and economy had a significant impact on policy. Edward Rollins was correct, and Proposition 187 significantly influenced national immigration and welfare legislation two years later in the PRWORA.<sup>65</sup> According to Diana Aviv, Washington Director of the Council of Jewish Federations, "All immigrants now tend to be viewed as a financial burden regardless of their contribution, and that is because of what's happened in

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<sup>63</sup> *Perez v. Brownell*, 356 U.S. 44, 64-65 (1958) (Warren, C.J., dissenting); Deidre Martinez, *Who Speaks for Hispanics? Hispanic Interest Groups in Washington* (Albany, NY: SUNY Press, 2009), 75; Benjamin Marquez and James Jennings, "Representation by Other Means: Mexican American and Puerto Rican Social Movement Organizations," *PS: Political Science and Politics* 33, no. 3 (September 2000): 541-546.

<sup>64</sup> *Perez v. Brownell*, 356 U.S. 44, 64-65 (1958) (Warren, C.J., dissenting).

<sup>65</sup> "Proposition 187 Debate Crosses California Border to Rest of Us," *Milwaukee Journal*, March 6, 1995, B1.

California.”<sup>66</sup> This sentiment was part of a larger liberal critique of and pushback from multiculturalists against such anti-welfare and anti-immigrant legislation. Because of the ineffectiveness of earlier attempts to decrease legal and illegal immigration, congress moved toward punishing immigrants who were here legally but who had not yet been naturalized.<sup>67</sup>

In August 1996, with the passage of PRWORA and the legislative and rhetorical backing of conservatives such as Newt Gingrich (R-GA) and Lamar Alexander (R-TN), the backlash toward immigrants and toward the larger Rights Revolution reached its culmination. The PRWORA signaled the linkage of immigration and social welfare policy. In both the text of the legislation and the political culture surrounding its passage, the resounding answer to the immigration and welfare problems of the United States were one and the same. Limiting alien access to government assistance would both decrease governmental welfare expenditures and stem the tide of “undesirable” immigrants to the United States.

This negative immigrant and welfare narrative was continuously reflected in the immigrant and welfare narratives in American society and polity that have been competing for supremacy since the eighteenth century. PRWORA supporter, Florida Republican E. Clay Shaw, said that this linkage of anti-immigrant and anti-welfare discourse in the PRWORA “is not a departure from traditional immigration policy because we have always required that people come here because they can get ahead

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<sup>66</sup> Roberto Suro, “Fortress America? Suddenly, the Golden Door is Closing,” *The Washington Post*, September 20, 1996, C3.

<sup>67</sup>Daniels, *Guarding the Golden Door*, 432.

through hard work, not because they can go on welfare.”<sup>68</sup> This act (PRWORA) was punitive toward legal aliens, making most legal immigrants ineligible for food stamps and Supplemental Security Income as well as making legal immigrants ineligible for five years after entry for receiving benefits from “all means-tested federal programs.”<sup>69</sup> In fact, “It should be made clear to immigrants that the taxpayers of this country expect them to be able to make it in this country on their own.”<sup>70</sup> These harsh measures were aimed at limiting immigrants’ (legal and illegal) rights and access to resources. However, in the late 1990s, many of these measures that were so punitive and restrictive toward immigrants’ rights were scaled back by the courts and even by Congress itself.<sup>71</sup> Immigrant advocacy groups were particularly able to capitalize on images of how PRWORA negatively affected children and the elderly. There was backlash against what was seen by an increasing number of Americans as harsh and unfair treatment of immigrants. Perhaps most importantly, these punitive restrictions on immigration and immigrants’ rights politicized the Hispanic community in the United States.<sup>72</sup>

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<sup>68</sup>Roberto Suro, “GOP Would Deny Legal Immigrants Many U.S. Benefits” *Washington Post*, December 24, 1994, A1.

<sup>69</sup> Daniels, *Guarding the Golden Door*, 437.

<sup>70</sup> House Committee of Conference, *Personal Responsibility and Work Opportunity Act of 1995 : Conference Report to Accompany H.R. 4*, 104th Cong., 1st sess., 1995, H. Rep. 104-430.

<sup>71</sup> House Budget Committee, *Balanced Budget Reconciliation Act of 1997 : Committee Recommendations as Submitted to the Budget Committee on the Budget Pursuant to H. Con. Res. 84*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., 1997, 181-183.

<sup>72</sup> House Budget Committee, *Balanced Budget Reconciliation Act of 1997*, 181-183; Richard Springer, “Latino Caucus Advisor Defends Immigrant Rights,” *India - West*, March 22, 1996, B3; Jim Carlton, “Unions Rally Latino California Voters; Immigrants May Prove to Be Decisive Bloc for Gov. Davis in His Bid to Avert Recall,” *Wall Street Journal*, October 3, 2003, A4; Jessica Montoya, *Advocacy Guide for Community Groups Addressing Proposition 187-Related State Initiatives* (Washington, D.C.: National Council of La Raza, 1996); Springer, “Latino Caucus Advisor Defends Immigrant Rights,” B3.

I explore this Hispanic counter-mobilization in the mid-1990s. According to Frank Sharry, executive director of the pro-immigration National Immigration Forum:

It seemed to me that in '94, when Prop 187 passed, the consensus was that immigrants don't vote and the people who do vote are angry about immigration. The consensus in '97 is that the people who are angry about immigration don't vote on that issue and that immigrants do vote and vote on that issue alone.<sup>73</sup>

The 1994 elections captured a growing conservative anti-immigrant rights sentiment; however, this movement generated considerable backlash against it. Republican Congressman Peter King argued that, "The Republican Party is going to needlessly run the risk of antagonizing immigrant voters, especially in terms of people who should be voting Republican."<sup>74</sup> Congressman King was right. The naturalization rate for immigrants began significantly increasing in 1996, as a result of cost-benefit analysis by immigrants. As a result of increasing anti-immigrant rhetoric, immigrants feared losing access to government benefits. Even those immigrants not accessing government benefits feared losing the ability to access them and also the potential long-term consequences of the anti-immigrant rhetoric swirling around them. Immigrants articulated these fears within a discourse of citizenship and human rights. To many aliens, this debate was not about collecting benefits. Rather, it was about fairness and

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<sup>73</sup> Dan Carney, "Immigrant Vote Swings Democratic," *CQ Weekly*, May 15, 1997, 1132.

<sup>74</sup> Carney, "Immigrant Votes Swings Democratic as Issues Move Front and Center," 1132.

equality and basic human rights. Immigrants began to view citizenship as the only way to “have rights.”<sup>75</sup>

Levels of alien naturalization and politicization, particularly among Hispanics, increased as a result of the passage of Proposition 187 and the PRWORA. Stigma and contempt usually reserved for illegal aliens now became blanket characterizations of all immigrants, regardless of their status, which affected the Hispanic community and alienated many conservative Hispanic immigrant citizens from the Republican Party. The fact that all Hispanics, regardless of citizenship status, were subject to these negative stigma helped to break down walls or competition between different class and statuses of Hispanic immigrants and replaced them with mirrors in which Hispanics began to see their interests and fates inextricably intertwined with their fellow Hispanics.<sup>76</sup> Chungwha Hong, executive director of the National Korean American Service and Education Consortium recounted this phenomenon within the Korean American community. “They told us they used to be Republican but they had to vote Democratic. They had no choice.”<sup>77</sup> This study explores why these immigrants realigned their political affiliation and what led them to believe that political realignment was their only choice to retain rights and power. Through immigrant advocacy groups, they staked claim on social citizenship and offered an effective counter-narrative to the prevailing stereotype that was the impetus behind PRWORA.

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<sup>75</sup> *Perez v. Brownell*, 356 U.S. 44, 64-65 (1958) (Warren, C.J., dissenting).

<sup>76</sup> Carney, “Immigrant Vote Swings Democratic”; See David G. Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995).

<sup>77</sup> Carney, “Immigrant Vote Swings Democratic.”

This study employs a discursive approach that cuts across political campaigns, media coverage, and interest group advocacy in order to capture the bottom-up opposition to the conservative immigration and welfare narrative. I examine the mainstreaming of anti-immigrant sentiment in American society and the continuities in nativist responses to immigrants. Tied to this was the multiculturalism debate in American society. This debate revolved around the question of whether the United States was an Anglo-western culture or a nation of immigrants. I explore the continuities integral to the basic eighteen through twentieth century anti-immigrant narrative. The continuous components of the anti-immigrant narrative included the beliefs that immigrants were degrading labor; were unfair job competitors; were driving down wages; were using a disproportionate share of resources; and were a burden on taxpayers. The specifics of this anti-immigrant narrative changed over time, but the basic outlines remained the same. Through the study of subaltern opposition voices such as those groups such as FAIR and politicians such as Governor Wilson attempted to marginalize, I examine how immigrants and immigrant advocacy groups (particularly Hispanic advocacy groups) attempted to take control of the immigrant and welfare narratives and portray themselves as hard-working, contributing, and deserving members of American society. Liberal and pro-immigrant rights forces had been mobilizing throughout the second half of the twentieth century, but the context of the mid-1980s through late-1990s changed the constellation of these forces as the walls between immigrants that reinforced their differences and encouraged competition and rivalry were increasingly replaced by mirrors that emphasized their common interests, thus encouraging them to rally together



for immigrant rights as they saw themselves and their own interests reflected in fellow immigrants.<sup>78</sup>

I use four main types of sources throughout this dissertation. The first is congressional documents. Congressional hearings and debates assist me in locating the major players and issues within these immigrant narratives. The second source consists of demographical information and surveys, which allow me to ascertain some of the factors contributing to anti-immigrant and anti-welfare rhetoric. The third is comprised of documents from organizations, anti-immigrant and nativist groups, as well as immigrant advocacy groups. These sources allow me to locate the outlines of the dominant immigrant discourses, their competition for supremacy within American political culture, and how the players attempted to articulate them. The fourth is made up of newspapers and journals in order to explore the role of rhetoric from both sides of the debate in shaping these discourses and the reactions to them.

In Chapter Two, I examine the different narratives about immigrants from first wave immigration through the INA in order to locate the continuities in these discourses. I explore how the trope of the immigrant pauper informed major policymaking at the same time as positive immigrant discourses remained a part of the American narrative. I use governmental sources such as congressional debates, legislation, and hearings to locate these continuities as well as the major players within the political culture. I examine the religious, ethnic, and class overtones of eighteenth to twentieth century nativism and why many considered immigrants a threat to America's political, social, and

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<sup>78</sup> See David G. Gutierrez, *Walls and Mirrors*.

economic fabric. This fear of immigrants in the late nineteenth and early twentieth centuries was intimately tied to fear of the “native underclass,” which heightened fears that increasing immigrant concentration in urban areas would result in optimal breeding-like conditions for the spread of unsanitary conditions and disease, poverty, drunkenness, crime, and other immoral behavior and spread such epidemics throughout society.<sup>79</sup> I explore how nativist rhetoric was used by political parties and organizations and examine how this nativism in American political culture culminated legislatively in the 1924 National Origins Quota Act. To do this, I examine the documents and writings of nativist individuals and organizations such as the American Protective Association and Samuel Morse as well as government documents ranging from eighteenth and nineteenth century debates over immigration to the twentieth century Dillingham Commission. I analyze demographic and census information in order to understand the makeup of native born Americans and the new immigrant populations in an attempt to uncover what drove this sentiment. This negative discourse about immigrants was not an orthodoxy within American society and politics; however, and was challenged by an alternative narrative that depicted immigrants as hardworking members of American society, integral to the nation’s growth and success. Further, urban political machines were able to harness an immigrant voting bloc, which benefited both the individual political machines and

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<sup>79</sup> Lee Rainwater, “The Problem of Lower Class Culture” *Journal of Social Issues* 26 (1970): 133-137; Oscar Handlin, *Boston’s Immigrants, 1790-1865: A Study in Acculturation*, rev. and enl. Ed. (Cambridge: Harvard University Press, 1959), 50-52, 120-125; Michael B. Katz, *Improving Poor People: The Welfare State, the “Underclass,” and Urban Schools as History* (Princeton: Princeton University Press), 1995; Ken Auletta, *The Underclass* (New York: Random House, 1982); Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America*, 10th ed. (New York: Basic Books, 1996); (Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), 214; Scott Cummings and Thomas Lambert, “Immigration Restrictions and the American Worker: An Examination of Competing Interpretations,” *Population Research and Policy Review* 17 no. 6 (Dec. 1998): 516.

immigrants, as the machines gained supporting votes and immigrants were able to prevent significant nativist legislation from being passed on a national level into the 1840s.<sup>80</sup> I examine Congressional testimony and writings from pro-immigration individuals and groups in order to display how this positive immigrant discourse helped to bring about the INA in 1965. Post-1965, American immigration policy dramatically changed into a relatively open, egalitarian policy. This open immigration policy contributed to America's changing demographics and created a backlash to these open immigration policies and to immigrants themselves.

In Chapter Three, I assess the legacy of political culture in the 1980s, examining the central contradiction of American immigration policy, that is, an increasingly open immigration policy on the one hand and a move toward restricting immigrant rights on the other. I analyze the documents of organizations such as FAIR and its leader John Tanton, the John Birch Society and William Jasper, as well as conservative publications such as William F. Buckley's *National Review*, and the writings of prominent anti-immigration and anti-immigrant rights activist Peter Brimelow in order to determine the role of these organizations, their leaders, and their publications in mainstreaming the anti-welfare and nativist Right. I scrutinize the rhetoric of government leaders such as Ronald Reagan and his evocation of the "welfare queen" in order to determine how and why this symbol of welfare recipients as undeserving con artists informed and linked immigration

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<sup>80</sup> Senate Committee on The Committee on the Judiciary, *Sundry Memorials and Resolutions on Naturalization Laws*, 28th Cong., 2d sess., 1845, S. Doc. 173; *Native American*, 27 August 1844; Ira M. Leonard, "The Rise and Fall of the American Republican Party in New York City, 1843-1845," *New York Historical Society Quarterly* I (April 1966): 151-167; Lee, *The Origin and Progress of the American Party*, 233-249.

and welfare policy throughout the next decade. How were politicians such as Reagan able to effectively mainstream this image of welfare recipients imbued with anti-female, anti-black, and anti-immigrant imagery? Despite these anti-immigrant policies and rhetoric, why did American immigration policy remain relatively open? The key to this was the impact of special interests groups on the legislative process, particularly that of the growers and restaurant lobbies. I also explore how these groups reacted to a real and significant increase in immigration as a result of IRCA and the Immigration Act of 1990, which were still relatively liberal policies, and how the backlash from this increased immigration set the stage for the anti-alien sentiment and legislation of the mid-1990s.

In Chapter Four, I examine California political rhetoric surrounding Proposition 187 as a stage leading to the 1996 PRWORA. I explore how and why this state-level initiative influenced national immigration and welfare legislation. I investigate how this fear of immigrant dependency and of social welfare programs creating a “welfare magnet” led to particular reforms in the PRWORA, such as the exclusion of most aliens from participation in SSI and food stamps. I analyze this fear of alien dependency and its convergence with fear of the native underclass and how this led to real and concrete reforms in the PRWORA. This was a turning point in the history of liberalism, reversing many of the ideals of the New Deal and War on Poverty programs, particularly the ideal of entitlement. It was within the context of the Proposition 187 campaign and passage that the backlash against legal and illegal aliens became increasingly clear. I scrutinize the more mainstream recommendations of the CIR and its similarities to Proposition 187 as well as the electoral breakdown of Proposition 187’s passage to explain how and when

this mainstreaming of anti-immigrant sentiment occurred on a state level and to display its linkage with anti-welfare sentiment. California Republican Governor Pete Wilson staked his political career on Proposition 187. I examine the rhetoric of Wilson and his supporters as well as that of the *Save Our State* campaign itself. I investigate how national political leaders such as Newt Gingrich and Pat Buchanan used Proposition 187 and its rhetoric and mistakenly calculated that this issue would be a winning national strategy long-term.

In Chapter Five, I examine the impact that Proposition 187 had on immigration and welfare legislation at the national level, most notably in the “Contract with America” and the PRWORA. Through analysis of the text of legislation and the Congressional hearings and debates surrounding it, I locate how and why the PRWORA signaled the linkage of immigration and social welfare policy at the national level. I explore how this shows the power and effective mainstreaming of the negative immigration and welfare narratives and why there was this growing conservative anti-immigrant rights sentiment in the first place. Using newspaper articles, testimony by immigrants and immigrant advocacy groups such as the National Council of La Raza (NCLR) and League of United Latin American Citizens (LULAC), as well as advocacy group literature, I probe the immigrant and specifically, Hispanic, backlash to the PRWORA. I examine how and why the PRWORA politicized Hispanics and the consequences of this Hispanic politicization. I ascertain what issues in particular about the restrictions on alien welfare entitlements in the PRWORA galvanized ethnic communities and how these issues were publicized.

In Chapter Six, I examine this immigrant mobilization, particularly within the Hispanic community. I explore the role of political culture in creating the mobilization of Hispanic advocacy groups. Using Congressional and INS documents, demographic information, newspaper articles and interviews, as well as documents from immigrant advocacy groups such as NCLR and LULAC, I analyze the roles that Citizenship USA, the green card changeover to electronic cards, IRCA amnesty, and anti-alien rhetoric and legislation played in this upsurge in naturalization rates. What was the effect of the restrictions of alien rights in the PRWORA on immigrant citizens who were restrictive toward immigration but were turned off by the punitive restrictions on alien rights in these reforms? Why did these immigrants and native-born ethnics realign their political affiliation and what led them to believe that political realignment was their only choice to retain rights and power? How did Hispanics, through advocacy groups, stake a claim on social citizenship in the aftermath of the PRWORA? I assess the effectiveness of their campaigns. How did they offer a counter-narrative to the negative immigrant stereotype that was behind the PRWORA? I investigate how Hispanic advocacy groups were able to successfully create this political awakening and countermovement and effectively bridge the gap between complex policy debates and the street-level kinds of consciousness-raising that was behind this mobilization.

The roots of the mid-1990s debate over immigration and welfare lay much earlier in American history. The study of the opposing discourses over immigration in American political culture underscores the deep contradictions inherent in American immigration policy at the end of the twentieth century. American society welcomes workers but resists

their claims to rights and citizenship. The path of an alien worker to citizenship has always been rocky, as evidenced by earlier temporary worker programs such as the *Bracero* program and the growers' rampant abuses of them. The fact remains that for businesses that place profits above people, it is extremely profitable to employ immigrant workers who do not have rights. The mid-1990s saw a significant pushback by immigrants in an effort to stake claim on such rights.

## CHAPTER II

### THE FOUNDATIONS OF ANTI-IMMIGRANT RHETORIC, 1676-1965

What then is the American, this new man? He is either an [sic] European, or the descendant of an [sic] European.... I could point out to you a family, whose wife was Dutch, whose son married a French woman, and whose present four sons have now four wives of different nations. *He* is an American.... He becomes an American by being received in the broad lap of our great *Alma Mater*. Here individuals of all nations are melted into a new race of men.... The American is a new man, who acts upon new principles; he must therefore entertain new ideas, and form new opinions. From involuntary idleness, servile dependence, penury, and useless labour, he has passed to toils of a very different nature, rewarded by ample subsistence. This is an American.<sup>1</sup>

Crèvecoeur, *Letters from an American Farmer*, 1782.

“What then is the American?” This question is at the crux of immigration discourse from the seventeenth through the nineteenth centuries. J. Hector St. John de Crèvecoeur pointed to the importance of multiculturalism, of the melting pot, in creating this new American. Others viewed America as an Anglo-Saxon nation and emphatically refuted the idea of the melting pot.<sup>2</sup> Those proponents of maintaining a pure Anglo-Saxon race as the proper and ideal American incorporated anti-Catholicism, racial hierarchies, and ideas about social and economic desirability in order to articulate their vision for the “true American.” In the late nineteenth and early twentieth centuries, both largely positive and negative immigrant narratives in American political and popular culture

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<sup>1</sup> J. Hector St. John de Crèvecoeur, *Letters from an American Farmer* (London: Printed or T. Davies, 1782), 51, 54, 55, 56.

<sup>2</sup> Historian Gary Gerstle conceptualized this contest as one between civic nationalists who believed that immigrants could be uplifted and racial nationalists who believed in a strict racial hierarchy. See Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2001).



advanced the idea that early immigration was good and necessary to build up the strength of the young nation. However, the themes that immigrants were unfair job competitors, drove down wages, degraded labor, corrupted American society, and used a disproportionate share of resources are evident in eighteenth century immigration discourse just as they are in the political economy of the nineteenth and twentieth century. These negative immigrant narratives have informed major policymaking in America at the same time as positive immigrant discourses have remained a part of the American immigrant narrative. These contrasting narratives have been hotly debated throughout the course of American history, with particular analogues evident between the late nineteenth and late twentieth centuries.

One common theme in nativist discourse throughout American history links immigrants with criminality and pauperism, which was also evident during the colonial period as colonies such as Virginia, Maryland, Pennsylvania, and Delaware attempted to pass laws that excluded convicts and paupers. A 1676 Maryland act stated that, “No master of a ship, merchant, sailor or any other person whatsoever shall presume to import into this province any such convicted felons or malefactors whatsoever.”<sup>3</sup>

These fears of pauper and convict immigration continued and intensified in the eighteenth century, becoming increasingly heightened. A 1740 Delaware statute reflected the concern that ship captains (for profit) and foreign governments essentially dumped undesirables, “who, by reason of age, impotence or indigence, have become a heavy

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<sup>3</sup> “An Act Against the Importation of Convicted Persons into this Province,” Archives of Maryland, *Proceedings and Acts of the General Assembly of Maryland, April, 1666-June, 1676*, Vol. II, 540; Abbot, ed., *Historical Aspects of the Immigration Problem*, 543.

burden and charge upon the inhabitants thereof” on the shores of North America.<sup>4</sup> Local officials in port towns believed that ship captains and foreign countries dumped criminals and to paupers in North America, “who soon after their coming into this government, do often commit many felonies, robberies, thefts and burglaries.”<sup>5</sup> Colonial Americans fears that ship captains and European countries essentially dumped convicts and debtors in North America were not unfounded. Beginning with the Transportation Act of 1718, England began sending convicts, debtors, and paupers to the New World. These English outcasts consequently helped to populate the North American colony of Georgia until 1775 and the outbreak of the American Revolution.<sup>6</sup>

Anti-immigrant proponents saw themselves as protecting the “American Dream” from both real and perceived threats. Many of these threats related to the growing disorder (or at least perception of it) that occurred in the midst of rapid change.<sup>7</sup> This theme of disorder will continue to appear throughout nativist rhetoric, displaying that the anti-immigrant rhetoric of the late twentieth century was clearly rooted in earlier nativist rhetoric from the seventeenth through nineteenth centuries.

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<sup>4</sup>“An Act Imposing a Duty on Persons Convicted of Heinous Crimes and to Prevent Poor and Impotent Persons Being Imported,” 1740, *Laws of the State of Delaware, 1700- 1797*, Vol. 1, 166-70; Abbot, ed., *Historical Aspects of the Immigration Problem*, 545.

<sup>5</sup> “An Act Imposing a Duty on Persons Convicted of Heinous Crimes and to Prevent Poor and Impotent Persons Being Imported,” 1740, *Laws of the State of Delaware, 1700- 1797*, Vol. 1, 166-70; Abbot, ed., *Historical Aspects of the Immigration Problem*, 545.

<sup>6</sup>George Ollyffe, *An Essay Humbly Offer'd for An Act of Parliament to Prevent Capital Crimes...* (London: J. Downing, 1731), 13-17; A. Roger Ekirch, “Bound for America: A Profile of British Convicts Transported to the Colonies, 1718-1175,” *The William and Mary Quarterly* 42, no. 2 (April 1985): 183-192;

<sup>7</sup> See sources on disorder such as Rowland Berthoff, *An Unsettled People: Social Order and Disorder in American History* (New York: Harper & Row, 1971); Bennett, *The Party of Fear*; and Abbot, ed., *Historical Aspects of the Immigration Problem*, 545.

Many of these anti-immigrant ideas were based on the belief of American supremacy and of America as a special land made up of chosen people. Nativists believed that both this chosen land and people were being threatened by immigration. This concept evolved throughout the seventeenth through twentieth centuries. During the Colonial Era, it was the alien religion of Catholicism that threatened America and its people with undesirable “foreign influences” and whose adherents were deemed unassimilable. The question at the source of this conflict was America a nation of Anglo-Saxon peoples or a multicultural, multi-ethnic society?

The United States began regulating immigration with the Naturalization Act of 1790. This law stated that any “free white person” who resided in the United States for two years and was “a person of good character” was eligible for naturalization.<sup>8</sup> The Naturalization Act of 1790 was replaced with the Naturalization Act of 1795, which increased the required period of residence from two years to five years. Anti-alien legislation began in the late eighteenth century with the Alien Act of 1798, which lengthened the period of time before an immigrant could naturalize from five to fourteen years and preserved citizenship only for those deemed “worthy.”<sup>9</sup> It also placed aliens in a precarious legal position prior to naturalization should the United States end up at war with their native country. In such an instance, alien residents of the United States would be deemed hostile alien enemies.<sup>10</sup>

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<sup>8</sup> *Naturalization Act of 1790, U.S. Statutes at Large* 1 (1790): 103-4.

<sup>9</sup> *An act to establish an uniform rule of Naturalization; and to repeal the act heretofore passed on that subject, U.S. Statutes at Large* 1 (1795): 414.

<sup>10</sup> *An Act Respecting Alien Enemies, U.S. Statutes at Large* 1 (1798): 570.

Several states, such as Virginia and Kentucky, challenged the constitutionality of the Alien and Sedition Laws. In a May 1798 letter to Thomas Jefferson, James Madison wrote that, “The Alien bill proposed in the Senate is such a monster that must forever disgrace its parents.”<sup>11</sup> In response to the Alien and Sedition laws, Thomas Jefferson helped craft the Kentucky Resolution, which called the Alien and Sedition Acts unconstitutional and an infringement on states’ rights.<sup>12</sup> Immigration legislation was contentious from the start.

Economic crisis in 1819 caused a decline in immigration to the United States that lasted until 1827 and resulted in an increase in the fervor of immigration and legislation surrounding it. Similar economic declines caused by a recession in 1835 and the crash of 1837 also resulted in decreased numbers of immigrants for those years. Real economic opportunity (i.e. jobs) attracted immigrants to the United States and a decline in economic opportunity translated into a decline in numbers of immigrants. America became an increasingly attractive and popular destination for the poor in Europe, particularly to the poor Irish, facing famine in the summer of 1832 and the Disfranchisement Act of 1829. A growing majority of these new immigrants were Catholic. In this time of rapid change and increasing immigration, Catholicism was synonymous with alien or foreign. Catholicism was associated with the rapid influx of

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<sup>11</sup> James Madison to Thomas Jefferson, 20 May 1798, in *The Writings of James Madison, Comprising his Public Papers and his Private Correspondence, Including his Numerous Letters and Documents for the First Time Printed*, ed. Gaillard Hunt (New York: G.P. Putnam’s Sons, 1900), 6: 320.

<sup>12</sup> Thomas Jefferson, 16 November 1798, “Kentucky Resolution,” in *The Thomas Jefferson Papers, Library of Congress*. <http://www.loc.gov> (accessed January 5, 2011).

unskilled Irish immigrants who were rapidly changing the demographic makeup of northern urban centers. Nativists viewed these Irish Catholic immigrants as clannish, violent, and their Catholic beliefs were seen as compatible with absolutist monarchies and authoritarian governments and therefore inconsistent with democracy and the American way of life. In short, they were viewed as unassimilable.

This increase and change in immigration occurred in a time of rapid change in the United States, from 1824 to 1840. During this time period there was rapid population growth, movement westward, increasing urbanization, and the industrial and transportation revolutions. In the 1830s, particularly in the northern urban centers such as Boston where poor Irish immigrants concentrated, anti-alien sentiment erupted into frequent violence, such as in the Broad Street Riots of 1837. This violence was viewed as examples of immigrant criminality and the corruption of American society. One of the most prominent nativists of the nineteenth century was Samuel F. B. Morse, the famous inventor. Morse argued that the underlying cause of the violence of the 1830s was the “moral character, and condition” of immigrants, as well as the “immense and alarming increase” in immigration.<sup>13</sup> Morse asked, “Can one throw mud into pure water and not disturb its clearance?”<sup>14</sup> Morse’s fear of the corrupting influence of immigrants was one reason why urban slums were of particular concern for Protestant urban reformers, who melded temperance and other such reform movements with nativism in an attempt to

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<sup>13</sup> Samuel Finley Breese Morse, *Imminent Dangers to the Free Institutions of the United States Through Foreign Immigration, And the Present State of Naturalization Laws* (New York: E.B. Clayton, 1835), iv.

<sup>14</sup> Morse, *Imminent Dangers to the Free Institutions of the United States*, iv.

bring order to the urban slums and tried to impose middle-class notions of respectability on the diverse urban poor and working-class areas.<sup>15</sup>

In the mid-nineteenth century this anti-alien and nativist sentiment coalesced into a political movement. Most notably, the American Republican Party was founded in 1841. The national program of the American Republican party asserted, “Foreign hearts and lips overthrow with insolent impieties toward our constitution. Foreign populations are festering and poisoned with the impulse of disorderly appetites.”<sup>16</sup> The American Republican Party boasted a cross-class membership. Its goals included the reading of the bible in public schools, making immigrants and naturalized citizens ineligible for public office, extending the naturalization waiting period from five to twenty-one years, and to “use every means in our power to diminish foreign influences.”<sup>17</sup> The American Republican Party displayed many common elements in American anti-alien sentiment through the twentieth century by depicting itself as the savior of the true American culture. Members of the American Republican Party were not proponents of a multicultural society or of cultural pluralism in any form. Instead, they viewed true Americans as native born adherents of Anglo-Saxon Protestant culture and wanted to

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<sup>15</sup> As mass immigration from undesirable areas abated as a result of the National Origins Quota Act of 1924, these reformers’ fears of the corrupting influences of urban diversity began to dissipate. See Paul Boyer, *Urban Masses and Moral Order in America, 1820-1920* (Cambridge: Harvard University Press, 1978).

<sup>16</sup> *Important Testimony Connected with Native America Principles* (Philadelphia: Native American Party National Convention, 1845), 1-13; John Hancock Lee, *The Origin and Progress of the American Party in Politics* (Philadelphia: Elliot and Gihon, 1855), 136-159; Bennett, *Party of Fear*, 48.

<sup>17</sup> Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984), 315-338; John Bach McMaster, *With the Fathers* (New York: D. Appleton and Co., 1899), 92-95; Carroll John Noonan, *Nativism in Connecticut, 1829-1860* (Washington, D.C.: Catholic University of America Press, 1938), 116-118; Bennett, *Party of Fear*, 54.

restrict both immigration and alien rights. American Republican Party members argued that their political stances were rooted in objective evidence, citing the election and voting abuses by machine politicians who facilitated voting by noncitizens by procuring them fake citizenship papers and obtained bloc voting by immigrant paupers by promising/providing them with alms in exchange for votes.<sup>18</sup>

Nativist rhetoric was successfully mainstreamed among the American populace in the 1840s through Protestant churches and organizations by depicting immigrants as threatening moral and educational standards within American society. The American Republican Party was very careful to disassociate itself from racism or bigotry by rooting its goals within what it deemed to be rational arguments. The American Republican Party also blamed immigrants for crime. It cited instances of rioting by immigrant laborers on canals and railroads in 1834 and 1839 as well as massive riots in the spring and summer of 1844 in Philadelphia.<sup>19</sup>

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<sup>18</sup> Senate Committee on The Committee on the Judiciary, *Sundry Memorials and Resolutions on Naturalization Laws*, 28th Cong., 2d sess., 1845, S. Doc. 173; *Native American*, 27 August 1844; Ira M. Leonard, "The Rise and Fall of the American Republican Party in New York City, 1843-1845," *New York Historical Society Quarterly* 1 (April 1966): 151-167; Lee, *The Origin and Progress of the American Party*, 233-249.

<sup>19</sup> Here, the American Republican Party's argument links quite clearly to the underclass debate as a whole. See Michael B. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare* (New York: Pantheon Books, 1989); Robert D. Reischauer, "Immigration and the Underclass," *Annals of the American Academy of Political and Social Science* 501 (January 1989): 120-131; Stanley Lieberson, *A Piece of the Pie: Black and White Immigrants Since 1880* (Berkeley: University of California Press, 1980); Carole Marks, "The Urban Underclass," *Annual Review of Sociology* 17 (1991): 445-66; Paul E. Peterson, "The Urban Underclass and the Poverty Paradox," *Political Science Quarterly* 106, no. 4 (Winter 1991-1992): 617-37; Ken Auletta, *The Underclass* (New York: Random House, 1982); William Julius Wilson, *The Inner City, the Underclass, and Public Policy* (Chicago: The University of Chicago Press, 1987); Nicholas Lehmann, "The Origins of the Underclass," *The Atlantic Monthly* 257 (June 1986): 31-61; "Philadelphia Nativist Riots, 1844," in Richard Hofstadter and Michael Wallace, eds., *American Violence: A Documentary History* (New York: Vintage Books, 1971), 304-309; "Irish Laborers Charged with

Within this fertile ground for nativism of the mid-nineteenth century, several nativist secret fraternities emerged, the most notable of which was the Order of the Star Spangled Banner (OSSB), which was founded in 1850 in New York City. The OSSB was a secretive political organization, which is how they received their nickname – the Know-Nothings. Within this time of political and social fracture that was the build up to the Civil War, nativism was a unifying force bringing people on all sides of the slavery debate together in scapegoating immigrants. It was also during the prelude to the Civil War that politicians began to realize the many political benefits and uses of nativism as a versatile political and rhetorical weapon, one that was saturated with a nationalism that was particularly potent during this period of civil unrest.<sup>20</sup> The Know-Nothings attempted to garner this powerful nationalist rhetoric for their cause:

let it be looked to that paupers and criminals are no longer shipped on us by foreign states. Let it be looked to.... that the public laws and schools of the country are printed and taught in the language of the land.... *America for the Americans!*<sup>21</sup>

In the 1850s gang violence was rampant on the streets of northern urban centers. This gang violence centered on gangs comprised of ethnic immigrants groups, such as Irish gangs, and gangs such as the West Side gang, made up of nativists, loosely

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Violence and Crime,” in Abbot, ed., *Historical Aspects of the Immigration Problem*, 569-572; Bennett, *Party of Fear*, 55-58.

<sup>20</sup> M.A. Clusky, ed., *The Political Text Book or Encyclopedia* (Philadelphia: James B. Smith, 1859), 57-60; Eric Foner, *Free Soil, Free Labor, Free Men* (New York: Oxford University Press, 1970), 125-126; Bennett, *Party of Fear*, 113.

<sup>21</sup> *The Wide-Awake Gift: A Know-Nothing Token for 1855*, edited by “One of ‘Em” (New York, 1855), 40-43.



connected to organizations such as the Know-Nothings. In 1855, the leader of the West Side gang, Bill the Butcher, was murdered as a result of this gang warfare. His rumored last words were a rallying cry for nativists, “Good-bye boys; I die a true American!”<sup>22</sup> Bill the Butcher’s last words exemplify the crux of this rhetorical battle between gangs of ethnic immigrants and nativists. They were fighting over who were the “true” Americans. Is America/should America be a multiethnic pluralist society, a “melting pot,” or is it and should it remain an Anglo-Saxon nation?<sup>23</sup>

The mass immigration that occurred in the mid-nineteenth century stirred up this anti-alien sentiment. These new immigrants were largely from Ireland and Germany, were Catholic, young, and unskilled. The sanitary conditions on the ships bringing these new migrants, particularly the Irish, to the United States were horrible at best. The fact that so many immigrants arrived sick contributed to native born Americans’ fears about immigrants and calls for protection from immigrants. Further, immigrants were accused of fraud and deception for their efforts to get past immigration screeners at the ports and gain entry to America.<sup>24</sup> By concentrating in northern cities, these new Irish and German immigrants significantly changed the demographics of the cities in which they settled.<sup>25</sup>

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<sup>22</sup> Herbert Asbury, *The Gangs of New York* (New York: Knopf, 1928), 93-100; Bennett, *Party of Fear*, 117.

<sup>23</sup> The Know-Nothings also instigated riots in the 1850s in Louisville, Kentucky. Election day, August 6, 1855, became known as “Bloody Monday” because of the significant outbreak of anti-immigrant violence against immigrants, particularly against German immigrants. In the end, rioters killed approximately twenty immigrants and forced a mass exodus of immigrants from Louisville out of fear for their lives and livelihoods. See Peter Smith, “Recalling Bloody Monday: Events to Mark 1855 Anti-Immigrant Riots in City,” *The Louisville Courier-Journal*, July 30, 2005.

<sup>24</sup> Boston Committee of Internal Health, *Report of the Committee of Internal Health on the Asiatic Cholera* (Boston City Document No. 66, 1849), 9-15; Massachusetts Sanitary Commission, *Report of a General Plan for the Promotion of Public and Personal Health, Devised, Prepared and Recommended by*

With this rapid increase in population came an uptick in urban problems in the mid-nineteenth century.<sup>26</sup> These new immigrants became associated with these new urban problems such as crime, moral decay, poverty, and disease, which solidified the nativists' characterizations of aliens (particularly the Irish) as inherently debauched, degraded, and unassimilable. It is here that the concepts of immigrant and pauper became inextricably linked in the minds of the populace. Nativists pointed to the 1850 census to back up their beliefs. That is, the 1850 census showed that approximately 50 percent of poor relief recipients were immigrants, despite the fact that immigrants only comprised 10 percent of the overall United States population.<sup>27</sup> Nativists feared that these immigrant paupers were both degrading to the "national character" and a financial burden.

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*the Commissioners Appointed under a Resolve of the Legislature of Massachusetts relating to a Sanitary Survey of the State; Presented April 25, 1850* (Boston, 1850), 200-206; Friedrich Kapp, *Immigration and the Commissioners of Emigration* (New York: Nation Press, 1870), 26; Morris Birkbeck, *Letters from Illinois* (Philadelphia, 1818), 17-28, 34-49, 85, 146-152; Morris Birkbeck, *Notes on a Journey in America* (New York: Nation Press, 1818); Abbot, ed., *Historical Aspects of the Immigration Problem*, 43-49, 593-600.

<sup>25</sup> Jeremiah O'Donovan, *Irish Immigration in the United States: Immigrant Interviews* (New York: Arno Press and the New York Times, 1969); John A. Hawgood, *The Tragedy of German-America* (New York: G.P. Putnam's Sons, 1940), 238; Hansen, "Second Colonization," 544-546; MacDonagh, "Irish Emigration," 384-385; Marcus Lee Hansen, *The Atlantic Migration* (Cambridge, MA: Harvard University Press, 1940), 288; Bennett, *Party of Fear*, 71; Report of Joint Special Committee of the Legislature of Massachusetts Appointed to Consider the Expediency of Altering and Amending the Laws Relating to Alien Passengers and Paupers (Massachusetts Senate Document No. 46, 1848) in Abbot, ed., *Historical Aspects of the Immigration Problem*, 584.

<sup>26</sup> "A Baltimore Protest against Foreign Pauperism, 1827," in Abbott, ed., *Historical Aspects of Immigration*, 565-566.

<sup>27</sup> "Baltimore and Ohio Railroad Disorders, *Niles' Weekly Register* 40 (1831): 338-339; *Report of Arlemas Simonds on Almshouses and Kindred Institutions in Several of the Northern and Middle States* (Boston Common Council Document No. 15, 1835), 35-40; *Report of the Select Committee to Whom Was Referred the Memorial of the City of New York Relative to the Landing of Alien Passengers* (New York State Assembly Document No. 216, 1845), 1-5; "A Baltimore Protest against Foreign Pauperism, 1827," in Abbott, ed., *Historical Aspects of Immigration*, 565-566; Bennett, *Party of Fear*, 72; "1850 Census," United States Census Bureau, <http://www.census.gov/prod/www/abs/decennial/1850.html> (accessed May 12, 2011).

Individual immigrants were blamed for their economic situation, “If one could not earn his daily bread in a land as prosperous as the United States, then the individual himself was primarily at fault.”<sup>28</sup> In the mid-nineteenth century, Massachusetts officials stated that:

Our almshouse paupers are nearly all foreigners.... Aliens and their children embrace five-sixths of all who become chargeable... the greater proportion are lazy, ignorant, prejudiced, unreasonable, receiving charity of the State as a right rather than a favor.<sup>29</sup>

This rhetoric illustrated nativist fears that the United States should be an Anglo-Saxon nation and not a multicultural society and that immigrants were a disproportionately high percentage of recipients of public assistance. An anonymous naturalized citizen who emigrated from England called this increased immigration “a glaring and grievous evil.”<sup>30</sup> He furthered the argument that immigrants took jobs from native born Americans and drove down wages:

This unlimited and unrestricted admission of foreign emigrants is a serious injury to the native laboring population.... socially, by overstocking the labor market

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<sup>28</sup> J.D.B. DeBow, *Seventh Census, 1850: Statistical View, Compendium* (Washington, D.C.: Beverly Tucker, 1854); House Committee on Committee on Foreign Affairs, *Foreign Criminals and Paupers*, 34th Cong., 1st sess., 1856, H. Doc. 359, 6-10; David J. Rothman, *The Discovery of the Asylum* (Boston: Little & Brown, 1971), 193-194, 290; Benjamin K. Keblaner, “The Myth of Foreign Pauper Dumping in the United States,” *Social Science Review* 25 (September 1961): 307; Cecil Woodham-Smith, *The Great Hunger: Ireland, 1845-1849* (New York: Harper & Row, 1962), 246-247.

<sup>29</sup> House Committee on Committee on Foreign Affairs, *Foreign Criminals and Paupers*, 34th Cong., 1st sess., 1856, H. Doc. 359, 6-10; DeBow, *Seventh Census, 1850: Statistical View*; Bennett, *Party of Fear*, 73.

<sup>30</sup> A Foreigner, *Emigration, Emigrants, and Know-Nothings* (Philadelphia: Published for the Author, 1854), 30-36; Abbot, ed., *Historical Aspects of the Immigration Problem*, 292; These fears are also identical to the fears that many white Americans had about freedmen after the Civil War. See John David Smith, *Black Voices from Reconstruction, 1865-1877* (Brookfield, CT: The Millbrook Press, 1996).

and thus keeping wages down; morally and religiously, by unavoidable contact and intercourse; and politically, by consequence of want of employment and low wages, making them needy and dependent, whereby they become the easy prey or willing tools of designing and unprincipled politicians.<sup>31</sup>

In contrast, an 1855 *New York Daily Times* editorial asserted that immigration was of significant benefit to the United States and argued against immigration restriction asserting that, “The German immigration ... has been generally a useful one to the country.” However, even as this *New York Daily Times* editorial writer defended German immigrants from the charges of nativists such as the Know-Nothings, he classified and divided immigrants into categories of “desirable” and “undesirable,” asserting that, “Whatever may be the case with other classes of immigrants, of the Germans it cannot be said that they fill our almshouses and prisons; or that they are idle and begging, or that their work is the poorest and least profitable.”<sup>32</sup> Interestingly, another 1855 *New York Daily Times* editorial on “The Value of the Immigrant” used some of the same arguments in favor of immigrants, arguing that “wages would double without immigration” and that “without immigration ... farmers would pay double for their workmen.”<sup>33</sup>

Many politicians, particularly Republican politicians, feared the immigrant vote. They feared that immigrants and poor working class men could be easily manipulated by their social betters or offered material gains in exchange for their votes. Thus, they restricted the franchise for the poor and working classes through mechanisms such as poll

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<sup>31</sup> A Foreigner, *Emigration, Emigrants, and Know-Nothings*, 30-36; Abbot, ed., *Historical Aspects of the Immigration Problem*, 293; This argument was also used against freedmen after the Civil War.

<sup>32</sup> “The Germans and Know-Nothings,” *New York Daily Times*, June 16, 1855.

<sup>33</sup> “The Value of the Immigrant,” *New York Daily Times*, Dec. 31, 1855, 4.

taxes and literacy tests, which significantly excluded immigrants and non-whites. Racial and class-based efforts to contest voting rights continued well into the twentieth century.<sup>34</sup> Reflective of this class and ethnic antagonism, an 1856 congressional report referred to crime and pauperism as “the bane of a republic” and asserted that, “The immigration of foreign paupers and criminals ... is the chief source of intemperance ... a prolific source of crime, and that to it the enormous increase of crime may almost wholly be attributed.” Within this congressional report, immigrants were also determined to be “ignorant” and immoral people “inimical to our free institutions and our social organization” who “flooded our country with irreligion, immorality, and licentiousness.” This same 1856 House report also referred to immigrants as “vicious foreigners ... paupers and criminals without character, morality, religion, industry...the dregs and scourgings of alien peoples.”<sup>35</sup> Here, nativists framed the language and debate into one in which they were protecting native Americans and the government and land of the United States from this immigrant invasion of undesirables. Nativists were fearful about their shifting role and status in this ever-changing society and economy. They also worried that their influence and status would be watered down by the rapid increase in immigrants and the rapidity at which these immigrants were reproducing as compared to the native-born population.

As a result of nativist fears, immigrants, specifically Irish immigrants, were scapegoated in the Great Chicago Fire of 1871. The fire began in the barn of Catherine

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<sup>34</sup> See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000).

<sup>35</sup> House, *Foreign Criminals and Paupers*, 49-66.

and Patrick O’Leary, working class Irish immigrants. Though the fire commissioners did not attribute blame to the O’Leary’s, the Chicago press and public did. The O’Learys, and by extension Irish immigrants, were vilified in the press. In the public relief efforts in the wake of the conflagration, immigrants were viewed as undeserving. Mrs. O’Leary was branded as a welfare cheat. Ethnic and class-based prejudices intertwined to create particularly dire circumstances for poor and working-class immigrants.<sup>36</sup>

The negative view of immigrant participation in stimulating the American economy did not go unopposed. In an 1880 speech before Congress, Congressman Levi Morton emphasized both the tangible and intangible benefits that immigrants brought to the United States, asserting that, “It is impossible fully to appreciate the value of immigration to this country without recalling to some extent the number of immigrants who have served to swell our population, and the skill, energy, and genius which they have added to the body politic.”<sup>37</sup> Congressman Morton was not alone in placing significant value on immigrant contributions to the United States.

Despite these efforts, the trope of the immigrant pauper remained fixed on the American psyche. The head tax on immigrants passed by Congress in 1882 was an attempt to curb pauper immigration to the United States. However, there was significant opposition to this legislation. This opposition centered on the concept of fairness and the

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<sup>36</sup> Karen Sawislak, *Smoldering City: Chicagoans and the Great Fire, 1871-1874* (Chicago: The University of Chicago Press), 116-117.

<sup>37</sup> Levi P. Morton, *Immigration: Its National Character and Importance to Industries and Prosperity of the Country*. Speech Delivered in the House of Representatives, April 22, 1880, on house Bill 2408, to regulate immigration (Washington, 1880), 6-14 in Abbot, ed., *Historical Aspects of the Immigration Problem*, 860.

belief that immigrants had been a net positive for the United States. According to *The New York Times*, “It is generally conceded that this country has been built up by immigrants from Europe, and it has been our boast that here a free asylum is offered to the oppressed and downtrodden of all nations.”<sup>38</sup> The debate over immigration and immigrant rights that raged in the late nineteenth century was evident in the media and in Congressional debates. This debate was continued through to the late twentieth century debate over immigration policy and immigrant rights in the United States.

“Desirable” immigrants were members of white northern and western European Anglo-Saxon Protestant society, peoples with skills and means, who immigrated as family units to attach themselves to the United States.<sup>39</sup> An 1890 *Washington Post* editorial argued that immigration restriction and classifications did not make one anti-immigrant and reiterated the distinction in United States immigration discourse between perceived “desirable” and “undesirable” immigrants: “Our door should always be open wide enough to admit all worthy comers, but our immigrants should be ‘of such a character morally, intellectually, and physically as would make them more or less valuable additions to the body politic.’”<sup>40</sup>

Despite the prevalence of anti-immigrant rhetoric linking aliens with paupers, this anti-immigrant sentiment was by no means a consensus view, as displayed by this 1894

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<sup>38</sup> “A Mistaken Policy,” *The New York Times*, January 29, 1877, 4.

<sup>39</sup> See John Higham, *Strangers in the Land: Patterns of American Nativism 1869-1925* (New Brunswick, NJ: Rutgers University Press, 1955); John Higham, *Send These to Me: Jews and Other Immigrants in Urban America* (New York: Atheneum, 1975).

<sup>40</sup> “Restrict Immigration,” *The Washington Post*, Nov. 22, 1890.

*Washington Post* article title, “NOT ALL ARE PAUPERS: Many Immigrants Arrive with Both Money and Brains.” This article captures the attempts to combat nativists’ negative stereotypes of immigrants by displaying the educational and socio-economic diversity of immigrants.<sup>41</sup>

The end of the Civil War brought the expansion of railroads and manufacturing as well as increased coal production into West Virginia, Missouri, Illinois, and across the Great Plains. Large-scale immigration helped to fuel the expansion of these industries by providing the much-needed labor force. By 1887, these immigrant laborers were coming largely from new locales, particularly southern and eastern Europe. Significant numbers of these new immigrants were from Italy, the Russian Empire, and the Austro-Hungarian Empire. These new immigrants represented almost one quarter of the United States population. They helped to create a population explosion in the United States between 1880 and 1915, when the United States’ population practically doubled in size, from 50 million to 100 million people.<sup>42</sup>

There was significant anti-immigrant rhetoric during these years, which resulted in anti-immigrant legislation in 1878, 1882, and 1891.<sup>43</sup> Once again, this rhetoric did not

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<sup>41</sup> “NOT ALL ARE PAUPERS: Many Arrive With Both Money and Brains,” *The Washington Post*, July 8, 1894, 16.

<sup>42</sup> *Reports of the Immigration Commission*, 8 vols., 64th Cong., 3d sess., 1911, S. Doc. 747, 1:82-96, 134-37, 149-153, 167, 182; Philip Taylor, *The Distant Magnet: European Emigration to the U.S.A.* (New York: Harper & Row, 1971), 48-65; Bennett, *Party of Fear*, 160; National Industrial Conference Board, *The Immigration Problem in the United States*, Research Report 58 (New York: National Industrial Conference Board, 1923), 6-17, 72, 23; Bennett, *Party of Fear*, 159-161; Roy L. Garis, *Immigration Restriction: A Study of Opposition to and Regulation of Immigration into the United States* (New York: Macmillan, 1927), 86-95, 191-205, 292-315; Higham, *Strangers in the Land*, 15-28.

<sup>43</sup> In 1879 President Rutherford B. Hayes vetoed House bill 2423, “An act to restrict the immigration of the Chinese to the United States.”; See *Veto of the Chinese Immigration Bill: Message from*



go uncontested, as Congressman Morton warned the House Chamber in 1880, “Our present national disregard of the interests of those who seek a home in our land is a discredit to humanity and to the honor of the nation.”<sup>44</sup> Immigrants were viewed both positively and negatively within American political culture.

In the mid-nineteenth century, nativists began to introduce legislation that was anti-immigrant and targeted specific nationalities such as the Chinese and Japanese. Immigration from Asia was spurred by the building of the railroads to the Pacific and by the California gold rush in 1849. This Asian immigration resulted in efforts to both prevent further immigration from Asia and to prevent those already in the United States from becoming citizens and having political and civil rights. For example, the Naturalization Act of 1870, designed to only extend American citizenship to freedmen, limited citizenship to “white persons and persons of African descent.”<sup>45</sup> In 1882, the

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*the President of the United States to the House of Representatives, Reasons for Withholding his approval of the bill of the House (H.R. 2423) entitled “An act to restrict immigration of the Chinese to the United States”, 45th Cong., 3d sess., 1879, H. Rep. 102; House Committee on The Select Committee on Immigration and Naturalization, Chinese Immigration, 51st Cong., 2d sess., 1891, H. Rep. 4048; House Committee on Select Committee on Immigration and Naturalization, Immigration and Investigation, 51st Cong., 2d sess., 1891, H. Rep. 3807; House Committee on Select Committee on Immigration and Naturalization, Report of the Select Committee on Immigration and Naturalization, and Testimony Taken by the Committee on Immigration of the Senate and the Select Committee on Immigration and Naturalization of the House of Representatives under concurrent resolution of March 12, 1890, 51st Cong., 2d sess., 1891, H. Rep. 3472; 1882 Chinese Exclusion Act (An act to inaugurate certain treaty stipulations relating to Chinese), U.S. Statutes at Large 22 (1882): 58.*

<sup>44</sup> Levi P. Morton, *Immigration: Its National Character and Importance to the Industries and Prosperity of the Country*, Speech delivered in the House of Representatives, April 22, 1880, on H.B. 2408, to regulate immigration (Washington, D.C.: GPO, 1880), 6-14; Abbot, ed., *Historical Aspects of the Immigration Problem*, 862.

<sup>45</sup> *An Act to Amend the Naturalization Laws, and Punish Crimes Against the Same, and for Other Purposes*, U.S. Statutes at Large 16 (1870): 254.

Chinese Exclusion Act significantly restricted Chinese immigration to the United States.<sup>46</sup>

Economic and employment issues contributed to the nativist sentiments directed at these new immigrants, particularly toward the Chinese and Japanese laborers arriving in California. Native workers in California feared that Japanese and Chinese immigrant laborers were taking their jobs, lowering wages, and degrading labor itself. This influx of Asian labor was coming at a time of 30 percent unemployment in California, exacerbating an already hot button issue. It is here that we see the anti-immigrant activists begin using terms such as “invasion” to refer to these immigrant newcomers. They were derided as unassimilable. Labor leaders as well as the Democratic and Republican parties decried what they viewed as Asians stealing American jobs. Even local officials joined the nativist outcries as the San Francisco mayor asserted that, “The Chinese and Japanese are not bona fide citizens. They are not the stuff of which Americans ... can be made.”<sup>47</sup> President Theodore Roosevelt was able to stem this tide of Asian laborers through the “Gentlemen’s Agreement” of 1907, in which Japan agreed to not issue passports to Japanese laborers going to the continental United States in exchange for the United States agreeing to not formally restrict such immigration.<sup>48</sup>

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<sup>46</sup> *1882 Chinese Exclusion Act (An Act to Inaugurate Certain Treaty Stipulations Relating to Chinese)*, *U.S. Statutes at Large* 22 (1882): 58.

<sup>47</sup> Roger Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Berkeley: University of California Press, 1962), 16-30, 44-45; Yamato Ichihashi, “Anti-Japanese Agitation,” in Roger Daniels and Spencer C. Olin, Jr., eds., *Racism in California* (New York: Macmillan, 1972), 105-115; Bennett, *Party of Fear*, 162.

<sup>48</sup> Senate Committee on Immigration and Naturalization, *Japanese Immigration Legislation: A Bill to Limit the Immigration of Aliens into the United States, and for Other Purposes*, 68th Cong., 1st sess., S. Hrg. 2576, 213; Cong. Rec., 59<sup>th</sup> Cong., 2d Sess., 18 February 1907, 41, pt. 4, 320-32;

Some of the same factors motivating anti-immigrant sentiment toward laborers from Japan and China in California also influenced anti-immigrant sentiment against European immigrants arriving in the Eastern United States. The late nineteenth century was a time of significant anxiety for native Americans. This was the time of Reconstruction, Frederick Jackson Turner's "frontier thesis" asserting the closing of the American frontier as a result of the information in the 1890 census, the economic crisis, radicalism and labor strife such as exemplified by Haymarket Square in 1886, and the increasing prevalence of a racial hierarchy based civilizations discourse. The Industrial Revolution continued to cause rapid economic and social change as urbanization began to creep over increasing parts of the nation. With this rapid change came increased economic anxiety and economic uncertainty. Nativists again cast themselves as the protectors of "true" Americans and the "true" American political, economic, and social ways of life.<sup>49</sup> Nativists were reacting to this significant transformation and upheaval that America was undergoing.

As a response to increased uncertainty and change both caused by and reflected in the mass immigration of the late nineteenth century, nativist fraternities re-emerged. The most significant of these new nativist fraternities was the American Protective Association (APA). The nativist strand of anti-Catholicism was evident in the APA oath, in which members were forced to swear that they would, "use my utmost power to strike the shackles and chains of blind obedience to the Roman Catholic church from the

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Bennett, *Party of Fear*, 162, 163; U.S. Department of State, *Foreign Relations of the United States, 1924* (Washington, D.C.: GPO, 1939), 339-69; 34 *Stat.* 874.

<sup>49</sup> Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Knopf, 1955).

hampered and bound consciences of a priest-ridden and church-oppressed people....”<sup>50</sup>

The APA drew on fears and anxiety resulting from economic crisis, which the APA blamed on Catholics. This rhetoric helped the APA to reach one-half million members by 1895 and became a mass movement, albeit briefly. The APA was anti-Irish, anti-Catholic, anti-Jewish, and anti-immigrant, in general. The APA also feared the dreaded immigrant pauper, calling immigrants “scum” and the “pauper and criminal riffraff of Europe.” The APA called for the United States to “Shut the Gates” to mass immigration. They portrayed themselves as protecting American jobs and the degradation of labor from immigrants. The APA declined by the turn of the century, unable to effectively exploit native fear of immigrants within this context of rapid social and economic change.<sup>51</sup>

The struggle over whether or not the “true” American culture should be homogenously Anglo or multicultural, a “melting pot,” per se, continued. At a Patri Club meeting on the problem of immigration in 1892, Frederic Taylor argued that, “We want the Anglo-Saxon and not the Slavic civilization, and I know of nothing in the realm of sentiment or in the code of ethics or in the principles of economics that requires us to degrade our life in the scale of being.” Taylor categorized immigration restriction and

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<sup>50</sup> “The Secret Oath of the American Protective Association, October 31, 1893,” in Michael Williams, ed., *The Shadow of the Pope* (New York: McGraw-Hill Book Co., Inc., 1932), 103–104.

<sup>51</sup> “This Country is in Danger,” *A.P.A. Magazine* I (Nov. 1895):547-572; “The Pope’s Irish in American Politics,” *A.P.A. Magazine* (Oct. 1895):409-413; Rev. J.J. Tighe, *The A.P.A.* (New York: D.P. Murphy, 1893), 5-64; Humphrey J. Desmond, *The A.P.A. Movement* (Washington, D.C.: New Century Press, 1912); Bennett, *Party of Fear*, 174; “Annual Address by W.J.H. Traynor,” *A.P.A. Magazine* I (July 1895):166-168; Daniels, *Guarding the Golden Door*, 10; Bennett, *Party of Fear*, 178-179; Higham, *Strangers in the Land*, 87-96; Seymour Martin Lipset and Earl Raab, *The Politics of Unreason: Right-Wing Extremism in America, 1790-1970*, 2d ed. (Chicago: University of Chicago Press, 1978), 76-79.

restrictions on alien rights as a form of national “self defense.” “If we would preserve our civilization uncontaminated; if we would keep our labor on the American standard of intelligence and living; if we would maintain our social ideals and political safeguards, we must regulate and restrict the flood of immigration.”<sup>52</sup>

Late nineteenth and early twentieth century political culture was captivated by a debate about poverty and immigration, with the immigrant pauper front and center. Essentially this debate pitted Social Darwinists, who viewed immigrants as racially inferior and favored immigration restriction, against proponents of Americanization efforts toward immigrants, who viewed immigrant paupers as being in need of both material charity and cultural and social assimilation.<sup>53</sup> Within the context of heightened anti-immigrant and restrictionist rhetoric, President Theodore Roosevelt pandered to nativist public opinion (in 1904 and 1905) by also differentiating between so-called desirable and undesirable immigrants. Roosevelt was in favor of immigration restriction in the case of the “wrong” sort of immigrant.<sup>54</sup> Roosevelt believed the desirability of individual immigrants was related to the “individual quality of the individual man” and was not a product of ethnicity or religion.<sup>55</sup>

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<sup>52</sup> “Immigration Problems,” *The New York Times*, November 26, 1892.

<sup>53</sup> Jacob Riis, *How the Other Half Lives: Studies Among the Tenements of New York*, ed. David Leviatin (New York: St. Martin's, 1996), 19-20.

<sup>54</sup> *Papers Relating to the Foreign Relations of the United States, with The Annual Message of the President*, 58th Cong., 3d sess., H. Doc. 1 (Washington, D.C.: GPO, 1905), 32-35.

<sup>55</sup> *Papers Relating to the Foreign Relations of the United States, with The Annual Message of the President*, 58th Cong., 3d sess., H. Doc. 1 (Washington, D.C.: GPO, 1905), 32.

The early twentieth century was the time of the Progressive's influence on the political culture. In fact, Progressive Senator William Paul Dillingham led the government's examination of immigration to America. Mass immigration to the United States was increasing as the twentieth century dawned and showed no signs of abating. In 1903, immigration to the United States totaled 857,046, the highest immigration levels to date.<sup>56</sup> This number continued to increase, surpassed one million by 1905, and reached 1,285,349 in 1907. Relief from immigration came only when an economic depression began in the spring of 1907.<sup>57</sup>

In 1906, the Dillingham-chaired Senate Committee on Immigration (the Dillingham Commission) produced a report that symbolized the brunt of the nativist rhetoric evident in American political culture since the seventeenth century. For example, in recognition of the problems of pauper immigrants and their causal role in America's myriad of urban social problems, the Dillingham Commission voted to increase the head tax on immigrants from two to five dollars and to increase restrictions on "unaccompanied children under 17 years of age," the "physically defective," "imbeciles," and the "feebleminded."<sup>58</sup> Dillingham was clearly influenced by the eugenics and

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<sup>56</sup> Statistical Abstracts of the United States (Washington, D.C.: GPO, 1908), 66-67.

<sup>57</sup> Statistical Abstracts of the United States (Washington, D.C.: GPO, 1909), 63-65.

<sup>58</sup> Senate Committee on Immigration, *Immigration of Aliens to the United States*, 59th Cong., 1st sess., 1906, S. Rep. 2186, serial 4905, 4.

Constitutional Medicine movements of the early twentieth century, led by those such as Nicholas Draper.<sup>59</sup>

Within this climate, there was support in the Senate for restrictions on immigration, such as a bill that included a literacy requirement for those over sixteen years of age. This new literacy requirement denied admission to immigrants over the age of sixteen who were “physically capable of reading but could not read the English language or some other language.”<sup>60</sup> For example, the head tax was reduced to three dollars (a net increase of one dollar from prior to the bill) and immigrants seeking asylum from political or religious persecution were exempted from the literacy test requirement.<sup>61</sup>

One of the most significant parts of this bill was the eventual inclusion of a list of undesirable classes of immigrants. The final version of the bill included the listing of undesirable immigrant classes, and a four dollar head tax. The bill also gave presidential authority for the exclusion of laborers of particular ethnicities and included the

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<sup>59</sup> The early twentieth century was, in many ways, the height of the Constitutional Medicine movement in the United States. Many such studies were undertaken in order to uncover an archetype of the pauper based on ones’ constitution. Constitutionalists feared the potential disorder caused by the demographic transformation occurring from mass immigration to the United States. For example, Constitutionalist Nicholas Draper believed that the social role of the constitutional physician was to be the “creator of order in a society transformed by the mass immigration of central and southeastern Europeans.” Constitutional physicians such as Draper sought to uncover the constitutional underpinnings of pauperism in order to check its spread and maintain social order. See Sarah W. Tracy, “George Draper and American Constitutional Medicine, 1916-1946: Reinventing the Sick Man,” *Bulletin of the History of Medicine* 66 (1992): 72; Riis, *How the Other Half Lives*, 12-21.

<sup>60</sup> Cong. Rec., 59<sup>th</sup> Cong., 1<sup>st</sup> Sess., 23 May 1906, 40, pt. 8, 7298; John M. Lund, “Boundaries of Restriction: The Dillingham Commission,” *University of Vermont History Review* 6 (December 1994): 2.

<sup>61</sup> Cong. Rec. 59<sup>th</sup> Cong., 2<sup>nd</sup> Sess., 25 June 1906, 40, pt. 10, 9164.

establishment of a joint congressional investigative committee into immigration.<sup>62</sup> This commission was Roosevelt's idea, who told House Speaker Joseph Gurney Cannon, "I would want a commission which would enable me ... to put before Congress a plan which would amount to a definite solution to this immigration business."<sup>63</sup> When Roosevelt signed the bill on February 20, 1907, he invoked the clause of the bill empowering him to exclude Japanese laborers, which allowed him to formalize the Gentleman's Agreement with Japan in 1907-1908, in which the Japanese voluntarily limited the issuance of passports to workers while exempting students, travelers, and businessmen.<sup>64</sup>

Perhaps the most significant aspect of this bill was the provision that called for the creation of a joint, bi-partisan Congressional Commission on Immigration, of which Dillingham was elected chairman.<sup>65</sup> This commission proceeded to examine and collect

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<sup>62</sup> Cong. Rec., 59<sup>th</sup> Cong., 2<sup>nd</sup> Sess., 13 February 1907, 41, pt. 4, 2809; John M. Lund, "Boundaries of Restriction: The Dillingham Commission," *University of Vermont History Review* 6 (December 1994): 2.

<sup>63</sup> Theodore Roosevelt to Joseph Gurney Cannon, 12 January 1907, in Elting E. Morrison, ed., *The Letters of Theodore Roosevelt*, Vol. 5 (Cambridge: Harvard University Press, 1952), 550; There was significant debate, but the bill passed the Senate with a vote of 45 to 24, with 21 abstentions and it passed the House on February 18, 1907, with a vote of 193 to 101. See Cong. Rec., 59<sup>th</sup> Cong., 2d Sess., 18 February 1907, 41, pt. 4, 320-332.

<sup>64</sup> Senate Committee on Immigration and Naturalization, *Japanese Immigration Legislation: A Bill to Limit the Immigration of Aliens into the United States, and for Other Purposes*, 68th Cong., 1st sess., S. Hrg. 2576, 213 ;Cong. Rec., 59<sup>th</sup> Cong., 2d Sess., 18 February 1907, 41, pt. 4, 320-32; Lund, "Boundaries of Restriction: The Dillingham Commission"; U.S. Department of State, *Foreign Relations of the United States, 1924* (Washington, D.C.: GPO, 1939), 339-69; 34 Stat. 874.

<sup>65</sup> This commission was made up of nine members: Republican Senators Dillingham, Lodge, and Democratic Senator Asbury C. Latimer (Latimer was replaced in 1908 by Democratic Senator Leroy Percy), Republican Congressman Benjamin F. Howell, William S. Bennett, and Democratic Congressman John L. Burnett, Department of Labor representative Charles P. Neill, California Commissioner of Immigration William R. Wheeler, and Cornell University professor Jeremiah Jenks. See Barbara Miller Solomon, *Ancestors and Immigrants: A Changing New England Tradition* (Cambridge: Harvard University Press, 1956), 197-198.



immigration statistics along with economic and sociological data on the immigrants, both in the United States and Europe.<sup>66</sup> Through this data, the Commission compiled a listing of immigrant groups and their undesirable traits that was heavily influenced by the pseudo-scientific cultural anthropologists and Constitutional Medicine fads of the time.<sup>67</sup>

On January 24, 1911, Dillingham submitted the Commission's final conclusions. This report reinforced the idea, through seemingly quantifiable data, that Anglo-Saxon America was being threatened by mass immigration from southern and eastern Europe.<sup>68</sup> Now, the idea that America should be an Anglo-Saxon country and that immigration was the cause of a myriad of social and economic ills in the United States had an increased air of respectability to it. After all, it had been "proven" through Progressive science as well as through statistical and economic studies. The solution to the immigration and pauper problems in the United States could now be more easily identified as being the restriction of immigrants from undesirable areas, as well as the restriction of immigration overall. The commission's conclusions also reinforced the division of immigrants into desirable and undesirable groupings, favoring older immigration over newer immigration. There was a racial component in the commission's conclusions, as well. "Old immigration" was

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<sup>66</sup> "Minutes of the Meetings of the Immigration Commission," 1907, 1-5; Also see Prescott F. Hall, *Immigration and Its Effects Upon the United States* (New York: Henry Holt, 1906). The Commission limited its data collection and analysis to immigrants from southern and eastern Europe -- Italy, Russia, Austria-Hungary and Greece; Lund, "Boundaries of Restriction: The Dillingham Commission," 2.

<sup>67</sup> Immigration Commission, *Dictionary of Race and Peoples*, 6, 82, 129; Mark H. Haller, *Eugenics: Hereditarian Attitudes in American Thought* (New Brunswick, NJ: Rutgers University Press, 1963).

<sup>68</sup> Immigration Commission, *Brief Statement of the Conclusions and Recommendations of the Immigration Commission with Views of the Minority* (Washington, D.C.: GPO, 1911), 16.

composed of immigrants from northern and western Europe, people of Anglo-Saxon origin while “new immigration” was comprised of southern and eastern Europeans, who were decidedly not Anglo-Saxon. If the United States was an Anglo-Saxon country and not a multicultural country, then immigration from northern and western Europe must be favored over immigration from southern and eastern Europe. The immigration “problem,” then, arose from “new” and not “old” immigration. The commission used its data to show that these new immigrants were unassimilable, had a negative economic impact on natives, and contributed to racial inferiority by corrupting the true American Anglo-Saxon race.<sup>69</sup>

The committee’s recommendations were influenced by Progressive notions of science and social justice. Committee recommendations included restricting immigration from southern and eastern Europe while maintaining open immigration policies to those from northern and western Europe, increased enforcement of Asian exclusion, policies to attract rural agricultural laborers, and legislation to disincentivize the practice of immigrants sending money to their home country.<sup>70</sup> The commission called for literacy tests and racial quotas in order to limit “the number of each race arriving each year to a certain percentage,” the exclusion of unskilled and unmarried laborers, increasing entry

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<sup>69</sup> Immigration Commission, *Brief Statement of the Conclusions and Recommendations of the Immigration Commission*, 15-35.

<sup>70</sup> “Minutes of the Immigration Commission,” vol. 2, 2 December 1910, 6; Lund, “Boundaries of Restriction: The Dillingham Commission,” 2.

fees, and creating a sliding scale head tax that would favor male immigrants with families.<sup>71</sup>

The conclusions of the Dillingham Commission became the impetus behind the nativist call for “one hundred percent Americanism” in the early twentieth century. Immigrant ideas, dress, and behavior deemed foreign were increasingly viewed as national security threats in the wake of World War I. Largely because of a pro-nativist frenzy that was fueled by war propaganda and wartime nationalism, Dillingham managed to get enough support to override President Wilson’s veto of a bill calling for literacy tests of immigrants.<sup>72</sup> The Immigration Act of 1917 included this provision for a literacy requirement for immigrants, requiring immigrants to be able to read a minimum of forty words in their native language. This act also reiterated America’s disdain for Asian immigration in particular by prohibiting immigration from Asia, with some exceptions for Japan and the Philippines.<sup>73</sup>

In 1920, Dillingham introduced a bill in the Senate that called for a national origins quota system that would limit immigration to 3 percent of the number of each nationality present in the United States in 1910. This bill was to be a one-year emergency

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<sup>71</sup> Immigration Commission, *Brief Statement of the Conclusions and Recommendations of the Immigration Commission*, 39,48; *Statistical Abstract of the United States* (Washington, D.C.:GPO, 1929), 100.

<sup>72</sup> Wilson and Taft were staunchly opposed to this literacy requirement and lobbied heavily against it. Wilson vetoed bills including the literacy requirement twice, but his second veto was overridden resulting in the enactment of the Immigration Act of 1917. See Henry Platt Fairchild, “The Literacy Test and Its Making,” *Quarterly Journal of Economics* 17 (May 1917): 459; Lund, “Boundaries of Restriction: The Dillingham Commission,” 2; *Statistical Abstract of the United States* (Washington, D.C. Government Printing Office, 1929), 100; Higham, *Send These to Me*, 53.

<sup>73</sup> *Immigration Act of 1917: An Act to Regulate the Immigration of Aliens to, and the Residence of Aliens in, the United States*, Public Law 301, *U.S. Statutes at Large* 39 (1917): 104.

measure to return immigration levels to that of pre-war numbers and to prevent a glut of unskilled labor depressing industry. This national origins quota bill passed Congress with large majorities in May 1921.<sup>74</sup> The introduction of immigration restriction through the implementation of national origins quotas marked a significant reversal in United States immigration policy, marking the end of relatively open immigration policies.

Still, there was debate within Congress concerning the acceptableness of using such a quota system and whether the quota system amounted to racism. One vehement opponent of the quota system was Robert H. Clancy, who argued that the United States has a regrettable history of discrimination against immigrants that should not be continued:

Since the foundations of the American commonwealth ... vigorous complaint and more or less bitter persecution have been aimed at newcomers to our shores.... To me real Americanism and the American flag are the product of the blood of men and of the tears of women and children of a different type than the rampant “Americanizers” of to-day.... I can not stultify myself by voting for the present bill and overwhelm my country with racial hatreds and racial lines and antagonisms drawn even tighter than they are to-day.<sup>75</sup>

This emergency quota system was renewed in 1922. The national origins quotas were more permanently enshrined in United States immigration law in the Immigration Act of 1924 (Johnson-Reed Act). In this law, quotas were reduced to 2 percent of the

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<sup>74</sup> Senate Committee on Immigration, *Emergency Immigration Legislation*, 67th Cong., 1st sess., 1920, S. Rep. 17, serial 17, 6; This bill passed the Senate 78 to 1 with 17 abstentions and the House 216 to 33 with 120 abstentions. *Cong. Rec.*, 67<sup>th</sup> Cong., 1<sup>st</sup> sess., 3 May 1921, 61, pt. 1, 68, 1442-1443; *Cong. Rec.*, 67<sup>th</sup> Cong., 1<sup>st</sup> sess., 12 May 1921, 61, pt 1, 1442-1443; Lund, “Boundaries of Restriction: The Dillingham Commission”; *Statistical Abstract of the United States* (Washington, D.C: GPO, 1929), 100.

<sup>75</sup> Speech by Robert H. Clancy, April 8, 1924, *Congressional Record*, 68th Congress, 1st Session (Washington DC: GPO, 1924), vol. 65, 5929–5932.

numbers of a nationality present in the United States in 1890. This movement of the date of residence back by twenty years was an effort to further limit non-Anglo-Saxon immigration. The Immigration Act of 1924 had the effect of further restricting immigration from southern and eastern Europe while keeping immigration from northern and western Europe open. The Immigration Act of 1924 also specifically addressed immigration by people from Asia or of Asian descent by barring aliens from entering the United States if they were considered ineligible for citizenship because of race or nationality. This new law extended Asian exclusion even to Japanese not barred under the Gentlemen's Agreement.<sup>76</sup> In response to the debate over whether America was an Anglo-Saxon country or a multicultural country, the Immigration Act of 1924 issued a resounding response the United States was, and would remain, an Anglo-Saxon country. The United States Congress forcefully "shut the door" on the idea of the United States as a melting pot. South Carolina Senator Ellison Durant argued in favor of the United States shutting the door to non-Anglo-Saxon immigration in a speech during congressional debate over the Immigration Act of 1924:

Thank God we have in America perhaps the largest percentage of any country in the world of the pure, unadulterated Anglo-Saxon stock.... It is for the preservation of that splendid stock that has characterized us that I would make this not an asylum for the oppressed of all countries, but a country to assimilate and perfect that splendid type of manhood that has made America the foremost Nation in her progress and her power ... let us shut the door and assimilate what

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<sup>76</sup> 1924 Immigration Act (*An Act to Limit the Immigration of Aliens into the United States, and for Other Purposes*), Public Law 68-139, *U.S. Statutes at Large* 43 (1924): 153; House Committee on Immigration and Naturalization, *Restriction of Immigration: Report to Accompany H.R. 7995*, 68th Cong., 1st sess., 1924, H. Rep. 350, 1-5; House Committee on Committee of Immigration and Naturalization, *Admission of Certain Refugees from Near Eastern Countries and Restriction of Immigration into the United States, Including Revision of the Quota Act*, 67th Cong., 2d sess., 1923, H. Rep. 1621.

we have and let us breed pure American citizens ... and keep what we have for what we hope our own people to be.<sup>77</sup>

So, who were these new immigrants of the late nineteenth and early twentieth centuries who were being shut out? These immigrants were significantly younger than earlier immigrants. Many were forced to flee their homelands because of pogroms (in the case of Jews) and for economic reasons for others. Many were unskilled and illiterate farmworkers who lacked the capital to push westward to the interior of America and so settled in urban areas of the East and Midwest. The growth of anti-Semitism at this juncture is linked to this rise in nativism.

The second incarnation of the nativist organization the Ku Klux Klan reached its peak in the 1920s. Their anti-immigration rhetoric was rooted in a strong nativist and anti-Catholic sentiment. Like the other organizations discussed in this study, the Klan also defined “foreign” and “alien” and crafted their anti-immigration rhetoric in such a way as to encompass the people, ideas, and institutions that they felt threatened their traditional power and status in society.<sup>78</sup> In fact, the Klan placed itself at the pinnacle of “true America” and positioned themselves and their rhetoric such that, “Those who opposed the Klan were by definition opposed to America.”<sup>79</sup> Fraternal organizations, including nativist fraternities and the KKK, gave people a sense of community during a

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<sup>77</sup> Speech by Ellison DuRant Smith, April 9, 1924, *Congressional Record*, 68<sup>th</sup> Cong., 1<sup>st</sup> sess., (Washington, D.C.: GPO, 1924), vol. 65, 5961-5962; Lund, “Boundaries of Restriction: The Dillingham Commission.”

<sup>78</sup> *Imperial Night-Hawk*, May 16, 1923.

<sup>79</sup> Rory McVeigh, *The Rise of the Ku Klux Klan: Right-Wing Movements and National Politics* (Minneapolis: University of Minnesota Press, 2009), 197.

tumultuous time in America, in which people lamented the loss of community that accompanied the rise of industrialization and urbanization. There was a significant upsurge in membership in fraternal organizations in the 1920s and the Klan particularly benefited from this growth.<sup>80</sup>

During the second half of the nineteenth and early twentieth centuries, Mexican immigrant labor became a significant target of nativists' ire, which continued throughout the twentieth century. Citizens held protests against the presence of large numbers of Mexican laborers and submitted petitions to Congress, desiring "legal steps be taken to prevent an influx of Mexican laborers to compete with American laborers."<sup>81</sup> A 1920 letter from Galveston Texas asserted that:

this class of immigrants are of no benefit whatever to the country.... American citizens should not be forced to compete with this class of cheap labor and lower the standard of living of the average American laboring man to that of pauper labor from any other country.<sup>82</sup>

Despite the cheap labor that Mexican laborers were willing to engage in, an editorial in the *Dallas News* in 1921 argued that "It is a tax on charitable resources that are not sufficient to satisfy the needs of our own citizens." Here was the fear that immigrants were a drain on a finite supply of charitable and governmental resources, while driving

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<sup>80</sup> Bruce Barton, *The Man Nobody Knows* (New York: Bobbs-Merrill, 1925), 32-53, 71, 109-117; Bennett, *Party of Fear*, 202; Higham, *Strangers in the Land*; Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan* (New York: Oxford University Press, 1994); David M. Chalmers, *Hooded Americanism: The History of the Ku Klux Klan*, 3<sup>rd</sup> ed. (Durham: Duke University Press, 1981).

<sup>81</sup> House Committee on The Committee on Immigration and Naturalization, *Imported Pauper Labor and Serfdom in America*, 67th Cong., 1st sess., 1921, serial 1, 13.

<sup>82</sup> House, *Imported Pauper Labor and Serfdom in America*, 11.

down wages and threatening to lower the standard of living for native American workers. Apart from the job competition these Mexican laborers represented to native workers and the costs charities were forced to expend on their behalf, there were also considered to be “social, sanitary, and hygienic consequences of letting in large numbers of Mexicans.”<sup>83</sup>

In the 1920s, southern agriculture underwent a “structural transformation” that dramatically altered both the method and labor of agriculture. Farms became extensions of big business, and this reorganization and increased efficiency forced laborers into a migratory workforce. Agribusiness became a powerful Washington, D.C. power broker, significantly influencing immigration legislation through the twentieth century. The role of business, particularly agricultural businesses in the Southwest, in the construction of negative racial stereotypes about Mexicans and Mexican Americans and in the belief that there existed a “Mexican problem” in the form of high numbers of illegal Mexican immigrants, cannot be underestimated. Labor and business interests helped to drive immigration policy. For example, in order to ensure that they had a cheap oversupply of on demand labor, agribusiness lobbied for Mexican exclusion from citizenship on legal grounds.<sup>84</sup> They successfully lobbied to exclude agricultural workers, significantly made up of poor blacks, Mexicans, and Mexican Americans, from New Deal programs. Thus, they were denied basic rights such as the right to organize and collectively bargain,

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<sup>83</sup> House, *Imported Pauper Labor and Serfdom in America*, 13-14.

<sup>84</sup> Ngai, *Impossible Subjects*, 7-8, 53.



collect social security, and rely on a minimum hourly wage for work.<sup>85</sup> Despite their desire for a foreign guestworker program such as the *Bracero* Program, agribusiness simultaneously exploited the labors of illegal workers, displaying their desire for a cheap and exploitable labor force. This in turn aided in the construction of the idea of Mexicans as illegal and also as non-white and therefore unassimilable. And, since the American race was now codified as a white race as a result of National Origins Quota Law, this centrality of race within immigration policy justified the exclusion of Mexicans from citizenship and also, through a variety of ways, barred Mexican Americans who were citizens from full civic and social membership and full citizenship.<sup>86</sup>

The 1930s saw a significant number of deportations of migratory workers. These deportations were part of an anti-immigrant campaign designed to intimidate Mexican American citizens, legal workers, and illegal workers into leaving the United States during the Great Depression. In all, approximately four hundred thousand Mexicans and Mexican Americans were deported, including citizens who were illegally deported.<sup>87</sup> The context of the Great Depression and economic crisis for this targeting of legal and illegal

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<sup>85</sup> Ngai, *Impossible Subjects*, 136; *National Labor Relations Act*, codified at *U.S. Code* 29 (1935), § 151-169; *Social Security Act of 1935*, Public Law 271, 74th Cong., 1st sess. (August 14, 1935); *The Fair Labor Standards Act of 1938*, codified at *U.S. Code* 29 (1938), § 201.

<sup>86</sup> Ngai, *Impossible Subjects*, 95; Also see *Bracero History Archive*. <http://braceroarchive.org/items> (accessed September 3, 2011).

<sup>87</sup> In 2009, the state of California apologized for these illegal deportations and harassment. See California Senate Bill 670; For an oral history of one such agricultural worker who was deported, see *Bracero History Archive*, “David F. Herrera,” [http://braceroarchive.org/archive/files/rivera\\_lopez\\_las018\\_769821e966.mp3](http://braceroarchive.org/archive/files/rivera_lopez_las018_769821e966.mp3); “1,897 deported in April, 1931’s High Record; 3,470 Aliens Sought Admission; Italy in Lead,” *The New York Times*, June 5, 1931; “45,000 Immigrants Set New Low Mark: Estimate for the Fiscal Year Compares With 97, 137 for 1931, With Deportations Increasing,” *The New York Times*, April 6, 1932; Wendy Koch, “U.S. Urged to Apologize for 1930s Deportations,” *USA Today*, April 5, 2006.

immigrants was key. Yet these agricultural workers' labor was still desired by agribusiness in large part because of their vulnerable position within American society. Agribusiness made their preference for easily exploitable labor clear through their hiring choices through the 1950s. Throughout the 1940s and 1950s, agribusiness continued showing a preference for illegal workers, which helped to bring about Operation Wetback in 1954, an effort to stop the migration of undocumented workers from Mexico into the United States. The position of migratory workers in U.S. society continued to become increasingly precarious even as the rest of U.S. immigration policy became more egalitarian.

World War II and the Cold War exerted significant influence over U.S. immigration policy by discrediting radicalism and introducing the use of refugee policy as an anticommunist tool. National origins quotas continued to be the crux of United States immigration policy as the U.S. shifted into the Cold War. The Immigration and Nationality Act of 1952 (McCarran-Walter Act) reaffirmed the national origins quota system. The McCarran-Walter Act also had two more at least seemingly egalitarian components to it. This 1952 act ended the exclusion of Asian immigrants from the United States and put in place an immigration preference hierarchy based on skill sets and family reunification as priorities. This preference system, without national origins quotas, would become the basis of the Immigration and Nationality Act of 1965 (INA 1965). The apparent lifting of the exclusion of Asian immigrants from the United States was more symbolic than real. While the former exclusions barring immigration and naturalization were in fact repealed, each Asian country was allotted a quota of one hundred visas per

year. These visas were distributed based on race, not on national origin. Therefore, a person with one or more Asian parents but born in a northern or western European country would still be counted toward the quota for either the Asian country from which his or her parents were born or toward a generic “Asian Pacific Triangle” quota.<sup>88</sup> Clearly the driving force behind United States immigration policy remained the impulse to protect this “Anglo-Saxon” nation from becoming a multicultural “melting pot.”

Another important component of United States Cold War immigration policy involved the use of refugee policy as a tool against communism, which resulted in significant numbers of Latinos and Asians being granted refugee status. 1965 was a watershed year in immigration history because of the passage of the Hart-Cellar Act, or the Immigration and Nationality Act of 1965. This act dismantled the national origins quota system and was an attempt to remove racial and ethnic discrimination from official United States immigration policy. Ending the racial hierarchy enshrined within the national origins quota system and replacing it with an immigration policy based on the premise of family reunification, asylum, and driven by foreign policy imperatives was a part of the 1960 Democratic Party platform.<sup>89</sup> It was the Democratic Party, through John F. Kennedy, that called for lifting immigration restrictions enshrined in national origins quotas and affirmed the idea that the United States was a multicultural society.

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<sup>88</sup> *1952 Immigration and Nationality Act (An Act to Revise the Laws relating to Immigration, Naturalization, and Nationality; and for Other Purposes)*, Public Law 414, *U.S. Statutes at Large* 182 (1952): 66.

<sup>89</sup> *Eleanor Roosevelt, John Kennedy, and the Election of 1960: A Project of The Eleanor Roosevelt Papers*, ed. by Allida Black et al. (Columbia, S.C.: Model Editions Partnership, 2003). Electronic version based on unpublished letters. <http://adh.sc.edu> [Accessed February 11, 2012].

This platform also called for the termination of the *Bracero* Program, which ended in 1964. Upon JFK's assassination, Lyndon Johnson attempted to recreate American society and dismantle the inegalitarian, racial, and economic hierarchies and barriers that existed within it, particularly within the form of racial and ethnic discrimination, through his "Great Society."<sup>90</sup> 1964 saw the passage of the landmark Civil Rights Act. 1965 brought the passage of the Voting Rights Act. Further, the Cold War was raging. It was within this context that the United States tried to portray itself to the world as a shining moral example, where citizens enjoyed true equality and freedom. How could that image be reconciled with the nativist racial hierarchies embedded in United States immigration policy through the 1920s immigration laws and reaffirmed in the 1952 McCarran-Walter Act, particularly in light of the potential consequences of racism as revealed in World War II and the Holocaust?<sup>91</sup>

Since the 1940s, there had been a rising consciousness and renewed debate in the United States over the meanings of freedom and equality in America. Of course, a significant underlying cause for this debate was the Long Civil Rights Movement. This debate helped to bring about the Rights Revolution, which is generally dated as occurring between the 1940s and 1980s. Not coincidentally, this era was the time period during which significant landmark and ultimately expansive immigration legislation was

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<sup>90</sup> *Eleanor Roosevelt, John Kennedy, and the Election of 1960: A Project of The Eleanor Roosevelt Papers*, ed. by Black, et al.; Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), 208; *Bracero* History Archive. <http://braceroarchive.org/items> (accessed September 3, 2011).

<sup>91</sup> However, the Rights Revolution had perhaps so pervaded the American psyche that the McCarran-Walter Act had the unintended consequence of extending the vote and political power to non-white, female, and unmarried immigrants.

enacted. The Rights Revolution helped to foster a debate within American society about the meaning of equal rights. Does moving toward equal rights for all decrease the rights of some? Do some groups have more claims to rights than others? These questions festered within the discourse of the Rights Revolution (and within the immigration debates that were a part of it) and were one factor that led to a backlash against the Rights Revolution, as well as a backlash against immigration and immigrants.

The very results and implications of the Immigration and Nationality Act of 1965 were paradoxical. It both ended the explicitly racial immigration quotas that had existed since Johnson-Reed, thereby seemingly opening up immigration to more people from outside of northern and western Europe, *and* severely restricted immigration from the Western hemisphere by placing numerical quotas on this group for the first time. In placing numerical quotas on immigration from the Western hemisphere, The Immigration and Nationality Act of 1965 (INA 1965) helped to increase illegal immigration, particularly from Mexico and Central America, which had the effect of stereotyping the ethnicity of illegal immigrants as Mexican.<sup>92</sup>

President Johnson explicitly linked national origins immigrations laws and racism, making immigration reform a part of his Great Society reforms. Upon signing the Immigration and Nationality Act of 1965, Johnson remarked:

for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota

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<sup>92</sup> See Ngai, *Impossible Subjects*.

system.... This system violated the basic principle of American democracy ... It has been un-American in the highest sense.<sup>93</sup>

INA 1965 caused a significant increase in immigration, both legal and illegal and shifted the policy debate over immigration toward illegal immigration, reorienting it toward a race, class, and status-based issue, reaffirming the general inegalitarian nature of the 1924 Johnson Reed Act. The 1965 reform reaffirmed the concept of numerical immigration quotas themselves. Its supporters simply took issue with the explicit use of racial hierarchies as the basis of such numerical quotas. Quotas remained (and were for the first time placed on the Western hemisphere), and racial hierarchies were replaced with other hierarchies (occupation, family, etc.).<sup>94</sup>

Over the course of the second half of the twentieth century, the legal distinction between alien and citizen hardened. One place this distinction was particularly clear was in the courts. Supreme Court chief justice Earl Warren referred to citizenship as “the right to have rights.”<sup>95</sup> In his dissenting opinion in *Perez v. Brownell*, Warren essentially set up the alien as the opposite of citizen.<sup>96</sup> The “rights” discussed within the context of immigration reform most frequently referred to the rights of citizens. This decision

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<sup>93</sup> *Public Papers of the Presidents of the United States: Lyndon B. Johnson*, 1965. Volume II, entry 546, (Washington, D.C.: GPO, 1966), 1037-1040.

<sup>94</sup> *1965 Immigration and Nationality Act (An Act to Amend the Immigration and Nationality Act, and for Other Purposes)*, Public Law 89-236, *U.S. Statutes at Large* 79 (1965): 911; House Committee on Ways and Means, *Summary of Welfare Reforms Made by Public Law 104-93, the Personal Responsibility and Work Opportunity Act and Associated Legislation*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1996, Committee Print 15, 34.

<sup>95</sup> *Perez v. Brownell*, 356 U.S. 44, 64-65 (1958) (Warren, C.J., dissenting).

<sup>96</sup> Warren also referred to citizenship as “man’s basic right.” *Perez v. Brownell*, 356 U.S. 44, 64-65 (1958) (Warren, C.J., dissenting); See Ngai, *Impossible Subjects*, 229.

underscores why there was increasing Hispanic political mobilization in an effort to “have rights” in the late twentieth century.

The anti-immigrant themes that the presence of immigrants materially hurt citizens economically, lowered wages, created unfair competitors for jobs and housing, and spread an ethos of criminality throughout American society and culture that existed in the late nineteenth and early twentieth centuries were muted somewhat by the egalitarian rhetoric of the INA 1965. However, largely as a result of the demographic consequences of this very same law (INA 1965), these anti-immigrant themes were strengthened once again in the late twentieth century and surged to the forefront of American political culture in the mid-to-late 1990s as a result of Proposition 187 and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

## CHAPTER III

### THE IMMIGRANT AS A DRAIN, 1965-1990

It is the American people who suffer because of illegal immigration. American workers are hurt by being forced into competition with illegal immigrants who work hard and are scared and sometimes 'off the books,' who don't complain about unsafe conditions or low pay. American businesses are hurt by being forced into competition with exploiting employers who cut prices by hiring illegal immigrants. Teen-agers, women and minorities – people looking for entry-level jobs to get onto the work ladder – are hurt by being edged out of those jobs. Taxpayers are hurt by having to pay more for social services, and those receiving the services of the government are hurt by having to compete for resources spread ever more thinly as more people need help.<sup>1</sup>

Roger Conner, "Not Everyone Can Come Here," *St. Petersburg Times*, March 1, 1980

One of the major themes of anti-immigrant rhetoric in the post-INA world was that of an immigrant "invasion." This "invasion" was largely an "invasion" of illegal immigrants, though legal immigrants did not escape the ire of these anti-immigrant polemicists. This "invasion" was believed to be, at least in part, a consequence of "out of control" borders. It was this concept of an immigrant "invasion" that had become so mainstream that it became entrenched in the political debate over immigration in Washington, D.C., in the Select Commission on Immigration and Refugee Policy (SCIRP) report in particular.<sup>2</sup> This idea of a crisis caused by an immigrant "invasion"

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<sup>1</sup> Roger Conner, "Not Everyone Can Come Here," *St. Petersburg Times*, March 1, 1980. At the time he penned this article, Conner was the Executive Director of the Federation for American Immigration Reform (FAIR).

<sup>2</sup> *U.S. Immigration Policy and the National Interest: The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy with Supplemental Views by Commissioners*, March 1, 1981, (Washington, D.C: The Select Commission, 1981), 1-12. SCIRP was created in the 1978



resounded even in the halls of the federal agency responsible for immigration. Harold W. Ezell, the Immigration and Naturalization Services (INS) Commissioner for the Western Region, stated that “our borders are out of control” and that his “mission is to stop the “invasion” of illegal aliens entering the United States from Mexico and other countries.”<sup>3</sup>

There were two simultaneous policy movements within the United States government at this time. The first was a move toward more expansionist immigration policy, through the Immigration Reform and Control Act of 1986 (IRCA 1986). The second was a move toward restricting immigrant’s rights and welfare recipients’ rights. The two movements were linked in the 1990s, first with California’s Proposition 187 and then on a national level in 1996 with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).<sup>4</sup> But it was the legacy of the political culture of the 1970s and 1980s that created the necessary conditions for this conjuncture to occur.

As a result of the Immigration and Nationality Act of 1965, the demographics of America changed as did the make-up and stereotypes of the poor and immigrants within American society.<sup>5</sup> INA 1965 opened the door to non-quota “chain migration” under the

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INA Amendments. See *The Immigration and Nationality Act Amendments of 1978*, Public Law 95-412, *U.S. Statutes at Large* 92 (1978): 907.

<sup>3</sup> Special to the New York Times Marcia Chambers, "Immigration Chief on West Coast Pressing Fight on Illegal 'Invasion'," *The New York Times*, December 4, 1986.

<sup>4</sup> Rebecca Melendez and Melinda LaVally, *Proposition 187: "Save Our State Initiative"* (Sacramento, CA: Senate Office of Research, 1994); Larry M. Eig, *California's Proposition 187 a Brief Overview*, Variation: Major Studies and Issue Briefs of the Congressional Research Service, 1995 (Washington, D.C.: Congressional Research Service, 1995).

<sup>5</sup> Susan B. Carter and Richard Sutch, “U.S. Immigrants and Emigrants: 1820-1998,” in *Historical Statistics of the United States, Millennial Edition On Line*, ed. Susan B.. Carter et. al. (Boston: Cambridge University Press, 2006), 1-541, 1-543; House Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1<sup>st</sup> sess., 1993, 40-49; Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton

preference system. These non-quota immigrants in turn opened the door to a virtually unlimited stream of “chain” migration, allowing for immediate relatives of United States citizens to enter the United States as non-quota immigrants. As American society became increasingly diverse and distinctly less-white, as fears of an immigration “invasion” took root, as the collective skill-set of immigrants changed, and as the bottom 50 percent of American society scrambled to hold and maintain a share of a dwindling piece of the American dream, immigrants became increasingly scapegoated.<sup>6</sup> At first, only illegal

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University Press, 2002), 214; Scott Cummings and Thomas Lambert, “Immigration Restrictions and the American Worker: An Examination of Competing Interpretations,” *Population Research and Policy Review* 17, no. 6 (Dec. 1998): 516.

<sup>6</sup>Robert Barde, “Public Attitudes Regarding Number of Immigrants Admitted: 1955-1997,” in *Historical Statistics of the United States*, 1-652; House Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1<sup>st</sup> sess., 1993, 40-49; David M. Reimers, *Unwelcome Strangers: American Identity and the Turn Against Immigration* (New York: Columbia University Press, 1998); Also see G.J. Borjas, “Self selection and the earnings of immigrants,” *American Economic Review* 77 (1987): 551-553. Borjas argues that restrictionist sentiment is rooted in economic and job competition and that this strain on American workers in general through job competition is compounded by competition for access to government resources, as many believe these new immigrants are placing significant strain on the government welfare system; G.J. Borjas, “Immigrants in the U.S. Labor Market: 1940-1980,” *American Economic Review* 81 (1991): 287-291; G.J. Borjas, “The economics of immigration,” *Journal of Economic Literature* 32 (1994): 1667-1717. Borjas points to the competition for low wage jobs between increasing numbers of low skilled immigrants and native born workers as a significant reason behind wages for Americans workers that have remained flat in recent years. This intense competition for low wage, low skill jobs requiring little or no education or training has put businesses’ in a position where they have large pools of ready labor which then leaves wages flat; G.J. Borjas, “Economic Benefits from Immigration,” *Journal of Economic Perspectives* 9 (1995): 3-22. Borjas argues that there is an economic argument for using skill as a selection factor in legal immigration and the granting of visas. Borjas also argues that immigration redistributes wealth. It has a negative impact on wages and wealth of native born workers who are competing for jobs and resources with the immigrants and a positive impact on the wages and wealth of those employing immigrants (because of immigrants’ driving down wages and therefore the cost of doing business); G.J. Borjas, R.B. Freeman and L.F. Katz, “On the Labor Market Effects of Immigration and Trade,” in G.J. Borjas and R.B. Freeman, eds. *Immigration and the Workforce: Economic Consequences for the United States and Source Areas* (Chicago: University of Chicago Press, 1998); G. Borjas, S. Bronars and S. Trejo, “Assimilation and the Earnings of Young Internal Migrants,” *The Review of Economics and Statistics* 74 (1992): 170-173; Kenneth F. Scheve and Matthew J. Slaughter, “Labor Market Competition and Individual Preferences Over Immigration Policy,” *The Review of Economics and Statistics* 83, no.1 (Feb. 2001): 133; Vernon M. Briggs, Jr., “Foreign Labor Programs as an Alternative to Illegal Immigration: A Dissenting View,” in *The Border that Joins: Mexican Migrants and U.S. Responsibility*, ed. Peter G. Brown and Henry Shue (Totowa, NJ: Rowman and Littlefield, 1983), 223-225. Vernon M. Briggs, Jr. argues that they have been wholly tainted with corruption in all parts of the program. Further, he argues that the 1984 Morrison

immigrants were feared and scapegoated. However, during the late 1980s and 1990s, the fear and disdain previously reserved for illegal immigrants was extended to include all immigrants (legal and illegal) who were recipients of any type of public assistance.

The legacy of the Immigration and Nationality Act of 1965 created growing discontent among the American populace with increasing legal and illegal immigration. By imposing a 20,000 per country cap on the Western hemisphere for the first time, INA 1965 left many Mexicans desiring to immigrate to the United States for work, family or other reasons with little option other than illegal entry. This was largely a result of the 120,000 person ceiling on Western Hemisphere immigration, the 20,000 person per country quota, as well as the termination of the *Bracero* Program. Immigrants, who previously could have immigrated legally, with visas, were now forced to enter the United States illegally if they chose to enter at all. By making it more difficult for immigrants from the Western Hemisphere to legally enter the United States, the INA encouraged “‘back door’ illegal immigration.” This is precisely what occurred as the avenues for legal immigration to the United States from the Western hemisphere decreased significantly. One of the many paradoxes of United States’ immigration policy in the twentieth century was that INA 1965 was “restrictive for the Western Hemisphere and liberalizing for most nations in the Eastern one.”<sup>7</sup> In 1978, INA amendments

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proposal and 1985 Wilson proposal, in ignoring practical considerations such as “job protections, program monitoring, or the availability of housing for foreign workers revealed their actual purpose: to serve as an employer recruiting device for cheap labor.” The Schumer Amendment to the Simpson-Rodino Act removed temporary worker programs from the bill by essentially giving a kind of temporary amnesty to these farmworkers. Briggs highlights the influence and power wielded in D.C. in respect to immigration policy by the growers.

combined the separate immigration ceilings per hemisphere into a total ceiling of 290,000 under a single preference system.<sup>8</sup>

As a result of INA 1965, new immigrants to the United States were decidedly non-white and their countries of origin were no longer significantly European. The changing demographics of new immigrants was extremely important to the anti-immigrant sentiment of the 1970s and 1980s. For example, Peter Brimelow, a prominent anti-immigrant rights proponent, argued that, “By allowing its borders to vanish under this vast whirlwind of illegal immigrants, the United States is running on the edge of a demographic buzz saw. One day, it could suddenly look down to find California or Texas cut off.”<sup>9</sup> In 1964, 41.78 percent of immigrants to the United States were born in Europe, 7.47 percent were born in Asia, and .99 percent were born in Africa. Post-INA, in 1978, 12.17 percent of immigrants to the United States were born in Europe, 41.53 percent were born in Asia, and 1.92 percent were born in Africa. By 1985, 11.06 percent of immigrants came from Europe, 46.44 percent came from Asia, and 3 percent were born in Africa.<sup>10</sup> The percentages of European “white” immigrants were significantly

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<sup>7</sup> Wayne Lutton, *The Myth of Open Borders: The American Tradition of Immigration Control* (Monterey, VA: AICF, 1988), 47; *Border Watch*, September 1993; Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, Mass.: Harvard University Press, 2008); Reimers, *Unwelcome Strangers*, 67-69; Mae Ngai also makes this argument in *Impossible Subjects*.

<sup>8</sup> *The Immigration and Nationality Act Amendments of 1978*, Public Law 95-412, *U.S. Statutes at Large* 92 (1978): 907; Joyce C. VIALET, *Immigration and Nationality Act, 2-10; 1965 Immigration and Nationality Act (An Act to Amend the Immigration and Nationality Act, and for Other Purposes)*, Public Law 89-236, *U.S. Statutes at Large* 79 (1965): 911.

<sup>9</sup> Peter Brimelow, *Alien Nation: Common Sense About America's Immigration Disaster* (New York: HarperCollins, 1995), 35.

<sup>10</sup> Percentages are rounded to the nearest 1/100<sup>th</sup> of a percent. Robert Barde, Susan B. Carter and Richard Sutch, “Immigrants, by Continent of Birth: 1941-1997, *Historical Statistics of the United States*, 1-558-559.

decreasing while the percentages of non-white immigrants from Asia and Africa were increasing. This demographic change was only possible because of the policy changes enacted in INA 1965.<sup>11</sup>

In the 1970s, immigration policy grew more expansionist through refugee admissions and parole. Parole powers and refugee admissions were used as a tool in America's efforts to combat communism. Cold War presidents tended to favor a definition of "refugee" that emphasized people seeking asylum from communist regimes. These presidents tended to use their parole powers as a form of anti-communism. The definition of "refugee" within INA 1965 emphasized people who fled from "communist or communist-dominated countries" or the Middle East.<sup>12</sup>

The Cuban Adjustment Act of 1966 reaffirmed the use of asylum for refugees as a tool or weapon within the United States' arsenal in the war against communism, essentially granting all Cubans who reached United States soil refugee status.<sup>13</sup> The numbers of Cuban refugees coming to the United States decreased after 1973 but

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<sup>11</sup> *1965 Immigration and Nationality Act (An Act to Amend the Immigration and Nationality Act, and for other purposes)*, Public Law 89-236, *U.S. Statutes at Large* 79 (1965): 911.

<sup>12</sup> This definition is in Sec. 203(a) (7) of the Immigration and Nationality Act of 1965. See U.S. Congress, House, *Committee on the Judiciary, Immigration and Nationality Act: 1965*, 5<sup>th</sup> ed. (Washington: U.S. Government Printing Office, 1966), 28-29; The very definition of "refugee" was itself disputed. Senator Kennedy and Congressman Cellar introduced language in 1967 and 1968 that would also grant refugee status to people from non-communist countries who feared "persecution or danger to his civil liberties" or those who had been displaced by war or other violence. At the heart of the debate also significantly included the question of responsibility. That is, whose responsibility are "victims of hostility?" See Michael G. Wenk. "A Search for Clarification," *International Migration Review*. 2 no. 3 (Summer 1968): 69.

<sup>13</sup> *Cuban Adjustment Act of 1966*, Public Law 89-732, Cong. (November 2, 1966), codified at *U.S. Code* 8 (1966), § 1255; Reimers, *Unwelcome Strangers*, 222.

increased again in 1980.<sup>14</sup> The number of Indochinese refugees during the 1970s was higher than those of Cubans as a result of events in Vietnam.<sup>15</sup>

The Refugee Act of 1980 resulted in the separation of different forms of immigration – legal, illegal, and refugee.<sup>16</sup> It also set a fifty thousand numerical quota for refugees, though this number was also significantly exceeded.<sup>17</sup> One of the important future implications for immigration numbers that stemmed from these increased refugee admissions, was that this stream of refugees opened another stream of immigration that, as a result of family reunification preferences, allowed for increasingly larger numbers of immigrants from these countries to legally emigrate to the United States, which opened a whole unforeseen new stream of immigration to the United States, that was simultaneously largely non-white and from the Third World.

Another important theme of anti-immigrant/anti-immigration rhetoric during the 1970s and 1980s was that immigrants took jobs from native-born Americans and drove

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<sup>14</sup>Robert Barde, Susan B. Carter, and Richard Sutch, “Refugees and Asylees Granted Permanent Resident Status, by Legislative Act: 1946-1997,” in *Historical Statistics of the United States*, 1-632; Reimers, *Unwelcome Strangers*, 26.

<sup>15</sup> Robert Barde, Susan B. Carter, and Richard Sutch, “Refugees and Asylees Granted Permanent Resident Status, by Legislative Act: 1946-1997,” in *Historical Statistics of the United States*, 1-632; Reimers, *Unwelcome Strangers*, 26.

<sup>16</sup>House Committee on Subcommittee on Immigration, Refugees, and International Law, *Refugee Act of 1980 Amendment*, 97th Cong., 1st sess., 1981, serial 10; *Refugee Act of 1980*, Public Law 96-212, § 412, *U.S. Statutes at Large* 94 (1980): 111, codified at *U.S. Code* 8 (1980), § 1522; Tichenor, *Dividing Lines*, 246-248.

<sup>17</sup>House Committee on Subcommittee on Immigration, Refugees, and International Law, *Refugee Act of 1980 Amendment*, 97th Cong., 1st sess., 1981, serial 10; *Refugee Act of 1980*, Public Law 96-212, § 412, *U.S. Statutes at Large* 94 (1980): 111, codified at *U.S. Code* 8 (1980), § 1522; Reimers, *Unwelcome Strangers*, 70.

down or stagnated wages.<sup>18</sup> As such, immigrants were viewed as a drain on the economy. This was echoed in a 1976 *New York Times* article which asserted that, “One of the major problems with the New Jersey economy may be illegal aliens.”<sup>19</sup> The article further argued that illegal immigrants:

usually work for less and now hold 200,000 to 210,000 jobs in the state. They send an estimated total of \$250 million or more a year to some other country, in most instances they do not pay state income tax, and they are said to hold so many jobs that freeing those positions would do away with two-thirds of New Jersey’s unemployment problem.<sup>20</sup>

Interestingly, it was Congressional liberals who were at the forefront of the campaign against illegal immigration (but not against illegal immigrants) in the 1960s

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<sup>18</sup> Overall, immigrants “as a group make a positive economic contribution nevertheless.” See David M. Kennedy, “Can We Still Afford to be a Nation of Immigrants? Comparing Yesterday’s Immigration With Today’s a Historian is Struck by the Unprecedented Nature of Our Present Situation,” *Atlantic* August 1996, 8. However, the size of this positive economic contribution made by immigrants is small, approximately \$7 billion per year, but when offset by the cost of services provided to immigrants, the economic contribution made by immigrants is even smaller, if a positive contribution at all. Add to this the fact that immigrants have a rather negative economic impact on the poor. That brings to bear a question, posed by George J. Borjas, “Whose economic welfare should the United States try to improve when setting policy – that of natives, of immigrants, of the rest of the world, or of some combination of the three?” See George J. Borjas, “The New Economics of Immigration: Affluent Americans Gain; Poor Americans Lose,” *Atlantic* November 1996, 3, 6. It’s really a variation of that question that is at the crux of the immigration policy debate in the U.S. Which of the stakeholders economic welfare is most important – immigrants, low skilled and less educated native born, higher skilled and educated native born elites or business interests? Borjas likens this debate to a “tug-of-war between those who gain from immigration and those who lose from it.” See Borjas, 8; G.J. Borjas, “Self selection and the earnings of immigrants” *American Economic Review* 77 (1987): 551-553; G.J. Borjas, “Immigrants in the U.S. Labor Market: 1940-1980” *American Economic Review* 81 (1991): 287-291; G.J. Borjas, “The economics of immigration” *Journal of Economic Literature* 32 (1994): 1667-1717; G.J. Borjas, “Economic Benefits from Immigration,” *Journal of Economic Perspectives* 9 (1995): 3-22; G.J. Borjas, R.B. Freeman and L.F. Katz, “On the Labor Market Effects of Immigration and Trade,” in G.J. Borjas and R.B. Freeman, eds. *Immigration and the Workforce: Economic Consequences for the United States and Source Areas* (Chicago: University of Chicago Press, 1996); G. Borjas, S. Bronars and S. Trejo, “Assimilation and the Earnings of Young Internal Migrants,” *The Review of Economics and Statistics* 74 (1992): 170-173.

<sup>19</sup> “Illegal Aliens Linked to Drain on the State’s Economy,” *The New York Times*, Dec. 5, 1976.

<sup>20</sup> “Illegal Aliens Linked to Drain on the State’s Economy,” *The New York Times*, Dec. 5, 1976.

and 1970s. Fighting illegal immigration was seen as an explicitly liberal or progressive position in the 1960s and 1970s. This had a lot to do with labor's influence on liberals and liberals' desire to ensure good working conditions and wages for domestic workers. Liberals believed that illegal immigration resulted in negative effects on working conditions and wages for domestic workers because illegal immigrants were more easily exploited by their employers. However, liberals had a track record that was strong on rights for illegal immigrants. They wanted to stop illegal immigration, largely through employer sanctions, but believed illegal immigrants' rights should be protected once they arrived.<sup>21</sup>

In the political culture of the 1970s and 1980s, the image of the welfare recipient was being colored brown and black. At the same time as the image of the welfare recipient was being racialized, gendered female, and stigmatized, welfare policy began to slowly move away from the idea of entitlement and toward the idea of workfare to include the imposition of time limits on receipt of welfare benefits. Welfare recipients were cast as lazy and undeserving, which was inextricably tied to their racialization. Ronald Reagan began popularizing the image of the "welfare queen" in 1976, and he was ultimately successful in casting this depiction of a welfare recipient as *the* image most forefront in political and popular culture. Reagan's "welfare queen" hailed from Chicago

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<sup>21</sup>*U.S. Immigration Policy and the National Interest : The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy with Supplemental Views by Commissioners, March 1, 1981*, (Washington, D.C.: The Select Commission, 1981), 255; Tichenor, *Dividing Lines*, 225-226; Felix Belair, Jr., "Immigration Unions Ask Congress for More Staff," *The New York Times*, March 17, 1970; Vernon E. Jordan, Jr., "To Be Equal," *Oakland Post*, September 7, 1977; Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* (New York: Routledge, 1992), 155.



and was consciously trying to game the system for her own benefit:

There's a woman in Chicago. She has 80 names, 30 addresses, 12 Social Security cards and is collecting veterans' benefits on four nonexistent deceased husbands. And she's collecting Social Security on her cards. She's got Medicaid, getting food stamps, and she is collecting welfare under each of her names. Her tax-free cash income alone is over \$150,000.<sup>22</sup>

This image of the black female welfare recipient, or “welfare queen,” criminally bilking the government and taxpayers while irresponsibly reproducing, was combined with the image of the female Hispanic immigrant over the course of the 1970s and 1980s. In a 1986 *New York Times* / CBS News Poll, 47 percent of the respondents believed that most new immigrants were welfare recipients. The association of immigrants with welfare recipients has been an enduring element of the anti-immigrant/anti-immigration element of American immigration discourse. Yet even this belief that immigrants were placing a drain on governmental welfare resources was contradictory. Reverend Leroy Vickerstaff, a respondent in the aforementioned poll, asserted that immigrants “helped build the country” yet also claimed that immigrants were placing “stress on employment and housing.” Echoing the idea that immigrants were a drain on United States society and resources, Vickerstaff argued that, “The welfare rolls are filled with the names of immigrants who have little education. With the economy now, immigrants are a greater drain than a help.” There Vickerstaff combined the ideas that new immigrants were uneducated and low-skilled, likely to be welfare recipients, and an overall drain on society, the economy, and resources. Respondent Barbara H. Kooch differentiated

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<sup>22</sup> "'Welfare Queen' Becomes Issue in Reagan Campaign," *New York Times*, February 15, 1976.

between immigrants that she personally knew, who she deemed “a blessing to our society” and immigrants in general, asserting that, “There is a limit to how many can be absorbed without taking opportunities away from our own people.” These respondents echoed the anti-immigrant rhetoric that saturated the political culture of the post-INA 1965 United States. This rhetoric largely revolved around a type of protectionist idea, that resources and jobs were scarce and must be reserved first for the native-born. Respondent Howard Jones argued that, “Immigration should definitely slow up till the economy improves. We still have a lot of our own people hungry, not making a satisfactory living.” Perhaps most telling about the extent of saturation within American society this anti-immigrant rhetoric had achieved was the types of words and concepts respondents to this poll associated with immigrants. There was essentially an even split between positive associations with the term “immigrant” as there were negative associations such as “take jobs away.”<sup>23</sup> The debate over immigration remained highly contested.

To restrictionists such as John Tanton, President of Zero Population Growth (ZPG), it seemed as though these “undesirables” were the ones having large families and potentially dooming the future of the country and planet. The debate over immigration in the 1970s brought population control and environmental concerns to the table. Tanton began viewing immigration within the context of environmentalism’s concerns about unimpeded population growth and the pressures this placed on a country’s resources. Eugenics entered the anti-immigrant arena through efforts to control the reproductive

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<sup>23</sup>Robert Pear, “New Restrictions on Immigration Gain Public Support, Poll Shows,” *New York Times*, July 1, 1986.

rights of poor immigrant and minority women. Eugenic solutions were considered by the new environmental restrictionist movement, specifically by Paul and Anne Ehrlich. Anne Ehrlich explained that she “can imagine a situation where forced sterilization might be necessary.”<sup>24</sup>

Ehrlich would not have to imagine too hard. Throughout the late 1960s and early 1970s, Mexican American women of both legal and illegal status were the victims of a coercive sterilization campaign. Poor African American women were subject to coercive sterilization, as well.<sup>25</sup> Race, immigrant status, and poverty were all factors in the targeting of these women for such coercion as occurred in forced sterilizations. In these forced sterilizations the linkage between immigrants and minorities as welfare recipients and immigrants as a drain on society was clear. In his 1974 decision in *Relf v.*

*Weinberger*, Federal District Judge Gerhard Gessel asserted that:

there is incontroverted evidence in the record that ... an indefinite number of poor people have been improperly coerced into accepting a sterilization operation under the threat that various federally supported welfare benefits would be withdrawn unless they submitted to irreversible sterilization.<sup>26</sup>

One of the ways that states justified and rationalized such coercive tactics was by arguing that the immigrant women subjected to these coerced sterilizations were “not really

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<sup>24</sup> Laird Harrison, “Ecologists – The New Anti-Immigrants?” *Asian Week*, August 22, 1986.

<sup>25</sup> Lisa Levenstein, “From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961,” *Journal of Women’s History* 11, no. 4 (Winter 2000): 10-33; Elena R. Gutiérrez, “Policing ‘Pregnant Pilgrims’: Situating the Sterilization Abuse of Mexican-Origin Women in Los Angeles County,” in *Women, Health, and Nation: Canada and the United States Since 1945*, eds. Georgina Feldberg, Molly Laird-Taylor, Alison Li and Kathryn Macpherson (Ithaca: McGill-Queen’s University Press, 2003).

<sup>26</sup> Gutiérrez, “Policing Pregnant Pilgrims,” 379-380; *Relf et al. v. Weinberger et al.*, Civil Action No. 73-1557, U.S. Dist. Ct., Washington, D.C., 15 March 1974.

American” and were a financial drain on the country.<sup>27</sup>

Tanton and ZPG’s concern with population control built throughout the late 1960s into the 1980s. In 1974, ZPG asserted that “immigration poses a serious threat to the achievement of population stabilization” and called for the government to completely halt illegal immigration and decrease legal immigration by 90 percent.<sup>28</sup> Tanton was installed as president of ZPG in 1975 and immigration was thus pushed to the forefront of ZPG’s lobbying and public relations efforts.<sup>29</sup> ZPG lobbied for employer sanctions for the willful hiring of illegal immigrants (which was included in IRCA 1986).<sup>30</sup>

This anti-immigration rhetoric of environmentalist and population control groups was saturated with anti-welfare rhetoric, virtually conflating immigrant with poverty. These concerns, couched in environmentalist and population growth language seemed to be, at their heart, fear that demographic change could result in the subjugation of a new white minority in the same manner that the black and brown minorities had previously been subjugated. This racialized rhetoric was increasingly utilized by anti-immigrant/anti-immigration and anti-welfare advocates in the 1980s. Tanton questioned, “can homo contraceptivus compete with homo progenitiva if borders aren’t controlled?”<sup>31</sup> The uterus of Mexican immigrants seemed to always be at the forefront

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<sup>27</sup> Gutiérrez, “Policing Pregnant Pilgrims,” 389; Antonia Hernández, “Chicanas and the Issue of Involuntary Sterilization: Reforms Needed to Protect Informed Consent,” *Chicano Law Review* 3, no. 1 (1976): 9.

<sup>28</sup> Bradley Graham, “ZPG seeks 90 Percent Slash in Immigration,” *Denver Post*, July 5, 1974; Gutiérrez, *Fertile matters*, 107.

<sup>29</sup> Susan Jacoby, “ZPG Begins Drive to Cut Immigration,” *Washington Post*, May 18, 1977; Gutiérrez, *Fertile matters*, 107.

<sup>30</sup> Susan Jacoby, “Anti-immigration Campaign Begun,” *Washington Post*, May 8, 1977, A2; Gutiérrez, *Fertile matters*, 107.

of the anti-immigrant and anti-immigration rhetoric of ZPG and FAIR.

In the 1978 INA Amendments, Congress created SCIRP with the charge “to study and evaluate ... existing laws, policies, and procedures governing the admission of immigrants and refugees to the United States” and “to make appropriate legislative recommendations.”<sup>32</sup> The SCIRP final report, published in March 1981, issued four main recommendations intended to help frame immigration policy debate in the future. The SCIRP report argued that expansive immigration promoted by pro-immigration governmental policies was in the United States’ national interest. SCIRP summarized their recommendations as follows:

We recommend closing the back door to undocumented/illegal migration, opening the front door a little more to accommodate legal migration in the interests of this country, defining our immigration goals more clearly and providing a structure to implement them effectively, and setting forth procedures that will lead to fair and efficient adjudication and administration of U.S. immigration laws.<sup>33</sup>

SCIRP followed in the liberal tradition of President John F. Kennedy and Senator Philip A. Hart (D-MI) by calling for relatively open legal immigration but restrictions on

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<sup>31</sup> James Crawford, Anti-immigrant Bias of U.S. English Revealed,” *The Palm Beach Post*, October 27, 1988, 94, 96; Southern Poverty Law Center, ““WITAN Memo’ III,” *Intelligence Report*, no. Summer 2002, no. 106 (1986). <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2002/summer/the-puppeteer/witan-memo-iii> (accessed August 27, 2011); “U.S. English Leaders Resign,” *Asian Week*, October 28, 1988, 4.

<sup>32</sup> *The Immigration and Nationality Act Amendments of 1978*, Public Law 95-412, *U.S. Statutes at Large* 92 (1978): 907.

<sup>33</sup> *U.S. Immigration Policy and the National Interest : The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy with Supplemental Views by Commissioners, March 1, 1981*, (Washington, D.C.: The Select Commission, 1981), 3; Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004), 432-433.

illegal immigration. At the same time, the language of the SCIRP final report echoes the immigration “invasion” rhetoric that was so rampant throughout the highly contested immigration debate and displays the sense that illegal immigration had caused a crisis. In their final report, the members of SCIRP cautioned, “This is not the time for a large-scale expansion in legal immigration ... because the first order of priority is bringing undocumented/illegal immigration under control.”<sup>34</sup>

In a nod to public opinion, the SCIRP commissioners asserted that they were “well aware of the widespread dissatisfaction among United States citizens with an immigration policy that seems to be out of control.”<sup>35</sup> They stated in their final report that they recognized that illegal immigration caused “serious problems” and echoed the anti-immigrant rhetoric prominent in American political culture in the 1970s and 1980s, though carefully framing these “serious problems” to be solely caused by illegal immigration, by asserting that:

Some U.S. citizens and resident aliens who can least afford it are hurt by competition for jobs and housing and a reduction of wages and standards at the workplace....widespread illegality erodes confidence in the law generally, and immigration law specifically, while being unfair to those who seek to immigrate legally.<sup>36</sup>

Thus, enshrined in American political culture in the SCIRP final report were the ideas that the presence of immigrants materially hurt citizens economically, lowered wages,

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<sup>34</sup> *U.S. Immigration Policy and the National Interest*, 8; Also See John F. Kennedy, *A Nation of Immigrants* (New York: Harper & Row, 1964), 77-83; Oscar Handlin, *The Uprooted*, 2d ed. (Boston: Little, Brown, and Co., 1973).

<sup>35</sup> *U.S. Immigration Policy and the National Interest*, 10.

<sup>36</sup> *U.S. Immigration Policy and the National Interest*, 11.

created unfair competition for jobs and housing, and spread an ethos of criminality throughout American society and culture. At the same time as the SCIRP report perpetuated this negative immigrant narrative, the SCIRP report echoed Presidents Kennedy and Johnson's great liberal desire for more open immigration, displaying that there was not a consensus that immigration was harmful. The debate over immigration policy and immigrant rights continued to be just that, a highly contested debate that revolved around the central question of whether American society was a multicultural society of immigrants versus the idea that immigrants were a drain on the society and economy.

Nativists lost several major battles in the post-INA world as they were forced to come to terms with an increasingly open United States immigration policy. Two of the most significant immigration policies enacted during the 1980s were IRCA (1986) and the Immigration Act of 1990. These laws were expansive at a time the social and political forces at play seemed to point toward the enactment of restrictionist laws. Daniel Tichenor astutely argues that it was the result of political fragmentation, the influence of special interest groups, and a few well positioned politicians that created these immigration policies in the 1980s and 1990s, which were largely ambiguous, had contradictory measures, and resulted in largely expansive outcomes during a time of significant restrictionist sentiment.<sup>37</sup>

Illegal immigration seemed a battle which nativists thought they could win, and they increasingly moved in that direction in the 1980s. Pushing these rhetorical and

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<sup>37</sup> Daniel J. Tichenor, "The Politics of Immigration Reform in the United States, 1981-1990," *Polity* 26, no. 3 (1994): 333.

policy themes in the 1980s was the belief that the United States borders were “porous and inadequately regulated,” leading to what some feared was a “foreign invasion.”<sup>38</sup> This “foreign invasion” filled the United States, and in particular the gateway states of New York, California, Texas, and Florida with non-white immigrants, who many believed were corrupting American society and culture, were a drain on the American society, economy and resources, were unassimilable, took jobs from native-born Americans, stagnated or lowered wages, and introduced a criminal underclass element to American cities.<sup>39</sup> This belief in an increasing “foreign invasion” directly fed into anti-immigrant rhetoric that immigrants were a drain on American society, economy and resources.<sup>40</sup> In 1981, Democratic Colorado governor, Richard Lamm, echoed these beliefs that the increasing presence of immigrants was materially hurting native-born Americans, asserting, “the unchanging pie dramatically alters an issue like immigration, for now

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<sup>38</sup> “The Underclass: Illegal Immigrants in U.S. Are Problem Defying Easy Solution --- Competing Interests Impede Attempts by Lawmakers to Create New Policies --- Emotional Issue of Amnesty,” *Wall Street Journal*, May 30, 1985; Daniel J. Tichenor, “The Politics of Immigration Reform in the United States, 1981-1990,” *Polity* 26, no. 3 (1994): 333; Alan Greenblatt, “Buchanan Hopes His Vote Will Give Him a Voice,” *CQ Weekly*, May 20, 1995.

<sup>39</sup> Ann Bartel, “Where Do the New U.S. Immigrants Live?” *Journal of Labor Economics* 7, no. 4 (1989): 371-91. Bartel examines the effects of U.S. immigration policy since the termination of the *Bracero* Program. She finds that compared to their native born counterparts, immigrants tend to live more geographically concentrated in more urban and ethnic locations, immigrants tend to be more geographically mobile than their native born counterparts, and that educational levels exert influence over location choice for immigrants.

<sup>40</sup> See Caryle Murphy, “FAIR Leader Fights for Immigration Curbs,” *The Washington Post*, Nov. 29, 1983; Marjorie Mille, “Illegal Aliens Cause Drain on Economy, Study Finds,” *Los Angeles Times*, April 14, 1985.



additional people will have to take from that pie rather than contribute to it.... Who needs additional people when we cannot employ our own citizens?"<sup>41</sup>

Senator Alan Simpson (R-WY) and Representative Roman Mazzoli (D-KY) put forth a number of failed immigration reform proposals in the House and Senate in the 1980s. Immigration policy has always garnered seemingly strange coalitions surrounding the debate, and IRCA (1986) was a prime example of this. Largely as a consequence of these coalitions with very different interests, immigration policy in the United States has frequently had very different outcomes than intended. Much of the 1980s was spent by Simpson and Mazzoli attempting to pass immigration reform. In the spirit of liberalism and in an effort to not punish illegal immigrants themselves, a liberal consensus emerged around the idea of employer sanctions. The idea was that by punishing businesses for hiring illegal immigrants they could circumvent the calls for crackdowns on immigrant rights. Also in this liberal tradition was a call for amnesty to be granted to illegal immigrants who had resided in the United States for a set period of time.

From the outset, immigration restrictionist groups such as FAIR were concerned about the possibility that without adequate enhanced border security, the result of this immigration reform bill would be millions more legal immigrants, and eventually, citizens, drawn in by the promises of amnesty and welfare benefits. Yet, in 1984, FAIR still supported the Simpson-Mazzoli immigration bill. Roger Conner, FAIR's Executive Director recognized the potential pitfalls of this bill. "I am terribly concerned...we could end up with toothless employer sanctions and then no money for enforcement. The bill

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<sup>41</sup> James Fallows, "Immigration," *The Atlantic*, November 1983, <http://www.theatlantic.com/magazine/archive/1983/11/immigration/5928/> (accessed October 2, 2011).

will be a failure unless there is money and the will for enforcement at the border.”

Conner recognized the very real possibility that the competing interests of the coalition members advocating for and against portions of this bill would end up creating in the end something that appealed to no one. He explained why FAIR still supported bringing the bill to the House floor, “At present, this bill represents the best chance for immigration reform, but also the greatest risk for immigration catastrophe that you can imagine.”<sup>42</sup>

These coalitions were continually realigning themselves and growing in number. In fact, a lobbyist for the citrus growers who was also a former House immigration staffer joked that “the National Academy of Sciences recently studied the number of illegal entrants and decided the number of immigration lobbyists is greater.” The most powerful special interest involved in immigration lobbying was the western produce growers’ lobby. Immigration policy was crucial to their business models and profitability as they relied on a readily available oversupply of cheap and exploitable labor as seasonal employees to do the time-sensitive job of harvesting produce. The growers were vehemently opposed to the employer sanction portions of the immigration bills continually being introduced in Congress in the 1980s, and they spent heavily to influence this legislation to include a temporary foreign guestworker program.<sup>43</sup>

However, this proposed amendment put the growers at odds with other powerful interests who also supported the bill, namely labor, Hispanic and civil rights groups, and business. While the national AFL-CIO favored the immigration overhaul bills passing

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<sup>42</sup> Tom Bethell, “Shifting Sand of Simpson-Mazzoli,” *Wall Street Journal*, February 16, 1984.

<sup>43</sup> Ellen Hume and Dianna Solis, “Immigration-Control Measures Spawn Alliances that Encompass Diverse Political, Social Camps,” *Wall Street Journal*, August 28, 1995.

through Congress, many of their locals did not (such as the United Farmworkers Union). With the AFL-CIO merger, the organized labor movement moved away from the restrictionist camp and toward the expansionists. Organized labor also shifted their stance on employer sanctions in the early 1970s and joined forces with liberal Democrats, civil rights groups, and some religious organizations (such as the U.S. Catholic Conference) in favor of employer sanctions because it was believed to be a more humane way to solve the illegal immigration problem than restrictions of rights and mass deportations. Again, this pro-employer sanctions stance was because of their strong pro-civil and human rights positions. They believed that employer sanctions would stop the demand for illegal workers in the United States. This strong stance of civil rights groups in favor of employer sanctions foreshadowed some of the tensions to come between the Hispanic community and African American community regarding job competition. Yet, the issue of employer sanctions did cause some division within the Democratic Party in the 1970s and 1980s. Congressmen Herman Badillo (D-NY), Edward Koch (D-NY), and Edward Roybal (D-NY) all opposed employer sanctions because they believed the restrictions would result in increased discrimination against Hispanics and others who might be potentially perceived as foreign. These liberal Democrats who opposed employer sanctions because of its potential to foster civil rights violations were joined in their opposition by the so-called “iron triangle.” The “iron triangle” consisted of the INS, Southwestern growers, and Senator Eastman. Senator Eastman’s power was evident by his ability to frustrate any efforts to hold any hearings on immigration within the

Judiciary Committee from the 1960s to 1977.<sup>44</sup> The fact that employer sanctions garnered at least tepid support in the 1980s is therefore significant. Of course, this support came at the cost of effective enforcement mechanisms for these sanctions. For example, the U.S. Chamber of Commerce generally opposed employer sanctions, but ended up giving their support for the measure in return for employer record-keeping remaining voluntary.<sup>45</sup>

Public opinion was divided over the issue of immigration, though Americans were slightly in favor of decreasing immigration levels. A 1986 *New York Times* / CBS News Poll discovered that 49 percent of American adults were in favor of decreasing immigration levels while 42 percent favored increasing immigration levels. The poll had a margin of error of plus or minus three percentage points, displaying that there was a slight majority of Americans favoring decreased levels of immigration to the United States. In this same 1986 poll, 45 percent answered that immigrants worked harder than native-born Americans, displaying the entrenchment of the idea that immigrants were hardworking productive members of American society. Public opinion polls such as this display the paradoxical nature of American immigration discourse. In this same poll, 47 percent of respondents believed that most new immigrants were welfare recipients. 1/3 of

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<sup>44</sup> Tichenor, *Dividing Lines*, 180, 226-227; Further, the hostility of unions made up largely of Mexican immigrants and Mexican Americans, such as Chavez's FWA (and its later incarnation, the UFWA) toward illegals because of their use as strikebreakers by growers was eased. Initially, the FWA and its fight for rights for Mexican-American agricultural workers was seen as very much a part of the Rights Revolution and as such, garnered significant support from civil rights organizations such as CORE and SNCC. From 1975 to the early 1980s, the UFWA was able to garner state support for their unionization efforts and efforts to secure workers' rights. This was in contrast to the state's more traditional support of growers. See Linda C. Majka and Theo J. Majka, *Farmworkers, Agribusiness, and the State* (Philadelphia: Temple University Press, 1982), 12.

<sup>45</sup> Ellen Hume and Dianna Solis, "Immigration-Control Measures Spawn Alliances that Encompass Diverse Political, Social Camps," *Wall Street Journal*, August 28, 1995.

respondents believed that immigrants took jobs away from Americans. Forty-nine percent of respondents believed that most new immigration to the United States was comprised of illegal immigrants while only 32 percent believed that legal immigrants comprised the majority of new immigrants. A significant majority of respondents supported the employer sanctions and legalization components of IRCA (1986), yet 58 percent opposed the provisions of IRCA (1986) allowing for a temporary farmworker classification.<sup>46</sup> From these results, the efforts by nativists to portray a crisis of illegal immigration appeared to be effective. The respondents also displayed pragmatism about those already in the country but showed the prevalence of economic concerns related to job competition from worker programs.

Given public opinion on the proposed components of IRCA (1986), just before its passage New York Congressman Hamilton Fish Jr. argued that IRCA (1986) could precipitate a backlash against immigrants from within the American populace, warning, “The American public will demand a repressive response.”<sup>47</sup> Congressman Fish foreshadowed the anti-immigrant backlash that did, in fact, occur and resulted in Proposition 187 in California and PRWORA on a national level.

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<sup>46</sup>Pear, “New Restrictions on Immigration Gain Public Support.”; Robert Barde, “Public Attitudes Regarding Number of Immigrants Admitted, 1955-1997,” in *Historical Statistics of the United States*, 1-652.

<sup>47</sup> Robert Pear, “New Restrictions on Immigration Gain Public Support, Poll Shows,” *New York Times*, (1986); Roper Center Public Opinion Archives, “U.S. Public Opinion on Immigration,” CBS News/New York Times Poll, June 1986; Robert Barde, “Public Attitudes Regarding Number of Immigrants Admitted, 1955-1997,” in *Historical Statistics of the United States*, 1-652..

In the end, the Simpson-Rodino Act of 1986, or the Immigration Reform and Control Act of 1986 (IRCA) was essentially a policy compromise.<sup>48</sup> Though the intent behind it was to restrict immigration, it resulted in immigration expansion. The impetus behind the IRCA (1986) was the pressure on Congress to deal with the issue of illegal aliens and the nation's porous borders.<sup>49</sup> IRCA (1986) extended amnesty to approximately three million legal immigrants who met specific criteria. With this legalization, exacerbated by the chain of family immigration enshrined in INA 1965, came more legal immigrants (and eventually more citizens). These increasing numbers of aliens and their ability to naturalize increased fears among the native white populace of an "immigration invasion."<sup>50</sup> It also eventually helped to set the stage for the Hispanic political mobilization of the 1990s. IRCA (1986) also included an employer sanction component to discourage the employment of illegal aliens, as well as an agricultural guestworker program.<sup>51</sup> For example, amnesty was given to illegal immigrants at the same time as employer sanctions were placed on employers to stop the concrete monetary

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<sup>48</sup> In *Gendered Transitions*, Perrette Hondagneu-Sotelo argues that the Immigration Reform and Control Act of 1986 (IRCA) helped both to enshrine this racism within United States law, direct undocumented immigrant settlement, and in so doing to ratchet up the violent and racist actions and rhetoric within the United States. The IRCA really legitimized the nativist and economic fears of Americans and in so doing legitimized the scapegoating of undocumented immigrants for a host of social, economic and cultural problems. See Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley: University of California Press, 1994), xiv-xv.

<sup>49</sup> Reimers, *Unwelcome Strangers*, 26.

<sup>50</sup> *The Immigration Reform and Control Act of 1986*, Public Law 99-603, 99th Cong., 2d sess. (November 6, 1986); House Committee on the Judiciary, *The "Immigration Reform and Control Act of 1986": A Summary and Explanation*, 99<sup>th</sup> Cong., 2d sess., 1986, Committee Print 14.

<sup>51</sup> *The Immigration Reform and Control Act of 1986*, Public Law 99-603, 99th Cong., 2d sess. (November 6, 1986); *1965 Immigration and Nationality Act (An Act to Amend the Immigration and Nationality Act, and for Other Purposes)*, Public Law 89-236, *U.S. Statutes at Large* 79 (1965): 911.

factors pulling illegal immigrants into the United States. However, as a result of the influence of growers within these coalitions, the sanctions lacked effective enforcement mechanisms and were consequently ineffective at stemming the influx of illegal immigrants into the United States. Employer sanctions was a difficult political issue. Hispanic and immigrant groups feared discrimination and thus lobbied against sanctions. Employers also lobbied against employer sanctions, fearful of any potential consequences or of public policy interfering with their bottom line or hiring decisions. The agricultural guestworker program combined with the amnesty given to approximately three million illegal immigrants already within the United States, increased immigrant totals in the United States yet again, while still giving the politicians seemingly restrictive policy measures with which they could use to attract the anti-immigrant sectors of the electorate.<sup>52</sup>

Despite the conflict over its enactment, the concept behind such amnesties was not entirely new to United States immigration policy. Since the Registry Act of 1929, immigrants in the United States illegally could apply through the “Registry” program to legalize their status.<sup>53</sup> Throughout the twentieth century, Congress consistently moved forward the required residency date to apply for legalization. IRCA (1986) moved forward the date that an alien must have been present in the United States since to 1972.

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<sup>52</sup> Employer sanctions; Lin C. Liu, *IRCA’s State Legalization Impact Assistance Grants (SLIAG): Early Implementation* (Santa Monica, CA: Rand Corp., 1991); AFSCME, “Repeal of Employer Sanctions – 1986 IRCA,” AFSCME Resolution, <http://www.afscme.org/resolutions/1992/ieb9209.htm> (accessed April 20, 2011); Congressional Research Service, *Dates for Federal Action Under the Immigration Reform and Control Act of 1986* (Washington, D.C.: CRS, 1986).

<sup>53</sup> *Registry Act of 1929, U.S. Statutes at Large* 45 (1929): 1512.

IRCA (1986) also created two new categories for amnesty: the general program and the Seasoned Agricultural Workers (SAW) amnesty program. These IRCA (1986) programs combined to legalize over three million illegal aliens. While the registry program garnered little public attention, there was significant conflict over these IRCA (1986) legalizations, which would have profound consequences on American political discourse in the 1990s.<sup>54</sup>

The great hope that many restrictionists had for the Immigration Reform and Control Act of 1986 (IRCA) was that it would stop or at least slow illegal immigration to the United States. Alas, IRCA did not result in sustained decreased levels of illegal immigration to the United States. According to the General Accounting Office of the United States, “Despite a brief drop in the estimated number of illegal entries to the United States after IRCA was enacted, the inflow of illegal alien populations is now estimated to have increased once more to pre-IRCA levels.”<sup>55</sup> Peter Brimelow echoed this GAO finding, arguing that, “Whatever else the IRCA legislation was supposed to do, it has quite clearly failed to control illegal immigration.”<sup>56</sup> The problem, there seemed to be agreement on, resided in the weak enforcement mechanisms behind the employer

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<sup>54</sup> *The Immigration Reform and Control Act of 1986*, Public Law 99-603, 99th Cong., 2d sess. (November 6, 1986); “Alien Amnesty Seen Taking Citizen Jobs,” *The Washington Post*, October 30, 1981, A15; George Getschow, Thomas Petzinger Jr., Matt Moffett and Dianna Solis, “The Underclass: Illegal Immigrants in U.S. Are Problem Defying Easy Solution --- Competing Interests Impede Attempts by Lawmakers to Create New Policies --- Emotional Issue of Amnesty,” *The Wall Street Journal*, May 30, 1985; Robert Pear, “Aide Says Reagan Backs Aliens Bill: Support is Reaffirmed Despite Fear it Can Hurt Economy,” *New York Times*, January 24, 1986; “A President ‘Intrigued,’” *The Washington Post*, March 6, 1981; Roger Daniels, *Guarding the Golden Door*, 226-230.

<sup>55</sup> United States Government Accounting Office, *Illegal Aliens: National Net Cost Estimates Vary Widely* (Washington, D.C.: GPO, 1995), 4; Reimers, *Unwelcome Strangers*, 71.

<sup>56</sup> Brimelow, *Alien Nation*, 35.



sanctions. In 1986, FAIR President Roger Conner assessed the potential consequences of IRCA in the following manner: “We wanted a Cadillac, we were promised a Chevy, and we got a wreck.”<sup>57</sup>

Some groups who wanted to restrict immigration made this argument that immigrants were a drain on society a part of their arguments in favor of immigration restriction. They argued that the welfare state was a magnet drawing in “undesirable” immigrants who would eventually become (if they did not begin as such) a drain on society, the United States’ economy, on governmental resources, and further become absolutely dependent on government services.<sup>58</sup> Three such groups are the Federation for American Immigration Reform (FAIR), the American Immigration Control Foundation (AICF), and the John Birch Society. According to prominent anti-immigration activist Peter Brimelow, “Post-1965 immigration does not seem to be affected very much by economic conditions in the United States” because:

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<sup>57</sup> Peter Shuck, “The Politics of Rapid Legal Change: Immigration Policy in the 1980s,” in Marc Landy and Martin Levin, eds., *The New Politics of Public Policy* (Baltimore: John Hopkins University Press, 1995), 39; Tichenor, *Dividing Lines*, 262.

<sup>58</sup> Brimelow, *Alien Nation*; Arthur F. Corwin, ed. *Immigrants –And Immigrants: Perspectives on Mexican Labor Migration to the United States* (Westport, CT: Greenwood Press, 1978), 69. Corwin argues that U.S. welfare state is perhaps the most significant pull factor in Mexican immigration to the United States. Corwin, along with Johnny M. McCain and Walter A. Fogel, argues that Mexican immigrants become savvy consumers of government assistance and that these welfare programs pull older immigrants out of the labor market, simultaneously pulling in new immigrants and the cycle repeats itself. Corwin argues that the result of this continuous cycle is a “new style wetback,” who enters the U.S. illegally with forged documents, gains employment in urban industrial areas and makes enough money to secure his family’s entrance to the U.S., and then takes advantage of U.S. generous social welfare benefits. Again, Corwin argues that this cycle is constantly repeated. However, not only is this good for the “new style wetback,” according to Corwin, but it is also beneficial for those in the antipoverty bureaucracy, as this continuous cycle repeated by waves of immigrants also creates a constant and growing demand and consumer for antipoverty programs, thereby ensuring their continued growth.

Firstly, the emphasis placed by the 1965 Act on ‘family reunification’ rather than importation of workers to fill specific labor needs. Secondly, the magnet of the American welfare state. Both have served to uncouple immigration from American economic conditions ... and, not coincidentally, from American economic needs. Let alone political or cultural needs.<sup>59</sup>

FAIR and AICF were part of a new restrictionist lobby that became active in the 1980s and early 1990s. FAIR and AICF were otherwise seemingly liberal environmentalist groups that emphasized the linkage between the environment, population numbers, and immigration. These groups were influenced by books such as Paul Ehrlich’s *Population Bomb*, as well as by the 1969 *Commission on Population Growth and the American Future*. FAIR and AICF saw immigrants as using up scarce resources that they believed should be reserved for the native born.<sup>60</sup>

Debate over competition for scarce resources brought environmentalists into the immigration policy debate arena in the 1980s. Their concern was largely over scarce national (and natural) resources and the negative impact of potential overpopulation and increased competition for these resources. The immigration debate really split the environmental movement, as established, mainstream environmental groups such as the

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<sup>59</sup> Brimelow, *Alien Nation*, 33.

<sup>60</sup> In 1979, with the help of ZPG, Tanton established FAIR, which is an organization explicitly founded to fight immigration. See FAIR’s official website at Federation for American Immigration Reform, “Immigration and Welfare,” Immigration Issues, [http://www.fairus.org/site/News2?page=NewsArticle&id=16985&security=1601&news\\_iv\\_ctrl=1017](http://www.fairus.org/site/News2?page=NewsArticle&id=16985&security=1601&news_iv_ctrl=1017) (accessed June 28, 2011); Reimers, *Unwelcome Strangers*, 37-45; Tichenor, *Dividing Lines*, 256. Immigration did not only split the Left, (specifically Blacks/Hispanics and the environmental movement) but the Right as well. President Reagan was in favor of mass immigration and temporary worker programs. This was in line with free market conservatives of the 1970s and 1980s who were against immigration restrictions because they interfered with business’s ability to hire workers as they saw fit within a global economic structure. Reagan was generally in favor of expansive immigration but was not particularly in favor of the extension of rights to these immigrants. Yet law and order conservatives saw illegal immigration as a threat to national sovereignty.

Sierra Club grappled with the potential negative political and consequently public relations and fundraising implications of entering such a contentious debate. Generally, national environmental organizations generally attempted to avoid the immigration debate as much as possible. Though Sierra Club members such as Tanton themselves became prominent within the anti-immigration/anti-immigrant debate, the Sierra Club itself attempted to distance itself from such activity, fearing the taint of racism charges.<sup>61</sup>

Many in this new restrictionist lobby, such as AICF, were careful to try to distance themselves from anti-diversity arguments or from charges of racism despite the fact that they were arguing against multiculturalism. Each group attempted a variant of the argument that they were not racist, that instead they were attempting to place the good of the nation and of the native-born first. For example, Laurence Auster of AICF asserted:

There is no question that many of today's new immigrants are making valuable contributions to this country and are assimilating into American society. But.... the movement to tear down our national heritage in the name of a vaguely defined 'multiculturalism' – is beginning to make many Americans realize...that America's ability to perform this alchemy of souls is not infinite.<sup>62</sup>

The anti-immigrant and anti-immigration rhetoric of the AICF was really an argument against the benefits of multiculturalism, similar to late nineteenth and early

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<sup>61</sup> John Tanton served as Chair of the Sierra Club's Population Committee from 1971-1974. *Sierra Club, Sierra Club Policy: Population*, November, 1992; *FAIR, Immigration Report*, October 1989; Reimers, *Unwelcome Strangers*, 48-53; Jane Kay, "Sierra Club Debates Migrant Issue," *San Francisco Examiner*, October 20, 1997, A3; Nancy Cleeland, "Sierra Club to Take on Immigration Question," *Los Angeles Times*, September 29, 1997, 1:23.

<sup>62</sup> Lawrence Auster, *The Path to National Suicide: An Essay on Immigration and Multiculturalism* (Monterey, VA: AICF, 1990), 1.

twentieth century arguments in favor of an Anglo-Saxon America. Auster believed that there was a distinctive Anglo-American culture and believed that this unique culture was being threatened by immigrants. Beliefs such as this were at the root of English-Only initiatives in schools, businesses, and other public places, including the push to insert an amendment to the Constitution making English the official language.<sup>63</sup> In fact, this was what Auster and the AICF really feared, a demographic transformation in which whites became the minority:

Indeed, by the year 2089 America will be in large part a Hispanic and Asian society in which whites will be a minority—a revolution in the nation’s character that will dwarf the changes brought by earlier waves of European immigrants. This ethnic transformation is already being reflected in a multiculturalist ideology.<sup>64</sup>

To Auster and AICF, America must and should be a white majority country; anything else would be a perversion of the natural order and potentially remove white Americans’ advantages within American society.

Anti-immigrant activists such as Auster, John Tanton, and Roger Conner believed that the white Anglo-Saxon America they envisioned should also be a purely English-speaking country. English-Only initiatives were very much a part of the anti-immigration/anti-immigrant rights movement despite the fact that their leaders denied such involvement. Speaking of reported connections between FAIR, U.S. English, and

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<sup>63</sup> Reimers, *Unwelcome Strangers*; ZPG linked what they saw as Mexican immigrants’ failure to adequately learn English with their criminal and disproportionate use of welfare and other governmental resources. Elena R. Gutiérrez, *Fertile Matters: The Politics of Mexican-Origin Women’s Reproduction* (Austin: The University of Texas Press, 2008), 113.

<sup>64</sup> Auster, *The Path to National Suicide*, 6.

the Population Environment Balance (PEB), Tanton claimed that, “There is no tie between these organizations other than the fact that I am on their boards.” Yet, Tanton co-founded U.S. English and FAIR. In 1986, he was chairman of both organizations. Tanton was also a board member of PEB. There were numerous other connections between the groups, including between the political action committees for these groups, the English Language Political Action Committee (ELPAC), and the Immigration Political Action Committee (ImmPAC). These groups all shared common donors.<sup>65</sup> Despite Tanton’s protestations that efforts to restrict immigration, control population growth, and mandate English as the official language in the United States were discrete and separate efforts, this was clearly not the case, even according to Tanton himself. “The language question is derivative of immigration policy. Large numbers of immigrants are coming from the same (non-English) language backgrounds. They create communities where English is not spoken.”<sup>66</sup>

There was a popular perception that immigration restrictionists, population control groups and U.S. English and its state affiliates were intertwined because efforts to restrict immigrant rights largely centered around the stigmatization or exploitation of immigrants lacking fluency in English. A Republican Senator from California, Samuel Ichiye Hayakawa, one of the founders of U.S. English and California English, said that an “individual who asked if we were planning on the ‘forced sterilizations of targeted

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<sup>65</sup> Laird Harrison, “‘Hidden Agenda’ Denied by U.S. English Leaders: Immigrant Groups Charge Language Movement is Racist,” *Asian Week*, August 22, 1986.

<sup>66</sup> Laird Harrison, “EXCLUSIVE: U.S. English’s Links to Anti-immigration Groups,” *Asian Week*, August 15, 1986.

minorities' must have been kidding – but the tone of the question...clearly indicated that he was not. One wonders how severe minority group paranoia has become.”<sup>67</sup> For poor women of color who lacked citizenship, this was not a question of paranoia but something that they, their mothers, sisters, friends and neighbors had experienced either firsthand or through community members. U.S. English's outright disavowal that forced sterilization existed and reference to such fears as “severe paranoia” betrayed their “severe” efforts to appear mainstream and distance themselves from the racism and fear-mongering associated with earlier nativist groups. Immigration restrictionist sentiment was becoming increasingly difficult to extricate or differentiate from anti-immigrant rhetoric. Immigration restrictionist groups increasingly engaged in and supported efforts to restrict not just immigration, but also immigrant rights. These efforts significantly affected the political culture in the 1990s through Proposition 187 and The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).<sup>68</sup>

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<sup>67</sup> Laird Harrison, “‘Hidden Agenda’ Denied By U.S. English Leaders: Immigrant Groups Charge Language Movement Racist,” *Asian Week*, August 22, 1986, 1.

<sup>68</sup> For more information on English-Only groups see James Coates, ‘English Only’ Law Becomes a Matter of Interpretation,” *Chicago Tribune*, January 15, 1989; Laird Harrison, “Governor Joins Prop. 63 Foes,” *Asian Week*, September 5, 1986; “U.S. English Leaders Resign,” *Asian Week*, October 28, 1988; Laird Harrison, “English Only Has Rival,” *Asian Week*, January 16, 1987; John R. Emshwiller, “California Voters Expected to Make English the State’s Official Language,” *Wall Street Journal*, October 31, 1986; Laird Harrison, “‘Hidden Agenda’ Denied by U.S. English Leaders: Immigrant Groups Charge Language Movement Racist,” *Asian Week*, August 22, 1986; “Cronkite Quits English-Only Campaign Body,” *Los Angeles Times*, October 14, 1988; *Congressional Record*, August 13, 1988, S21071 and 21662; James Crawford, ed., *Language Loyalties: A Source Book on the Official English Controversy* (Chicago: University of Chicago Press, 1992); Tom Ricento, “U.S. English and the Hidden Agenda of the ‘English as the Official Language’ Movement,” *Language Arts Journal of Michigan* 5, no. 2 (1989); Heidi Tarver, “Language and Politics in the 1980s: The Story of U.S. English,” *Politics and Society* (June 1989): 227; U.S. Congress, Senate, *Bilingual Education Act, Amendments of 1986*, Hearings before the Subcommittee on Education of the Committee on Labor and Human Resources, 99<sup>th</sup> Cong., 2d sess. (Washington, D.C.: GPO, 1986): 12-16, 217-232.

In a leaked memo to the FAIR Board of Directors from July 11, 1986, (prior to IRCA's passage), FAIR Executive Director Roger Conner articulated the goals behind FAIR's founding as, "to stop illegal immigration and to conform legal immigration policies to the realities of the 1980s."<sup>69</sup> Conner also listed the objectives necessary to reach those goals: "make the idea of limiting immigration acceptable, develop policy ideas on how to curtail immigration, and build a strong and enduring organization to implement them."<sup>70</sup>

Evident in FAIR's leaked WITAN Memos is the use of fear, and specifically racially charged fear, as a tactic to achieve their stated goals. This approach is particularly evident in Tanton's October 10, 1986, memo to WITAN IV attendees, in which he questioned:

Is apartheid in Southern California's future? The demographic picture in South Africa now is startlingly similar to what we'll see in California in 2030...In California of 2030, the non-Hispanic Whites and Asians will own the property, have the good jobs and education, speak one language and be mostly Protestant and "other." The Blacks and Hispanics will have the poor jobs, will lack education, own little property, speak another language and will be mainly catholic.<sup>71</sup>

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<sup>69</sup> Crawford, "Anti-immigrant Bias of U.S. English Revealed," 94-96; Southern Poverty Law Center, "'WITAN Memo' II," *Intelligence Report*, no. Summer 2002, no. 106 (1986). <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2002/summer/the-puppeteer/witan-memo-iii> (accessed August 27, 2011).

<sup>70</sup> Crawford, "Anti-immigrant Bias of U.S. English Revealed," 94-96; Southern Poverty Law Center, "'WITAN Memo' II."

<sup>71</sup> Crawford, "Anti-immigrant Bias of U.S. English Revealed," 94-96; Southern Poverty Law Center, "'WITAN Memo' III."

Politically savvy and sensitive to the black/brown tensions in the United States, Tanton wondered, “Will Blacks be able to improve (or even maintain) their position in the face of the Latin onslaught?”<sup>72</sup> Tanton revealed his racial concerns and recognized the need for political sensitivity when writing of census demographic questions:

Ethnicity is a more acceptable term than race. It should also be noted that 50% of all Hispanic surname people on the census forms designate themselves as White. So perhaps we should speak of Hispanic Whites and non-Hispanic Whites, to further diffuse the issue. Is Anglo a better term than White? LANGUAGE is VERY important here.<sup>73</sup>

Tanton’s concern with race or ethnicity concerning immigration reveals itself here as a form of racial profiling. What about the immigrant with the non-Hispanic surname? Or the non-immigrant with the Hispanic surname? Racial and demographic concerns were paramount to Tanton and FAIR; economic concerns were completely subjugated to those primary issues, as Tanton himself stated, “I don’t think we should dwell too much on the economy.” FAIR’s bread and butter was “non-economic issues” of immigration.<sup>74</sup>

Tanton and FAIR were concerned with the inclusion of illegal immigrants in census numbers. FAIR even unsuccessfully filed suit against the Census Bureau alleging such inclusion occurred and resulted in unfair and illegitimate congressional reapportioning, resulting in “gateway states” such as California, New York, and Illinois

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<sup>72</sup> Crawford, Anti-immigrant Bias of U.S. English Revealed,” 94-96; Southern Poverty Law Center, “WITAN Memo’ III.”

<sup>73</sup> Crawford, Anti-immigrant Bias of U.S. English Revealed,” 94-96; Southern Poverty Law Center, “WITAN Memo’ III.”

<sup>74</sup> Crawford, Anti-immigrant Bias of U.S. English Revealed,” 94-96; Southern Poverty Law Center, “WITAN Memo’ III.”



receiving undeserved congressional seats.<sup>75</sup> This issue of congressional reapportioning became particularly politically salient in the lead-up to the 1990 census. Politicians from states that tended to benefit from the inclusion of illegal aliens, such as Representative Jim Kolbe (R-AZ), tended to favor the inclusion of illegal aliens in the Census count. Representative Kolbe argued that, “A very clear reading of the Constitution says that we shall count all those who are present.” Displaying the importance of regional politics for this issue, Representative Thomas Ridge (R-PA) argued that, “You end up diluting the vote when you start including illegals.” Pennsylvania stood to lose a seat in the House if illegal immigrants were included in the Census. FAIR was present in this debate, asserting that, “Illegal aliens are taking representation away from Americans.” The Census Bureau pointed to the impracticability of ascertaining immigration status and the potential for it to drastically reduce participation. The outcome of this debate was so important because, as Representative Ridge noted, “The primary purpose of the census is to distribute political power.”<sup>76</sup>

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<sup>75</sup> Federation of American Immigration Reform (FAIR) et al. v. Philip M. Klutznick, Secretary of Commerce, et al. (486 F. Supp. 564) (Civ. A. No. 79-3269) (26 February 1980); The John Birch Society was also in agreement with FAIR concerning the inclusion of illegal aliens in census numbers. The Birchers emphasized the impact of aliens on the political process, specifically as related to the census and the consequences of their inclusion in census numbers. They were against the inclusion of aliens in the census because they believed it caused skewed Congressional reapportionment. This was because they asserted that the increased population in states with high illegal populations resulted in these states gaining more congressional seats without gaining more citizen population. The Birchers also accused Leftist groups of signing up illegals for voting in an effort to increase the number of minority and specifically Hispanic voters, fearing an immigrant voting bloc helping the Democrats. Birchers saw the aliens as a threat to national security, specifically equating them with terrorists. See The John Birch Society, *Out of Control. Part 1 & 2 the Immigration Invasion*, (Belmont, MA.: General Birch Services Corp.), Visual Material. ;Gutiérrez, *Fertile Matters*, 115; Pini Herman, “Counting Aliens in the 1990s Census,” *Los Angeles Times*, August 2, 1989; Constanza Montana, “Census Fight on Illegal Aliens Escalates,” *Chicago Tribune*, June 8, 1988.

<sup>76</sup> David Wessel, “Problems Loom for Census as Congress Debates Whether Illegal Immigrants are U.S. ‘Persons,’” *Wall Street Journal*, August 28, 1989.

Use of Cold War imperatives and reaction to the Rights Revolution continued to influence debate over immigration policy into the 1980s and 1990s. One example of this line of thinking came from the John Birch Society. The intricate conspiracy theories of the John Birch Society and its founder, Robert Welch, were initially laid out in *The Blue Book*. These theories revolved around an ever-present threat of the destruction of Western civilization, most specifically as a result of communism.<sup>77</sup> This communist threat was articulated using the language of civilizations discourses and of Herbert Spencer's Social Darwinism, allowing the Far Right to bind seemingly disparate ideas and goals together into an integrated worldview. By the late 1980s, Birchers' anti-immigration rhetoric depicted immigration as an "ongoing invasion" that had been escalating for over a decade.<sup>78</sup>

The Birchers cited IRCA (1986) as contributing to the invasion. The Birchers argued that the welfare state in America was what drew immigrants in. Immigration policy was very important to the Birchers and they took particular exception to IRCA (1986). In fact, William F. Jasper referred to the IRCA (1986) as a "disaster."<sup>79</sup> Jasper cited the three main parts of the IRCA (1986): amnesty, employer sanctions, and enhanced enforcement. First of all, he saw all components as full of fraud. Second, Jasper and the Birchers opposed the employer sanctions portion of the IRCA (1986) because

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<sup>77</sup> This communist threat included threat from both "sincere" communism and ambitious individuals using this ideology as a means to gain power and wealth. Robert Welch, *The Blue Book of the John Birch Society* (Appleton, WI: American Opinion Books, 1961).

<sup>78</sup> The John Birch Society, *Out of Control. Part 1 & 2 the Immigration Invasion*, (Blenmont, MA. : General Birch Services Corp., 1988), Visual Material.

<sup>79</sup> The John Birch Society, *Out of Control*.

they believed that it unfairly placed the blame on businessmen and the burden of proof on businesses. Jasper and the Birchers referred to the IRCA (1986) as a “sell-out” to special interests and “professional agitators” such as the ACLU, the Communists, and labor unions.<sup>80</sup>

The John Birch Society claimed that any efforts made to provide governmental assistance to illegal immigrants or information about how to access such resources was evidence that the welfare state was what had truly attracted immigrants to the United States. The Birchers, in part, blamed literature such as “*El Otro Lado*,” a booklet published by The Resource Center for Illegal Aliens in Albuquerque, New Mexico, and the “Bill of Rights for Undocumented Workers,” for what they saw as the magnet effect of the United States’ welfare state, because both booklets attempted to assist illegal immigrants in accessing resources and networks available to them.<sup>81</sup> It is significant that the Birchers did not make a real distinction between legal and illegal aliens. Birchers also opposed bilingual education because they asserted that the extension of educational opportunities to aliens led to school overcrowding and bilingual education hindered assimilation efforts. Further, they argued that this “invasion” of aliens caused an increase in crime and that within these immigrant populations was a “sizable criminal element.”<sup>82</sup>

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<sup>80</sup>Also see Susan Gonzalez Baker, *The Cautious Welcome: The Legalization Programs of the Immigration Reform and Control Act* (Washington, D.C.: Rand Corporation, 1990). This study examines the legalization aspects of IRCA, contextualizing it within the history of legislation un-making illegal status and redefining citizenship. Baker also argues that the number and kind of legalization programs included in IRCA shows the impact of competing coalitional special interests involved.

<sup>81</sup> “Tourist Book Aims for Audience of Illegal Aliens,” *Los Angeles Times*, March 9, 1986; “Undocumented Workers’ Employment Rights: Your Legal Rights,” *Legal Aid Society of San Francisco Employment Law Center* <http://www.las-elc.org/factsheets/undocumented.pdf> (accessed June 20, 2011).

<sup>82</sup> The John Birch Society, *Out of Control*.

So, with this immigrant “invasion” came subversive political ideas such as communism, increased crime, and decreased resources for citizens. Immigration, to the Birchers, resulted in a net loss for citizens. To them, the inclusion of illegal aliens in the census was an example of this. Bircher support of English-Only initiatives, restrictions on immigrant rights, and the portrayal of immigrants as criminal and welfare recipients placed it within the mainstream of the 1980s and 1990s nativist backlash. On immigration policy, the Birchers were in the mainstream of the restrictionist camp and part of a growing trend of blaming the Rights Revolution for perceived problems.

Competition for economic and governmental resources sometimes pitted minority groups against each other. It was with the IRCA (1986) that we started to see division between the black and Hispanic caucuses. There was a divide between African Americans’ opinions on immigration and that of black congressmen. Most African Americans tended to oppose immigration, while black congressmen tended to be expansionist. These divisions between the black and Hispanic caucuses and the care with which they were dealt underscore the importance of political unity between blacks and Hispanics within American society and politics.<sup>83</sup> What was the reason for this split on immigration between the black populace and black congressmen? For the black populace it largely had to do with job competition, and for Hispanics it was largely about fear of discrimination as a result of employer sanctions.<sup>84</sup>

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<sup>83</sup> Reimers, *Unwelcome Strangers*, 35.

<sup>84</sup> See Marcus Alexis, “Assessing 50 Years of African-American Economic Status, 1940-1990,” *American Economic Review* 88, no. 2 (1998): 368-75. Alexis argues that competition between African Americans and immigrants for jobs is one factor among ten that Alexis lists as contributing to the decline in relative wages and workforce positioning of African American men during the 1980s. Alexis also links

Black congressmen tended to be expansionist when it came to immigration for a number of reasons. First, the 1965 immigration reforms increased black West Indies immigration. The Immigration Act of 1990 increased immigration from Africa. Further, black leaders criticized the government's policy on Haitian immigrants and their refugee status as opposed to the generous refugee status generally granted to other non-black groups such as Cubans.<sup>85</sup> This debate between black and Hispanic leaders over the varied treatment given to Cuban versus Haitian immigrants is a potent example of race entering the immigration debate, through the race of the potential immigrants.

The NAACP split with Hispanic groups over employer sanctions was largely because of job and resource competition and blacks' fears that immigrants were taking their jobs. This split was a tension filled situation and was reflected in riots in 1980 and 1989 in Miami and Los Angeles. These riots showed black hostility toward Hispanic immigration and immigrants. Further, the Rodney King riots in Los Angeles showed African Americans' violence against Asian immigrants. In general, violence toward immigrants increased after 1980.<sup>86</sup>

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immigration to trade and globalization in this study, arguing that the combined effects of competition with immigrants for jobs and the economic effects of increased imports had a negative effect on African Americans (specifically males) economic and job prospects during the 1980s.

<sup>85</sup> Center for Immigration Studies, *"Cast Down Your Buckets Where You Are": Black Americans on Immigration* (Washington, D.C.: CIS, 1996); Reimers, *Unwelcome Strangers*, 35; Lawrence Fuchs, "The Reactions of Black Americans to Immigration," in Virginia Yans-McLaughlin, ed., *Immigration Reconsidered* (New York: Oxford University Press, 1990), 304-305; William Wilson, *When Work Disappears: The World of the New Urban Poor* (New York: Knopf, 1996), 190-192; Nicolaus Mills, "Lifeboat Ethics and Immigration Fears," *Dissent* (Winter 1996): 37-38.

<sup>86</sup> Jacquelyn Jackson, "Illegal Aliens: A Big Threat to Black Workers," *Ebony*, April 1979, 35; William Raspberry, "Their Tired, Their Poor – Our Jobs," *Washington Post*, July 4, 1980; William Raspberry, "Hiring American," *Washington Post*, September 8, 1980; Reimers, *Unwelcome Strangers*, 37; Lawrence Fuchs, "The Reactions of Black Americans to Immigration," in Yans-McLaughlin, ed., *Immigration Reconsidered*; Stanley Lieberson, *A Piece of the Pie: Blacks and White Immigrants since 1880*

There was palpable tension and division within the Mexican immigrant community between legal and illegal as well as between United States born and recent immigrants. In many ways, these relationships were full of conflict. The conflict was largely centered on economic competition and the depressive effect that illegal immigration and recent immigrants (to a lesser extent) had on the wages of Mexican Americans in general. Consequently, there tended to be ambivalence toward new immigration from Mexico even from within the Mexican American community.<sup>87</sup> This division shows that immigration was not a concrete issue, even for those within the immigrant community themselves. This split in the Mexican American community between newer and older immigrants and citizens and non-citizens was also manifested in attitudes toward employer sanctions, which also shifted over time. In the early 1970s, for example, the League of United Latin American Citizens (LULAC) was in favor of employer sanctions because illegal immigrants were in direct competition with Mexican Americans for jobs and helped to stagnate or lower wages. Particularly during times of high unemployment, employers' practices of hiring illegal aliens were an easy target, as were the illegal aliens themselves. To some, employer sanctions were a part of the same fight as the earlier struggle won in 1964 with the termination of the *Bracero* Program. At the same time as they endorsed employer sanctions, LULAC representatives and other Mexican American organizations also endorsed amnesty programs for illegal aliens, which underscores the liberal Democratic position of attempting to curb illegal

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(Berkeley: University of California Press, 1980); Arnold Shankman, *Ambivalent Friends: Afro-Americans View the Immigrant* (Westport, CT: Greenwood Press, 1982).

<sup>87</sup> David G. Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 2-6.

immigration while maintaining their stance on civil rights.<sup>88</sup> They wanted to be tough on illegal immigration without being tough on illegal immigrants. However, the United Farmworkers (UFW) and LULAC, influenced by the rising tide of new Hispanic political and civil rights organizations, by 1976 switched their positions on employer sanctions. They made this charge largely on the grounds that such sanctions would cause discrimination toward Mexican Americans in hiring. Particularly concerned with civil rights issues for Hispanics was the Mexican-American Legal Defense and Education Fund (MALDEF), which had close ties to the NAACP Legal Defense Fund. Another important player within Hispanic groups with significant policymaking roles and stakes was the National Council of La Raza (NCLR), which was a significant lobbying machine and also opposed employer sanctions.<sup>89</sup> These immigrant advocacy groups and their efforts to protect immigrant political, civil, and economic rights in the wake of anti-immigrant legislation and rhetoric will be examined in Chapter Six.

After IRCA (1986), immigration increased from 601,708 in 1986 to 1,090,924 in 1989.<sup>90</sup> This legislation resulted in an increase in immigration and consequently rhetoric expounding an immigration “invasion” and the claim that immigrants were a drain on the economy, society, and resources was only exacerbated and heightened. With the

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<sup>88</sup> “Illegal Aliens,” Hearings on Illegal Aliens before Subcommittee no. 1 of the Committee on the Judiciary, House of Representatives, 92d Cong., 1<sup>st</sup> sess., May 5, June 3, 19, and 21, 1971, pt. 1, (Washington, D.C., GPO, 1971), 1:2-4; Tichenor, *Dividing Lines*, 227.

<sup>89</sup> Karen O’Connor and Lee Epstein, “A Legal Voice for the Chicano Community: The Activities of the Mexican-American Legal Defense and Education Fund, 1968-1982,” *Social Science Quarterly* 65 (June 1984): 248-249; Tichenor, *Dividing Lines*, 231.

<sup>90</sup> Susan B. Carter and Richard Sutch, “U.S. immigrants and emigrants: 1820-1998,” in *Historical Statistics of the United States*, 1-542.

Immigration Act of 1990 came increased ceilings on immigration, as well as efforts to change the increasingly brown demographic of recent immigrants through employment and diversity visas that significantly aided immigration by white Europeans, namely the Irish.<sup>91</sup> Immigration to the United States reached 1,536,483 in 1990, increasing to 1,827,167 in 1991.<sup>92</sup> The increased immigration caused by the increase in immigration caps in the Immigration Act of 1990 only served to fuel the anti-immigration and anti-immigrant rhetoric of the 1990s. This rhetoric revolved around the assertion that the policies of the 1980s had failed to stop the “out of control” illegal immigration and had resulted in increased levels of both legal and illegal immigration and even rewarded illegal immigration through amnesty. This frustration was amplified by the recession in the early 1990s. In 1990, there was a slight decrease in the number of people responding that fewer immigrants should be allowed to enter the United States, but by 1992 and 1993 the numbers responding that fewer immigrants should be allowed to enter the United States had increased to 55 percent and 61percent, respectively.<sup>93</sup> People felt that they were being materially hurt by immigrants. Further, the thin, shaky distinction that had existed between legal and illegal immigrants began to show more and more cracks and began to crumble, a process that would be helped along by California’s Proposition 187.

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<sup>91</sup> The Immigration Act of 1990, Public Law 101-649, § 358, U.S. Statutes at Large 104 (1990): 4978.

<sup>92</sup> Susan B. Carter and Richard Sutch, “U.S. immigrants and emigrants: 1820-1998,” in *Historical Statistics of the United States*, 1-542.

<sup>93</sup> Robert Barde, “Public Attitudes regarding the number of immigrants admitted, 1955-1997,” in *Historical Statistics of the United States*, 1-652.



The process was completed in the 1996 PRWORA with its denial of most governmental resources to even legal aliens.<sup>94</sup>

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<sup>94</sup> “The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.” (P.L. 104-193), *United States Statutes at Large*. 110 Stat. 2105.

## CHAPTER IV

### PROPOSITION 187: ANTI-IMMIGRANT LEGISLATION ON THE STATE LEVEL AS A STEPPING STONE TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

We need leaders who're willing to tell Washington the truth about illegal immigration. The truth is, it's out of control and it's harming California. Guaranteeing health care, education and welfare for the families of illegal immigrants isn't just wrong, it's making the problem worse.<sup>1</sup>

Governor Pete Wilson (R-CA), 1994

In response to the dominant theme within the political culture of the 1980s and early 1990s that immigrants were a drain on society and resources, Proposition 187 (Save Our State initiative) emerged in California as a means for native-born Americans to “take back” their country from the (illegal) immigrants who they believed were plunging the state and nation into economic and social turmoil. Again, restrictionists pointed to the changing demographics of the United States as a result of INA 1965 as the cause of this “welfare drain” on the United States’ economy. According to labor economists George J. Borjas and Stephen J. Trejo, “A single factor, the changing national origins mix of the immigrant flow, accounts for much of the increase in welfare participation rates.”<sup>2</sup> From 1901-1910, immigrants from Italy, Russia, and the Austro-Hungarian Empire accounted

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<sup>1</sup> “Remarks by Governor Pete Wilson at Campaign Kick-off at California Steel Industries, Fontana,” March 8, 1994, California Voter Foundation, <http://calvoter.org/archive/94general/cand/governor/wils/wilsspeech3.htm> (accessed June 26, 2011).

<sup>2</sup> George J. Borjas and Stephen J. Trejo, “Immigrant Participation in the Welfare System,” *Industrial and Labor Relations Review* 44, no. 2 (January 1991):195.

for the majority of immigrants to the United States. Between 1921 and 1930, Mexico, Italy, Canada, and Germany accounted for approximately half of all immigrants to the United States. Between 1921 and present-day, Mexican immigrants comprised an increasing percentage of all immigrants to the United States. At the same time as immigration from Mexico increased, immigration from Europe decreased. By 1981, the countries sending the largest number of immigrants to the United States did not include a single European country. Between 1981 and 1990, the country of origin for most new immigrants was (in descending order) Mexico, Philippines, China, Korea, Vietnam, Dominican Republic, and India. El Salvador broke into the list of countries sending the largest number of immigrants to the United States between 1991 and 2000.<sup>3</sup> Then, the fact that American society had become increasingly less white as a result of immigration was *the* reason for increased welfare participation rates. Such analysis, by prominent restrictionist scholars, emboldened anti-immigrant/anti-immigration activists to essentially conflate immigrants and non-whites from Third World countries with welfare recipients. In the *National Review*, Borjas essentially laid out this argument, asserting that, “It is not too much of an exaggeration to say that the welfare problem in California is on the verge of becoming an immigrant problem.”<sup>4</sup>

The welfare problem, as it was, had historically been associated with African Americans, and more specifically, African American females. Thus, initially in California

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<sup>3</sup> *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, FY2002 (October 2003); United States Library of Congress, Congressional Research Service, *U.S. Immigration Policy on Permanent Admissions* by Ruth Ellen Wassem (Washington, D.C.: CRS, 2004).

<sup>4</sup> George Borjas, “Know the Flow: Nine Immigration Myths,” *National Review*, April 17, 1995, 44-50; George Borjas, “The Welfare Magnet,” *National Review*, March 11, 1996, 48-50.

and then across the nation, the immigration debate became racialized in the immediate historical context of the negative stereotyping of African Americans and females as welfare recipients such as in Reagan's "welfare queen" trope. This depiction of welfare recipients as being largely comprised of African American females contributed to the delegitimizing of welfare. The immigration debate continued this racialization of the welfare debate and incorporated these negative "welfare queen" stereotypes into the stereotypes of immigrants. Thus, both the immigration and welfare debates in the United States became racialized and linked. Of course, the reality was that neither African Americans nor immigrants constituted a majority of welfare recipients. The majority of welfare recipients were white. In 1993, the GAO estimated that there were approximately 6 million overall SSI recipients within the United States population who received almost \$24 billion in benefits. In 1993, there were approximately 14.1 million AFDC recipients within the overall United States population who received a total of over \$22 billion in AFDC payments from both state and federal sources. Approximately 6 percent of all immigrants received either SSI or AFDC, yet more than one-half of all immigrants receiving AFDC or SSI lived in California in 1993. It is important to remember that these statistics include people living in mixed status households (households containing a combination of citizens and non-citizens). Further, refugees made up a large number of immigrants receiving welfare. In 1993, refugees made up one-third of immigrants receiving AFDC. About 683,000 immigrants received SSI benefits in 1993 out of 6 million overall SSI recipients. Immigrants received about \$3.3 billion out of the overall \$24 billion spent on SSI in 1993. Immigrants received \$1.2 billion of the \$22 billion

spent on AFDC in 1993.<sup>5</sup> In 1990 approximately two-thirds of welfare recipients in the United States were white and only 15.9 percent of welfare recipients in California were African American.<sup>6</sup> This statistical reality did not impede the fact that misrepresentations of black majority reliance and/or immigrant (non-white) majority reliance on welfare drove both the immigration and welfare debates in the 1990s. This assertion became increasingly important in Republican efforts to dismantle welfare and restrict immigrant rights, which will be explored later in this chapter.<sup>7</sup>

Why did immigration become such a hot button issue in California in the early 1990s? What was the constellation of forces that converged to make California the launching pad for anti-immigrant rhetoric and legislation on a federal level? Theresa A. Parker, Chief Deputy Director of the Department of Finance and UnderSecretary of the Health and Welfare Agency for the state of California, listed three reasons for this occurrence in her testimony on the “Impact of Immigration on Welfare Programs” before the House:

First, immigration has been at historically unprecedented levels of people coming into this country. Second, immigrants, both legal and illegal, are locating

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<sup>5</sup> “Welfare Reform: Implication of Proposals On Legal Immigrants' Benefits,” <http://www.gao.gov/assets/230/220854.pdf> (accessed July 31, 2011).

<sup>6</sup> Earl Ofari Hutchinson, “Racial Myths Reinforce White Fears,” *Los Angeles Times*, October 22, 1995.

<sup>7</sup> Walter I. Trattner, *From Poor Law to Welfare State: A History of Social Welfare in America* (New York: Free Press, 1999); Mary Jo Bane, “Expertise, Advocacy and Deliberation: Lessons from Welfare Reform,” *Journal of Policy Analysis and Management* 20, no. 2 (Spring, 2001): 191-97; Lynn H. Fujitwara, “Immigrant Rights Are Human Rights: The Reframing of Immigrant Entitlement and Welfare,” *Social Problems* 52, no. 1 (February 2005): 79-101; Dara Z. Strolovitch, “Do Interest Groups Represent the Disadvantaged? Advocacy at the Intersection of Race, Class, and Gender,” *The Journal of Politics* 68, no. 4 (Nov., 2006): 894-910; Mimi Abramovitz, “Learning from the History of Poor and Working-Class Women's Activism,” *Annals of the American Academy of Political and Social Sciences* 577 (Sep., 2001): 118-30.

disproportionately in relatively few states. In fact, about 85 percent of all illegal immigrants are in five States. And third, unlike previous waves of immigration, the Federal Government now provides for mandates ... services be provided to immigrants that are eligible for public assistance and service programs that heretofore in previous waves of immigration were not required upon States.<sup>8</sup>

Parker also cited the impact of IRCA (1986), particularly the amnesty program and the high costs of administering resources to those newly legalized residents without the federal funds that had been promised to the states but never materialized.<sup>9</sup>

Proposition 187 began at the grassroots level with the efforts of the California Coalition for Immigration Reform (CCIR), which was founded in 1993. Its founding members included accountant and anti-immigration activist Ron Prince, Republican assemblyman Richard L. Mountjoy, Yorba Linda mayor Barbara Kiley, and civilian police employee Barbara Coe, along with former INS officials Harold Ezell and Alan Nelson. These members, particularly Nelson and Ezell, drafted the initiative that became Proposition 187, dubbed the Save Our State (SOS) campaign.<sup>10</sup> These initial advocates of the SOS campaign fell within a group that Daniel Tichenor refers to as the “Classic Exclusionists,” people or groups who are restrictive both toward alien rights and immigration. This group includes people such as Patrick Buchanan, Republican Congressman Edward Gallegly (who played a prominent role in bringing this fight

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<sup>8</sup>House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 103-58, 30.

<sup>9</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 103-58, 31.

<sup>10</sup> Paul Feldman, “Figures Behind Prop. 187 Look at Its Creation,” *Los Angeles Times*, December 14, 1994, A3; Gebe Martinez and Doreen Carvajal, “Prop. 187 Creators Come Under Closer Scrutiny; Initiative; “From Secret Location, Political Veterans and Novices Lead the Campaign against Illegal Immigration,” *Los Angeles Times*, September 4, 1994, A1.

against immigrants and welfare to the national arena, discussed in Chapter Five of this dissertation), Peter Brimelow, John Tanton, Wayne Lutton, FAIR, and SOS. SOS envisioned Proposition 187 and its restrictions on illegal immigrants as the first step toward restricting both legal and illegal immigrants and immigration. A high-ranking SOS official asserted that “it made sense to target the most objectionable recipients first – illegals. Then we could put the issue of too much legal immigration on the table.”<sup>11</sup> Proposition 187 capitalized on the increasing rhetoric and corresponding perception that immigrants were a drain on society, the economy, and resources; that immigrants took jobs from native-born Americans, that immigrants stagnated or lowered wages; that they introduced a criminal element to American society; and that they were overall a negative and dangerous subclass.

Many in the media accused Proposition 187 proponents of racism. One of the most problematic associations for the Proposition 187 proponents was FAIR, and particularly FAIR’s association with the eugenicist Pioneer Fund. The Pioneer Fund was established in 1937 and its first President was Harry Laughlin, a prominent anti-immigration lobbyist and author of the Model Eugenical Sterilization Law, which was used as a model by thirty states in the United States and by the Nazis in Germany. In 1936, Laughlin lobbied the American Eugenics Society to make Adolf Hitler an honorary member of the society. Laughlin ascribed to the pseudo-scientific belief that minorities were racially inferior and was a staunch opponent of integration in the United States, fighting against *Brown v. Board of Education* and calling for the colonization of

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<sup>11</sup> Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002), 276.

American blacks in Africa. Following Laughlin's example, the Pioneer Fund advocated and provided funding for eugenics and race-IQ theory research. In addition to funding FAIR to the tune of \$1.1 million between 1982 and 1992, the Pioneer Fund also granted AICF approximately \$200,000.<sup>12</sup> This close association with race-based eugenic theories made it very problematic for those Proposition 187 proponents to extricate race from the debate.

Proposition 187 opponents attempted to frame the problems of illegal immigration within a law and order, economic, and fairness context, rather than an explicitly racial one. Harold Ezell, co-author of Proposition 187 and former INS Commissioner of the Western Region asserted that, "The issue of illegal immigration is color-blind; it is not a racial but a legal issue. It is an issue with taxpayers, who have seen our tax dollars squandered on programs that have nothing to do with America citizens or legal aliens."<sup>13</sup> Ron Prince, a Proposition 187 co-sponsor, asserted that this initiative was not backed by racial animus. Instead, Prince argued that Proposition 187 was intended to fix "a present

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<sup>12</sup>Ed Mendel, "Prop. 187 Opponents Question FAIR Funding," *San Diego Tribune*, September 10, 1994; Paul Feldman, "Group's Funding of Immigration measure Assailed," *Los Angeles Times*, September 10, 1994, B3; Alexander Cockburn, In Honor of Charlatans and Racists: 'The Bell Curve' Pays Tribute to Some of History's Most Notorious Pseudoscientific Hatemongers," *Los Angeles Times*, November 3, 1994, B7; "Professors of Hate," *Rolling Stone*, October 20, 1994, 114; "About the 'Bell Curve,' Footnotes from Hell," *Newsday*, November 9, 1994, A42; John Sedgewick, "The Mentality Bunker," *GQ*, November 1994, 228; Harry F. Weyher, "Fund Stays Totally Hands Off," *Toronto Star*, April 23, 1995, A22; Samuel Francis, "The Usual Suspects against Immigration Reform," *Washington Times*, August 8, 1994, A19; Stefan Kuhl, *The Nazi Connection* (New York: Oxford University Press, 1994); Jean, Stefancic, "Funding the Nativist Agenda," in Juan P. Perea, ed., *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States* (New York: New York University Press, 1997), 129-130.

<sup>13</sup> Harold W. Ezell, "California Commentary: Enough is More than Enough: We Can't Afford Illegal Immigration. Prop. 187 Forces the Federal Government to Take Responsibility," *Los Angeles Times*, October 23, 1994.



system that adds up to discrimination against United States citizens and legal residents of California” by using their tax money to pay for services to illegal aliens.<sup>14</sup>

The overarching theme behind this rhetoric was that it was (white) taxpaying citizens who were being discriminated against and materially harmed, not immigrants (or minority groups). In *Alien Nation*, Peter Brimelow, a respected conservative and an English immigrant, attempted to render fellow conservatives and restrictionists impervious to charges of racism by arguing that, “The term ‘racist’ is now so debased, I usually shrug such smears off by pointing to its new definition: anyone who is winning an argument with a liberal.”<sup>15</sup> Brimelow devoted significant time in *Alien Nation* to refuting what he termed the “double standards” toward different actors within the immigration debate, highlighting what conservatives termed “reverse discrimination.” The fact that this colorblind rhetoric so charged the Proposition 187 debate helped to usher in attacks against affirmative action, as well, in California’s Proposition 209, which was on the ballot in 1996. Within conservative logic, these arguments all fit neatly within the post-INA 1965, post Voting Rights Act and post-Civil Rights Act world of what they believed was a systematic institutionalized pattern of discrimination against whites, and even more specifically, against white males. This growing white male resentment of the rapidly changing country and fears about their ability to maintain and enhance their

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<sup>14</sup> Robert L. Jackson, “Rights Panel Voices Concerns on Prop. 187,” *Los Angeles Times*, December 17, 1994.

<sup>15</sup> Brimelow, *Alien Nation*, 10-11.

positions within it helped to spread what many, including Bill Clinton, referred to as “the politics of resentment.”<sup>16</sup>

The goal of Proposition 187 was to prohibit illegal aliens from receiving any type of governmental resources, including both welfare and educational benefits. Effectively, this measure aimed to bar illegal aliens from California’s public educational systems, receipt of welfare benefits, and non-emergency medical care. One of the most controversial components of the measure was that it also made educators, medical personnel, and social workers mandatory reporters, requiring them to report people suspected to have illegal status to the INS and California’s attorney general.<sup>17</sup> This mandatory reporting requirement was a heavy burden to place on these medical and educational providers and caused significant uproar. The California Medical Association opposed Proposition 187, as did the American Medical Association, which issued a statement saying that Proposition 187 constituted “a breach of physician ethics and patient confidentiality.”<sup>18</sup> Dr. Brian Johnston, secretary of the Los Angeles County Medical Association, argued against Proposition 187 on public health grounds, asserting that, “If we do not immunize undocumented children, we will increase the incidence of measles, whooping cough, mumps, rubella, diphtheria and hepatitis B in all children, not

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<sup>16</sup> Susan Yoachum and Steven A. Capps, “President Clinton Speaks Out on Prop. 187: Calls Impact of Controversial Immigration law ‘divisive,’” *The San Francisco Free Press*, November 7, 1994.

<sup>17</sup> Rebecca Melendez Melinda LaVally, *Proposition 187: “Save Our State Initiative”* (Sacramento, CA: Senate Office of Research, 1994); Larry M. Eig, *California’s Proposition 187 a Brief Overview* (Washington, D.C.: Congressional Research Service, Library of Congress, 1995).

<sup>18</sup> Ed Mendel, “Immigration Control Could Zoom into Law – If Its Time Has Come,” *San Diego Union-Tribune*, August 1, 1994, A1; Deborah Gesensway, “Prop. 187 Raises New Ethical Dilemmas for Physicians,” *ACP Observer* (January 1995) <http://www.acpinternist.org/archives/1995/01/prop.187.htm> (accessed August 8, 2011); Jean, Stefancic, “Funding the Nativist Agenda,” in Perea, *Immigrants Out*, 127.

just the undocumented.” David Langness, Vice President of the Hospital Council of Southern California, cautioned that passage of Proposition 187 would result in “medical apartheid.” Leading medical professionals such as Dr. Johnston pointed to the fiscal responsibility of preventative care, “Every dollar spent on prenatal care saves between \$3 and \$10 later on in caring for babies who are born with medical problems that could have been prevented. Every dollar spent on immunizations saves between \$10 and \$14 in future disease and disability costs.”<sup>19</sup> The inference here is clear. Proposition 187 was not fiscally responsible and would, in effect, actually cost the taxpayers a significant amount of money in the long run. That is, unless the illegal aliens did what Governor Wilson proposed they would do when such services were no longer available to them: “self-deport.” Governor Wilson claimed, “If it’s clear to you that you cannot be employed, and that you and your family are ineligible for services, you will self-deport.”<sup>20</sup>

Labor unions generally opposed Proposition 187, including the California State Council of the Service Employees International Union, California Teachers Association, California Labor Federation, and the AFL-CIO.<sup>21</sup> This support of illegal immigrants was a progression of the turn-around labor had done in recent years toward illegal immigrants, following Cesar Chavez’s lead in viewing illegal immigrants as a part of their constituency instead of a group to fight against. Of course, Governor Wilson’s support of

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<sup>19</sup> Paul Feldman, “Proposition 187: Measure’s Foes Try to Shift Focus from Walkouts to Issues,” *Los Angeles Times*, November 4, 1994.

<sup>20</sup> William Safire, “Essay; Self-Deportation?” *The New York Times*, November 21, 1994.

<sup>21</sup> Ed Mendel, “Immigration Control Could Zoom into Law – If Its Time Has Come,” *San Diego Union-Tribune*, August 1, 1994, A1; Jean, Stefancic, “Funding the Nativist Agenda,” in Perea, *Immigrants Out*, 127.

Proposition 187 also influenced labor's stance, as Governor Wilson was largely regarded as an anti-union governor.<sup>22</sup>

After the passage of Proposition 187, schools and social services agencies generally adopted a strategy of non-implementation while waiting for the courts to decide the constitutionality of the relevant provisions of the initiative. School officials in particular were concerned that undocumented students or students with undocumented family members would stop coming to school. After Proposition 187's passage, La Quinta High School Principal Mitch Thomas tried to calm students' fears over the school PA system, "School has, and will be, a place where you'll get an education. We are not the Immigration and Naturalization Service. We are educators. Continue to come to school." The Santa Ana, California, School Board distributed a statement to parents the day after the election telling them to, "Keep your children in our schools. This has been an emotional, divisive issue that has confused many people. We now need to put those feelings aside and keep children in the secure, nurturing environment of our schools."<sup>23</sup>

Proposition 187 was a direct challenge to the Supreme Court's 1982 *Plyler v. Doe* decision, in which a 5-4 majority Court ruled that the Fourteenth Amendment's equal protection clause applied to education and that public education could not be denied to children who were illegal immigrants.<sup>24</sup> *Plyler v. Doe* was based on challenges to a 1975

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<sup>22</sup> Stuart Silverstein, "Unions Do A U-Turn on Immigrant Worker Issue," *Los Angeles Times*, November 3, 1994.

<sup>23</sup> Jodi Wilgoren and Alicis Di Rado, "O.C. Officials Keep Prop. 187 on Hold: Reaction: 'Wait and see,' Say schools, Health and Social Service Agencies. Little Will Change Soon," *Los Angeles Times*, November 10, 1994.

<sup>24</sup> *Plyler v. Doe*, 457 U.S. 202 (1982)

Texas law that said that illegal alien children did not qualify for free public education. The case originated when an undocumented third-grader named Laura Alvarez was expelled from school as a result of this 1975 Texas law. Civil rights lawyers sued on behalf of her and fifteen other children. In the *Plyler v. Doe* decision, the Supreme Court justices asserted that “by denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation.” The educational portion of Proposition 187 would necessitate a judicial revisiting of *Plyler v. Doe*, and with the increased conservative nature of the court, Proposition 187 supporters hoped that this review would result in this “bad decision” being overturned.<sup>25</sup> According to Ezell, “This bad decision [*Plyler v. Doe*] allows any 5-year-old, here legally or not, to get a free, 12-year education plus college. We can’t afford this. Proposition 187 would force the Supreme Court to revisit the issue.”<sup>26</sup> Proposition 187 proponents were optimistic about the chances the Supreme Court would overturn *Plyler v. Doe* for several reasons. First, they argued that the number of illegal children present in California was much higher than had existed in Texas in the mid-1970s. Further, Proposition 187 supporters argued that since school officials were made mandated reporters by the initiative, which would ideally facilitate the prompt return of illegal children to their home country where they would be able to get an education, they were not denying such

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<sup>25</sup> Paul Feldman, “Texas Case Looms Over Prop. 187’s Legal Future: Justice: U.S. High Court Voided that State’s ’75 Law on Illegal Immigrants. But Panel has Since Shifted to Right,” *Los Angeles Times*, October 23, 1994.

<sup>26</sup> Harold W. Ezell, “California Commentary: Enough is More than Enough: We Can’t Afford Illegal Immigration. Prop. 187 Forces the Federal Government to Take Responsibility,” *Los Angeles Times*, October 23, 1994.

children the right to an education and thus not countering the *Plyler v. Doe* decision in this regard. Finally, proponents of Proposition 187 were confident they would prevail because of the conservative shift the Supreme Court had undergone between the 1982 *Plyler* decision and 1994's Proposition 187. Alan C. Nelson, a co-author of Proposition 187 and a former INS Commissioner, explained that, "Only one member who voted with the majority is still there." The only remaining active Supreme Court justice from the *Plyler v. Doe* decision who voted with the majority (striking down the Texas law denying education to illegal alien children) was John Paul Stevens. There were two remaining Supreme Court justices who dissented on the *Plyler v. Doe* decision, Sandra Day O'Connor and William H. Rehnquist. Rehnquist was the chief justice in 1994.<sup>27</sup>

Discussion over the implications of Proposition 187's passage was not confined to the adults. Prior to the election, students held massive walk-outs and rallies. These were substantial student walkouts, with a November 2, 1994, student walk-out numbering approximately 10,000 students. "It is not fair to take education away from the kids. We could be the future leaders. We could be the ones sitting right where you are someday. You've got to give everyone a chance."<sup>28</sup> One student at Saddleback High School in Santa Ana, which is in Orange County, California, asserted that, "The pledge of

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<sup>27</sup> Paul Feldman, "Texas Case Looms Over Prop. 187's Legal Future: Justice: U.S. High Court Voided that State's '75 Law on Illegal Immigrants. But Panel has Since Shifted to Right," *Los Angeles Times*, October 23, 1994.

<sup>28</sup> Amy Pyle and Beth Shuster, "10,000 Students Protest Prop. 187: Immigration: Walkouts around Los Angeles are largest yet showing campus opposition to initiative. The teen-agers are most peaceful, with only 12 arrest reported," *Los Angeles Times*, November 3, 1994.

allegiance ends with the words ‘with liberty and justice for all.’ It doesn’t say ‘with liberty and justice for white people.’”<sup>29</sup>

Civil Rights groups such as the Southern Christian Leadership Conference (SCLC) also participated in demonstrations and rallies in opposition to Proposition 187. Joe Hicks, the executive director of SCLC stated, “We’ve got to send a message to the rest of the nation that California will not stand on a platform of bigotry, racism and scapegoating.” Demonstrations against Proposition 187 drew substantial crowds, up to 70,000 people. The demographic make-up of the demonstrators reflected the diversity of California’s population.<sup>30</sup>

California school districts were very concerned that if forced to implement the educational measures of Proposition 187, then they would lose federal funding, most of which went to programs for disadvantaged and at-risk students. Orange County alone received \$69.4 million in federal funds during the 1993-1994 school year, comprising up to 5 percent of some school districts’ total budgets.<sup>31</sup> The Los Angeles County school district received \$450.5 million of its \$4.2 billion budget from federal funds. All told, school districts in the state of California stood to lose up to a combined \$2.3 billion if the

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<sup>29</sup> Jodi Wilgoren and Alicis Di Rado, “O.C. Officials Keep Prop. 187 on Hold: Reaction: ‘Wait and see,’ Say schools, Health and Social Service Agencies. Little Will Change Soon,” *Los Angeles Times*, November 10, 1994.

<sup>30</sup> Patrick J. McDonnell and Roebert J. Lopez, “L.A. March Against Prop. 187 Draws 70,000: Immigration: Protestors condemn Wilson for backing initiative that they saw promotes ‘racism, scapegoating.’” *Los Angeles Times*, October 17, 1994.

<sup>31</sup> Jodi Wilgoren and Alicis Di Rado, “O.C. Officials Keep Prop. 187 on Hold: Reaction: ‘Wait and see,’ Say schools, Health and Social Service Agencies. Little Will Change Soon,” *Los Angeles Times*, November 10, 1994.

federal government withheld funds from the state because of Proposition 187.<sup>32</sup> Anaheim City Elementary School District Superintendent Meliton Lopez asserted, “That money is what gives us the resources to provide extra help to kids who have some deficiencies in learning. I would miss it. It would be a detriment to children.”<sup>33</sup> Further, the economic impact of losing federal funds would invalidate any economic gains made by not educating undocumented children. In fact, the school districts in the state of California would lose more money from federal funds being withheld than they would save by withholding educational benefits from the 300,000-400,000 out of the state’s 5.2 million students who were estimated to be undocumented. On top of this component of the fiscal argument, the California Department of Education estimated that it would cost the state between \$78 million and \$104 million the first year and \$12 to \$19 million in subsequent years to verify the legal status of students. Bill Rivera, Los Angeles school district spokesman said, “We’d lose a hell of a lot of money. We’d lose a lot more revenue than we’d save.”<sup>34</sup>

In addition to actually costing the state money in the long-run, opponents of Proposition 187 argued that it would result in upticks in crime because children would be on the streets with nothing to do instead of being in school. Los Angeles County District

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<sup>32</sup> Beth Shuster, “Prop. 187 Cost to L.A. Schools Put at \$450 Million: U.S. Threatens to Withhold the Funds, Saying the Measure Would Violate Privacy Laws. Loss of the Funds Would Penalize All Students, Board President Says,” *Los Angeles Times*, September 21, 1994.

<sup>33</sup> Jodi Wilgoren and Alicis Di Rado, “O.C. Officials Keep Prop. 187 on Hold: Reaction: ‘Wait and see,’ Say schools, Health and Social Service Agencies. Little Will Change Soon,” *Los Angeles Times*, November 10, 1994.

<sup>34</sup> Beth Shuster, “Prop. 187 Cost to L.A. Schools Put at \$450 Million : U.S. Threatens to Withhold the Funds, Saying the Measure Would Violate Privacy Laws. Loss of the Funds Would Penalize All Students, Board President Says,” *Los Angeles Times*, September 21, 1994.



Attorney Gil Garcetti said that:

At a minimum, we will see a substantial increase in crime with those youngsters who are not permitted to go to school. The reason we works so hard at getting truants into school is we know that if they stay in school they are much, much less likely to be involved in crime and the criminal justice system.<sup>35</sup>

On election night, Los Angeles Unified School District's Board of Education announced, "We stand firmly with all of our students and their parents in opposition to this disruptive and divisive proposal" and continued asserting that they would join in suit against the initiative if it passed.<sup>36</sup>

Proposition 187 did not represent only the fringes of society, despite the fact that SOS was founded in the ultra conservative bastion of Orange County, California. In fact, The measure echoed many of the findings in the reports of the Commission on Immigration Reform (CIR), "U.S. Immigration Policy: Restoring Credibility." The CIR was commissioned in the Immigration Act of 1990, as a bipartisan commission comprised of five Democrats and four Republicans, none of whom were currently serving as elected officials. The chair was former Congresswoman Barbara Jordan (D-TX), who was appointed by President Clinton. Despite its bipartisan nature, critics argued that it

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<sup>35</sup> Beth Shuster, "Prop. 187 Cost to L.A. Schools Put at \$450 Million : U.S. Threatens to Withhold the Funds, Saying the Measure Would Violate Privacy Laws. Loss of the Funds Would Penalize All Students, Board President Says," *Los Angeles Times*, September 21, 1994.

<sup>36</sup> Kenneth B. Noble, "The 1994 Elections: The Nation California; Gov. Wilson's Comeback Ends in Re-election Victory," *The New York Times*, November 9, 1994.

was not open to all ideas. Maria Jimenez of the American Friends Service Committee claimed that, “Four of its commissioners are linked directly to anti-immigrant groups.”<sup>37</sup> For example, CIR member Harold Ezell was a co-author of Proposition 187.

The CIR clearly distinguished between legal and illegal immigrants. While the CIR advocated strongly against denying means-tested entitlements to legal aliens, Jordan and her colleagues took a very strong stand against illegal immigration, vehemently arguing for increased use of deportation powers and more effective employer sanctions, which brought resounding criticism from immigrant advocacy groups.<sup>38</sup> LULAC general counsel Rick Dovalina asserted that CIR recommendations had “great potential for providing avenues of discrimination.” Jimenez also claimed that they displayed a “callousness toward the concerns of the Latino community.”<sup>39</sup> This CIR report stated that, “Immigration policy must take into account social concerns, demographic trends, and the impact of added population on the country’s

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<sup>37</sup> Cardinal Bernard Law was appointed Chair of the CIR by President George Herbert Walker Bush but he was quickly replaced by Barbara Jordan by President Clinton. After her death, Jordan was replaced by Shirley Mount Hufstedler on the CIR for 1996-1997. The CIR concluded its charge and disbanded on December 31, 1997. At the time of its final report in 1997, the CIR membership was comprised of Shirley Mount Hufstedler (appointed by President Clinton as Chair), Richard Estrada (a newspaper editor from Dallas, Texas and appointed by House Republicans), Harold Ezell (co-author of Proposition 187, former INS commissioner of the western region and appointed by House Republicans), Lawrence Fuchs (former executive director of the SCIRP and appointed by Senate Democrats), Robert Charles Hill (immigration attorney and former Secretary of the Department of Education and appointed by President Clinton), Warren R. Leiden (lawyer appointed by House Democrats), Nelson Merced (Massachusetts state legislator appointed by Senate Democrats), Bruce A. Morrison (Chair of the Federal Housing Finance Board and appointed by House Democrats), and Michael S. Teitelbaum (appointed by Senate Republicans).

<sup>38</sup> U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: Executive Summary* (Washington, D.C.: GPO, 1994); “Testimony of Barbara Jordan, Chair, U.S. Commission On Immigration Reform Before the U.S. House of Representatives Committee On the Judiciary, Subcommittee On Immigration and Claims, February 24, 1995,” U.S. Commission on Immigration Reform, <http://www.utexas.edu/lbj/uscir/index.html> (accessed July 21, 2011).

<sup>39</sup> Mike Tolson, “Hispanic Leaders Rip Jordan, Immigration Reform Proposals,” *Houston Chronicle*, October 13, 1994.

environment.”<sup>40</sup> This inclusion of this in the CIR report validated the concerns of groups such as SOS and FAIR, who were concerned about just such things. CIR recommendations included:

that illegal aliens should not be eligible for any publicly-funded services or assistance except those made available on an emergency basis or for similar compelling reasons to protect public health and safety ... or to conform to constitutional requirements ... benefits policies should continue to send this message: if aliens enter the U.S. unlawfully, they will not receive aid except in limited instances. Federal legislation should permit states and localities to limit eligibility of illegal aliens on this same basis. Should illegal aliens require other forms of assistance, their only recourse should be return to their countries of origin.<sup>41</sup>

Governor Pete Wilson backed Proposition 187 and the Republican Party eventually backed it as well. Embroiled in a tough, uphill battle for re-election and ambitious for a national political career, he essentially staked his political career on the success of Proposition 187, as did the Republican Party in general.<sup>42</sup> The Republican Party of California supported Proposition 187, declaring that, “We must stop the enormous burden illegal immigration puts on California’s economy, schools, and hospitals.”<sup>43</sup>

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<sup>40</sup> U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: Executive Summary* (Washington, D.C.: GPO, 1994), 3-4.

<sup>41</sup> U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: Executive Summary*, 22.

<sup>42</sup> *Los Angeles Times*, October 29, 1994.

<sup>43</sup> “Republican Party,” California Voter Foundation, <http://calvoter.org/archive/94general/parties/rep.html> (accessed June 26, 2011).

Patrick Buchanan also backed Proposition 187. Buchanan clearly linked anti-immigration sentiment to race and demographic change in the United States, calling for an immigration “time out” and stating that a “non-white majority is envisioned if today’s immigration continues.”<sup>44</sup> Buchanan further mused, “What do we want the America of the years 2000, 2020 and 2050 to be like? Do we have the right to shape the character of the country our grandchildren will live in? Or is that to be decided by whoever, outside America, decides to come here?”<sup>45</sup> President Clinton opposed Proposition 187 despite the fact that he had endorsed the CIR recommendations. Clinton asserted that, “There is some racial energy there, some element to it, but I think what is mostly going on here, it’s part of the politics of resentment.”<sup>46</sup> President Clinton pointed to the political use of popular white resentment toward change that was increasingly energized by opposition to the Rights Revolution and harnessed by Republicans such as Buchanan and, in the case of Proposition 187, Wilson.

Many national organizations and newspapers opposed Proposition 187, including the California state-level Parent-Teacher Association, Organization of Police and Sheriffs, School Boards Association, and the State Employees Association. The Mexican

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<sup>44</sup> Perrea, *Immigrants Out*, 63; Patrick J. Buchanan, “What Will American Be in 2050?” *Los Angeles Times*, October 28, 1994, B11; John Graham, “Xenophobic Fears about a ‘Nonwhite Majority’ Are Nonsense,” *Los Angeles Times*, November 27, 1994, B17; Patrick J. Buchanan, “Immigration Time-Out: Patrick J. Buchanan - Official Website, <http://buchanan.org/blog/immigration-time-out-163> (accessed June 14, 2011).

<sup>45</sup> Patrick J. Buchanan, “Immigration Time-Out: Patrick J. Buchanan - Official Website,” <http://buchanan.org/blog/immigration-time-out-163> (accessed June 14, 2011); Patrick J. Buchanan, “What Will American Be in 2050?” *Los Angeles Times*, October 28, 1994, B11.

<sup>46</sup> Susan Yoachum and Steven A. Capps, “President Clinton Speaks Out on Prop. 187: Calls Impact of Controversial Immigration law ‘divisive,’” *The San Francisco Free Press*, November 7, 1994; Daniels, *Guarding the Golden Door*, 242-243.

American Legal Defense Fund (MALDEF) opposed Proposition 187 and successfully sued to stop its enforcement. The League of Women Voters, American Jewish Congress, Sierra Club, and several major newspapers, including the *Wall Street Journal*, *Los Angeles Times*, and *USA Today* all opposed Proposition 187.<sup>47</sup> In the *Los Angeles Times* editorial urging voters to vote no on Proposition 187, the *Los Angeles Times* editorial writers noted two main flaws with the initiative: that it may, in fact, end up costing rather than saving the state money and the unsettled questions concerning how citizenship or legal immigration status would be verified. They concluded “Yes, let’s get control of U.S. borders, but let’s not lose sight of our principles or abandon all reason. Vote ‘no’ on Proposition 187.”<sup>48</sup> The *Los Angeles Times* editorial writers endorsed Governor Wilson for re-election despite his all-out support of Proposition 187, which was the first time they had endorsed a gubernatorial candidate in almost two decades.<sup>49</sup> This endorsement prompted the deputy editor of the editorial pages, Frank del Olmo, to threaten to resign in protest. Instead of resigning, del Olmo published a scathing editorial about Wilson and his support of Proposition 187, arguing that Wilson and Proposition 187 were inextricably linked. Del Olmo publicly voiced his disagreement with the *Times*’ endorsement and couched the fight against Proposition 187 within the larger civil rights struggle, linking Wilson and Proposition 187 proponents to segregationists. Del

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<sup>47</sup> Pamela Burdman, “Closing the Door on Illegal Immigrants,” *San Francisco Chronicle*, October 23, 1994; “Decision ’94,” *Los Angeles Times*, October 30, 1994; Jean Stefancic, “Funding the Nativist Agenda,” in Perea, *Immigrants Out*, 127.

<sup>48</sup> “Why California Should Vote ‘No’ on Proposition 187: This Great State is Bigger and Better and Wiser Than This,” *Los Angeles Times*, November 2, 1994.

<sup>49</sup> B. Drummond Ayres Jr., “The 1994 Campaign: California; Minorities Join California Fight,” *The New York Times*, November 1, 1994.

Olmo argued that:

By aligning himself with the immigration issue in its most nativist form, he [Wilson] has given legitimacy to an ugly streak of bigotry in California. And Latinos everywhere will never forgive him for that. We can no more forget what Wilson has done in the 1994 campaign than African Americans can forget how segregationist governors like Arkansas' Orval Faubus tried to keep black children from getting a decent education in public schools.... Wilson's pro-187 campaign will stick in our craws for generations.<sup>50</sup>

The flaws the *Los Angeles Times* editorial writers cited with regards to Proposition 187 did not address the fundamental problem of fairness and humanity raised by the specter of Proposition 187's passage, nor did they address the very real business practices that drew in illegal immigrants. In accepting the premise of Proposition 187 proponents that illegal aliens were a financial burden on the state, the *Los Angeles Times* recognized the need for an initiative that addressed the same general directives as Proposition 187. The problems that they noted with Proposition 187 were a difference of degree, not type.<sup>51</sup>

Jesse Jackson, a Democrat, also opposed Proposition 187, as did Republicans William Bennett and Jack Kemp. Bennett and Kemp were the first and most prominent national Republicans to break ranks over Proposition 187. They were later joined in their opposition by prominent members of conservative think tanks such as Milton Friedman, Steve Moore of the CATO Institute, members of the Heritage Foundation, the American

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<sup>50</sup> Frank del Olmo, "A Dissenting Vote on the Endorsement of Pete Wilson," *Los Angeles Times*, October 31, 1994.

<sup>51</sup> For additional critique of Los Angeles Times Proposition 187 editorials, see Kent A. Ono and John M. Sloop, *Shifting Borders: Rhetoric, Immigration and California's Proposition 187* (Philadelphia: Temple University Press, 2002).

Enterprise Institute, and the Christian Coalition.<sup>52</sup> Bennett and Kemp issued a joint statement asserting that, “For some, immigrants have become a popular political and social scapegoat. But concerns about illegal immigration should not give rise to a series of fundamentally flawed, constitutionally questionable ‘solutions’ which are not consonant with our history.” Kemp went even further, asserting that, “I am concerned that, if this passes in California, it will be introduced in other states and people will want to put it in the 1996 platform. It corrodes the soul of the party.”<sup>53</sup> Kemp’s fears proved to be quite prescient. Both Kemp and Bennett noted the potential for a dangerous upsurge in nativism as a result of such government initiatives. “Once a thing like this gets started, the kinds of brushes that are going to be used tend to be way too broad. It is wrong in itself, but it is also going to label all immigrants, it is going to turn into a war of colors, a war of races. It’s bad stuff. It is poison in a democracy.”<sup>54</sup> Bennett and Kemp’s main point of contention with Proposition 187 was not its attempt to deny welfare benefits to illegal aliens. Instead, the two Republican stalwarts took issue with what they viewed as its “anti-conservative” attempt to mandate schools and hospitals to report suspected illegal immigrants. They asserted that:

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<sup>52</sup> Morton M. Kondracke, “Prop. 187 Is Sinking: Immigration-Bashing to Collapse Worth It?” *Roll Call*, November 3, 1994; Paul Feldman, “Figures Behind Prop. 187 Look At Its Creation,” *Los Angeles Times*, December 14, 1994, A3; Jean, Stefancic, “Funding the Nativist Agenda,” in Perea, *Immigrants Out*, 128.

<sup>53</sup> Ronald Brownstein and Patrick J. McDonnell, “Kemp, Bennett and INS Chief Decry Prop. 187,” *Los Angeles Times*, October 19, 1994.

<sup>54</sup> Ronald Brownstein and Patrick J. McDonnell, “Kemp, Bennett and INS Chief Decry Prop. 187,” *Los Angeles Times*, October 19, 1994.

charging teachers and nurses with the duty of reporting people they suspect to be illegal immigrants is profoundly anti-conservative; it relies on a highly intrusive Big Brother approach. It is also a mandate for ethnic discrimination. Does anyone seriously doubt that Latino children named Rodriguez would be more likely to 'appear' to be illegal than Anglo children named, say, Jones?<sup>55</sup>

This discrimination was not something that anti-immigrant activists such as Peter Brimelow saw as a problem, of course. Finally, in an astute bit of political foreshadowing, Kemp and Bennett also asserted in their statement on Proposition 187 that the Republican Party would face potentially disastrous political consequences if they continued supporting anti-immigrant measures such as Proposition 187:

The Republican Party helped to create a Democratic base in many of America's cities with its hostile stand toward the last generation of immigrants from Italy, Ireland and the nations of Central Europe. Can anyone calculate the political cost of again turning away immigrants, this time.... Asians, Hispanics and others?<sup>56</sup>

Their solution was enhanced border enforcement, restructuring of the INS, and increased efforts to ferret out and punish those found in possession of or manufacturing fraudulent immigration documents.<sup>57</sup> Kemp, Bennett, and other Republican anti-nativists ultimately failed to sway the Republican Party away from their increasing gravitation toward nativist politics and policies. Many Republicans believed it politically advantageous to co-opt this surging popular nativism, but more importantly, this nativism allowed

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<sup>55</sup> Ronald Brownstein and Patrick J. McDonnell, "Kemp, Bennett and INS Chief Decry Prop. 187," *Los Angeles Times*, October 19, 1994.

<sup>56</sup> Ronald Brownstein and Patrick J. McDonnell, "Kemp, Bennett and INS Chief Decry Prop. 187," *Los Angeles Times*, October 19, 1994.

<sup>57</sup> Ronald Brownstein and Patrick J. McDonnell, "Kemp, Bennett and INS Chief Decry Prop. 187," *Los Angeles Times*, October 19, 1994.



Republicans to achieve something they had been trying to achieve for the better part of thirty years, the dismantlement of anti-poverty programs. By scapegoating two marginalized and resented groups, immigrants and black women, Republicans were able to gain overwhelming support to end entitlements within the United States welfare system.<sup>58</sup>

On a federal level, Proposition 187 also lacked support from the Immigration and Naturalization Service. INS Commissioner Doris Meissner argued that it was work opportunity and not welfare benefits that was the magnet drawing in immigrants: “We do not believe that the proposition is an effective way of enforcing the law against illegal aliens. The incentives for illegal immigration are to work in the United States, not to sign up for welfare.”<sup>59</sup>

The rhetoric of Proposition 187 proponents has been described by many as mean-spirited, at best. Bette Hammond, an SOS organizer complained “They come here, they have their babies, and after that they become citizens and all those children use those social services.” Yorba Linda, California, mayor and Proposition 187 proponent Barbara Kiley described the citizen children of illegal aliens as “those little fuckers.”<sup>60</sup> Richard Mountjoy, a Republican state assemblyman from East Los Angeles was also a staunch proponent of Proposition 187. Mountjoy even (unsuccessfully) introduced a series of

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<sup>58</sup> Many activists lament the seeming invisibility of civil rights and anti-poverty advocates amid the perfect storm that created the PRWORA in 1996. See Catherine M. Paden, *Civil Rights Advocacy on Behalf of the Poor* (Philadelphia: University of Pennsylvania Press, 2011), 136-145.

<sup>59</sup> Ronald Brownstein and Patrick J. McDonnell, “Kemp, Bennett and INS Chief Decry Prop. 187,” *Los Angeles Times*, October 19, 1994.

<sup>60</sup> Elizabeth Kadetsky, “‘Save Our State’ Initiative: Bashing Illegals in California,” *The Nation*, October 17, 1994, 418.

anti-immigrant bills prior to 1994, one of which would disqualify “anchor babies” from the birthright citizenship guaranteed to them in the Fourteenth Amendment. This desire to reverse the “institutional accident” of the Fourteenth Amendment in which persons born in the United States are automatically citizens was echoed by Peter Brimelow and backed by Governor Wilson and later the national Republican Party.<sup>61</sup> In a display of racism and race-tainted rhetoric trumping intellectual backing, Mountjoy also lamented illegal immigration from Puerto Rico, which is, of course, a United States territory. People born in Puerto Rico are “natural born citizens” of the United States. Thus, a Puerto Rican cannot, by definition, illegally immigrate to the United States. However, Puerto Ricans were viewed as racially Hispanic and therefore a part of the illegal immigrant problem in California, which too had been racially coded Hispanic.<sup>62</sup>

Proponents of Proposition 187 openly decried the advent of multiculturalism. Many supporters categorized immigration as a “conquest” of California by Hispanics. Ruth Coffey, leader of Stop Immigration Now, a member organization of Proposition 187 co-sponsor California Coalition for Immigration Reform, asserted, “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.” Another prominent

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<sup>61</sup> Peter Brimelow, “Immigration: Dissolving the People.”; Bill Stall, “Wilson Gets Cool Reception on Immigration Reform,” *Los Angeles Times*, October 16, 1993.

<sup>62</sup> Elizabeth Kadetsky, “‘Save Our State’ Initiative: Bashing Illegals in California,” *The Nation*, October 17, 1994, 418.

Proposition 187 backer, Glenn Spencer, who ran Voices of Citizens Together, asserted that, “Someone is going to be leaving the state. It will either be them or us.”<sup>63</sup>

Proposition 187 proponents such as Barbara Coe of the California Commission for Immigration Reform depicted illegal immigrants as criminals:

We are heartbroken when we learn of yet another brutal murder of an innocent victim, many of them children, at the hands of illegal aliens ... we are outraged by those representatives who allow this activity to ... and take little action to protect us from the illegal alien perpetrators of violent crime.<sup>64</sup>

Proposition 187 had the effect of emboldening the anti-immigrant activity of its proponents. Illegal aliens and those suspected of being illegal aliens were turned away from emergency rooms for not having their immigration documents on their person available to produce at a moment’s notice, when requested. “A customer at a Santa Paula restaurant demanded to see the cook’s green card, declaring that it was every citizen’s duty to report illegals.”<sup>65</sup>

Restrictionists also advocated for a secure verification system for aliens to decrease fraud and to make it easier for governmental agencies to cross-check the person requesting assistance or in their custody. FAIR was one such proponent of an electronic identification card system for aliens.<sup>66</sup> They did win this fight and the eventual

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<sup>63</sup> Gebe Martinez and Patrick J. McDonnell, “Prop. 187 Backers Counting on Message, Not Strategy,” *Los Angeles Times*, October 30, 1994.

<sup>64</sup> Handbill, “Barbara Coe for Assembly, 67<sup>th</sup> State Assembly District,” December 1995.

<sup>65</sup> “Hot Lines and Hot Tempers,” *Time*, November 28, 1994.

<sup>66</sup> Scipio Garling, *Ten Steps to Ending Illegal Immigration* (Washington, D.C.: FAIR, 1995).

changeover to an electronic green card system became a contributing factor to the rising naturalization and mobilization rates of Hispanics in the mid-1990s.<sup>67</sup>

Despite the environmentalist roots of immigration restrictionist groups such as FAIR, which supported Proposition 187; mainstream national environmental groups, such as the Sierra Club; and local environmental groups, such as the California League of Conservation Voters (CLCV), opposed Proposition 187 in an effort to distance themselves from the radical anti-immigrant rhetoric of groups with environmentalist ties such as FAIR. Displaying their concern with public relations and fear of being tied to FAIR, Sam Schucat, the executive director of CLCV asserted that, “We had to...[oppose it] just to make sure we were on the right side of history on this one.... Environmentalists wanted to show that we are on the side of the people, not just endangered species.”<sup>68</sup> In perhaps the most glaring display of the split within population control and environmental groups over immigration and immigrant rights, a split which precipitated Tanton’s founding of FAIR, ZPG opposed Proposition 187, calling it “punitive, inhumane, and clearly unconstitutional.”<sup>69</sup>

Opponents of Proposition 187 feared its proponents would engage in intimidation at polling sites. This fear was rooted in precedent in Orange County, California, where in 1988, the Republican Party placed uniformed security guards at polling stations without permission from election officials. Republican party officials alleged that they placed the

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<sup>67</sup> This will be discussed at length in Chapter Six.

<sup>68</sup> John A. Baden and Douglas S. Noonan, “Migrating Species: Environmentalists Worry that Eco-Systems Might be Affected by Immigration,” *National Review*, June 16, 1997, 41.

<sup>69</sup> ZPG, *Statement in Response to California Ballot Initiative Proposition 187* (October 1994).

guards at voting precincts in response to rumors that Democrats were planning to bus aliens who were ineligible to vote to the voting precincts to vote. The guards allegedly held signs in Spanish and English warning that, “Non-citizens can’t vote.”<sup>70</sup> The Republican Party asserted that they removed the guards when election officials warned that the guards could infringe on voting rights and intimidate legally registered Hispanics.<sup>71</sup> Displaying the ongoing Hispanic and immigrant mobilization throughout the late 1980s and 1990s, Clinton campaign California legal counsel Philip Recht asserted that a significant issue with this GOP-driven voter intimidation was that, “Many of the new registrants are new citizens and first-time voters, persons who are particularly susceptible to intimidation tactics, persons who are not necessarily familiar with the voting process.” This incident reveals significant antagonism between the California state GOP and Democratic Party structures, with the Democrats accusing the Republicans of trying to intimidate newly naturalized and registered voters and the Republicans accusing the Democrats of registering illegal aliens to vote.<sup>72</sup>

These same issues over Proposition 187 plagued the lead-up to the 1994 elections, as Proposition 187 proponent Barbara Coe distributed flyers at a meeting of the CCIR that read, “Only citizens can vote! Violators will be prosecuted!”<sup>73</sup> These flyers were to

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<sup>70</sup> Eric Bailey, “Democrats to Watch Polling Places: Voting: Party’s Plan Follows 1988 O.C. Controversy Over GOP-hired ‘Guards’ Outside Balloting Stations,” *Los Angeles Times*, October 30, 1992; “Panel OKs Bill Banning Guards at Voting Sites,” *Los Angeles Times*, June 1, 1989.

<sup>71</sup> “Panel OKs Bill Banning Guards at Voting Sites,” *Los Angeles Times*, June 1, 1989.

<sup>72</sup> Eric Bailey, “Democrats to Watch Polling Places: Voting: Party’s Plan Follows 1988 O.C. Controversy Over GOP-hired ‘Guards’ Outside Balloting Stations,” *Los Angeles Times*, October 30, 1992.

<sup>73</sup> Gebe Martinez, “Prop. 187 Group’s Flyer on Voting Stirs Anxiety in O.C.,” *Los Angeles Times*, November 3, 1994.

be posted on telephone poles outside of voting precincts. FBI agents questioned Coe three days prior to the 1994 election in order to determine if Coe's plans amounted to violating the voting rights of minorities. The FBI and Justice Department determined that Coe was not a threat to minorities' voting rights, none of Coe's fliers were posted, and the issue appeared to have resolved itself. That is, until House Republicans, led by California Representative Dana Rohrabacher, held a hearing on what they deemed to be the federal government's unnecessary intrusion into citizens' private lives through their interrogation of Coe. Democrats such as Massachusetts Representative Barney Frank argued that it was Republicans' own actions that caused Coe's interrogation. Frank was referring here to the 1988 instance of Republicans stationing armed guards at voting precincts, which resulted in the Republican Party being forced into paying out a settlement to the Democratic Party and to Hispanic advocacy groups.<sup>74</sup>

Proposition 187 passed with a 59 percent majority, with 4.8 million people voting in favor and approximately 3.3 million voting against it.<sup>75</sup> The exit polls here are quite interesting. A solid majority, 77 percent of Hispanics, and 53 percent of Asian American and African American voters all voted *no* on Proposition 187 while a majority of whites (63 percent) voted *yes*. Proposition 187 passed in fifty of California's fifty-eight counties.

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<sup>74</sup> Gebe Martinez, "Questioning of Prop. 187 Backer Still an Issue: Politics: An FBI Agent Visited Barbara Coe a Year Ago; the GOP Has Tried to Use the incident as a Reason to Scale Back Federal Power," *Los Angeles Times*, November 6, 1995.

<sup>75</sup> Alexander Cockburn, "Beat the Devil," *The Nation*, December 5, 1994; Larry M. Eig, *California's Proposition 187 a Brief Overview* (Washington, D.C.: Congressional Research Service, Library of Congress, 1995); Leo R. Chavez, "Immigration Reform and Nativism: The Traditionalist Response to the Transnationalist Challenge," in Juan F. Perea, ed., *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States* (New York: New York University Press, 1997), 61.

California's overall population was approximately 57 percent white, 25 percent Hispanic, 9 percent Asian American and 7 percent African American, yet whites made up 75-80 percent of voters, while Hispanics made up 8 to 10 percent of the electorate, Asian Americans 4-5 percent and African Americans 10 percent meant Whites and African Americans voted in disproportionately high numbers when compared to other ethnicities represented in the California electorate.<sup>76</sup> The passage of Proposition 187 prompted similar state and federal initiatives across the country in the mid-1990s.<sup>77</sup> This overwhelming vote by Hispanics against Proposition 187 was not a foregone conclusion just weeks before the November election, representing the predominance of "walls" within the Hispanic immigrant community separating them.<sup>78</sup> In the end, however, Proposition 187 held up mirrors within the Mexican immigrant community in California and represented "a coming together of the Hispanic community, a realization that it's not just recent immigrants, but any one of them who might not look or act like a 'citizen,'" asserted Claremont College pollster and political analyst Sherry Babitch Jeffe.<sup>79</sup> The

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<sup>76</sup>Hugo Martin, "California Elections: Immigration Was No. 1 Election Issue, Local Voters Say: Exit Poll: Half of those questioned said Prop. 187 was the leading factor in deciding who to vote for," *Los Angeles Times*, November 10, 1994; R. Michael Alvarez, "The Resurgence of Nativism in California? The Case of Proposition 187 and Illegal Immigration," *California Institute of Technology* (1998): 31-38.

<sup>77</sup> *New York Times*, November 21, 1995; *New York Times*, September 10, 1995; *Washington Times*, September 12, 1995; *Los Angeles Times*, November 14, 1995; *Hispanic*, April 1995, 18-22.

<sup>78</sup> Here, the "walls" refer to the differences between immigrants and "mirrors" refers to the similarities between immigrants. See David G. Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995).

<sup>79</sup> Susan Ferriss, "Prop. 187 Losing Latino Support: Majority of Mexican Americans now Oppose Anti-Immigration Measure," *San Francisco Free Press*, November 5, 1994.

overwhelming Hispanic opposition to the initiative came when Hispanics began to see Proposition 187 within its racialized context. NCLR attorney Victor Marquez argued:

Race relations are an extremely touchy issue in communities of color. With his choice of advertising, Wilson has illustrated time and time again how it (Prop. 187) is targeting the Latino community. He's not concentrating on Europeans coming here to overstay their visa permits.<sup>80</sup>

What exactly were the majority of Californians' affirming in voting *yes* on Proposition 187? Well, according to the ballot listing, "to deny public benefits." More explicitly, Californians "found and declared that they had suffered economic hardship caused by the presence of illegal aliens in th[e] state" and that they had "suffered personal injury and damage by the criminal conduct of illegal aliens in th[e] state."<sup>81</sup> In voting *yes*, 59 percent of Californians also:

declare[d] their intention to provide for cooperation between their agencies of state and local government with the federal government, and to establish a system of required notification by and between such agencies to prevent illegal aliens in the United States from receiving benefits or public services in the State of California.<sup>82</sup>

After Proposition 187's passage, LULAC and other opponents of Proposition 187 such as the American Civil Liberties Union (ACLU), immediately filed suits in both state

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<sup>80</sup> Susan Ferriss, "Prop. 187 Losing Latino Support: Majority of Mexican Americans now Oppose Anti-Immigration Measure," *San Francisco Free Press*, November 5, 1994.

<sup>81</sup> *League of United Latin American Citizens (LULAC III) v. Wilson*, 908 F. Supp. 755, 787-91 (C.D. Cal. 1995)

<sup>82</sup> *League of United Latin American Citizens (LULAC III) v. Wilson*, 908 F. Supp. 755, 787-91 (C.D. Cal. 1995).



and federal courts to prevent its implementation on the grounds that the measure violated both the state and United States constitutions.<sup>83</sup> Proposition 187, like the later Personal Responsibility and Work Opportunity Reconciliation Act of 1996, through its categorization of deserving and undeserving immigrants, created “classes and sub-classes” of immigrants. In the plaintiff’s complaint from one such lawsuit, *Gregorio v. Wilson*, the opponents of Proposition 187 argued:

The initiative...violates due process by cutting off benefits without a hearing on mere ‘suspicion’ by any one of tens of thousands of untrained state employees. It denies equal protection of the laws by creating classes and sub-classes of aliens without any rational basis, and by encouraging rampant discrimination against persons who appear or sound foreign.<sup>84</sup>

On December 15, 1994, U.S. District Judge Mariana R. Pfaelzer prohibited enforcement of the majority of Proposition 187 by issuing a temporary injunction against implementation of its health care, social services, and educational provisions. Judge Pfaelzer’s injunction joined two earlier orders blocking enforcement of substantial portions of Proposition 187 by San Francisco Judge Stuart R. Pollak and Los Angeles Judge W. Matthew Byrne.<sup>85</sup> The temporary injunction against implementation of the health care, social services and educational provisions of Proposition 187 became permanent in 1997. Judge Pfaelzer cited the Supreme Court’s 1982 *Plyler v. Doe* decision

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<sup>83</sup> Kenneth Jost, “Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?” *CQ Researcher* 5, no. 5 (February 1995).

<sup>84</sup> *Gregorio v. Wilson* (November 10, 1994); Kenneth Jost, “Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?” *CQ Researcher* 5, no. 5 (February 1995).

<sup>85</sup> “Stopping a Monster Camel in Its Tracks: Blockage of Prop. 187 was predictable – and right,” *Los Angeles Times*, December 16, 1994.

in her ruling. Pfaelzer and her arguments in 1995 were dismissed by Proposition 187 proponents who classified her as “an exceedingly liberal judge.”<sup>86</sup> The legal wrangling over Proposition 187 conclusively ended in 1999, after Democratic California Governor Gray Davis withdrew the state’s Supreme Court appeal and Judge Pfaelzer finalized the dismantling of Proposition 187. This ruling was, according to Mark Rosenbaum, the legal director of the Southern California chapter of the American Civil Liberties Union (ACLU), “the final shovel of dirt on the grave of Proposition 187.”<sup>87</sup> However, Proposition 187’s death in the state of California only signaled the rise of similar efforts on a national level.

The intended goals of Proposition 187 were to save the state money by denying services to illegal aliens, to stop the flow of illegal immigrants into California, and to encourage those already present to “self-deport.”<sup>88</sup> Self-deportation would prove to be impracticable, as evidenced by the prevalence of multi-status families and the dependence of California’s economy on low-wage immigrant workers, a dependence so prevalent that even Governor Wilson hired an illegal immigrant to work for him.<sup>89</sup> For better or worse, immigrants (both legal and illegal) were a part of the fabric of

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<sup>86</sup> Lily Dizon, “Prop. 187 Decision: O.C. Backers of Prop. 187 Say Ruling Was Expected,” *Los Angeles Times*, November 21, 1995.

<sup>87</sup> “Judge’s Final Ruling Scraps Proposition 187,” *Los Angeles Times*, September 14, 1999; Daniels, *Guarding the Golden Door*, 243-244

<sup>88</sup> William Safire, “Essay; Self-Deportation?” *The New York Times*, November 21, 1994.

<sup>89</sup> Dave Leshner, “Wilson Hiring of Illegal Immigrant is Reported: Politics: He did not pay Social Security and was not aware of housekeeper’s status, governor’s office says,” *Los Angeles Times*, May 4, 1995.

California's society and economy, and they attempted to prove this through political mobilization throughout the mid-1990s.

In 1998, 9 percent of families in the United States with children were multi-status families, meaning they were comprised of a mix of citizens and non-citizens. In California, 27 percent of all families with children were multi-status families. Ten percent of all United States children, 30 percent of all California children and 47 percent of all children in Los Angeles resided in multi-status families in the mid-to-late 1990s.<sup>90</sup> The citizenship makeup of families was a complicated and fluid mixture, as multi-status families can include citizens, legal aliens, and illegal aliens. According to Santa Ana immigration consultant Michele Garcia-Jurado, multi-status families were “a very, very common problem.”<sup>91</sup> The pervasiveness of these complex, multi-status families in California meant that Proposition 187 would not have just affected illegal aliens. It would have cast a wide net with profound implications for many United States citizens residing in California, most specifically for citizen children with undocumented parents. For example, Dora Figueroa was an undocumented resident of California, married to a legal permanent resident. The Figueras were the parents of a two year-old son, a natural born

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<sup>90</sup> Terry Lugaila and Julia Overturf, *Children and the Households They Live In: 2000*, U.S. Census Bureau, Census Special Report, CENSR-14, Washington, D.C., 2003; Robert Bennefield and Robert Bonnette, *Structural and Occupancy Characteristics of Housing: 2000*, U.S. Census Bureau, Census 2000 Brief, C2KBR-32, Washington D.C., 2003; Michael E. Fix and Wendy Zimmermann, “All Under One Roof: Mixed-Status Families in an Era of Reform,” Washington, D.C.: The Urban Institute, October 06, 1999; Jennifer Glick, Frank Bean and Jennifer Van Hook, “Immigration and Changing Patterns of Extended Family Household Structure in the United States: 1970-1990,” *Journal of Marriage and Family* 59 (February 1997): 177-191.

<sup>91</sup> Lee Romney, “Families Must Gaze Across Great Divide of Prop. 187: Immigration: In Some Cases, Parents Are Here Legally, Their Children are Not. Siblings too are Split,” *Los Angeles Times*, November 14, 1994.

citizen, and the mother was pregnant with their second child. Enforcement of Proposition 187 would have uprooted the lives of many families like the Figueroas.<sup>92</sup>

In addition to flatly denying governmental benefits and services to illegal aliens, states tried to recoup the costs of providing such services by suing the government. Such advocates framed this debate as one in which states were forced to shoulder what they argued were the high fiscal costs of providing services to illegal aliens because of the federal government's inability to do its job protecting and securing the national borders. Ann Morse, program manager of the immigration policy project at the National Conference of State Legislatures, argued that, "The federal government has control over the admission of immigrants, but has devolved much of the responsibility for serving them on state and local governments."<sup>93</sup> "Gateway" states such as California, Texas, and Florida drove these lawsuits, which were eventually thrown out by federal judges.<sup>94</sup> Governor Wilson filed several lawsuits against the federal government in 1994 on behalf of the state of California, in an attempt to recoup costs incurred by the state providing benefits and services to illegal aliens. Defending his fourth such filing of the year, in September 1994, Governor Wilson argued that, "California simply can't wait any longer. Our borders are a sieve that makes a mockery of our laws and cripples our ability to

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<sup>92</sup> Patrick J. McDonnell, "Complex Family Ties Tangle Simple Premise of Prop. 187: Immigrants: Impact Includes Problems of Splitting Up Parents, Children and Spouses of Mixed Legal Status," *Los Angeles Times*, November 20, 1994.

<sup>93</sup> Kenneth Jost, "Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?" *CQ Researcher* 5, no. 5 (February 1995).

<sup>94</sup> *San Francisco Chronicle*, March 13, 1995; *Sacramento Bee*, February 14, 1995; *Orange County Register*, June 13, 1996; *San Francisco Chronicle*, January 8, 1997; *San Diego Union-Tribune*, June 4, 1997; Reimers, *Unwelcome Strangers*, 101.

shape our own destiny.” This fourth lawsuit consolidated the three earlier suits into one lawsuit against the federal government. This lawsuit essentially argued, “That the presence of so many illegal immigrants here amounts to a foreign invasion of California.” The lawsuit stated that, “The massive and unlawful migration of foreign nationals...constitutes an invasion of the state of California against which the United States is obligated to protect California.”<sup>95</sup> Governor Wilson’s lawsuit cited Article IV, Section 4, of the Constitution, which states that, “The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion.”<sup>96</sup> Here, Governor Wilson not only co-opted but intensified the invasion rhetoric of the 1980s.

New York Governor Mario Cuomo initially declined to add New York to those suing the federal government, instead negotiating with the federal government for better reimbursement terms for services paid for by the state for illegal immigrants. Governor Cuomo defended his decision against filing suit, explaining, “When you bring a lawsuit on this issue, it sends out the wrong message. I love immigrants. Legal, illegal – they’re not to be despised.”<sup>97</sup> Of course, as many groups such as the ACLU were quick to point out, Governor Cuomo had considered filing suit, both alone and jointly with the other “gateway” states. He instead decided to negotiate for state compensation, a wise

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<sup>95</sup> Daniel M. Weintraub, “Wilson Sues Over Immigrants’ ‘Invasion,’” *Los Angeles Times*, September 23, 1994.

<sup>96</sup> Daniel M. Weintraub, “Wilson Sues Over Immigrants’ ‘Invasion,’” *Los Angeles Times*, September 23, 1994.

<sup>97</sup> Deborah Sontag, “New York Officials Welcome Immigrants, Legal or Illegal,” *The New York Times*, June 10, 1994.

political move given the immigrant influence in New York state. New York Mayor Rudolph Giuliani went even further in his defense of immigrants, both legal and illegal, asserting:

some of the hardest-working and most productive people in this city are undocumented aliens. If you come here and you work hard and you happen to be in an undocumented status, you're one of the people who we want in this city. You're somebody that we want to protect, and we want you to get out from under what is often a life of being like a fugitive, which is really unfair.<sup>98</sup>

At least in small measure, the states' concerns were appreciated by the federal government. In the fall of 1994, the Commission on Immigration Reform (CIR) Report called for "a short-term authorization of impact aid to offset at least a portion of the fiscal burdens of unlawful immigration until such a time as better enforcement measures are in place."<sup>99</sup>

In stark contrast to the furor over immigrants in California, the Texas political and business establishment expressed clear disapproval of Proposition 187 and emphasized the strong business and personal ties between Texas and Mexico. The strongly anti-welfare Texas Republican Governor George W. Bush was in favor of tighter enforcement at the border but opposed denying governmental services to illegal immigrants already residing in the country. The difference between California and Texas' stances regarding

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<sup>98</sup> Deborah Sontag, "New York Officials Welcome Immigrants, Legal or Illegal," *The New York Times*, June 10, 1994; U.S. Commission on Immigration Reform, *1997 Report to Congress: Becoming an American: Immigrant and Immigration Policy* (Washington, D.C.: GPO, 1997); U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: Executive Summary*.

<sup>99</sup> Kenneth Jost, "Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?" *CQ Researcher* 5, no. 5 (February 1995); U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility: Executive Summary*.

illegal immigrants was significantly influenced by the different business relationships with Mexico that California and Texas enjoyed. Texas exported about \$19 billion dollars of goods per year to Mexico, compared to the \$6 billion exported by California. More so than California, Texas' economic well being required a cordial, if not friendly, relationship with Mexico. Texas businessmen and politicians saw California's dalliances with nativism as an opening to further expand their exports to Mexico.<sup>100</sup>

Proposition 187 and the court battles surrounding it gained significant coverage in the national media and popular support for it soared.<sup>101</sup> Race and economics-inflected opposition to welfare coincided with anti-immigrant animus, creating tempting themes for right-wing mobilization, which also laid the basis for massive counter mobilization. Proponents of Proposition 187 began to realize that the most effective way to meet their goals of restricting immigration and immigrant rights was to do so through the federal, rather than state, government. Further, the same anti-immigrant frenzy that had brought about the passage of Proposition 187 in California also helped to usher in a Republican takeover of Congress. This Republican congressional takeover made restrictionists wanting to restrict both immigration and immigrant rights optimistic about their chances of passing Proposition 187-like legislation on the federal level. This California initiative set the stage on a national level for the efforts to restrict even legal aliens' access to governmental resources in the mid-1990s. In a 1994 national poll, respondents were

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<sup>100</sup> Jesse Katz, "Prop. 187 Gives Texas a Selling Point in Mexico," *Los Angeles Times*, February 6, 1995.

<sup>101</sup> See Gallup Poll, *Public Opinions* (Wilmington, DE: Scholarly Resources, 1994), 250-51; *American National Election Studies* (Ann Arbor: University of Michigan, 1994).

asked what issues were most important to them in the 1994 election. 33 percent answered crime, 28 percent said welfare reform and 20 percent responded illegal immigration was the most important election issue to them.<sup>102</sup> An October 1994 Gallup poll displayed that 72 percent of respondents viewed expansive immigration as threatening to the “vital interests of the United States.”<sup>103</sup> Reflective of this concern with immigration, Wayne Lutton and John Tanton, immigration and immigrant rights restrictionists, argued:

Mass migration is no longer a solution to human problems. People will now have to stay in the land of their birth, and work to change the conditions they do not like. This is the effort that should be occupying our attention and our efforts, not shuffling the deck chairs on our global Titanic.<sup>104</sup>

There were a number of attempts on both national and local levels in the early 1990s to restrict immigrant rights. As a result of the early 1990s recession, people were increasingly concerned with the economy and use of welfare. Welfare rolls began to increase nationally and place increasing pressure and strain on state budgets. The reasons popularly cited for the surge in welfare cases in the early 1990s included “the amnesty program for illegal immigrants, which has made some of them eligible to receive welfare.”<sup>105</sup> As a result of this perception that immigrants were fueling these rising welfare costs, draining state and federal coffers, in October 1993, the House passed a bill

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<sup>102</sup> NBC News/*Wall Street Journal* Poll, October 14, 1994; Tichenor, *Dividing Lines*, 277.

<sup>103</sup> Gallup/Chicago Council on Foreign Relations Poll, October 7, 1994, in John Reilly, ed., *American Public Opinion and U.S. Foreign Relations, 1995* (Chicago: Chicago Council on Foreign Relations, 1995), 32.

<sup>104</sup> Wayne Lutton and John Tanton, *The Immigration Invasion* (Monterey, VA: AICF, 1994), 164.

<sup>105</sup> Jason DeParle, “Fed by More than Slump, Welfare Caseload Soars,” *The New York Times*, January 10, 1992, A1.



extending emergency unemployment benefits for workers who had been unemployed for more than six months. This vote was a contentious one, with the rancor surrounding a provision of the extension bill that would increase the residency period required for immigrants to be eligible for Supplemental Security Income (SSI) from three to five years. The Congressional Hispanic Caucus fought to retain the three year residency requirement for immigrant SSI eligibility, but were forced to retreat in the face of political wrangling and pressure. “The caucus fought hard on this bill and will continue to battle against those who would make impoverished legal immigrants scapegoats for our problems,” asserted Representative José Serrano (D. – NY).<sup>106</sup> The move to restrict the rights of illegal aliens had now crossed into an effort to restrict the rights of legal aliens. Restrictionists such as Peter Brimelow were impervious to such arguments as Representative Serrano’s calls for fairness, against racial profiling, and for protection for Hispanics’ equal protection and civil rights. Brimelow argued:

A common argument will be that employed in mid-1993 by Representative José Serrano (D. – New York), the Puerto Rican-born chairman of the Congressional Hispanic Caucus, while denouncing an anti-illegal immigrant amendment ... “I resent having to prove I’m a citizen.” To this, the American answer must be: *tough*. Life is unfair ... I will be happy to do the same ... when there are 2 to 3 million illegal Englishmen crossing the border every year. Could any American politician be so callous? Well, do they want to keep their country?<sup>107</sup>

It was quite telling that Brimelow, an immigrant from England, was so anti-immigrant and rail against the danger of assimilating immigrants into American society.

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<sup>106</sup> Clifford Krauss, “After Wrangling, House Supports Extending Extra Jobless Benefits,” *The New York Times*, October 16, 1993, 1:10.

<sup>107</sup> Peter Brimelow, *Alien Nation: Common Sense about America’s Immigration Disaster* (New York: HarperCollins, 1995), 261.

This type of rhetoric was one “tell” displaying what Brimelow himself clearly stated, that America should be an Anglo-Saxon and emphatically not a multicultural nation. Brimelow claimed, “It is common sense that Americans have a legitimate interest in their country’s racial balance. It is common sense that they have a right to insist that their government stop shifting it. Indeed, it seems to me that they have a right to insist that it be shifted back.”<sup>108</sup> Brimelow pointed out Representative Serrano’s Puerto Rican ancestry in an attempt to paint Hispanics in general as part of the illegal immigration problem. Brimelow’s invocation of Representative Serrano’s Puerto Rican ethnicity was intellectually misleading, however, as Puerto Ricans are considered to be natural born citizens of the United States. By definition, Puerto Rican citizens cannot illegally immigrate to the United States; they are, in fact, legal American citizens. Following Brimelow’s line of reasoning then, there was no more reason for Representative Serrano, a Puerto Rican, to prove his citizenship than there was for Brimelow, an Englishman, to prove his citizenship. Unless, of course, Brimelow’s argument was really about race and the profiling of Hispanics as illegal immigrants with the undue burden of proving their citizenship because of their ethnicity.

There were real and tangible issues and concerns other than race and demographics behind Californians’ concerns about immigration. Criminal gangs were a growing issue in California, including Latino gangs. Take, Dana Point, for example. Dana Point was an affluent Orange County community. Development in affluent areas

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<sup>108</sup> Kenneth Jost, “Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?” *CQ Researcher* 5, no. 5 (February 1995).

brought many low-wage jobs in the construction and service industries. In California, this type of low-wage labor was traditionally reserved for Hispanics and this was the case in Dana Point. The housing affordable and available to these new low-wage workers in Dana Point was in one section of town called Lantern Village, where 2,252 Hispanics lived and where 30-40 percent of major crime in Dana Point occurred.<sup>109</sup> Displaying both sides of the difficult situation one Dana Point resident wondered:

What do you do if you've worked all your life to buy a dream home, and suddenly the neighborhood becomes more dangerous? Even ardent liberals react when people get killed on the street. And what do you do if you're a hardworking, law-abiding immigrant who just wants to make a buck and better your life, but other people want you to get the hell out?<sup>110</sup>

Despite these very real fears by the affluent white residents of Dana Point, they were not without the taint of racial stereotypes and an "us" versus "them" mentality. Dana Point resident Bill Shepherd categorized the problems as this:

We have a clash of cultures. The conflict here? The whites are being taken over by a culture that is not assimilating. The dominant culture does not want graffiti everywhere. It does not want large groups of guys congregating outside drinking beer. It does not want vendors going door-to-door. It does not want laundry hanging out window. These were not part of the community five years ago.<sup>111</sup>

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<sup>109</sup> Dale Maharidge, "Walled Off," *Mother Jones*, November/December 1994, <http://motherjones.com/politics/1994/11/walled> (accessed May 19, 2011).

<sup>110</sup> Dale Maharidge, "Walled Off," *Mother Jones*, November/December 1994, <http://motherjones.com/politics/1994/11/walled> (access May 19, 2011).

<sup>111</sup> Dale Maharidge, "Walled Off," *Mother Jones*, November/December 1994, <http://motherjones.com/politics/1994/11/walled> (accessed May 19, 2011).

Not all Proposition 187 supporters blamed illegal aliens for California's gang and crime problems. Proposition 187 supporter and Los Angeles resident Celeste Greig explained the reasons for her support of Proposition 187, despite her sympathies with immigrants and recognition that they came to the United States "to seek a better life," asserting that:

I think that this is not a perfect initiative, but it's a step in the right direction.... I don't think that the illegal aliens are to blame for crime. However, I do feel very strongly that they contribute to the decay of the economy.... Most of these people do not pay their share of taxes.... Our children are not getting enough education – the classrooms are crowded.... We have to take care of our people first.<sup>112</sup>

Despite her support of the initiative, Greig asserted that, "If I came across somebody who I knew was an illegal alien I could not report them. I know it is hard to comprehend ... but I just couldn't do it."<sup>113</sup> Greig was not alone in supporting Proposition 187 but being unwilling to personally turn in suspected illegal aliens. An October 1994 *Times* Orange County poll found that 62 percent of those favoring Proposition 187 stated that they would not report on a student who was in the country illegally.<sup>114</sup>

Proposition 187 had consequences for more than just white citizens of California. Immigrants (both legal and illegal) feared the consequences of Proposition 187 if it was

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<sup>112</sup> Lorenza Munoz, "Platform: Prop. 187: 'Racist Initiative' or a 'Step in the Right Direction?'" *Los Angeles Times*, August 29, 1994.

<sup>113</sup> Lorenza Munoz, "Platform: Prop. 187: 'Racist Initiative' or a 'Step in the Right Direction?'" *Los Angeles Times*, August 29, 1994.

<sup>114</sup> Doreen Carvajal, "Times O.C. Poll: Prop. 187 Has Even Backers a Bit Uneasy," *Los Angeles Times*, October 31, 1994.

implemented. Sometimes lost in the political debate, there were real human beings who would be profoundly affected by this initiative's implementation and most did not fit the stereotype of the illegal immigrant popularized by the SOS campaign and other anti-immigrant groups. Take, for example, Xiomara T., an illegal immigrant who came to the United States to escape the violent conflict in Nicaragua that had taken several of her relatives. Xiomara was four-and-a-half months pregnant, lived with her boyfriend, and was gathering documents for an asylum claim to legalize her immigration status as a refugee. Because of Proposition 187, if she sought prenatal care then she would be subject to deportation. Xiomara explained, "I have lived in fear of going back to Nicaragua ever since leaving that country. So if Proposition 187 is the law, my only choice will be to stay away from the doctor until ... I go into labor." There was also anecdotal evidence that Proposition 187 was emboldening ordinary citizens into becoming immigration vigilantes of a kind, where private businesses including restaurants and grocery stores demanded immigration documentation from customers. MALDEF's Saenz claimed, "We're talking about people in the Latino and Asian communities being required to produce immigration papers to buy milk at the grocery stores or prescription drugs. These are things that people would not have thought about doing prior to 187."<sup>115</sup> Los Angeles native Pete Navarro called Proposition 187, "the most racist initiative ever" and "targets the most vulnerable segments of our population: children and the sick." He argued that that Proposition 187 "doesn't make practical

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<sup>115</sup> Kenneth Jost, "Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?" *CQ Researcher* 5, no. 5 (February 1995).

sense” and is a “global problem” that is “larger than what this initiative or any local initiative can handle.”<sup>116</sup>

Immigrant advocacy groups questioned the entire premise of Proposition 187, that illegal immigrants were a drain on the economy and used a disproportionate share of government benefits and services. Cecilia Munoz, senior immigration policy specialist for the National Council of La Raza (NCLR) asserted that, “This population is not here to get benefits – they’re here to work. And they’re in hiding from the federal government, which means they’re the last people to apply for welfare.”<sup>117</sup> Regarding legal immigrants’ use of welfare benefits, Munoz pointed to the requirement that immigrants’ prove that they will not become “public charges” within five years of their entry. She added, “But they are not immune from falling on hard times. So there is some benefit use. But it is not chronic, and it is less than native-born Americans.”<sup>118</sup>

The success of Proposition 187 within the California electorate pushed other states to begin similar initiatives. In Colorado, Tom Tancredo, president of Colorado-

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<sup>116</sup>Lorenza Munoz, “Platform: Prop. 187: ‘Racist Initiative’ or a ‘Step in the Right Direction?’ *Los Angeles Times*, August 29, 1994.

<sup>117</sup> Kenneth Jost, “Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?” *CQ Researcher* 5, no. 5 (February 1995).

<sup>118</sup> Kenneth Jost, “Cracking Down on Immigration: Should Government Benefits and Services Be Cut Off?” *CQ Researcher* 5, no. 5 (February 1995); There is significant disagreement in social science literature about immigrants’ use of welfare. Immigration advocates argue that any disproportionately high use of welfare by immigrants is blamed on refugees. See George J. Borjas and Lynette Hilton, “Immigration and the Welfare State: Immigrant Participation in Means-tested Entitlement Programs,” *The Quarterly Journal of Economics* 111, no. 2 (1996):575-604; Arthur F. Corwin, ed. *Immigrants –And Immigrants: Perspectives on Mexican Labor Migration to the United States* (Westport, CT: Greenwood Press, 1978); Arthur F. Corwin, ed. *Immigrants –And Immigrants: Perspectives on Mexican Labor Migration to the United States* (Westport, CT: Greenwood Press, 1978); Douglas S. Massey and Kristin E. Espinosa, “What’s Driving Mexico-U.S. Migration? A Theoretical, Empirical, and Policy Analysis,” *American Journal of Sociology* 102, no. 4 (January 1997): 939-999; Rubén G. Rumbaut, “Origins and Destinies: Immigration to the United States Since World War II,” *Sociological Forum* 9, no. 4 (December 1994): 583-621; Reimers, *Unwelcome Strangers*, 98-100.

based conservative think tank the Independence Institute backed the ideas behind Proposition 187 as well as those behind the push against multiculturalism and bilingual education. Tancredo framed this debate as one of the failure of the federal government to control its borders, resulting in a need for the states to step in. Tancredo argued: “What we see in this proposition passing in California is part of a bigger phenomenon. There’s a strong anti-federal government feeling. The government has been unable to control the border in California. The people voted to take care of the problem.”<sup>119</sup> The Independence Institute published a study in 1994 that continued to frame this debate over illegal immigrants within an economic and social context, arguing that there were high costs associated with providing health care, education, welfare, and incarceration for illegal immigrants. “Immigration and the multiculturalism it feeds are threatening to dissolve the bonds of common nationhood and the underlying sense of a common national destiny, bringing forward the danger of a Balkanized America.”<sup>120</sup>

In the early to mid-1990s, California was not the only state in the United States that was grappling with the conflation of immigrants and welfare recipients. This heightened anti-immigrant sentiment and association of immigrants with welfare recipients was, in part, a consequence of the recession. A *New York Times* report from February 1992, noted the “growing hostility toward foreigners, even from social workers, whose caseloads have increased sharply as a result of the recession.” In fact, Suffolk

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<sup>119</sup> Maureen Harrington, “Coalition Protests ‘Racist’ Measure; Coloradans Outraged by California Proposition,” *Denver Post*, November 11, 1994, B1; Jean, Stefancic, “Funding the Nativist Agenda,” in Juan Perea, *Immigrants Out*, 130-131.

<sup>120</sup> Tom Tancredo, “Make a Candidate Sweat – Ask about Illegal Immigrants,” *Denver Post*, April 30, 1995, E1; Jean, Stefancic, “Funding the Nativist Agenda,” in Perea, *Immigrants Out*, 130-131.

County, NY debated repealing a law promising non-reporting to the INS of undocumented aliens who applied for government assistance.<sup>121</sup> Yet, it was the success and national exposure of the anti-immigrant cause carried forth by California's Proposition 187 that helped to energize the nation and frame the national discussion over immigration and welfare in the mid-1990s. As a result of Proposition 187, the conflation of immigrants with welfare recipients and of the welfare state as a magnet drawing in aliens saturated the nation and the political culture. In the midst of the legal challenges to Proposition 187, the national Republicans and conservative publications such as the *National Review* launched a campaign to show that California voters had overwhelmingly supported the measure and to bring these reforms to the national arena.<sup>122</sup>

“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.”<sup>123</sup> It seemed that Emma Lazarus' poem inscribed on the Statute of Liberty no longer applied, at least to non-white immigrants. Republican Representative from Florida, Clay Shaw, said as much in 1994 when he asserted that, “The inscription at the base of the Statue of Liberty was written before welfare.... People

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<sup>121</sup> Diana Jean Schemo, “In Recession, Illegal Aliens Find a Cold Reception on L.I.,” *The New York Times*, February 14, 1992, B1.

<sup>122</sup> “Tough Proposition,” *National Review*, November 21, 1994, 20; W.H. Von Dreele, “California's King Kong,” *National Review*, November 21, 1994, 22.

<sup>123</sup> Theodore L. Gross, *The Literature of American Jews* (New York: Free Press, 1973).



[back then] came to this country to work.”<sup>124</sup> Immigrants, then, were synonymous with welfare recipients.

Also in the mid-1990s concerns about welfare fraud increased. Much of this perceived welfare fraud was believed to be perpetrated by illegal aliens. In 1992, Los Angeles County became the first in the nation to begin using a fingerprint identification system for those requesting welfare benefits. Many feared that this system would frighten illegal immigrants who could fear the involvement of INS.<sup>125</sup> This action perpetuated a system of criminalizing welfare recipients and casting them as the “other.”

Proposition 187 and its success at the ballot box in California helped to propel anti-immigrant legislation into the national political arena. Governor Wilson’s wholehearted embrace of Proposition 187 was seen as the most significant factor in his resounding defeat of Democratic challenger Kathleen Brown. Several weeks after the 1994 elections, the *National Review* published a poem about the California elections, arguing that immigration and welfare reform were winning issues for the Republicans despite some national Republicans’ defections:

With Kemp and Bennett screaming / Like Fay Wray in the ape’s / adoring digits,  
Wilson / Cut all Kathleen’s escapes / By calling California / An immigration  
dump, / Which set the lady up for / A stomach-churning slump.<sup>126</sup>

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<sup>124</sup> “Down on the Downtrodden,” *Time*, December 19, 1994.

<sup>125</sup> Sandra Blakeslee, “Fingerprints Used to Cut Welfare Fraud,” *The New York Times*, April 6, 1992, A14.

<sup>126</sup> W.H. Von Dreele, “California’s King Kong,” *National Review*, November 21, 1994, 22.

That Proposition 187 energized Republican support was evidenced by their 1994 takeover of Congress and their inclusion of an anti-immigrant plank in their “Contract with America.” Republicans believed that their hard-line anti-immigration stances were energizing their base and bringing Republican voters to the polls. Within this plan, Republicans wanted to remove legal immigrants from eligibility for sixty federal programs, including health care, free and reduced school lunch programs, AFDC, SSI, job training benefits, and college loans.<sup>127</sup> The anti-welfare plank of the “Contract with America” was tied to the anti-immigrant plank. In fact, it was through the removal of immigrants from eligibility for welfare that most of the savings from this plan was to originate.<sup>128</sup> The Republican proposed “Personal Responsibility Act of 1995” contained within the “Contract with America” had as its first goal the reduction of illegitimate births. This goal called for the “reduction or denial of AFDC for certain children whose paternity is not established,” required “teens receiving AFDC to live at home,” “denial of AFDC for certain children born out-of-wedlock” (children born to mothers already receiving assistance), and gave the states the option “to deny AFDC benefits to children born out-of-wedlock to individuals aged 18, 19, or 20, and to deny such benefits and housing benefits to such individuals.” It also linked the receipt of benefits to work at least 35 hours per week or participation in state sponsored work programs. It allowed states to “drop families from receiving AFDC benefits after they have received benefits for two years if at least one year has been spent in a work program.” It also required states to

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<sup>127</sup> *Congressional Quarterly Weekly Report*, November 5, 1994, 3181.

<sup>128</sup> The CBO estimated that over 522,000 immigrants receiving SSI and 492,000 immigrants receiving AFDC would lose their eligibility resulting in a savings of between \$3.3 billion and \$21.7 billion over 4 years. See <http://www.gao.gov/assets/230/220854.pdf>

render families ineligible for benefits after they had reached a five year total lifetime benefit limit. In their descriptions of the “Personal Responsibility Act of 1995,” Republicans explicitly categorized this policy as an effort to dismantle New Deal and “Great Society” reforms and tradition of entitlements.<sup>129</sup> By scapegoating these two undesirable groups, immigrants and black females, and linking their fates in this policy proposal, Republicans hoped to capitalize on the conjuncture of anti-immigrant and anti-welfare rhetoric in political culture in order to finally reverse liberalism’s few twentieth century anti-poverty victories.

This conflation of immigrants and welfare recipients helped to set the stage for the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, which nationalized this fight over immigrant rights and helped to create immigrant counter-mobilization. In their “Contract with America” and welfare and immigration proposals, the national Republican Party borrowed much of Proposition 187, including the components denying public education to undocumented children, which had been consistently thrown out by the courts since 1982’s *Plyler v. Doe*. The national Republicans’ proposals for immigration and welfare reform went even further than Proposition 187 in that they denied most benefits even to legal aliens. Republicans nationwide were riding the wave of anti-immigrant sentiment that had swept Governor Wilson into re-election in California. This embracing of anti-immigrant and anti-welfare legislation by the national Republican party was encouraged vehemently by conservative

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<sup>129</sup> United States House of Representatives, “The Personal Responsibility Act (Welfare Reform),” *Highlights*, <http://www.house.gov/house/Contract/persresp.txt> (accessed May 24, 2011).

publications such as the *National Review*, which stated in an editorial several weeks after the 1994 elections:

There could be no clearer indication of a national death wish than to combine accepting the loss of control over our borders with an unwillingness to stop subsidizing those who come over here illegally. That this situation should ever have developed is a disgrace to the entire U.S. political establishment ... California's Proposition 187 is the two-by four needed to get the political establishment's attention.<sup>130</sup>

Proposition 187 certainly got the attention of national Republicans. By staking their political fortunes with initiatives that were both restrictive toward immigration and toward immigrant rights, the Republicans won a resounding victory and swept into Congressional majorities in Washington, D.C. Proposition 187 and its success with the California electorate (though not in the courts) directly influenced the Republican majority and Speaker Newt Gingrich to use this anti-immigrant sentiment as a means to attack what they deemed to be the broken immigration and welfare systems in the United States. They did so, in 1996, with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act. In making the restriction of alien and welfare rights a priority, the national Republican leadership risked creating the immigrant voting bloc that Republican politicians had feared since the nineteenth century.

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<sup>130</sup> "Tough Proposition," *National Review*, November 21, 1994, 20.

## CHAPTER V

### THE CONJUNCTURE OF NATIONAL ANTI-IMMIGRANT AND ANTI-WELFARE LEGISLATION IN THE MID-1990s: THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

It seems to me they are just making other people upset. They are exporting hatred, and making Anglos think, "Yeah, those Mexicans. They're just coming here to have babies and get on welfare." Most people don't differentiate between someone like me, whose grandmother was born in this country, and the guy who jumps the fence.<sup>1</sup>

Luis Natividad, chairman of the Latino Unity Coalition of San Diego, 1996.

In the 1994 elections, Republicans swept into majorities in the House and Senate. Georgia Congressman Newt Gingrich was elected Republican Speaker of the House in 1995. Like Governor Wilson in California, national Republicans largely rode the popular national wave of anti-welfare and anti-immigrant sentiment that helped to decisively pass Proposition 187. They believed that they had found a winning political formula in this combination of anti-welfare and anti-immigration rhetoric. And, they did not need to worry about alienating voters because they believed that "immigrants don't vote."<sup>2</sup>

Immigration and welfare reform restrictionists in the 1990s succeeded in putting forth a remarkable number of policy proposals aimed at dismantling the letter and spirit of the Rights Revolution. These policies targeted legal immigrants, scapegoating them for societal problems earlier blamed on illegal immigrants. The other group most

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<sup>1</sup> Statement by Luis Natividad, chairman of the Latino Unity Coalition of San Diego in William Claiborne, "GOP Immigration Policies Concern Hispanics," *The Washington Post*, August 12, 1996.

<sup>2</sup> Dan Carney, "Immigrant Vote Swings Democratic as Issues Move Front and Center," *CQ Weekly*, May 17, 1997, 1132.

significantly targeted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was single mothers. Like many immigrants, single mothers were largely blamed as unfairly using taxpayer money and contributing to the corruption of society through the breakdown of the traditional family structure.

The most significant of these policy attacks on welfare recipients and immigrants was the PRWORA. The PRWORA was largely a bipartisan dismantling of the safety net for citizens and non-citizens alike, with Democratic efforts less punitive toward legal immigrants than Republican ones. In his push for welfare reform and the eventual signing of what he admitted was a problematic law, President Clinton made clear that he was determined to make good on a 1992 campaign pledge to “end welfare as we know it.”<sup>3</sup>

This linkage of welfare and immigration was evident in Republican policy proposals and their 1994 “Contract with America” as well as in the rhetoric of Republican politicians and activists. Section 401 of Title IV of the “Personal Responsibility Act” in the Republican “Contract with America” called for making aliens ineligible for public welfare assistance. Section 402 of Title IV of the Republican “Personal Responsibility Act” required that state AFDC agencies report information on illegal aliens directly to INS.<sup>4</sup> According to the Republican “Contract With America”:

To further reduce welfare spending, welfare assistance (AFDC, SSI, food stamps, housing and host of other public assistance) is denied to non-citizens, except refugees over 75 years of age, those lawfully admitted to the U.S., or those who

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<sup>3</sup> Robert Pear, “The Welfare Bill: The Overview: Clinton to Sign Welfare Bill That Ends U.S. Aid Guarantee and Gives States Broad Power,” *The New York Times*, August 1, 1996.

<sup>4</sup> United States Congress, “The Personal Responsibility Act “Welfare Reform,” *Title IV of Proposed Bill*, <http://www.house.gov/house/Contract/persrespb.txt> (accessed July 12, 2011).

have resided in the U.S. for at least five years. Emergency medical assistance will continue to be provided to non-citizens.<sup>5</sup>

During the same election cycle as Proposition 187 in California, this was what the national Republicans campaigned and won overwhelming victories on. Conservatives blamed the “massively anti-187 media” and the alleged “liberal media bias” in general for “high-minded lectures on the dangers of ‘nativism.’”<sup>6</sup> Florida Republican Representative Clay Shaw Jr. argued that the “Personal Responsibility Act”:

is not a departure from traditional immigration policy because we have always required that people come here because they can get ahead through hard work, not because they can get on welfare....these people just happened to be here when they developed certain needs, and our thought is that the taxpayers do not have a responsibility towards them if they are noncitizens.<sup>7</sup>

In denying government services, including welfare benefits, to legal aliens the Republicans went further than even many restrictionists were willing to go. In fact, as would become evident in the massive immigrant counter-mobilization in the mid-1990s, the Republicans eventually overplayed their hand by demanding legal immigrants be denied most governmental benefits.

The bipartisan Commission on Immigration Reform (CIR) was authorized by the Immigration Act of 1990 to “assess U.S. immigration policy and make recommendations

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<sup>5</sup> United States House of Representatives, “The Personal Responsibility Act (Welfare Reform),” *Highlights*, <http://www.house.gov/house/Contract/persresp.txt> (accessed May 24, 2011).

<sup>6</sup> “Tough Proposition,” *National Review*, November 21, 1994, 20-22.

<sup>7</sup> Robert Suro, “GOP Would Deny Legal Immigrants Many U.S. Benefits,” *The Washington Post*, December 24, 1994.

regarding its implementation and effects.” The CIR recognized that the political culture of the 1990s was laden with anti-immigrant rhetoric. “Distinguishing fact from fiction has been difficult, in some cases because of what has become a highly emotional debate on immigration.”<sup>8</sup> The CIR issued a September 1994 statement recording their disagreement with the “Personal Responsibility Act” that said, “The commission recommends against any broad categorical denial of public benefits to legal immigrants.” The Chair of CIR, former Texas Democratic Representative Barbara Jordan asserted that “the commission is not prepared to lift the safety net out from under individuals who, we hope, will become integral parts of our social community.”<sup>9</sup>

In 1995, Republican Presidential candidate Patrick Buchanan promoted the idea of federal legislation using Proposition 187 as a model, arguing, “It’s outrageous that American taxpayers, as hard-pressed as they are...have to provide social welfare benefits for those whose accomplishments are to break the laws to get into the United States and to get on welfare.”<sup>10</sup> Oklahoma conservative Democratic Representative Dave McCurdy’s 1994 campaign slogan was, “No check if you’re not a U.S. citizen,” and as he was elected, his message seems to have resonated with his constituency.<sup>11</sup> California Democratic Representative Robert Matsui opposed much of the proposed welfare reforms

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<sup>8</sup> United States Commission on Immigration Reform, *Executive Summary: U.S. Immigration Policy: Restoring Credibility* (Washington, D.C.: GPO, 1994).

<sup>9</sup> Robert Suro, “GOP Would Deny Legal Immigrants Many U.S. Benefits,” *The Washington Post*, December 24, 1994.

<sup>10</sup> Alan Greenblatt, “Buchanan Hopes His Vote Will Give Him a Voice,” *CQ Weekly*, May 20, 1995.

<sup>11</sup> Eric Pianin, “Campaign for Welfare Reform Runs Hot or Cool; In Oklahoma, Rep. McCurdy Steps Up the Rhetoric for Change in Bid for Senate Seat,” *The Washington Post*, August 21, 1995.



on the grounds that they scapegoated those least able to defend themselves: “Welfare recipients, along with criminals, will be seen as the reason our society is falling apart. All the polls show that people are fed up with criminals, immigrants and welfare recipients, people who can’t vote or are unwilling to vote. It’s really shameful.”<sup>12</sup> These efforts by politicians and the desire by the electorate to cut benefits of welfare recipients was a bipartisan phenomenon.

The anti-welfare and anti-immigrant animus had become inextricably intertwined and completely saturated the national political culture of the 1990s. This surge in anti-welfare and anti-immigrant political rhetoric did not mean, however, that there was political consensus about how exactly and to what extent this anti-immigrant and anti-welfare sentiment should be expressed in legislation. Though President Clinton signed it, with reservations, House Democrats split on the PRWORA 98-98 while only two House Republicans (Hispanics from Florida), Representative Lincoln Diaz-Balart and Representative Ileana Ros-Lehtinen, voted against it. The House Minority Leader, Richard Gephardt, and the Senate Minority Leader, Thomas Daschle, voted against it as well. There were mixed reviews for the bill from within the Washington, D.C. beltway. Republican Senator and presidential candidate Bob Dole claimed it as a victory for himself and Republicans claiming that, “The first 100 days of the Dole administration have begun 97 days before the election.”<sup>13</sup> Liberal Democrats such as New York

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<sup>12</sup> Eric Pianin, “Campaign for Welfare Reform Runs Hot or Cool; In Oklahoma, Rep. McCurdy Steps Up the Rhetoric for Change in Bid for Senate Seat,” *The Washington Post*, August 21, 1995.

<sup>13</sup> John F. Harris and John E. Ynag, “Clinton to Sign Bill Overhauling Welfare,” *The Washington Post*, August 1, 1996.

Representative Charles Rangel ascribed cynical politics to the passage of the bill, claiming, “My president – he’s a winner...and the kids are losers.”<sup>14</sup> Democratic Senator from New York, Daniel Patrick Moynihan, no stranger to controversy over welfare reform, asserted that:

In our haste to enact this bill –any bill! – before the November elections, we have chosen to ignore what little we do know about the subject of poverty. The [bill] before us is not “welfare reform,” it is “welfare repeal.” It is the first step in dismantling the social contract that has been in place in the United States at least since the 1930s.<sup>15</sup>

It was not only the Republicans who seemed to realize that, at least in the short-term, looking tough on immigrants and welfare was positive politically. President Clinton’s welfare bill also increased restrictions on alien eligibility, tightening the deeming provisions that calculated a sponsor’s income in with the immigrant’s income in order to determine eligibility for public benefits.<sup>16</sup> Having suffered historic losses in the 1994 elections, Democrats were eager to co-opt the tough talk on immigrants and welfare that was perceived to have helped the Republicans win landslide victories in 1994. In President Clinton’s 1995 State of the Union Address, his first since the Republican landslide in the 1994 election, he asserted:

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<sup>14</sup> John F. Harris and John E. Ynag, “Clinton to Sign Bill Overhauling Welfare,” *The Washington Post*, August 1, 1996.

<sup>15</sup> Guy Gugliotta and Ruth Marcus, “Election-Year Politics Help Democrats Deal With Differences on Welfare,” *The Washington Post*, August 2, 1996.

<sup>16</sup> Deeming means that the sponsor’s income is assumed to be available to the immigrant and was counted as part of the immigrant’s income when determining eligibility for public benefits. Under President Clinton’s 1994 Welfare Reform Act, this deeming would continue until the immigrant became a citizen; Robert Pear, “The Nation: Deciding Who Gets What in America,” *The New York Times*, November 27, 1994; Isabel V. Sawhill, “Welfare Reform: An Analysis of the Issues,” *The Urban Institute*, May 1, 1995, <http://www.urban.org/url.cfm?ID=306620> (accessed July 2, 2011).

I want to work with you, with all of you, to pass welfare reform. But our goal must be to liberate people and lift them up from dependence to independence, from welfare to work, from mere childbearing to responsible parenting. Our goal should not be to punish them because they happen to be poor.<sup>17</sup>

President Clinton asserted that he would attempt to work with Republicans to roll back some of the harsh measures in the PRWORA directed toward legal immigrants, but also noted that it was in just such provisions that the bulk of the measure's savings came from.<sup>18</sup> Referencing the Republican welfare proposal in March 1994, President Clinton claimed that it "has a lot of things in it that I like, but I think it's way too hard on financing things from legal immigrants."<sup>19</sup> When he announced that he would sign the PRWORA, President Clinton was careful to lay out his objections to the cuts for legal immigrants in the bill:

This provision has nothing to do with welfare reform.... These immigrant families with children who fall on hard times through no fault of their own....should be eligible for medical and other help when they need it.... It is just wrong to say to people, [that] we'll let you work here, you're helping our country; you'll pay taxes; you serve in our military; you may get killed defending America; but if somebody mugs you on the street corner or if you get cancer or you get hit by a car or the same thing happens to your children, we're not going to give you assistance anymore.<sup>20</sup>

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<sup>17</sup> Todd S. Purdum, "State of the Union: The Overview: Clinton, With Bow to G.O.P. Reaffirms His Themes of '92 and Asks New Cooperation," *The New York Times*, January 25, 1995.

<sup>18</sup> Charisse Jones, "Uncertain Welcome: Immigrants and Welfare – A special report; For New York's Newcomers, Anxiety Over Welfare Law," *The New York Times*, August 26, 1996.

<sup>19</sup> Roberto Suro, "White House Pressured by Immigration Politics," *The Washington Post*, March 28, 1994.

<sup>20</sup> "A Real Step Forward for Our Country, Our Values and for People' on Welfare," *The Washington Post*, August 1, 1996.

Clinton's rhetoric displayed the entrenchment of a racialized and gendered stigma on welfare even within the Democratic base. What about the native-born who were ineligible for assistance? As will be examined in detail in Chapter 6, immigrant advocacy groups would successfully reframe the immigrant narrative so as to reposition certain immigrant groups such as the elderly, veterans, children, and refugees, within the category of deserving.

The PRWORA was able to pass and was, in fact, rather popular largely because there was general bipartisan agreement surrounding the negative racial and gendered stereotypes of welfare recipients. Welfare was seen as contributing to the moral breakdown of society, to illegitimacy, dependency, and crime. Welfare recipients were seen as people unwilling to remove themselves from such cycles and live within society's norms and were therefore unworthy of society's assistance. Reagan's stigmatization of the "welfare queen" had completely saturated popular and political culture by the mid-1990s. Poor single mothers, and in particular poor black single mothers, were the most vulnerable within this debate. Immigrant advocacy groups realized this, and reframed the debate surrounding PRWORA and immigrants into a moral one equating immigrant rights with human rights. They emphasized veterans, children, the elderly, and refugees from Southeast Asia, in particular – people who could claim moral justification. Immigrant advocacy groups attempted to place at least a portion of immigrants within deserving status and make claims to social citizenship that continued to elude poor native-born women of color. This shrewd tactic by immigrant advocacy groups proved effective. Problems of welfare dependency, illegitimacy, and moral decay remained

gendered and racialized problems from which certain immigrant groups, but not poor native-born women of color, were able to transcend through moral suasion that attacked the legitimacy of their placement within the stigmatized undeserving caste, but did not attack or question the legitimacy or racist and sexist underpinnings of the existence of the undeserving caste itself.<sup>21</sup>

In a speech given at his signing of the PRWORA, President Clinton spoke for himself and Vice President Al Gore, asserting that, “We also believe that the congressional leadership insisted on cuts and programs for legal immigrants that are far too deep. These cuts, however, have nothing to do with the fundamental purpose of welfare reform.”<sup>22</sup> President Clinton and the Democrats were unable to soften that portion of the bill before its passage. These “budget saving measures” that targeted legal aliens provided the bulk of cost savings from the welfare reform law.<sup>23</sup>

These efforts to restrict immigrant access to public benefits were viewed as mean-spirited by many. Rafael Lantigua, an activist within the New York community of

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<sup>21</sup> Mary Jo Bane, “Expertise, Advocacy and Deliberation: Lessons from Welfare Reform,” *Journal of Policy Analysis and Management* 20, no. 2 (Spring, 2001): 191-97; Lynn H. Fujiwara, “Immigrant Rights Are Human Rights: The Reframing of Immigrant Entitlement and Welfare,” *Social Problems* 52, no. 1 (February 2005): 79-101; Dara Z. Strolovitch, “Do Interest Groups Represent the Disadvantaged? Advocacy at the Intersection of Race, Class, and Gender,” *The Journal of Politics* 68, no. 4 (Nov., 2006): 894-910; Mimi Abramovitz, “Learning from the History of Poor and Working-Class Women's Activism,” *Annals of the American Academy of Political and Social Sciences* 577 (Sep., 2001): 118-30.

<sup>22</sup> “Remarks by President Clinton and Vice President Al Gore at the Signing of the Welfare Reform Bill,” Federal News Service, August 22, 1996, quoted in Gwendolyn Mink and Rickie Solinger, eds., *Welfare: A Documentary History of U.S. Policy and Politics* (New York: New York University Press, 2003), 660.

<sup>23</sup> *Omnibus Consolidated Appropriations Act, 1997*, Public Law 104-208, *U.S. Statutes at Large* 110 Stat 3009 (1996); *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, *U.S. Statutes at Large* 110 Stat. 2105 (1996); Thomas J. Espenshade, Jessica L. Baraka and Gregory A. Huber, “Implications of the 1996 Welfare and Immigration Reform Acts for US Immigration,” *Population and Development Review* 23, no.4 (December 1997): 775; United States Congressional Budget Office, “Immigration and Welfare Reform,” U.S. General Accounting Office, 1995.

immigrants from the Dominican Republic, argued that, “If the Republicans want to get rid of the entire safety net, then they should have the courage to say so instead of picking on a group of people who cannot vote.”<sup>24</sup> It was this removal of the safety net, particularly from children and the elderly, that immigrant advocacy groups and advocates for the poor used as a means to mobilize communities against the PRWORA. Vermont Democratic Governor Howard Dean worried that “kids will be the victims” of Republican proposals.<sup>25</sup>

The Catholic Church joined with the Council of Jewish Federations and the National Council of La Raza (NCLR) to oppose anti-immigrant and anti-welfare legislation. The bishops issued a joint statement that asserted, “We cannot support punitive approaches that target immigrants, even legal residents, and take away the minimal benefits that they now receive.”<sup>26</sup> When a pending compromise bill seemed likely to garner President Clinton’s signature, Reverend Fred Kammer, the president of Catholic Charities USA, asserted that, “Today’s proposals are largely a sham designed to appease the ignorant and to pander to our worst prejudices in an election year.”<sup>27</sup> The Council of Jewish Federations argued that such punitive measures would create “a nation

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<sup>24</sup> Roberto Suro, “GOP Would Deny Legal Immigrants Many U.S. Benefits,” *The Washington Post*, December 24, 1994.

<sup>25</sup> “The 104<sup>th</sup> Congress: Congressional Roundup: G.O.P. Tax Plan May Lack Support,” *The New York Times*, January 13, 1995.

<sup>26</sup> Robert Pear, “Catholic Bishops Challenge Pieces of Welfare Bill,” *The New York Times*, March 19, 1995.

<sup>27</sup> Barbara Vobejda, “House Passes Major Overhaul of nation’s Welfare Programs,” *The Washington Post*, July 19, 1996.

divided, separate but unequal.”<sup>28</sup> But many politicians did not agree that the benefits were minimal or beneficial. Republican Representative James M. Talent of Missouri asserted that the current welfare state in the United States “is luring them into a kind of spiritual poverty by destroying their families and their incentives to work.”<sup>29</sup> Florida Republican Representative John Mica compared how alligators can become dependent on people who feed them to people on welfare.<sup>30</sup> Representative Mica presented the following analogy about signs around Florida waterways warning “do not feed the alligators.” Representative Mica explained the reason for these signs:

if left in a natural state, alligators can fend for themselves...unnatural feeding and artificial care creates dependency [and] ... these otherwise able-bodies alligators can no longer survive on their own ... with our current handout, nonwork welfare system, we have upset the natural order.... We have created a system of dependency.... Today we have a chance to restore that natural order, to break the chains of dependency and stop the enslavement of another generation of Americans.<sup>31</sup>

Representative Mica was not the only Republican to compare welfare recipients to animals. Referencing a federal government program introducing wolves back into the wild in Wyoming, Wyoming Representative Barbara Cubin compared welfare recipients to wolves. Representative Cubin explained that the federal government had supplied the

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<sup>28</sup> Lena H. Sun, “As Effects of Welfare Reform Bills Emerge, So Do Critics; Proposals Would Bar Legal Immigrants From Many Forms of Federal Assistance,” *The Washington Post*, November 9, 1995.

<sup>29</sup> Robert Pear, “House Backs Bill Undoing Decades of Welfare Policy,” *The New York Times*, March 25, 1995.

<sup>30</sup> Robert Pear, “House Backs Bill Undoing Decades of Welfare Policy,” *The New York Times*, March 25, 1995.

<sup>31</sup> Congressional Record, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., March 24, 1995, H3766, H3772; Gwendolyn Mink and Rickie Solinger, eds., *Welfare: A Documentary History of U.S. Policy and Politics* (New York: New York University Press, 2003), 622.

wolves with food and shelter while attempting to reintroduce them to the wild:

This is what I call the wolf welfare program.... Guess what? They opened the gate to let the wolves out and now the wolves will not go.... What has happened with the wolves, just like what happens with human beings, when you take away their incentives, when you take away their freedom, when you take away their dignity, they have to be provided for. The biologists are now giving incentives outside of the gates, trying to get them out. What a great idea.<sup>32</sup>

As we have seen, the perception and fear of immigrant as paupers has been an enduring facet of American society. Particularly in the 1980s, the debate over immigration articulated the idea that immigration created a crisis in America largely as a result of immigrants' (perceived) disproportionate use of welfare benefits. The United States' welfare state became seen as a magnet drawing in immigrants eager to collect welfare benefits and live off the hardworking native born citizens of the United States. Thus, the answer to the immigration crisis began to be seen as the restriction of welfare. Immigrants were cast as undeserving within the racialized and gendered stigma reserved for welfare recipients. Welfare reform efforts that targeted legal immigrants to a significant extent began in the early 1990s, as anti-immigrant rhetoric was heightening and the battle over Proposition 187 was being waged in California. A November 1993 House Subcommittee on Human Resources discussed the "immigrant problem" and the issue of the United States' welfare state as a magnet. These hearings reflected the saturation of anti-immigrant rhetoric that immigrants took jobs from native-born

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<sup>32</sup> Congressional Record, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., March 24, 1995, H3766, H3772; Gwendolyn Mink and Rickie Solinger, eds., *Welfare: A Documentary History of U.S. Policy and Politics* (New York: New York University Press, 2003), 622-623.



Americans, stagnated wages, and were disproportionately high users of welfare. A significant subject of debate in this hearing was whether or not legal immigrants were being unfairly lumped together with illegal immigrants as part of an effort to portray legal immigrants as deserving. The INS Commissioner, Doris Meissner, argued that when it came to welfare use by immigrants and anti-immigrant rhetoric that “an awful lot of what are problems with illegal immigration tend to be ascribed to legitimate immigrants.”<sup>33</sup> Meissner feared legal immigrants were being scapegoated. She asserted that much of the anti-immigrant rhetoric of the 1990s was strikingly similar to that of the nineteenth century. Meissner depicted a recent trip to Ellis Island and its museum documenting immigration to the United States, explaining:

it is very startling, because one of the walls has all the political cartoons of the day 100 years ago, 60 years ago, and it is the same – I don’t think we have progressed as a country. Maybe the cartoons have gotten worse, as well. Because we are talking about the same thing, that these immigrants are taking our jobs, they are costing our communities money, you know, we are going to fall apart as a nation.<sup>34</sup>

Meissner also articulated portions of the pro-immigrant sentiment that existed in the United States alongside anti-immigrant rhetoric, asserting, “I know that immigrants built this country.... I think you don’t find any better workers, any more industrious people than somebody, whether they are legal or illegal ... they are here to make a better life for themselves and their family.” The Directing Attorney of the National Immigration

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<sup>33</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 58, 24.

<sup>34</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 5, 58, 24, 26-27.

Law Center in Los Angeles, Charles Wheeler, echoed Meissner's sentiments about immigrants that the welfare state was not a magnet for immigration. Wheeler pointed to the "very strong, effective deterrent" of the INS and State Department screenings to deny residency to immigrants deemed "likely to become a public charge."<sup>35</sup> Wheeler and Meissner were part of a middle and upper class educated elite who tended to be expansionist when it came to immigration and immigrant rights. They formed a powerful and vocal cross-class and cross-racial coalition in favor of an expansive immigration stance in the United States.

Efforts to exclude immigrants on the grounds that they were "likely to become a public charge" are older than the republic itself, rooted in colonial efforts and then individual state efforts to exclude immigrants who were deemed unable to take care of themselves. It was in the Immigration Act of 1882 that the "likely to become a public charge" (or LPC) provision was first enacted into federal law. The Immigration Act of 1882 required immigrants to be inspected by state commissioners before landing. The Act stated that if "there shall be found among the passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge ... such persons shall not be permitted to land."<sup>36</sup> This approach was reinforced in the INA, which allowed for deportation of immigrants who became a public charge within five years of their entry into the United States. Immigrants were not subject to deportation if the cause of their becoming a public charge could be proven to have

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<sup>35</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 27, 58, 91.

<sup>36</sup> *1882 Immigration Act (An Act to Regulate Immigration)*, Public Law, *U.S. Statutes at Large* 22 (1882): 214.

occurred after their entry.<sup>37</sup> Generally, the LPC clause has been interpreted narrowly and in order for an alien who becomes a public charge to be eligible for deportation, “There must be a legal obligation to repay services or benefits provided, a demand for payment, and a refusal or omission to pay.” Prior to the PRWORA, receipt of welfare benefits was not used as a deportable action under the LPC clause.<sup>38</sup>

Refugees were one classification of immigrant who were regularly excluded from this LPC provision. In the late twentieth century, the INS used sponsorship (for three-year periods in the period leading up to PRWORA) as a means to ensure that immigrants would not become public charges in the future. This LPC clause has been fraught with controversy. For example, in the 1920s and 1930s, there was a significant growing critique of United States’ deportation policy and the Immigration Service’s application of the LPC clause retroactively as a means of deporting immigrants who ran afoul of society’s social norms, particularly through enforcement of the dominant view of sexual morality by deporting women who engaged in prostitution or bore children outside of wedlock.<sup>39</sup> The INS has also been accused of uneven enforcement of the LPC clause, specifically more rigid enforcement along the border with Mexico than Canada or in regard to European immigrants.<sup>40</sup> Charges of lax enforcement of the LPC clause were not without significant merit, however. Between FY 1908-1980, 1,046,677 aliens were

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<sup>37</sup> INA § 212 (a) (4), 8 U.S.C. § 1182 (a) (4); INA § 2241 (a) (5).

<sup>38</sup> *Impact of Immigration on welfare programs*, 47.

<sup>39</sup> See Jane Perry Clark, *Deportation of Aliens from the United States to Europe* (Arno Press and the New York Times, 1969), 72-103; Secretary of Labor, *Annual Report*, 1933-1936; INS, *Annual Report*, 1928-1932; Ngai, *Impossible Subjects*, 77-80;

<sup>40</sup> See Ngai, *Impossible Subjects*.

deported. 22,556 aliens were deported during those years because they were deemed LPC. The overwhelmingly majority of aliens deported for cause from 1908-1980 were deported for entering “without inspection” or through use of fraudulent documents (334,889), for entering without proper documents (154,896), or for failing to “maintain or comply with conditions of nonimmigrant status” (124,465), which generally meant overstaying student or visitor visas. The number of aliens deported for being LPC was closest to the number of aliens deported for being illiterate (16,762) or for having mental or physical impairments (27,305). However, from 1971-1980, only 31 immigrants were deported for being LPC.<sup>41</sup> From 1981-1990 no immigrants were denied entry for being LPC.<sup>42</sup> A significant reason for this decline in immigrants deemed to be LPC is a result of deeming and the tightening of sponsorship regulations in the 1980s. The problem with sponsorship, as was highlighted in the hearings and debate leading up to the PRWORA was that the affidavits of support required by would be sponsors were not considered legally enforceable. Immigration restrictionists wanted to make affidavits of support legally binding documents and enforce receipt of welfare benefits as a deportable offense under the LPC clause.<sup>43</sup>

Meissner’s assertions that immigrants did not come to the United States to take advantage of welfare was backed up by the stories of people from the Dominican

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<sup>41</sup> 1996 Statistical Yearbook of the Immigration and Naturalization Service, Table 65, “Aliens Deported by Cause, Fiscal years 1908-1980,” INS Yearbook 1996, <http://www.dhs.gov/files/statistics/publications/archive.shtm#1>

<sup>42</sup> 1998 Statistical Yearbook of the Immigration and Naturalization Service, table 67, “Aliens Excluded by Administrative Reason for Exclusion: fiscal years 1892-1990” <http://www.dhs.gov/files/statistics/publications/YrBk98En.shtm>

<sup>43</sup> *Impact of Immigration on Welfare Programs.*

Republic hoping to obtain visas to emigrate to the United States. One such woman, waiting on a spouse visa to join her husband in New Jersey claimed, “I’ve got two good arms and two good legs to work. I don’t want to go there to live on welfare; I want to go there to improve my life.”<sup>44</sup> News of the anti-alien measures in the PRWORA had reached the Dominican Republic, but as welfare was not among the reasons potential immigrants wished to go to the United States, it was not a deterrent. Another Dominican hoping to be able to immigrate to the United States, Ruben Cueva, asserted that:

If you’ve got money, the Dominican Republic is the best country in the world in which to live. The rich here, they have no need to go anywhere. But we who are poor, we are eating stones, so these measures are not going to stop anybody from going to New York in search of the green.<sup>45</sup>

Displaying that it was the opportunity and hope that drew people to the United States and not the magnet of welfare benefits, Billilo Vidal explained:

If I had the money, I’d be out of here in a flash, regardless of whatever measures might be taken in the United States. It’s not that I want to go, but that I have to go. I’ve got five kids and I’m not even able to give them what they need for breakfast. I want to have a house that I own, instead of having to pay rent, and I can only achieve that in the United States, not here.<sup>46</sup>

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<sup>44</sup> Larry Rohter, “U.S. Benefits Go; Allure to Dominicans Doesn’t,” *The New York Times*, October 12, 1996.

<sup>45</sup> Larry Rohter, “U.S. Benefits Go; Allure to Dominicans Doesn’t,” *The New York Times*, October 12, 1996.

<sup>46</sup> Larry Rohter, “U.S. Benefits Go; Allure to Dominicans Doesn’t,” *The New York Times*, October 12, 1996.

The question of restricting immigration became wrapped up in the idea of restricting alien rights, which was done, in part, to stop the effects of the so-called welfare magnet of the United States social welfare system. However, the belief that the United States welfare state was acting as a magnet for immigration was not agreed upon by all. Charles Wheeler, the Directing Attorney with the National Immigration Law Center, argued that:

There is no credible evidence that access to a Federal benefit program acts as a magnet drawing immigrants here ... there is no evidence that depriving them of future access to these programs would in any way deter them from coming into this country either legally or illegally.... They come here to join family members. They come here to work. And they come here to flee persecution in their home country. They do not come here to get on welfare.<sup>47</sup>

To the contrary, the Chief Deputy Director of the California Department of Finance and Under Secretary of the State of California Health and Welfare Agency, Theresa Parker, argued that the welfare magnet drawing in immigrants was a real thing. Parker cited a study by the University of California Latino Population Research Program, which stated that “75 percent of the women who were questioned said that if they had a second birth that they would again cross because of the desire to obtain United States citizenship for their infants, because of the substantial gains in quality of life as far as education, health care, et cetera.”<sup>48</sup>

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<sup>47</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 58, 92.

<sup>48</sup> House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 58, 100.

Michael Fix, director of the Immigrant Policy Program at the Urban Institute argued that, “In time of plenty, we ignore immigration and immigrants, and in times of scarcity, we become quite frightened of them.” Fix also pointed out the more nuanced effects of immigration. He argued that immigrants did not have wholly positive or negative effects everywhere on every segment of the economy and on every segment of the population at all times. David Simcox, senior fellow for the Center for Immigration Studies, also refuted the idea of the welfare magnet, arguing that, “If you go back to Ellis Island ... instead of Social Security or welfare, they said, the streets are paved with gold. Or you can get a job being paid in gold and make all kinds of money, please come to the United States. And these people did.”<sup>49</sup>

The PRWORA was significantly influenced by the anti-immigrant rhetoric that immigrants were a drain on American society, economy, and resources, and that immigrants were not worthy of or deserving of virtually any type of governmental assistance. These undeserving immigrants included the elderly and disabled via Supplemental Security Income (SSI) and small children via food stamps.<sup>50</sup> Citizenship status dictated deserving status, as evidenced by the fact that citizen children of non-citizens (legal and illegal) retained benefits (small though they were) while non-citizen

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<sup>49</sup> *Impact of Immigration on Welfare Programs*, 58, 111.

<sup>50</sup> “The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.” (P.L. 104-193), *United States Statutes at Large*. 110 Stat. 2105; House Committee on Ways and Means, *Summary of Welfare Reforms Made by Public Law 104-93, the Personal Responsibility and Work Opportunity Act and Associated Legislation*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1996, Committee Print 15, 34.

children did not.<sup>51</sup> The fact that the child was a citizen and not the child's minor status was what classified these children as deserving of benefits. These citizen children of aliens straddled the wide divide between the deserving and undeserving poor. Charles H. Wheeler, director of the National Immigration Law Center attributed this to political expediency, "Instead of carving out a group of people who are abusing the system, they take the politically expedient and safe route of cutting off a group of people on the basis of citizenship, or lack of it. That sends a message to these aliens that they are less deserving." Wheeler recognized in this something that the national Republican Party did not – the potential for anti-immigrant legislation to create an immigrant voting bloc. Wheeler asserted that if the "Contract with America" successfully became law, "A lot of permanent residents will become citizens so they can retain eligibility for public benefits."<sup>52</sup> One prominent Republican who believed that denying legal immigrants' access to government benefits was breaking a "contract with the government" that these immigrants made when they came to the United States was Republican Senator from Wyoming Alan K. Simpson, who asserted that denying legal immigrants such benefits "would be a very grave mistake.... They live in your home town. They go to the Rotary Club. They're in the service club. They are in every sense a part of us – except for one

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<sup>51</sup> Non-citizen children did regain their right to Medicaid in the Balanced Budget Reconciliation Act of 1997. See Senate Committee on the Budget, *Balanced Budget Reconciliation Act 1997*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., 1997, Committee Print, 183.

<sup>52</sup> Robert Pear, "The Nation: Deciding Who Gets What in America," *The New York Times*, November 27, 1994.



thing, the right to vote.”<sup>53</sup> It was the lack of voting rights that made them easy targets for budget savings in welfare reform and that consequently mobilized them to naturalize and obtain the right to vote.

As a result of the PRWORA, most legal aliens were considered ineligible for SSI, food stamps, Temporary Aid to Needy Families (TANF, which replaced AFDC), and Medicaid. If non-citizens deemed ineligible for such government benefits attempted to tap into these resources, even if they were among the exceptions that were deemed qualified and eligible, this action constituted evidence of them having become a public charge and was grounds for their deportation.<sup>54</sup> Within the PRWORA, anti-welfare and anti-immigrant actors created a hierarchy of the deserving/undeserving status of aliens that went beyond the legal/illegal dichotomy. This hierarchy extended to include aliens present in the United States before the date of enactment of this legislation (August 22, 1996) and those who entered the United States after the legislation was enacted.<sup>55</sup> Legal immigrants arriving after the date of enactment of this legislation would be ineligible for most federal benefits, including Medicaid and public housing, for their initial five years of residency. After the initial five-year residency period, legal immigrants would be subject to deeming provisions. As a consequence of the PRWORA, sponsors’ affidavits

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<sup>53</sup> Lena H. Sun, “GOP Proposals Could Sever Noncitizens’ Benefit Lifeline,” *The Washington Post*, May 30, 1995.

<sup>54</sup> U.S. Library of Congress, Congressional Research Service, *Alien Public Assistance Under the New Welfare Act and Major Immigration Bills (House/Senate H.R. 2202)* by Joyce C. Viallet and Larry M. Eig (Washington: CRS, 1996), 1-6.

<sup>55</sup> House Committee on Ways and Means, *Summary of Welfare Reforms Made by Public Law 104-93, the Personal Responsibility and Work Opportunity Act and Associated Legislation*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1996, Committee Print 15, 34.

of support became legally binding, meaning that sponsor's incomes and assets were used in determinations of need for legal immigrants.<sup>56</sup>

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed by President Clinton on September 30, 1996, continued this hierarchy of aliens.<sup>57</sup> California Republican Congressman Elton Gallegly attempted (unsuccessfully) to insert a Proposition 187-like provision in the IIRIRA denying illegal immigrants the right to public education. This amendment was supported by Speaker Newt Gingrich, who asserted that "this used to be the land of opportunity. Now it's the land of welfare."<sup>58</sup> IIRIRA increased border patrol funding including funds and resources for fence-building; increased restrictions on asylum seekers, forcing those seeking asylum to petition within one year of entry; further restricted immigrants' eligibility for government benefits; increased sponsorship restrictions, particularly financial eligibility for sponsorship, and strengthened deportation, civil, criminal, and grievance procedures for criminal and undocumented aliens.<sup>59</sup>

Title IV of the PWRORA significantly restricted non-citizen eligibility for federal, state, and local benefits. There were exceptions to these restrictions, and in the

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<sup>56</sup> Charisse Jones, "Uncertain Welcome: Immigrants and Welfare – A special report; For New York's Newcomers, Anxiety Over Welfare Law," *The New York Times*, August 26, 1996.

<sup>57</sup> U.S. Library of Congress, Congressional Research Service, *Alien Public Assistance Under the New Welfare Act and Major Immigration Bills (House/Senate H.R. 2202)* by Joyce C. Vialet and Larry M. Eig (Washington: CRS, 1996), 1-6.

<sup>58</sup> *Washington Times*, March 26, 1996; David M. Reimers, *Unwelcome Strangers: American Identity and the Turn Against Immigration* (New York: Columbia University Press, 1998), 141.

<sup>59</sup> *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Public Law 104-208, *U.S. Statutes at Large* 110 (1996): 3009-546; Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2003), 283-284.

exceptions, the lines of the underclass became most visible. Title IV of the PRWORA included three new types of main restrictions on non-citizens' access to governmental benefits. First, "qualified aliens" were declared ineligible for SSI and food stamps.<sup>60</sup> Second, most "qualified aliens" were barred from means-tested assistance programs during their first five years in the United States. This ban only applied to non-citizens who had arrived after August 22, 1996, the enactment date of the PRWORA. Third, states had the option to deny "qualified aliens" eligibility for programs such as TANF, Social Services Block Grants, and Medicaid. Under the PRWORA, states could bar "qualified aliens" from these programs regardless of whether they were present before August 22, 1996 or arrived after that date but had legally resided in the United States for at least five years.<sup>61</sup> These restrictions were removed if/when the alien naturalized. This lack of status as a citizen was what classified them as undeserving. There was significant debate about the numbers and proportion of aliens using welfare. The Congressional Budget Office, however, estimated that by restricting alien access to government assistance, the

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<sup>60</sup> The PRWORA defined a "qualified alien" as any alien who, at the time of application for or attempted receipt of federal benefits was a legal permanent resident, refugee, asylee, or parolee with residence in the United States for at least one year. "Qualified aliens" also included less common classifications such as Cubans/Haitians, Amerasians and veterans or active-duty military. See *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, § 431, *U.S. Statutes at Large* 110 (1996): 2105; House Committee on Ways and Means, *Summary of Welfare Reforms Made by Public Law 104-93, the Personal Responsibility and Work Opportunity Act and Associated Legislation*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1996, Committee Print 15, 34.

<sup>61</sup> House Committee on Ways and Means, *Summary of Welfare Reforms Made by Public Law 104-93, the Personal Responsibility and Work Opportunity Act and Associated Legislation*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1996, Committee Print 15, 34.

PRWORA would save the United States 32.3 billion dollars for the years 1997-2002.<sup>62</sup>

These budget savings made legal aliens an attractive target.

Contrary to anti-immigrant rhetoric, illegal aliens were generally ineligible for most forms of governmental assistance except for emergency medical care. However, access to elementary and secondary education previously had been considered a basic human right. States had not been able to deny educational benefits to illegal aliens. However, following the failed but still popular precedent of Proposition 187, the PRWORA and IIRIRA, in explicit defiance of the 1982 Supreme Court decision *Plyler v. Doe*, gave states the authority to deny children who were illegal aliens access to public education.<sup>63</sup> This denial of educational opportunity amounted to relegating a growing minority of the population to lifetimes of poverty and uncertainty.

*Plyler v. Doe* was not the only precedent which the PRWORA and IIRIRA defied. Most significant to this study is the welfare reform act's defiance of earlier court rulings that had argued that the Equal Protection Clause of the Fourteenth Amendment forbade states "from distinguishing between legal immigrants, refugees, and citizens, although illegal immigrants could be denied eligibility for most state or federal programs targeted to citizens." Fundamental to the PRWORA and the IIRIRA was their explicit

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<sup>62</sup> *Omnibus Consolidated Appropriations Act, 1997*, Public Law 104-208, *U.S. Statutes at Large* 110 Stat 3009 (1996); *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, *U.S. Statutes at Large* 110 Stat. 2105 (1996); United States Congressional Budget Office, "Immigration and Welfare Reform," U.S. General Accounting Office, 1995; Thomas J. Espenshade, Jessica L. Baraka and Gregory A. Huber, "Implications of the 1996 Welfare and Immigration Reform Acts for US Immigration," *Population and Development Review* 23, no.4 (December 1997): 775.

<sup>63</sup> U.S. Library of Congress, Congressional Research Service, *Alien Public Assistance Under the New Welfare Act and Major Immigration Bills (House/Senate H.R. 2202)* by Joyce C. Violet and Larry M. Eig (Washington: CRS, 1996), 1-6; *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, *U.S. Statutes at Large* 110 Stat. 2105 (1996); *Plyler v. Doe* 457 U.S. 202 (1982).

differentiation between citizens and non-citizens (in eligibility for benefits), hierarchies of non-citizens (largely in refugee status and date of arrival), and allowance of states to make such distinctions between immigrants in eligibility decisions.<sup>64</sup> It was through these incredibly intricate classifications of non-citizens that the framers of the PRWORA carved out space within the undeserving poor and underclass for these aliens.

The provisions of the PRWORA that hurt aliens the most were the restrictions on SSI, which particularly affected the elderly; eligibility restrictions on food stamps; college tuition assistance programs; job training programs; TANF; and Medicaid.<sup>65</sup> As a result of the PRWORA, if legal immigrants were even eligible for federal loans and grants for college, their sponsors' income would be calculated as constituting a portion of their income.<sup>66</sup> Richard Day, chief counsel for the Senate immigration subcommittee, tried to frame the argument in favor of restricting legal immigrants' access to federal

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<sup>64</sup> Thomas J. Espenshade, Jessica L. Baraka and Gregory A. Huber, "Implications of the 1996 Welfare and Immigration Reform Acts for US Immigration," *Population and Development Review* 23, no.4 (December 1997): 774.

<sup>65</sup> U.S. Congress. Senate. Subcommittee on Immigration of the Committee on the Judiciary. *The Use of Supplemental Security Income and Other Welfare Programs by Immigrants: Hearing Before the Subcommittee on Immigration of the Committee on the Judiciary*. 104<sup>th</sup> Cong., 2d sess., February 6, 1996; National Council of La Raza. *Social Security Reform: Issues for Hispanic Americans*. Testimony Submitted to U.S. Congress. House. Committee on Ways and Means, Subcommittee on Social Security. Washington, D.C.: National Council of La Raza, 1999; National Immigration Forum, *The Stories of Legal Immigrants Who Would be Affected by House and Senate Welfare Reform Proposals* (Washington, D.C.: National Immigration Forum, 1995); Martinez, D., *State and Local Advocacy Initiative Case Study* (Washington, D.C.: National Council of La Raza, 2002); Judith Havemann and William Claiborne, "Welfare Law Begins Taking Effect, With Some Confusion," *The Washington Post*, September 24, 1996, A10; Lena H. Sun, "As Effects of Welfare Reform Bills Emerge, So Do Critics: Proposals Would Bar Legal Immigrants From Many Forms of Federal Assistance," *The Washington Post*, November 09, 1995, A01; William Claiborne, "Now, All I see Is My Dreams Going away," *The Washington Post*, August 26, 1996, A04; William Claiborne, "At a California Clinic, Outbreak of Uncertainty," *The Washington Post*, August 26, 1996, A04; Karl Vick, "105-Year-Old Gets New Beginning – as U.S. Citizen," *The Washington Post*, October 11, 1996, A01.

<sup>66</sup> Lena H. Sun, "As Effects of Welfare Reform Bills Emerge, So Do Critics: Proposals Would bar Legal Immigrants From Many Forms of Federal Assistance," *The Washington Post*, November 9, 1995.

tuition assistance funds within an “us” vs. “them” or “native” vs. “alien” context, asserting that the more assistance given to immigrants then the less assistance that was available for the native-born:

If this South Korean family with three kids had said to U.S. officials, ‘We’re going to need to have Pell grants to get the kids through school,’ how many Americans would think, ‘There isn’t enough around so native-born kids can go to college, we shouldn’t be admitting people who are going to need that.’<sup>67</sup>

According to Title IV of the PRWORA, all aliens (including those present in the United States before the enactment of PRWORA) were ineligible for SSI, with a few exceptions.<sup>68</sup> SSI primarily assisted elderly people who either were not employed in the United States long enough to qualify for Social Security or who’s employment in the United States consisted of such low-wage work that their Social Security benefits were incredibly meager. The SSI benefit was meant to cushion these elderly poor and give them enough support to survive. The amounts were not much and most people would marvel that they were able to survive at all on such small amounts of money. For example, Juan Martinez was a Texas farmworker originally from Mexico. He worked as a farmworker for 16 years in Texas and was forced to retire because of illness. He and his wife lived off a combined \$426 per month in Social Security benefits and \$178 in SSI. They stood to lose those SSI benefits and would be forced to live off \$5,112 per year

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<sup>67</sup> Lena H. Sun, “As Effects of Welfare Reform Bills Emerge, So Do Critics; Proposals Would bar Legal Immigrants From Many Forms of Federal Assistance,” *The Washington Post*, November 9, 1995.

<sup>68</sup> With the exception of “refugees, asylees during the first five years; aliens whose deportation has been withheld; permanent residents (i.e. green card holders) who have worked for 40 qualifying quarters and did not receive any means-tested federal public benefits; veterans; aliens on active duty.” U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, Appendix II.

without SSI. Martinez claimed, “They can check with my bosses, they can find out if I worked or not. If they get rid of the check, I couldn’t pay the electric, I couldn’t pay the water, I couldn’t pay for the old car I got – I couldn’t pay for anything.”<sup>69</sup>

Generally, during a legal immigrant’s first five years of residency in the United States, their sponsor’s (generally children’s) income was counted as their own if they attempted to apply for SSI. But the PRWORA aimed to make these elderly and poor legal immigrants ineligible for SSI even after that five year deeming period was over.

Wyoming Republican Senator Alan Simpson decried this ability of legal immigrants to obtain SSI benefits, arguing, “These elderly parents, who have never contributed to our system in any way, then receive a generous pension for the rest of their lives from the American taxpayer.”<sup>70</sup> The number of SSI applications filed by legal immigrants increased from 51,500 in 1982 to 1,541,000 million in 1992.<sup>71</sup> In 1993, the total number of SSI recipients who were citizens was 5.25 million while the total number of legal immigrants receiving SSI was 680,000 or 12 percent.<sup>72</sup> There were many problems with the sponsorship economic requirements laid out in the “deeming” provisions. For example Luke Williams, the executive director of the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) wondered:

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<sup>69</sup> Lena H. Sun, “GOP Proposals Could Sever Noncitizens’ Benefit Lifeline,” *The Washington Post*, May 30, 1995.

<sup>70</sup> Lena H. Sun, “As Effects of Welfare Reform Bills Emerge, So Do Critics; Proposals Would Bar Legal Immigrants From Many Forms of Federal Assistance,” *The Washington Post*, November 9, 1995.

<sup>71</sup> Congressional Budget Office Papers, *Immigration and Welfare Reform* (Washington, D.C.: CBO, February 1995), 28.

<sup>72</sup> Congressional Budget Office Papers, *Immigration and Welfare Reform* (Washington, D.C.: CBO, February 1995), 25.

What happens when an immigrant's son who has a nice aerospace job for three years suddenly loses his job and can no longer provide for his father? Does the old man move to the street? This bill doesn't give you any guidance where it's not cut and dried. That's where the greatest potential for damage comes in.<sup>73</sup>

According to Title IV of the PRWORA, all immigrants (including those present in the United States before the enactment of PRWORA) were ineligible for food stamps with a few exceptions.<sup>74</sup> Maria Lopez, a legal immigrant from the Dominican Republic with three children who received AFDC and food stamps said that her community was abuzz with news about the impending welfare reforms: "Everybody is talking about it. They say there will be no welfare, no Medicaid, no help at all. We will wind up on the streets. So the future means death."<sup>75</sup> Aliens were not the only ones worried and confused about the exact implementation of the law. Social services agencies and employees were playing catch-up, as well. One such social services employee said, "We're still not sure what's going on. Our manager is supposed to meet with us to fill us in on what we are supposed to tell the public."<sup>76</sup> This confusion over the implementation of the PRWORA was evident even in the days after the new rules were to be put in place lest states risk

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<sup>73</sup> William Claiborne, "At a California Clinic, Outbreak of Uncertainty," *The Washington Post*, August 26, 1996.

<sup>74</sup> With the exception of "refugees, asylees during the first five years; aliens whose deportation has been withheld; permanent residents (i.e. green card holders) who have worked for 40 qualifying quarters and did not receive any means-tested federal public benefits; veterans; aliens on active duty." U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, Appendix II.

<sup>75</sup> Charisse Jones, "Uncertain Welcome: Immigrants and Welfare —A Special Report: For New York's Newcomers, Anxiety Over Welfare Law," *The New York Times*, August 26, 1996.

<sup>76</sup> Vivian S. Toy, "Some Immigrants Begin to Lose Food Stamps Under New Law," *The New York Times*, September 25, 1996.



penalties and fines from the federal government. Still, administrators in many cities were loathe to revoke food stamp benefits and send families out to the streets to starve. Carol Ann Wilson, the Director of the Department of Human Services in Hudson County, New Jersey, instructed her staff to give aliens who were now ineligible for food stamps at least 30 days worth of additional benefits before cutting them off and would not report on illegal immigrants to INS. She defended this saying, "We still have compassion here."<sup>77</sup> Richard Blum, a NYC Legal Aid Society lawyer, said that if agencies "have a choice of violating the law, I would like to see them err on the side of not letting people starve rather than cutting off their food stamps before they know what they're doing."<sup>78</sup>

In Orange County, California, approximately 40 percent of food stamp recipients were aliens expected to lose eligibility under the new rules. In New York, about 5 to 10 percent were subject to loss of food stamps. In Texas, about 187,000 families were expected to lose food stamps. In Hidalgo County, Texas, alone, 32,000 or one out of every 12 to 15 people were legal immigrants subject to loss of food stamp benefits under PRWORA.<sup>79</sup> Because of the high incidence of mixed households (households with a mixture of citizens and non-citizens), the statistics on immigrant receipt of welfare benefits can easily be skewed to support a particular argument. When you look at the

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<sup>77</sup> N.R. Kleinfeld, "Law Sowing Fear and Confusion at Welfare Offices," *The New York Times*, September 26, 1996.

<sup>78</sup> Vivian S. Toy, "Some Immigrants Begin to Lose Food Stamps Under New Law," *The New York Times*, September 25, 1996.

<sup>79</sup> Sam Howe Verhovek, "Texas Immigrants Worry as Cuts in Welfare Loom," *The New York Times*, November 4, 1996; David Firestone, "Giuliani to Sue Over Provision on Welfare," *The New York Times*, November 12, 1996; Vivian S. Toy, "Some Immigrants Begin to Lose Food Stamps Under New Law," *The New York Times*, September 25, 1996.

numbers of individual recipients who were immigrants versus native-born citizens nationwide, the incidence of immigrants as welfare recipients was significantly less than that of citizens. In 1992, the number of households in the United States entirely comprised of citizens receiving food stamps was 9.1 million. The number of mixed households (comprised of both citizens and non-citizens) receiving food stamps in 1992 was 610,000 while the number of households comprised entirely of non-citizens receiving food stamps in 1992 was 350,000.<sup>80</sup>

According to Title IV of the PRWORA, all immigrants (including those present in the United States before the enactment of PRWORA) were ineligible for TANF, with a few exceptions.<sup>81</sup> For immigrants who entered the United States after the date of the enactment of the PRWORA, after the five year prohibition on receipt of TANF, the states had discretion over aliens' receipt of welfare benefits. It was at this point in which the states could then use their discretion to "deem" the alien's sponsor's income in order to determine the alien's eligibility. Again, there were exceptions.<sup>82</sup> In 1995, in the midst of congressional debates over what would become the PRWORA, the National Immigration forum began publicizing exactly how legal immigrants would be affected by the proposed

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<sup>80</sup> Congressional Budget Office Papers, *Immigration and Welfare Reform* (Washington, D.C.: CBO, February 1995), 18.

<sup>81</sup> With the exception of "refugees, asylees during the first five years; aliens whose deportation has been withheld; permanent residents (i.e. green card holders) who have worked for 40 qualifying quarters and did not receive any means-tested federal public benefits; veterans; aliens on active duty." U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, Appendix II.

<sup>82</sup> The exceptions were "refugees; asylees; aliens whose deportation has been withheld; veterans; aliens on active duty; Cuban and Haitian refugees." U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, Appendix II.

welfare reform bills. For example, take the circumstances of “Davita,” a legal permanent resident from Pakistan and mother of two citizen children. She divorced her mentally and physically abusive husband, a naturalized citizen. “Davita” was placed under court order to not take her children beyond a fifty mile radius of New York City without her husband’s permission, which he would never give. This prevented her from returning to Pakistan with her children. In order to support herself and her children she received AFDC and Medicaid and completed a job readiness program that included English and computer classes. If PRWORA had been in effect when “Davita” was trying to flee her abusive husband, she would not have been eligible for those benefits and would likely have had to choose between staying with her kids and leaving a dangerous and abusive husband. These are the types of stories the National Immigration Forum used to humanize immigrant welfare recipients.<sup>83</sup>

The National Immigration Forum wanted to portray the diversity of immigrants and their situations and to display that immigrant welfare recipients were complex people with complex stories and not people trying to selfishly live off the American people and government. Although non-citizens were frequently depicted as being disproportionately high consumers of public assistance such as AFDC, the numbers did not reflect that. In 1992, 12.9 million families (95 percent of AFDC recipients) comprised of citizens received AFDC (which was replaced with TANF in the PRWORA) and 400,000 families (3 percent) comprised of legal permanent residents received AFDC.<sup>84</sup>

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<sup>83</sup> National Immigration Forum, “The Stories of Legal Immigrants Who Would Be Affected by House and Senate Welfare Reform Proposals,” (June 1995); Gwendolyn Mink and Rickie Solinger, eds., *Welfare: A Documentary History of U.S. Policy and Politics* (New York: New York University Press, 2003), 631-632.

States had the discretion to decide on the Medicaid eligibility of legal-qualified aliens: “Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens who deportation has been withheld, permanent residents who have worked 40 qualifying quarters, veterans, aliens on active duty.” Again, legal qualified aliens who entered the United States after enactment of this legislation were ineligible for Medicaid for five years after the date of their entry and then were subject to deeming, with the exceptions of “refugees, asylees, aliens whose deportation has been withheld, veterans, aliens on active duty, Cuban and Haitian refugees.”<sup>85</sup> Robert Quirico, a 45 year old recently naturalized immigrant from Puerto Rico who suffered a stroke and heart problems since emigrating said, “I need a doctor to be by my side at all times. If there’s no Medicaid, death would be better for me.... I heard that even naturalized citizens will be affected. I came here to improve my life, to prosper. But I think all my dreams are falling apart.”<sup>86</sup>

Because of the significant confusion and administrative work necessary to begin implementation of the PRWORA, in October 1996, Congress extended the eligibility for immigrants to continue receiving food stamps until April 1, 1997. Vermont Democratic Senator Patrick Leahy, a staunch opponent of cutting immigrants’ food stamp eligibility, cynically claimed that, “It may have occurred to the negotiators that stories about hungry

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<sup>84</sup> Congressional Budget Office Papers, *Immigration and Welfare Reform* (Washington, D.C.: CBO, February 1995), 20.

<sup>85</sup> U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, Appendix II.

<sup>86</sup> Charisse Jones, “Uncertain Welcome: Immigrants and Welfare – A special report; For New York’s Newcomers, Anxiety Over Welfare Law,” *The New York Times*, August 26, 1996.

legal immigrants would play poorly over the Thanksgiving and Christmas Holidays. Having to count this as a victory for hungry people is an emblem of how misguided the welfare bill is.”

Under the PRWORA, not only did legal aliens lose access to many government services; but so-called entitlement programs for all poverty-stricken individuals were ended. Republicans insisted on ending entitlements rather than attempting to fix what most politicians viewed as a “broken system.” Senator Robert Packwood argued that such anti-poverty advocacy groups believed that, “If we just lengthen the ears on this hippopotamus and screw up its tail, it’s going to fly. It isn’t going to fly, no matter how we redesign it.”<sup>87</sup>

Fear and confusion gripped immigrant communities in response to the PRWORA. Manuel Mantos, executive director of the Northern Manhattan Coalition for Immigrant Rights, explained, “Word doesn’t filter through that accurately. So the word on the street is you’re not going to be treated in the hospital if you’re not a citizen. Word on the street is if you owe a couple dollars on a parking violation, you may be deported. So there’s widespread panic.” The issue here really was not that immigrants were such disproportionately high consumers of government benefits. In fact, 12 percent of households in New York City with a foreign born head of household received public

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<sup>87</sup> Robert Pear, “Support Seen for State Leeway on Welfare,” *The New York Times*, May 16, 1995.

assistance in 1996 versus 14 percent of households with a native-born head of household.<sup>88</sup>

Some states filed suit against the federal government over the PRWORA.<sup>89</sup> The states' major point of dissatisfaction was that while the PRWORA gave states' significant discretion over whether or not to give non-citizens benefits, many believed that the federal government was also significantly shifting the financial burden of these programs to state and local governments as well. Under the PRWORA, states could deny non-citizens access to cash welfare, Medicaid, Title XX block grant programs, and other state and local assistance programs.<sup>90</sup>

In addition to the furor from states, some cities and counties also expressed their discontent with the new laws. For example, the Jersey City, New Jersey, City Council passed a resolution forbidding city workers from turning in or arresting immigrant residents (legal or illegal), effectively making Jersey City a "safe haven" or sanctuary city. This resolution was in direct defiance of the new federal laws requiring city, state, and federal employees to turn in to INS illegal immigrants who attempted to access police, hospital, and education services.<sup>91</sup> Many local authorities throughout the country believed that the PRWORA simply shifted costs from the federal government to local

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<sup>88</sup> Charisse Jones, "Uncertain Welcome: Immigrants and Welfare – A special report; For New York's Newcomers, Anxiety Over Welfare Law," *The New York Times*, August 26, 1996.

<sup>89</sup> U.S. Commission on Immigration Reform, *Impact of Federal Welfare Reform on Immigrants: Final Report*, July 28, 1997, 2.

<sup>90</sup> Charisse Jones, "Uncertain Welcome: Immigrants and Welfare – A special report; For New York's Newcomers, Anxiety Over Welfare Law," *The New York Times*, August 26, 1996.

<sup>91</sup> Terry Pristin, "New Jersey Daily Briefing: Standing Up For Immigrants," *The New York Times*, October 11, 1996.

governments. Larry E. Naake, executive director of the National Association of Counties asserted that, “We see this as not necessarily a tax savings but a shift in the tax burden. Perhaps federal taxpayers will get some relief, but in the end, the county taxpayers will have to pick up the costs.” This sentiment was echoed by Los Angeles County Supervisor Gloria Molina, who claimed that, “All the legal immigrant who have been taken off the welfare rolls are going to end up on our doorstep.”<sup>92</sup> Under PRWORA, most legal immigrants would become ineligible for SSI and food stamps and it would be up to states’ discretion to determine which, if any, legal immigrants remained eligible for Medicaid. In California, as in most locales across the country, the counties were the final link in the social safety net and were required to provide social services such as medical care in county hospitals for people with no means to pay for it (excluding illegal immigrants). The upsurge in the numbers of legal immigrants who would not have any other access to medical care except for county hospitals frightened the California State Association of Counties. Mike Nevin, its president, asserted that, “It’s just devastating. These people will be at the doorsteps of our hospitals with communicable diseases, and we’ll have to take care of them. It’s an awful situation, because we just don’t have the money. What will we do? I don’t know.”<sup>93</sup>

Many charged that the PRWORA was really about anti-alien sentiment. In an October 1996 speech, Republican New York Mayor Rudolph Giuliani said as much,

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<sup>92</sup> William Claiborne, “California Faces New Welfare Reality; Counties With Large Immigrant Population Fearful of Financial Hit,” *The Washington Post*, August 2, 1996.

<sup>93</sup> William Claiborne, “California Faces New Welfare Reality; Counties With Large Immigrant Population Fearful of Financial Hit,” *The Washington Post*, August 2, 1996.

asserting that:

The anti-immigration movement that's now sweeping the country in my view is no different than movements that swept the country in the past. You look back at the Chinese Exclusionary Act, or the Know-Nothing movement – these were movements that encouraged Americans to fear foreigners, to fear something that's different, and to stop immigration.<sup>94</sup>

Oscar Armando Lopez came to the United States in 1970 and became a legal permanent resident in 1985. It was not until 1995 that he began the process of applying for United States citizenship. Lopez explained why he waited so long to apply for citizenship, saying that:

It seems like American people and the Congress are against immigrants and Spanish people these days. I don't understand why, but we are in trouble. I gained a lot of respect at my work when I became a resident. But if I get sick and lose my job, maybe I can't get help unless I'm a citizen. So I guess it's time.<sup>95</sup>

Lopez was not alone in coming to the conclusion that “it's time” to naturalize.

Increasing numbers of immigrants were able to naturalize in the mid-1990s as a result of Citizenship USA, a Clinton backed INS initiative to reduce the approximately one million immigrant-long backlog of applications for naturalizations.<sup>96</sup> There was

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<sup>94</sup> “Excerpt From Address on Immigration,” *The New York Times*, October 1, 1996.

<sup>95</sup> Lena H. Sun and Pamela Constable, “Area Immigrants Join Rush to Citizenship; Fear of Losing Benefits Spurs Even Those Legally in U.S. for Years,” *The Washington Post*, March 20, 1995.

<sup>96</sup> Editorial, “A Million New Citizens,” *The Washington Post*, September 15, 1996, C06; William Branigin and Kathryn Wexler, “INS Unveils Plan to Speed Naturalization Process,” *The Washington Post*, September 01, 1995, A01; U.S. Congress. House. Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight. *Oversight of Immigration and Naturalization Service Program Citizenship USA: Hearings Before the Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight*. 104<sup>th</sup> Cong., 2d sess., September 10 and 24, 1996; U.S. Congress. Senate. Subcommittee on Immigration, Committee on the Judiciary. *Examining the Practices and Policies of the Immigration and Naturalization*



significant controversy over Citizenship USA, which was plagued with charges of fraud. President Clinton and Vice President Gore were also accused of using the initiative to increase the numbers of likely Democratic voters in advance of the 1996 elections.<sup>97</sup>

The juncture of immigration and welfare policy was front and center for the 1996 elections. Several GOP Party Platform proposals stated that the Republican Party, “Asserts a constitutional amendment or constitutionally valid legislation declaring that children born in the United States of parents who are not legally present in the United States or who are not long-term residents are not automatically citizens.”<sup>98</sup> In the final 1996 GOP Party Platform, the influence of Proposition 187 and attacks on the Fourteenth amendment’s birthright citizenship were prominent. The 1996 GOP immigration plank asserted:

Illegal immigration has reached crisis proportions ... burdens taxpayers, strains public services, takes jobs, and increases crime. ... Illegal aliens should not receive public benefits other than emergency aid, and those who become parents while illegally in the United States should not be qualified to claim benefits for

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*Service As It Relates to the Naturalization Process: Hearings Before the Subcommittee on Immigration of the Committee on the Judiciary.* 104<sup>th</sup> Cong., 2d sess., October 9 and 22, 1996; The United States Justice Department page 2. “Special Report: An Investigation of the INS’s Citizenship USA,” 2, <http://www.justice.gov/oig/special/0007/cusaimp.pdf> (accessed August 3, 2011).

<sup>97</sup> CUSA will be discussed in greater detail in Chapter Six. See U.S. Congress. House. Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight. *Oversight of Immigration and Naturalization Service Program Citizenship USA: Hearings Before the Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight.* 104<sup>th</sup> Cong., 2d sess., September 10 and 24, 1996; U.S. Congress. Senate. Subcommittee on Immigration, Committee on the Judiciary. *Examining the Practices and Policies of the Immigration and Naturalization Service As It Relates to the Naturalization Process: Hearings Before the Subcommittee on Immigration of the Committee on the Judiciary.* 104<sup>th</sup> Cong., 2d sess., October 9 and 22, 1996; The United States Justice Department, “The Implementation of CUSA: An Overview,” <http://www.justice.gov/oig/special/0007/cusaimp.pdf> (accessed August 3, 2011).

<sup>98</sup> William Claiborne, “GOP Immigration Policies Concern Hispanics,” *The Washington Post*, August 12, 1996.

their offspring. Legal immigrants should depend for assistance on their sponsors ... not the American taxpayers.... We support a constitutional amendment or constitutionally-valid legislation declaring that children born in the United States of parents who are not legally present in the United States or who are not long-term residents are not automatically citizens.<sup>99</sup>

In 1996, the Republicans also continued their efforts to make English the official language of the United States and included this idea in their 1996 party platform, asserting that, “We support the official recognition of English as the nation's common language.”<sup>100</sup> In the mid-1990s, the English as a national language debate continued. Republican Senator and Presidential candidate Bob Dole announced his support for the English Language Amendment (ELA) and the House also passed an English as the official language measure in 1996. However, the Senate refused to take similar action and President Clinton asserted he would veto any such legislation that came across his desk. The real crux of the issue was not about immigrant children, but instead about adults and voting rights. The ELA would bar not only bilingual education, but also bilingual ballots. Republican Senator Alan Simpson argued in defense of ELA:

We do not ask very much of a new immigrant to this country, but one thing we do expect of them is that they accept our system of government and our common language.... I fear that providing bilingual ballots to certain groups in this country will not encourage the learning of English.... We need to bring people into the

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<sup>99</sup> The American Presidency Project, “A Sensible Immigration Policy,” *The Republican Party Platform of 1996*, <http://www.presidency.ucsb.edu/ws/index.php?pid=25848#axzz1pJDErWGJ> (accessed October 4, 2011).

<sup>100</sup> The American Presidency Project, “From Many, One,” *Republican Party Platform of 1996*, <http://www.presidency.ucsb.edu/ws/index.php?pid=25848#axzz1pJDErWGJ> (accessed October 4, 2011).

mainstream of our society, and treating them specially, differently or separately, does not further that goal.<sup>101</sup>

Including this type of immigration language and an English-only language requirement within the GOP platform played well to the conservative white base but was damaging in immigrant, particularly Hispanic, communities – communities that previously had been conservative. Ray Uzeta, director of the Chicano Federation of San Diego said:

With all these anti-immigrant proposals, nothing surprises us anymore. But I do know that it enhances and perpetuates the myth that people who come here – and let's be frank, we're talking about Mexicans – give birth to children in order to rip off the American public.<sup>102</sup>

While 1996 GOP Vice Presidential candidate Jack Kemp may have wanted “to help transform the party ... into a party that is attractive to the heterogeneity, diversity, pluralism and multiculturalism of America,” that was not the direction that the GOP platform was steering the party.<sup>103</sup> The GOP Platform demanded the repeal of the Fourteenth Amendment guaranteeing birthright citizenship, the ending of all social services to illegal aliens except for emergency medical care, and that legal immigrants’ sponsors should provide any needed assistance to legal aliens, who should be ineligible

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<sup>101</sup> English First, “Statement of U.S. Senator Alan Simpson on Bill to Reauthorize the Use of Bilingual Ballots in the United States,” from Congressional Record (daily digest), August 6, 1993; Reimers, *Unwelcome Strangers*, 125-126.

<sup>102</sup> William Claiborne, “GOP Immigration Policies Concern Hispanics,” *The Washington Post*, August 12, 1996.

<sup>103</sup> William Claiborne, “Kemp Invokes Spirit of Lincoln and Dr. King! ‘We Will Represent Our Entire American Family,’ He Vows,” *The Washington Post*, August 16, 1996.

for federal assistance programs.<sup>104</sup>

Post-1965, immigration was increasingly made up of Hispanic and Asian immigrants. These immigrants, particularly the Latino immigrants who had historically had very low rates of naturalization, naturalized in significantly increasing numbers in 1995 and 1996 as a result of the anti-alien rights sentiment that had been increasing throughout the 1980s through the 1994 passage of Proposition 187 in California and Republican takeover of Congress. The naturalization and politicization of Hispanics and other immigrant groups continued to increase throughout the 1990s as a result of the 1996 welfare and immigration reforms, which significantly curtailed legal and illegal immigrants' rights as well as those of refugees and asylees. Further, Republicans failed to anticipate conservative and restrictionist Hispanic citizens' reactions to the punitive and racialized 1996 welfare and immigration reforms. These reforms alienated these Hispanic citizens and further coalesced Hispanics and other immigrant groups into formidable special interest groups who would have increasing influence over immigration reform. These groups had begun politicizing and flexing their muscles in the 1980s, particularly during the implementation of IRCA's legalization program.<sup>105</sup> These immigrant special interest groups really came into their own as a result of the 1994-1996 anti-immigrant rights rhetoric and policies and were thereafter able to exert significant influence on the democratic election process as well as over specific policymakers.

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<sup>104</sup> William Claiborne, "Little Dissent as Delegates Ratify Strongly Conservative Platform," *The Washington Post*, August 13, 1996.

<sup>105</sup> Robert Preuhs, "Descriptive Representation as a Mechanism to Mitigate Policy Backlash," *Political Research Quarterly*. 60, no. 2 (June 2007): 277, 289.

Despite their many failures and miscalculations, the efforts to restrict immigrant rights and welfare rights within the United States had a decisive impact on the resources available and popular support for social spending. There were significant cuts to spending and changes in eligibility requirements, Aid to Families with Dependent Children (AFDC) was abolished and replaced with the state administered Temporary Aid to Needy Families (TANF). Time limits were placed on the receipt of benefits and attachment to the workforce was the primary goal.

In the words of Bill Clinton as he signed the welfare reform into law, these reforms ended “welfare as we know it.”<sup>106</sup> However, as a result of the “chain” migration put in place as a result of the Immigration and Nationality Act of 1965, both legal and illegal immigration continued to increase. Many of the most punitive measures of welfare reform were walked back or administered less harshly by individual states, under heavy pressure from immigrant advocacy groups. Neither the PRWORA nor the IIRIRA solved the underlying issues of immigration and welfare reform. However, by scapegoating legal aliens and framing the immigration and welfare problems as a race-based, Hispanic problem, this welfare and immigration backlash created a Hispanic (and larger immigrant) political awakening and backlash.

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<sup>106</sup> Enrico A. Marcelli and David M. Heer, “The Unauthorized Immigrant Population and Welfare in Los Angeles County: A Comparative Statistical Analysis,” *Sociological Perspectives* 41, no. 2 (1998): 279.

CHAPTER VI

FROM IMMIGRANTS TO ACTIVISTS: THE IMMIGRANT POLITICAL  
MOBILIZATION OF THE 1990s

But one thing is certain: Latinos will participate as never before and Latino candidates will continue to win new offices in Congress, state legislatures and local governments. The face of U.S. democracy will be a shade browner by the end of 1996, and by being so, the U.S. will remain true to its ideals.<sup>1</sup>

Antonio González and Lydia Camarillo, 1996.

The mid-1990s linkage of welfare and immigrants occurred within the context of the historic depiction of aliens as dependent and a drain on the society and economy. This anti-immigrant and anti-welfare legislation created a perfect storm that galvanized immigrant advocacy groups, particularly Hispanics, and spurred groundbreaking and historic naturalization and mobilization campaigns by immigrant advocacy groups such as the National Council of La Raza (NCLR) and the League of United Latin American Citizens (LULAC). These mobilization and naturalization campaigns succeeded in creating a profound political awakening and political countermovement by a group that had historically been politically underrepresented.

The counter-mobilization of Hispanics in the mid-1990s was rooted in precedent. One important vehicle of Hispanic efforts to bring about social and legal change was the League of United Latin American Citizens (LULAC). LULAC was founded in 1929 as a Texas-based, middle-class organization to fight widespread and systematic discrimination against Hispanics. Its mission was to “advance the economic condition, educational

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<sup>1</sup> Antonio González and Lydia Camarillo in “Latino Voters, be Counted,” *La Prensa*, June 16, 1996, 2A.

attainment, political influence, housing, health, and civil rights of the Hispanic population of the United States.”<sup>2</sup> Initially, because of the Jim Crow conditions forced upon Latinos in Texas, LULAC was most concerned with combating “political disfranchisement, racial segregation, and racial discrimination.”<sup>3</sup> In the 1990s, LULAC also advocated economic boycotts, such as those of Walt Disney and Chevron, because of their support of California Governor Pete Wilson and Proposition 187. In 1995, Hispanics numbered 30 percent of California’s population and there were 25 million Hispanic citizens within the United States, making the prospects of economic boycotts exerting significant pressure on businesses quite high. Rudy Arredondo, LULAC member, asserted that, “Economically we have tremendous power.”<sup>4</sup> LULAC also instituted voter registration drives such as “LULAC Voter,” which will be discussed later in this chapter.<sup>5</sup>

The Mexican American Legal Defense Fund (MALDEF) was formed in 1968 with the help of a substantial (\$2.5 million) grant from the Ford Foundation.<sup>6</sup> MALDEF’s mission statement states, “Often described as the ‘law firm of the Latino community,’ MALDEF promotes social change through advocacy, communications, community

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<sup>2</sup> LULAC, “Mission,” <http://lulac.org/about/mission/> (accessed June 28, 2011); Amy Waters Yarinske, *All for One and One for All: A Celebration of 75 Years of the League of United Latin American Citizens (LULAC)* (Virginia Beach: The Donning Company Publishers, 2004).

<sup>3</sup> Amy Waters Yarinske, *All for One and One for All: A Celebration of 75 Years of the League of United Latin American Citizens (LULAC)* (Virginia Beach: The Donning Company Publishers, 2004).

<sup>4</sup> Michelle Adam, “News: Latinos Flex Political Muscle,” *The Hispanic Outlook in Higher Education* 6, no. 5 (October 27, 1995): 6.

<sup>5</sup> LULAC launches voter registration Program: New Program Could Register Up to 50,000 Latinos,” *La Prensa*, September 17, 2000.

<sup>6</sup> Pete Tijerina, “The Birth of MALDEF,” *La Prensa*, November 29, 1998.

education, and litigation in the areas of education, employment, immigration rights, and political access.”<sup>7</sup> MALDEF was involved in voter registration and mobilization drives, and also in litigating issues of importance to the Hispanic community, such as the creation of “at-large” electoral districts, which had the effect of minimizing the influence of heavily localized Latino populations on election results.<sup>8</sup> MALDEF was also involved in litigating educational rights and affirmative action lawsuits.<sup>9</sup> Perhaps its most well-known and influential court battle was that of *Plyler v. Doe*, which has significantly hindered the ability of anti-immigrant groups since then to restrict immigrant educational rights.

The naturalization rate for immigrants and specifically Hispanics, began increasing significantly in 1996, largely as a result of cost-benefit analysis by immigrants. As a result of increasing anti-immigrant rhetoric, immigrants feared losing access to government benefits. Even those immigrants not accessing government benefits feared losing the ability to access them. Immigrants also feared the potential long-term consequences of the anti-immigrant rhetoric swirling around them and wanted to be able to fight this with the vote. Structurally, this upsurge in naturalization was aided by the Clinton backed INS initiative Citizenship U.S.A., and by the green card changeover to an

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<sup>7</sup> MALDEF, “Mission Statement,” <http://www.maldef.org/about/mission/index.html> (accessed July 27, 2011).

<sup>8</sup> Eduardo Stanley, “Time for a New Strategy,” *El Sol Del Valle*, November 16, 1995; controversy MALDEF

<sup>9</sup> Eduardo Stanley, “Time for a New Strategy,” *El Sol Del Valle*, November 16, 1995; Roberto Rodriguez, “California Prop 187 Places Colleges in a Bind: Students React With Nationwide Protests,” *Diverse Issues in Higher Education* 11, no. 20 (December 1, 1994): 10.



electronic version.<sup>10</sup> The impending threats caused by the PRWORA, combined with the opportunities for easier naturalization afforded by the 1986 IRCA amnesty, Citizenship U.S.A., and the green card changeover, along with the mobilization efforts by immigrant advocacy groups, resulted in not only increased rates of naturalization but also increased rates of political activity by those newly naturalized.<sup>11</sup>

The punitive restrictions toward immigrants in the PRWORA resulted in increased alien naturalization, particularly among poor aliens. The PRWORA also increased immigrant politicization (particularly among Hispanics). One powerful, unintended consequence of the restrictions on alien rights in the PRWORA was the alienation of Hispanic citizens who were restrictive toward immigration but who were turned off by the punitive restrictions on alien rights in these reforms. All of this resulted in the continued coalescing of immigrants into powerful special interest groups, that

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<sup>10</sup>This green card changeover to an electronic version necessitated the green card holder to submit paperwork in order to receive a new green card. This extra step involved in simply maintaining their legal permanent residency convinced some green card holders to apply for naturalization instead. See S. Karthick Ramakrishnan, *Democracy in Immigrant America* (Stanford, CA: Stanford University Press, 2005).

<sup>11</sup> Matt A. Barreto and Nathan D. Woods, *Voting Patterns and the Dramatic Growth of the Latino Electorate in Los Angeles County, 1994-1998* (Claremont, CA: Tomás Rivera Policy Institute, 2000); Local anti-immigrant legislation also played perhaps an even more significant role than did national legislation. See Adrian D. Pantoja, Ricardo Ramirez, and Gary m. Segura, "Citizens by Choice, Voters by Necessity: Patterns in Political Mobilization by Naturalized Latinos," *Political Research Quarterly* 54 (4):729-50; Ramakrishnan, *Democracy in Immigrant America*, 119; The significant role that immigrant advocacy groups/community organizations played in mobilizing immigrants, particularly Hispanics, in the mid-1990s is markedly different than in earlier times when political parties instead were the key politically mobilizing force. See Janelle S. Wong, *Democracy's Promise: Immigrants & American Civic Institutions* (Ann Arbor: University of Michigan Press, 2006), 141. These groups had begun politicizing and flexing their muscles in the 1980s, particularly during the implementation of IRCA's legalization program. Robert Preuhs, "Descriptive Representation as a Mechanism to Mitigate Policy Backlash," *Political Research Quarterly*, 60, no. 2 (June 2007): 277, 289; Benjamin Marquez and James Jennings, "Representation by Other Means: Mexican American and Puerto Rican Social Movement Organizations," *PS: Political Science and Politics* 33, no. 3 (September 2000): 541-546.

exerted significant pressure on policymakers. Immigrants portrayed a significant display of power in elections, voting in increasing numbers and as a strong bloc, thereby making adept use of democratic process. There were two main issues at play here. First, the influence of anti-immigrant rhetoric and legislation on naturalization rates and second, the influence of this anti-immigrant rhetoric and policy on the politicization rates of those already naturalized.

The 1986 IRCA amnesty, the green card changeover to an electronic version, and Citizenship USA were all incredibly effective at increasing the naturalization rates of immigrants. The numbers of immigrants legalized under IRCA exceeded 2.4 million people by 1991.<sup>12</sup> Most of those immigrants legalized under IRCA were eligible for citizenship by mid-1995, as they were first required to complete a five-year residency in the United States after legalizing their status under IRCA before they were eligible to apply for citizenship. Additional legal immigrants were spurred to naturalize rather than maintain their status as legal permanent residents as a result of the 1992 INS changeover to an electronic version of the green card, necessitating green card holders to submit paperwork to receive the new electronic versions of the green card. Given this additional required process to simply maintain their non-citizen status, many green card holders elected instead to apply for naturalization.<sup>13</sup> Additionally, in 1996, Mexico amended its constitution to allow for its citizens to maintain dual citizenship with the United States.

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<sup>12</sup> Robert Barde, Susan B. Carter and Richard Sutch, "Immigrants Admitted Under the Preference System: 1996-1991," in *Historical Statistics of the United States, Millennial Edition On Line*, ed. Susan B. Carter et. al. (Boston: Cambridge University Press, 2006).

<sup>13</sup> Susan Bibler Coutin, "Cultural Logics of Belonging and Movement: Transnationalism, Naturalization, and U.S. Immigration Policies," *American Ethnologist* 30, no. 4 (November 2003): 513.

This amendment also allowed first generation Mexican Americans to apply for dual nationality, which affected approximately two to three million Mexican legal immigrants living in the United States who were eligible for United States citizenship but had not yet applied for it.<sup>14</sup> NCLR President Raul Yzaguirre expressed the organization's conflicted feelings on the issue of Mexican Americans retaining dual citizenship: "They [the Mexican government] asked for our views and we said it was good for Mexican nationals who are here legally and were concerned about becoming citizens because they might lose their property." However, Yzaguirre also noted that, "We fear a backlash. We fear that it will spark a wave of anti-immigrant feeling [in the United States]."<sup>15</sup>

In 1994 there were approximately five hundred thousand naturalization applications on file with the INS. That number doubled to over one million in 1995 and increased to 1.6 million in 1997. As a result of this significantly increased number of applications for naturalization, the INS was faced with an increasing backlog. This significant and growing backlog in the processing of naturalization applications led to the implementation of Citizenship USA. This initiative was backed by President Clinton and led by Vice President Albert Gore and INS Commissioner Doris Meissner. The goal of Citizenship USA was to decrease the backlog of naturalization applications to six months in the highest volume regions to counter the anti-immigrant rhetoric that the United

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<sup>14</sup> Ana Radelat, "Mexican Americans Can Seek Dual Identity," *Hispanic*, July/August 1998, 10; Susan Bibler Coutin, "Cultural Logics of Belonging and Movement: Transnationalism, Naturalization, and U.S. Immigration Policies," *American Ethnologist* 30, no. 4 (November 2003): 513.

<sup>15</sup> Ana Radelat, "Mexican Americans Can Seek Dual Identity," *Hispanic*, July/August 1998, 10.

States could not possibly absorb the number of immigrants already in the country.<sup>16</sup> In testimony before a Senate hearing on naturalization practices, NCLR President Yzaguirre lauded Citizenship USA's reduction in backlogs and waiting periods for INS review of naturalization applications:

INS must be encouraged, rather than attacked, in its efforts to improve and make the process more efficient. Can anyone imagine having to wait six months for a driver's license or Social Security card? If this were to occur, the public would be justifiably enraged and demand that the government take immediate steps to reduce the backlog.<sup>17</sup>

In the short period (FY 1995-FY 1996) that Citizenship USA was in effect, it had a profound effect on reducing the backlogs. In the five key areas it targeted, it succeeded in reducing backlogs to six months. Yet, by February 1998, that wait time had increased again to two years.<sup>18</sup> Perhaps it was Citizenship USA's very efficacy and the realization by Republicans that an immigrant voting bloc seemed to be coalescing, that began congressional effort to discredit and end Citizenship USA as fraudulently allowing immigrants to naturalize. Yzaguirre asserted:

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<sup>16</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 297-298; David M. Reimers, *Unwelcome Strangers* (New York: Columbia University Press, 1998), 132-133.

<sup>17</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 298.

<sup>18</sup> Ruth Ellen Wasem, *Naturalization Trends, Issues, and Legislation* (Washington, D.C.: CRS, June 24, 1998); Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 3-4.

There is no denying that some politicians are uncomfortable with the fact that so many of the new citizens are ethnic minorities ... it is inaccurate to suggest that immigrants are naturalizing to preserve benefits that only small numbers of them actually use. Politicians looking for an easy explanation for high naturalization rates would be better served by listening to immigrants' anger directed at their own rhetoric.<sup>19</sup>

Part of this fraud charge directed toward the INS over Citizenship USA centered on Naturalization Assistance Services (NAS), which was an organization that contracted with the INS to provide citizenship testing. Indiana Representative Mark Souder charged that "blatant cheating" occurred at NAS citizenship testing facilities and that the INS was aware of this "blatant cheating" at NAS facilities for over a year and continued contracting with NAS without sanctioning them at all. Representative Souder and others' charge was that by continuing to contract with NAS, the INS was sanctioning the degradation of the meaning of United States citizenship.<sup>20</sup>

The Republican-controlled House subcommittee investigating the INS subpoenaed the FBI "criminal history records" on all United States citizens naturalized between August 31, 1995, and September 30, 1996, under Citizenship USA. They combed the documents for evidence that could be used to attack the "good moral character" of these new citizens. There were some irregularities eventually discovered in an audit of INS naturalizations between August 1995 and September 1996. In fiscal year 1995, for example, the INS was forced to void the citizenship of twenty people it had

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<sup>19</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 299.

<sup>20</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 2.

mistakenly approved for naturalization. One of the big issues, both with the INS backlog of naturalization applications and the problems discovered with a small minority of those approved for naturalizations, was the incredibly slow nature of required FBI background checks.<sup>21</sup> The House Republicans' goal was to show that the INS, in their implementation of Citizenship USA, engaged in fraudulent efforts to impart citizenship to as many immigrants as possible in advance of the 1996 elections, in order to gain as many new Democratic voters as possible.<sup>22</sup> In response to these attacks, Massachusetts Democratic Senator Ted Kennedy asserted that:

What is happening is democracy at work. It is also poetic justice. Anti-immigrant Republicans have created an unintended backlash against themselves. It is hard to take them seriously when they complain that too many immigrants are becoming citizens and preparing to exercise their right to vote against an anti-immigrant-Republican House.<sup>23</sup>

That naturalization rates were increasing as a result of the PRWORA and the spate of anti-immigrant rhetoric and legislation in the United States was an accepted occurrence by many in the United States' government.

Raul Yzaguirre, President of the National Council of La Raza (NCLR) attributed the mid-1990s surge in naturalization rates to mobilization efforts by Hispanic organizations, the effect of anti-immigrant rhetoric and legislation, and the IRCA 1986

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<sup>21</sup> "Naturalization and Voting," *Migration News* 4, no. 3 (March 1997).

<sup>22</sup> William Branigin, "FBI Gives House Panel Files on New Citizens," *The Washington Post*, October 29, 1996.

<sup>23</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 4.

legalizations. Yzaguirre placed significant blame on the debates surrounding Proposition 187 and the PRWORA, asserting that they:

conveyed to immigrants, both legal and undocumented, the impression that they were under attack.... Immigrants tell us that they want to naturalize so they can vote and fight against such immigrant-bashing campaigns.... The ensuing result of this new law [PRWORA] was to force immigrants to naturalize – even if they aren’t currently receiving benefits – because the safety net may not be available to them or their children in times of crisis.<sup>24</sup>

The number of Mexican Americans naturalized increased from 23,630 in 1993 to 79,614 in 1995 and then jumped to 217,418 in 1996, partially as a result of the increased efficiency in processing applications as a result of Citizenship USA. The number of naturalizations of Mexican Americans then decreased after the program’s end to 134,494 in 1997. The number of Cubans naturalized went from 15,109 in 1993 to 62,168 in 1996. The number of Hispanics from elsewhere in the Americas naturalized in 1993 was 68,814 and increased to 244,962 in 1996.<sup>25</sup> Now many of these legal immigrants targeted by anti-immigrant rhetoric and policies were United States citizens and eligible to register to vote. However, Republicans successfully succeeded in demonizing Citizenship USA and slowing down the pace of naturalizations, thereby once again increasing the backlog of applicants. This backlog was potentially catastrophic for legal immigrants who faced

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<sup>24</sup> Senate Committee on Committee on the Judiciary, *Naturalization Practices: Examining the Practices and Policies of the Immigration and Naturalization Service as it Relates to the Naturalization Process*, 104th Cong., 2d sess., S. Hrg. 872, 297.

<sup>25</sup> Robert Barde, Susan B. Carter, and Richard Sutch, “Aliens Naturalized, by Sex and Country of Former Allegiance: 1923-1997,” in *Historical Statistics of the United States*, 1-645.

losing precious and necessary benefits while waiting, through no fault of their own, for their naturalization applications to be processed by the INS.<sup>26</sup>

Some states even got into the business of promoting naturalization. New Jersey Republican Governor Christine Todd Whitman proposed that the state of New Jersey spend \$2 million in 1997 to help elderly and disabled immigrants become citizens. New York Republican Governor George Pataki also promoted a similar plan to assist immigrants to naturalize. “It’s to the financial advantage of both the immigrants and the state to achieve naturalization. So we’re really mounting a campaign to help them out.”<sup>27</sup> Governors lobbied Congress to “meet the needs of aged and disabled legal immigrants who cannot naturalize and whose benefits may be affected.”<sup>28</sup> This lobbying effort by the states was largely because of fear that states and localities would then be forced to pick up the tab for necessary services for legal immigrants. Governor Pataki asserted, “I don’t think that it’s appropriate for states to have to pick up the tab. These legal immigrants are here in the United States, and their status is legal, because of the policies of the Federal Government.”<sup>29</sup> Governors, including prominent Republican governors, joined forces with immigrant advocacy groups such as NCLR to lobby the federal government for restoration of benefits to legal immigrants. The governors pled their case using

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<sup>26</sup> Celia W. Dugger, “Backlog Threatens Immigrants With Benefits Loss,” *The New York Times*, March 7, 1997.

<sup>27</sup> Abby Goodnough, “Whitman Plans \$2 Million to Help Immigrants Become Citizens,” *The New York Times*, January 30, 1997.

<sup>28</sup> Robert Pear, “Governors Limit Revisions Sought in Welfare Law,” *The New York Times*, February 3, 1997.

<sup>29</sup> Robert Pear, “Governors Limit Revisions Sought in Welfare Law,” *The New York Times*, February 3, 1997.



economics, claiming that immigrants who lost their federal benefits would cost states and localities a significant amount of money. NCLR attempted an emotional and moral plea to the federal government, using the stories of immigrants who would be affected by the benefits cuts. Cecilia Munoz, deputy vice president for policy at NCLR, stated that their tactic “created outrage and made what happened real in the way that months of advocacy before the bill passed failed to do.” NCLR managed to personalize the potential policy effects of the PRWORA for legislators, which ended up being an incredibly effective strategy. Frank Sharry, executive director of the National Immigration Forum explained, “In less than a year since they shredded the safety net for legal immigrants, Congress and the President have decided to restore much of it. That’s a remarkable political turnaround.” That “remarkable turnaround” likely was influenced by the results of the 1996 election, in which exit polls showed that Democrats made significant gains among Hispanic voters while Republicans (most associated with the benefit cuts for legal immigrants and anti-immigrant rhetoric) suffered significant losses amongst Hispanic voters.<sup>30</sup>

In the lead-up to the 1996 elections, there were many concerted efforts by Hispanic and other immigrant groups to register voters. The sense of a common threat fostered coalitions between different immigrant groups. Most major Hispanic advocacy organizations had voter registration projects of some kind, including: the Mexican-American Legal Defense Fund (MALDEF); Midwest Voter Registration and Education

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<sup>30</sup> Celia W. Dugger, “The Budget Deal: Immigration; New Alliances and Attitudes on Aid,” *The New York Times*, August 1, 1997.

Project (MVRP); National Association of Latino Elected and Appointed Officials (NALEO); National Council of La Raza (NCLR); Puerto Rican Legal Defense and Education Fund (PRLDEF); Southwest Voter Registration Education Project (SVREP); and the United States Hispanic Chamber of Commerce (USHCC).<sup>31</sup> The goal of these drives was to educate and register as many Hispanic voters as possible.

It was not just advocacy groups that got involved in voter registration drives within the Hispanic community. The National Association of Hispanic Publications (NAHP) and Univision also sponsored a voter registration drive in the months leading up to the 1996 elections. Univision, the United States' largest Spanish-language television network, aired public service announcements about voting as well as increased news coverage about voting and voter-related issues. The NAHP used Hispanic celebrities such as Cheech Marin, Edward James Olmos, and Rita Moreno in a series of print ads and public service announcements telling citizens that "Your vote Counts: Register and Vote in 1996."<sup>32</sup> The NAHP and Univision also distributed free print posters bearing those celebrity images and the above message in order to disseminate voter information as widely as possible.<sup>33</sup> This campaign was bilingual and targeted at the diverse members of the Hispanic community in America. Executive Director of NALEO, Arturo Vegas, explained why such a drive was so important: "Voting has real implications for the

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<sup>31</sup> "Editores Latinos Lanzas Campaña De Empadronamiento," *El Sol Del Valle*, June 20, 1996, 1.

<sup>32</sup> "Editores Latinos Lanzas Campaña De Empadronamiento," *El Sol Del Valle*, June 20, 1996, 1.

<sup>33</sup> "Editores Latinos Lanzas Campaña De Empadronamiento," *El Sol Del Valle*, June 20, 1996, 1.

political strength of our community.”<sup>34</sup> Luis Rossi, editor of the weekly *La Raza* publication in Chicago, explained, “The registration of voters is an important civic responsibility. As editors, we have a responsibility to inform Hispanic Americans about how to register and vote.”<sup>35</sup> NALEO also found other ways to educate and mobilize Hispanics. It created a long-term project with the goal of increasing Latinos’ political knowledge/literacy through events such as the “National Listening Hour,” town-hall type meetings meant to engage Latinos in the political process.<sup>36</sup>

SSI and food stamps restrictions were the most widely publicized and elicited the most significant and widespread support for legal immigrants. These benefit restrictions were used to depict the policies as particularly punitive and mean-spirited and as targeting children and the elderly, those groups most vulnerable.<sup>37</sup> In the five “gateway” states that included the significant portion of the United States’ immigrant population, between 750,000 – 1,000,000 immigrants would be deemed ineligible for food stamps and between 430,000-500,000 immigrants were subject to loss of SSI benefits.<sup>38</sup> In his

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<sup>34</sup> “Hispanic Publishers Launch Voter Drive to Turn Numerical Strength Into Political Clout: Print and TV Campaign Supports Efforts of Hispanic Groups,” *El Sol de Texas*, October 3, 1996, 6.

<sup>35</sup> “*Gran Campaña En El Pais Para Demostrar Que Los Latinos En EU Somos Importantes*,” *El Sol de Texas*, June 27, 1996, 7.

<sup>36</sup> See Janelle S. Wong, *Democracy’s Promise: Immigrants & American Civic Institutions* (Ann Arbor: University of Michigan Press, 2006), 173-174.

<sup>37</sup> Editorial, “A Children’s Veto,” *The Washington Post*, July 25, 1996, A28; U.S. Congress. Senate. Subcommittee on Immigration of the Committee on the Judiciary. *The Use of Supplemental Security Income and Other Welfare Programs by Immigrants: Hearing Before the Subcommittee on Immigration of the Committee on the Judiciary*. 104<sup>th</sup> Cong., 2d sess., February 6, 1996.

<sup>38</sup> A breakdown by states shows that 3450,000 immigrants in California, 97,658 immigrants in Florida, 39,000 immigrants in Illinois, 130,000 immigrants in New York and 140, 937 immigrants in Texas would become ineligible for food stamp benefits under PRWORA. The following numbers of immigrants

1997 State of the Union Address, President Clinton asserted that, “We must join together to...restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes, and obey the law. To do otherwise is simply unworthy of a great nation of immigrants.”<sup>39</sup>

Jewish Advocacy groups and Laotian advocacy groups joined forces with Hispanic immigrant advocacy groups, staging rallies, demonstrations and receptions to lobby legislators. Religious groups such as the National Conference of Catholic Bishops also decried welfare reform as unfair to legal immigrants and poor children.<sup>40</sup> David Bernstein, Director of the American Jewish Committee for the Washington, D.C. region, explained, “We all find ourselves in the same boat. Not all of these communities have been politically active in the past, but they’re discovering that there really is strength in numbers and that our interests on these issues are virtually identical.”<sup>41</sup> The life stories of these elderly, legal immigrants helped to frame the debate over restoration of benefits. Many of these men were veterans, disabled in World War II and Vietnam, fighting either directly or indirectly to assist Americans. Take the story of 85-year-old Moises Sapiro, who lost an eye and his hearing in Russia while fighting the Nazis. As a Jewish man in

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were subject to loss of SSI benefits under the PRWORA: 243,720 in California, 54,000 in Florida, 22,000 in Illinois, 80,000 in New York and 34,892 in Texas. See, Impact of the Federal Welfare Reform on Immigrants, 23; “Our Hungry Legal Immigrants,” *The New York Times*, December 13, 1997.

<sup>39</sup> William J. Clinton, Address Before the Joint Session of the Congress on the State of the Union, *The American Presidency Project*, February 4, 1997, <http://www.presidency.ucsb.edu/ws/index.php?pid=53358#axzz1ptkfQt5x> (accessed June 20, 2011).

<sup>40</sup> Editorial, “For the Record,” *The Washington Post*, November 16, 1995, A22.

<sup>41</sup> Pamela Constable, “Legal Immigrants Pulling Together to Protest Threat to Their Benefits,” *The Washington Post*, April 14, 1997.

Russia, he faced significant discrimination and threat of violence. As such, he came to the United States in 1989 as a legal refugee and received \$484 per month in SSI, benefits he could have lost under the PRWORA. “They say that those who are sick and weak will no longer be protected. My heart is crying about it. I have close friends, veterans like me. They cannot sleep, and their legs shake. They are terrified.” This elderly Jewish man, who survived the Nazis and Russian pogroms and lost an eye and his hearing fighting on the side of the Allies in World War II, was crying and shaking and unable to sleep because the United States government was about to take away his \$484 per month in aid. Clearly, this was a potential public relations nightmare for Republicans. In April of 1997, 5,000 Russian Jews demonstrated on the steps of the United States’ Capitol, demanding the reinstatement of benefits for elderly legal immigrants. Many of the men wore their military uniforms. One such man, 72-year-old Lev Paralski, asserted, “We agree they should make young people work, but for the old who survived the war and helped give America victory, it is wrong to deprive them of benefits. Every man must do his duty, and we have done ours.”<sup>42</sup>

The head of Latinos for Citizenship, Leadership and Civic Duty, Luz Diago, explained why this effort to draw on commonalities across all immigrant groups and, in fact, all Americans, promised to be so effective, “This is a very important step for us, finding that common ground and getting people to participate. We all have elderly relatives. They are our treasure, and these laws are forcing us all to choose whether we can have them with us or not.” 75-year-old Cuban refugee Amable Hidalgo, who had

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<sup>42</sup> Pamela Constable, “Russian Jews Fight to Save Welfare Benefits,” *The Washington Post*, April 15, 1997.

been a refugee in the United States since 1980, was forced to quit his job waiting tables because of deteriorating vision and mobility. Hidalgo explained, “I never wanted the government to support me, but I have no choice. If they take this [SSI] away, how do I feed and dress myself? How do I pay the rent? This is making me sick and crazy.”<sup>43</sup>

Salvador De Leon, a 76-year-old retired carpenter and legal immigrant from the Dominican Republic said, “I’m very scared. I can’t work because I have a weak heart and S.S.I. is my only income.”<sup>44</sup>

Laotians and Indochinese fighters who assisted the United States during the Vietnam War also faced loss of their benefits under the PRWORA. They rallied for the reinstatement of their benefits, staging public demonstrations in Washington, D.C.

68-year-old Nhia Lor Vang, a Laotian veteran who had been recruited by the CIA to mark North Vietnamese holdings for the Americans to bomb and rescued downed United States pilots, laid out his claim to benefits, asserting, “I rescued many American pilots, and I feel I am worthy of American help. When the American troops pulled out, we had to run for our lives. We came here not by choice but by death.”<sup>45</sup>

“One of our greatest fears is that the United States will have a rash of suicides amongst the very old and disabled immigrants who are left without any source of income

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<sup>43</sup> Pamela Constable, “An Official Promise of Help for Area’s Older Immigrants; U.S. Agency Lobbying to Restore Some Welfare Benefits,” *The Washington Post*, March 21, 1997.

<sup>44</sup> Celia W. Dugger, “Backlog Threatens Immigrants With Benefits Loss,” *The New York Times*, March 7, 1997.

<sup>45</sup> Pamela Constable, “Laotian Veterans Join Fight for Benefits,” *The Washington Post*, May 08, 1997.

or medical care,” stated Sharon Daly of Catholic Charities.<sup>46</sup> A spate of suicides by elderly immigrants across the nation facing the imminent likelihood of not having food, shelter and medical care underscored the punitive nature of these SSI cuts for elderly immigrants.<sup>47</sup> These suicides publicized to the nation that these cuts affected real people and real families and not simply the caricatured “immigrant” or “welfare recipient” floating around the political culture. Director of the Washington, D.C. office of the Council for Jewish Federations, Diana Aviv, stated, “We have reports from all parts of the country informing us that elderly parents are considering suicide rather than impoverishing their children and grandchildren with expenses that their families cannot possibly pay.”<sup>48</sup> In Stockton, California, 75-year-old Ignacio Munoz shot and killed himself 15 days after receiving notification from the Social Security Administration that his \$440 per month disability aid would be ending. Munoz did not know how he would be able to support himself without the disability benefits and tried to access assistance. “He came to our office and said ‘What is going to happen? What can I do? I can’t go back to Mexico,’” reported the director of the Council for the Spanish Speaking, Jose Rodriguez.<sup>49</sup> 87-year-old Russian Jewish refugee Yekaterina Drubick, plagued by strokes

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<sup>46</sup> Robert Pear, “Administration Welfare Plea is Scorned,” *The New York Times*, February 14, 1997.

<sup>47</sup> Tim Weiner, “Many Laotians in U.S. Find Their Hopes Betrayed,” *The New York Times*, December 27, 1997.

<sup>48</sup> Robert Pear, “Administration Welfare Plea is Scorned,” *The New York Times*, February 14, 1997.

<sup>49</sup> Judith Havemann, “Noncitizen Immigrants Retain Aid in Budget Bills; Disability Benefits Restored by House, Senate,” *The Washington Post*, July 01, 1997.

and Alzheimer's, was also subject to losing her SSI benefits as a result of the PRWORA.

If this happened, Drubick stated, "I take my life. I have nothing. I take poison."<sup>50</sup>

Munoz's suicide also reflected the growing concern about the revocation of disability benefits for poor elderly legal immigrants. This eligibility was restored in the Balanced Budget Reconciliation Act of 1997 for the approximately five hundred thousand legal residents who faced revocation of SSI benefits under PRWORA. Joel Najar, NCLR policy analyst asserted that, "Congress understood that they went too far in the welfare bill by cutting off disabled folks." Expressing optimism in the ongoing battle to win restoration of SSI benefits for all legal immigrants, Michigan Democratic Congressman Sander Levin claimed, "I think the battle for fairness will be won. Congress has to make sure that the laws are fair and humane and effective. It is wrong and ineffective to throw elderly people, most of them elderly women, on the street."<sup>51</sup>

In the early 1990s, NCLR had already begun advocating an antipoverty agenda, in response to high poverty levels within certain segments of the Hispanic population and also in recognition that such efforts were particularly important given the heightened anti-immigrant and anti-welfare rhetoric and policy proposals of the mid-1990s.<sup>52</sup> NCLR initially attempted to frame the issues as civil rights issues.<sup>53</sup> The civil rights struggle and

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<sup>50</sup> David Gonzalez, "About New York; When Welfare Seems a Bully, Not a Savior," *The New York Times*, March 26, 1997.

<sup>51</sup> Judith Havemann, "Noncitizen Immigrants Retain Aid in Budget Bills; Disability Benefits Restored by house, Senate," *The Washington Post*, July 01, 1997.

<sup>52</sup> Sonia M. Pérez and Deirdre Martínez, *State of Hispanic America 1993: Toward a Latino Anti-Poverty Agenda* (Washington, D.C.: National Council of La Raza, 1993).

<sup>53</sup> U.S. Library of Congress. Congressional Research Service. *Alien Public Assistance Under the New Welfare Act and Major Immigration Bills (House/Senate H.R. 2202)* by Vialet, Joyce C., and Larry M.



Rights Revolution was the context from which NCLR as an organization arose in the 1960s. However, after PRWORA in 1996, NCLR began a strategy of moving away from the common lobbying strategy of civil rights groups to ask for their stances to be enacted in legislation without any teeth to back those requests up with. NCLR began consciously trying to create an organizational structure and apparatus that would give their requests teeth and give them more pressure to be able to exert on policymakers.<sup>54</sup> They continued to demand that politicians and policymakers pay attention to Hispanics and Hispanic issues within the context of race relations in the United States. NCLR Representative Charles Kamasaki asserted that, “He [Clinton] is not speaking to the Latino community on that issue...his version of race relations has been a black-white paradigm.”<sup>55</sup>

NCLR’s 1996 voter registration drive was coined “Time for Action ’96.” NCLR President Raul Yzaguirre explained that, “Voter registration efforts are part of a more comprehensive mobilization campaign” including such varied naturalization and mobilization efforts as “Citizenship Day,” a swearing-in ceremony, and “Advocacy Central ... where participants can make their voice heard by sending letters and petitions to their Congressional representatives and to the presidential candidates.” Yzaguirre

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Eig. Washington, D.C.: CRS, 1996; Benjamin Marquez and James Jennings, “Representation by Other Means: Mexican American and Puerto Rican Social Movement Organizations,” *PS: Political Science and Politics* 33, no. 3 (September 2000): 541-546; S. Karthick Ramakrishnan, *Democracy in Immigrant America: Changing Demographics and Political Participation* (Stanford, CA: Stanford University Press, 2005), 119.

<sup>54</sup> Deidre Martinez, *Who Speaks for Hispanics? Hispanic Interest Groups in Washington* (Albany, NY: SUNY Press, 2009), 75; Benjamin Marquez and James Jennings, “Representation by Other Means: Mexican American and Puerto Rican Social Movement Organizations,” *PS: Political Science and Politics* 33, no. 3 (September 2000): 541-546.

<sup>55</sup> Joseph Torres, “Voting Block: Will Any Presidential Candidate Appeal to Hispanics?” *Hispanic*, Jan/Feb 1996, 24.

asserted that, “The time for complacency is over. We are serious, and we want equity.”<sup>56</sup> According to Yzaguirre, “The business of NCLR is to change attitudes – our own as well as the public at large – and to build self-confidence on our part, and tolerance on the part of others.”<sup>57</sup>

One important example of advocacy efforts to mobilize Latino citizens politically was the Latino Vote USA campaign, which targeted Latino citizens for voter registration and get out the vote drives. These voter drives were very effective. Exit polls showed that approximately 76 percent of registered Latinos voted in Florida, Texas, California, and New York, compared with 49 percent of all eligible voters. Approximately 70 percent of Latinos in those four states voted for the incumbent Democratic Presidential candidate, Bill Clinton.<sup>58</sup> The Latino Vote Campaigns were headed by the Southwest Voter Registration and Education Project (SVREP). The SVREP was founded in 1974 by William C. Velásquez in an attempt to increase Latino political participation. Its motto was “*Su voto es su voz*” or “your vote is your voice.”<sup>59</sup> The 1995-1996 SVREP campaign aimed to mobilize Hispanics to register and vote and to hold onto the political gains they had made as a voting bloc. Another goal of the 1995-1996 SVREP campaign

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<sup>56</sup> “NCLR Initiates ‘Time for Action ’96,’” *La Voz Bilingüe*, July 10, 1996.

<sup>57</sup> “The Issues,” *Hispanic*, December 1997, 32-44.

<sup>58</sup> Antonio Olivo, “Election Day A Breakthrough for Latinos: Some Exit Polls Show Record Number of Voters, Creating ‘Defining Moment In Our Political History,’” November 18, 1996, *The Morning Call*.

<sup>59</sup> See Southwest Voter Education Research Project, “William C. Velásquez: 1944-1988,” *SVREP.org*, [http://www.svrep.org/about\\_svrep\\_william.php](http://www.svrep.org/about_svrep_william.php); “Latino Voters, be Counted,” *La Prensa*, June 16, 1996; Southwest Voter Registration and Education Project. *Latino Vote Reporter* 1 (2). Montebello, CA: Southwest Voter Research Institute, 1996; Southwest Voter Registration and Education Project. *Southwest Voter Research Notes*, 9 (2). Montebello, CA: Southwest Voter Research Institute, 1995.

was to target young adults in the 18-20 year-old bracket.<sup>60</sup> One way that the SVREP hoped to draw in apathetic and young voters was through a new tactic – the designation of one day, October 26, 1996, as a special rally day where volunteers assisted voters to vote early and at the rally locations themselves in an effort to make voting as easy and unintimidating as possible. The SVREP targeted key states for these rallies: California, Illinois, Florida, New Mexico, Michigan, and Colorado. They framed voting as an absolute imperative. “We have to convey to Latinos that their vote is the most important thing in this election. It’s as important as saving our country,” explained Housing and Urban Development (HUD) Secretary Henry Cisneros.<sup>61</sup> One way in which organizers hoped to convey this message of the importance of voting for Hispanics was through the composition of songs encouraging Hispanics to vote. Through the cooperation of Spanish language radio stations, which gave these songs frequent playtime on the radio, they were able to reach key voters in the younger demographic. Latino composer Lalo Guerrero was integral to this effort to use songs as a sort of propaganda tool to get out the vote. Guerrero wrote more than 100 songs for this purpose, explaining, “We have to elect people who can help us.” In these songs, Guerrero referred to Hispanics as the “mighty sleeping giant” who needs to awaken and take its place “where we belong, in the mainstream of society.” Guerrero also invoked the concept of *Atzlan*, something that was very controversial in anti-immigrant circles, explaining that before the Anglos arrived, “lived the descendants of Cuauhtemoc, from the great Tenochtitlan, we were

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<sup>60</sup> Frank Alvarez, “SVREP Latino Vote ’95 Conference Big Success,” *La Prensa*, September 1, 1995, 1A.

<sup>61</sup> Leo Cardenas, “Latino Vote Turnout May Hinge on a Tune,” *La Voz Bilingüe*, October 9, 1996.

here before Columbus when this land was called Atzlan.”<sup>62</sup> The song continues:

Wake up, Chicanos, wake up, let's get involved, wake up you sleeping giant, we'll get our problems solved. No more mañana syndrome, we have the antidote. We're going to get the hell out and register to vote ... we're Mexican Americans, or Latinos, take your choice. Hispanos, let's raise our voice. Wake up, Chicanos ... the only way to change things is to register and vote.<sup>63</sup>

Latino Vote USA and other groups involved in voter registration drives hoped that the anti-immigrant rhetoric among politicians and the general populace would drive Hispanics to the voting booths in record high numbers. They believed that the anti-immigrant rhetoric and policies coming mostly out of the Republican Party would significantly affect the way that Hispanics voted and push them away from the Republicans and toward the Democratic Party. “The fact that Pat Buchanan set the tone of the debate for the Republican Party is bad news for their prospects of winning the Hispanic vote,” said John White, Political Science Professor at The Catholic University of America where he has studied the intricacies of the Hispanic vote. The SVREP, led by its Executive Director Lydia Camarillo, used the effects of Proposition 187 to drive Hispanics to the polls, asserting that, “Very clearly and succinctly what is being said in these communities is that: If you do not vote, this is what happens.” The goal of SVERP-led Latino Vote USA 1996 was to increase the number of registered Hispanic voters in the United States. Their goal was to have 5-6.5 million registered Hispanic voters for the

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<sup>62</sup> Leo Cardenas, “Latino Vote Turnout May Hinge on a Tune,” *La Voz Bilingüe*, October 9, 1996.

<sup>63</sup> Leo Cardenas, “Latino Vote Turnout May Hinge on a Tune,” *La Voz Bilingüe*, October 9, 1996.

1996 elections, up from 3.5 million registered Hispanic voters in the 1992 elections.<sup>64</sup>

Clearly, there was general recognition that the particularly virulent strain of anti-immigrant rhetoric running throughout American political culture was driving these efforts at increased Hispanic political mobilization. SVREP President, Antonio Gonzalez claimed that, “The current political climate is motivating many Latinos to apply for citizenship and register to vote.”<sup>65</sup> Just days before the 1996 elections, the common message of Get Out the Vote activists in the Hispanic community was “I vote therefore I am.” Joseph Romo, Coordinator of the Boyle Heights Voter Registration Drive, explained that, “Our purpose is to motivate people to vote. Voting is the only way that politicians respond to our needs.”<sup>66</sup>

Overall, Hispanic voter participation in the 1996 elections increased by 28.7 percent over the 1992 elections.<sup>67</sup> Of the total United States voting electorate in the 1996 presidential elections, 79 percent of Hispanics voted for President Clinton while only 46 percent of white non-Hispanics voted for Clinton.<sup>68</sup> Despite this high percentage of Hispanics voting for President Clinton, he did not score particularly high marks for his first term in office from Hispanics. A December 1996 *Hispanic Link* survey noted that

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<sup>64</sup> “Política antiinmigrante Restaría Votos Latinos a Republicanos: En Marcha Campaña Latino Vote USA 96,” *La Opinión*, March 24, 1996, 3A.

<sup>65</sup> Frank Alvarez, “S.A. Hosts SVREP Conference,” *La Prensa*, August 18, 1995, 1A.

<sup>66</sup> Jesse Linares, “El Activismo Político Salió a las Calles: A Poco Más de una Semana de la Elección, el Énfasis es en Participar,” *La Opinión*, October 27, 1996, 1A.

<sup>67</sup> Raul Yzaguirre, “Our Place at the Table,” *Hispanic*, June 1997, 40; Lydia Camarillo, “Counting Out Election Returns,” *Hispanic*, Jan/Feb 1997, 108.

<sup>68</sup> Paul R. Abramson, John H. Aldrich and David W. Rohde, *Change and Continuity in the 1996 Elections* (Washington, D.C.: CQ Press, 1998), 92.

over half of respondents gave Clinton a grade of “C” for his handling of issues related to Hispanics and just over half also had low expectations for his handling of issues central to Hispanics in his second term. Respondent Adalin Torres-Zayas typified these feelings of disappointment with Clinton, noting that, “After he signed the welfare bill, I lost all faith. I couldn’t stomach voting for him again.” There was an overall sense of ambivalence about Hispanic choices in the 1996 elections, as they seemed to be choices between bad and worse.<sup>69</sup> In the 1996 congressional elections, Hispanics overwhelmingly voted for Democratic candidates, by about 42 percentage points. But among non-Hispanic whites, Democratic congressional candidates received about sixteen percent less of the vote than did Republican candidates.<sup>70</sup> While Hispanics showed themselves capable of delivering elections to the Democrats, they were not a predictable and reliable voting bloc for either party. Despite what many Hispanics believed were poor choices available to them for the 1996 presidential election, groups such as SVREP believed that high Hispanic political mobilization was necessary in order to begin to change those choices and make them more palatable and even energizing for Hispanic voters. This political mobilization was necessary in order to “keep government accountable to the Latino community.”<sup>71</sup> SVREP President Antonio González asserted that, “The current political climate is increasing our community’s civic participation like never before and

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<sup>69</sup> Louis Aguilar, “Survey Spotlights Top Stories of 1996,” *El Sol Del Valle*, February 6, 1997, 1.

<sup>70</sup> Paul R. Abramson, John H. Aldrich and David W. Rohde, *Change and Continuity in the 1996 Elections* (Washington, D.C.: CQ Press, 1998), 233.

<sup>71</sup> Albert Peña, “Su Voto es su Voz,” *La Prensa*, October 27, 1995, 2A.

helping speed up the parade towards empowerment.”<sup>72</sup> One of the points that SVREP leaders tried to bring home to the Latino community was that with high levels of voter turnout they could not only significantly influence the national elections, but because of their high concentrations in so-called “gateway” cities and states, they could exert even more electoral influence on a local level.<sup>73</sup> They achieved this goal by increasing the number of Latino congressmen from seventeen to nineteen in the 1996 elections.<sup>74</sup>

The overwhelming Hispanic support for Democrats in the 1996 election came with high expectations for President Clinton and the Democratic Party. In addition, immigrants continued to coalesce into powerful special interest groups, which exerted significant pressure on policymakers. Immigrants showed a significant display of power in elections, voting in increasing numbers and as a strong bloc, thereby making adept use of the democratic process.<sup>75</sup> They attempted to revive an immigrant narrative that depicted immigrants as hard-working members of society, and a political force to be reckoned with.<sup>76</sup>

NCLR and other immigrant advocacy groups made known that they expected the Hispanic representation in appointed government positions to reflect their demographic

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<sup>72</sup> Albert Peña, “Su Voto es su Voz,” *La Prensa*, October 27, 1995, 2A.

<sup>73</sup> Maricarmen Hernandez, “Cinco Millones de Latinos Votaran en Noviembre,” *El Latino*, October 17, 1996, 1.

<sup>74</sup> Alex Avila, “Hispanic Journal: Latino Influence Felt in Elections,” *Hispanic*, December 1996, 8.

<sup>75</sup> Abramson, Aldrich, and Rohde, *Change and Continuity in the 1996 and 1998 Elections*, 92. 95.

<sup>76</sup> “Deflating Myths About Immigrants,” *Milwaukee Journal* 1994; Luis Roniger and Mario Sznajder, “Constructing Collective Identities and Shaping Public Spheres : Latin American Paths,” (Portland: Sussex Academic Press, 1998); Montoya, *Advocacy Guide for Community Groups Addressing Propoistion-187 Type State Initiatives*.

presence in the American populace. NCLR President Yzaguirre asserted this position in the form of a warning to Democratic politicians and the party as a whole:

If policymakers continue to exclude our community, they should be warned well in advance of the next election not to assume that we will support them no matter what. Indeed, if this situation continues to fester, Latinos, as many did last year, will be looking elsewhere for their leaders.<sup>77</sup>

Despite the overall support for Democratic national candidates over Republican candidates, because of Republicans higher levels of support for the PRWORA and IIRIRA and anti-immigrant rhetoric, on a local level Hispanic support was not nearly as much of a cohesive voting bloc in favor of Democrats. For example, in New Mexico, the Hispanic vote helped to re-elect the Republican Senator Pete Domenici over his Democratic challenger. According to Annette Aviña, the Research Director of the Southwest Voter Research Institute (SVRI), noted that, “It seems like Latinos, as they are attacked on the issues, tend to support candidates that support them. This is as it should be. Latinos should hold candidates accountable to the issues of importance to Latinos.”<sup>78</sup> Lydia Camarillo, Executive Director of SVREP echoed Aviña’s sentiment, asserting that:

The Democrats can count on that [Latino] vote only if they are committed to Latino issues. If they also get away trying to be too centralist [sic], trying to be

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<sup>77</sup> Raul Yzaguirre, “Our Place at the Table,” *Hispanic*, June 1997, 40

<sup>78</sup> Alex Avila, “Hispanic Journal: Latino Influence Felt in Elections,” *Hispanic*, December 1996, 8.



too conservative, trying to appease the Republican attitude that its [sic] OK to block the borders with a militia, they too will be in trouble.<sup>79</sup>

Of course, in California, Proposition 187 and anti-immigrant rhetoric was most closely associated with Republicans. Proposition 209, an anti-affirmative action initiative, was also on the ballot in 1996. At the polls in 1996, Hispanics expressed their dissatisfaction with such anti-immigrant policies and rhetoric. A 1996 survey conducted by NALGO found that 80 percent of newly naturalized Latino citizens were registered to vote and planned to vote in the 1996 November elections. In this survey, 96 percent of respondents stated that their motivation for naturalizing was to be able to vote in the 1996 elections. Sixty-one percent of these new citizens were registered as Democrats while only 6 percent registered as Republicans. The remaining 33 percent registered as Independents.<sup>80</sup>

Advocacy efforts by groups like NCLR were at least somewhat effective in rolling back some of the most punitive measures of the welfare reform bill. In 1997, portions of the punitive measures toward aliens in the PRWORA were removed in the Balanced Budget Reconciliation Act in 1997. This adjustment was an effort to exclude segments of the populations of small children and the elderly/disabled from undeserving status. The Balanced Budget Reconciliation Act of 1997 allowed legal non-citizens who were receiving SSI benefits on August 22, 1996, to remain eligible for SSI. It also

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<sup>79</sup> Bob Edwards interview with Lydia Camarillo, "Hispanic Voters and the Election," *Morning Edition*: 1 (Washington, D.C.: National Public Radio, November 14, 1996).

<sup>80</sup> Maricarmen Hernandez, "Por Primera Vez se Espera el Impacto del Voto Latino," *El Latino*, November 7, 1996, 1.

extended the five-year exemption called for in the PRWORA to seven years for refugees and asylees, likely to face persecution on return to their home country. This could extend their eligibility for SSI, Food Stamps, Medicaid, TANF, and Social Services Block Grant. The Balanced Budget Reconciliation Act of 1997 also exempted legal alien children from the PRWORA's five year ban on Medicaid eligibility.<sup>81</sup> In 1998 and 2002, many legal immigrants had their eligibility for food stamps restored. For example, in 2002, immigrant children were exempted from sponsor deeming restrictions required for the receipt of food stamps and immigrants receiving SSI disability also saw their food stamp eligibility restored. In 2003, food stamp eligibility was also restored for qualified adult aliens with five years residency and the residency waiting period was lifted for immigrant children. These changes completed a series of corrections to the 1996 PRWORA which resulted in the restoration of food stamp benefits to approximately four hundred thousand legal residents, no small feat considering that virtually all non-citizens lost food stamp benefits under the PRWORA.<sup>82</sup> Here, within the undeserving, poor, non-citizen group, the elderly/disabled and children were placed higher on the hierarchy, while refugees and asylees saw their status lowered. These were small victories that were nonetheless of incredible significance to the poor and elderly immigrants they affected. It was a hard fought victory by President Clinton and Democrats, and it became clear that any further

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<sup>81</sup> Senate Committee on the Budget, *Balanced Budget Reconciliation Act 1997*, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., 1997, Committee Print, 181-183.

<sup>82</sup> *Agricultural Research, Extension, and Education Reform Act of 1998*, Public Law 105-185, *U.S. Statutes at Large* 112 (1998): 523; *The Farm Security and Rural Investment Act*, Pub. L. No. 107-171, §4401 (May 13, 2002); USDA, *Eligibility Determinance Guidance: Non-Citizen Requirements in the Food Stamp Program*, January 2003.

victories for new legal immigrants would be exceedingly difficult. Florida Republican Congressman Clay Shaw asserted, “There is a lot about the deal that gives me indigestion. But there are limits. S.S.I. will be ended as a pension plan for third world countries. We are not giving on that.”<sup>83</sup> New elderly legal immigrants would continue to be subjected to deeming and the five year residency requirement. Anti-immigrant sentiment clearly remained within American political culture despite these victories for immigrant rights.

These legislative victories for immigrant groups allowed Hispanic legislators to move away from a reactionary posture, as they had been forced into for most of the 1990s. By 1997 they were able to move more into a pro-active stance. California Democrat and Chairman of the Congressional Hispanic Caucus, Xavier Becerra, said, “Yes, we were constantly having to put out fires. And when you are constantly fighting fires, it’s hard to develop a strategy of pre-emption on some of the major issues. You’ve got all of your fire engines out on the scene already.”<sup>84</sup> Becerra and other Hispanic Caucus members attempted to proactively get the President and lawmakers to listen to Hispanic concerns and incorporate them into policy measures, rather than fighting battles to rescind punitive measures, as they were forced to do with the PRWORA. Members of the Hispanic Caucus were able to garner more respect for and attention to their positions as a result of the coalescing of an Hispanic voting bloc that heavily favored Democrats in the 1996 elections, which emboldened these members. “We’ve decided to pre-empt these

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<sup>83</sup> Joe Sexton, “Mixed Messages on Benefits; Immigrants Don’t Know What to Believe About S.S.I.,” *The New York Times*, May 10, 1997.

<sup>84</sup> Lizette Alvarez, “For Hispanic Lawmakers, Time to Take the Offensive,” *The New York Times*, August 25, 1997.

fires to the degree we can,” asserted Representative Becerra. Georgina Verdugo, regional council for the Mexican American Legal Defense and Education Fund (MALDEF) said, “They are becoming much more vocal and much more effective, and they are exploring how they can get their positions across. In the White House, the Latino voting population is general is seen as much stronger. They can capitalize of that a bit more.” Hispanics had come through for Democrats and President Clinton in the voting booths in November and now they expected to have their voices heard. They wanted President Clinton to make good on his promise to restore benefits to legal immigrants. Representative Becerra asserted, “The President pledged to do this in August, and we were there in November supporting this President. We expected that something would be done.”<sup>85</sup>

There was rather significant partisan rancor within the initially bipartisan Congressional Hispanic Caucus. These varied political opinions reflected among the CHC’s members were simply a reflection of the incredible diversity within Hispanic America. Immigrant advocacy groups such as NCLR encouraged a pan-ethnicism in order to display significant numbers and strength to legislators and power players – a Hispanic bloc vote, and mobilized Hispanic public opinion. The problem was that Hispanics were a very diverse group within the United States with very diverse opinions and interests. For example, Latinos were overwhelmingly Catholic and conservative on social issues such as abortion and gay rights. Older generation Latinos also tended to be more conservative on immigration, as well. Despite the fact that these Latino political stances seemed, on their face, to coincide well with Republican Party platforms, it was

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<sup>85</sup> Lizette Alvarez, “For Hispanic Lawmakers, Time to Take the Offensive,” *The New York Times*, August 25, 1997.

the anti-immigrant rhetoric and tone of many Republicans that turned Latinos overwhelmingly away from the Republican Party in the 1996 elections. The Republican anti-immigrant stance helped to break down the walls and competition separating older and newer immigrants and constructed mirrors in which they saw themselves reflected in each other and in their hardships. Their political identities and interests became more closely aligned as Latinos. Anti-immigrant rhetoric and policies were seen as a threat to all Latinos, regardless of their other social and political stances.<sup>86</sup>

Even Republican legislators who had been vocally in favor of eliminating benefits for legal immigrants recognized the unifying effects that effort had on the Hispanic, and larger immigrant, community. Republican Florida Representative Clay Shaw, who had initially not only voted in favor of cutting benefits for legal immigrants but had been a vehement and vocal proponent of doing so, eventually changed his position on cutting benefits for elderly legal immigrants. Representative Shaw recognized that the war on immigrants and welfare epitomized by the PRWORA and IIRIRA “was something that brought them [the Hispanic community] together.” Major players from both parties paid attention. Democratic Vice President Al Gore and Representative Richard Gephardt attended the 1997 NCLR convention. NCLR president Yzaguirre said, “We have every reason to believe, and there are an awful lot of examples that both Gore and Gephardt, and whatever their counterparts may be in the Republican Party, are taking the Hispanic vote very seriously, very early on.” Speaker Gingrich hired a Spanish speaking press

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<sup>86</sup> See Guittierez, *Walls and Mirrors*; Peter Beinart, New Bedfellows,” *The New Republic*, August 11-18, 1997, 22-26.

secretary. The Republican National Committee (RNC) created a committee to map out how to attract more Hispanic voters. The National Republican Congressional Committee created and disseminated a guide to attracting Hispanic voters. Texas Republican Representative Harry Bonilla asserted, “There’s not a corporation worth its salt right now that is not looking to market to Hispanic voters. Anyone with half a brain needs to realize that we must be cognizant of that.”<sup>87</sup>

Immigrant advocacy groups began to win the messaging war among the American public by 1998. In 1993, 65 percent of Americans favored reductions in current immigration levels compared with only 36 percent of Americans favoring immigration reductions in 1997.<sup>88</sup> This 29 percent decrease in the percentage of Americans favoring reduced levels of immigration was a striking turnaround in American sentiment toward immigration, perhaps spurred along in part by the booming economy. Republican Senator from Michigan, Spencer Abraham, noted that, “A couple of years ago people were advocating building a wall around the country. That’s no longer the case. Before, we heard only one side of the immigration issue. Now, we get to talk about some of the positive contributions immigrants have made.”<sup>89</sup> The assumption by those pushing to restrict immigrant rights in the mid-1990s was that public opinion of the citizenry was behind them and that aliens’ opinions did not need to be considered because they were

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<sup>87</sup> Lizette Alvarez, “For Hispanic Lawmakers, Time to Take the Offensive,” *The New York Times*, August 25, 1997.

<sup>88</sup> William Branigin, “Immigration Advocates to Seek Softening of Laws; Evidence Cited That Americans Are Feeling ‘Less Threatened’ by Foreign Arrivals,” *The Washington Post*, January 30, 1998; Robert Barde, “Public Attitudes Regarding Number of Immigrants Admitted: 1955-1997,” in *Historical Statistics of the United States*.

<sup>89</sup> Mirta Ojito, “The 1998 Campaign: Immigrants; Once Divisive, Immigration Now a Muted Issue,” *The New York Times*, November 1, 1998.

not voters.<sup>90</sup> Through significant mobilization achieved largely through naturalization and voter registration drives, immigrant and Hispanic organizations made those anti-immigrant actors pay for their miscalculations and forced policymakers to recognize the power of immigrant advocacy groups within the democratic process. Frank Sharry, Executive Director of the National Immigration Forum claimed that:

The calculus was that immigration divides Democrats and energizes Republicans. But with the stronger economy and immigrants becoming citizens and voting in record numbers and voting against those they see as hostile, the calculus has switched. It now divides Republicans and energizes Democrats.<sup>91</sup>

In large part, the immigrant mobilization worked. Republican Senator from Michigan Spencer Abraham claimed, “We had a period in which the direction of the party was to try to restrict immigration. Those days are over.”<sup>92</sup> Sharry explained that the anti-immigrant backlash of the 1990s ended with the 1996 elections:

It seemed to me that in '94, when Prop. 187 passed, the consensus was that immigrants don't vote and the people who do vote are angry about immigration. The consensus in '97 is that the people who are angry about immigration don't vote on that issue and that immigrants do vote and vote on that issue alone.<sup>93</sup>

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<sup>90</sup> David M. Reimers, *Unwelcome Strangers: American Identity and the Turn Against Immigration* (New York: Columbia University Press, 1998), 133-145.

<sup>91</sup> Dan Carney, “GOP Casts a Kinder Eye on ‘Huddled Masses,’” *CQ Weekly*, May 15, 1999.

<sup>92</sup> Dan Carney, “GOP Casts a Kinder Eye on ‘Huddled Masses,’” *CQ Weekly*, May 15, 1999.

<sup>93</sup> Dan Carney, “Immigrant Vote Swings Democratic as Issues Move Front and Center,” *CQ Weekly*, May 17, 1997.

A *Los Angeles Times* editorial noted that, “For the first time in 20 years there was no whining about the paltry turnout of Latino voters. Thank God and Pete Wilson, not necessarily in that order.”<sup>94</sup>

The very same anti-immigrant rhetoric that helped to sweep the Republicans into office in 1994 and pass anti-immigrant legislation in the form of Proposition 187 in California and the PRWORA on a federal level also helped to mobilize immigrants to naturalize and register to vote. Immigrants, particularly Hispanics, spoke with their votes and were effective at rolling back some of the most punitive anti-immigrant measures by beating back the pauper stereotype and winning their claims to social citizenship and legitimacy as Americans, feats that native-born welfare moms were unable to accomplish in this same period, which many blame on lack of interest group mobilization for native-born welfare moms on the same scale that immigrant interest groups mobilized over welfare reform. It seemed as though the era of anti-immigrant rhetoric and policy efforts to restrict immigrant rights was over, a product of its very success. Anti-immigrant efforts had the unintended consequence of waking a “sleeping giant” by breaking down the walls of difference separating older and newer immigrants and constructing mirrors uniting them under common threats. Hispanic immigrant political identities and interests became more closely aligned as the voice of a united ethnic group and began to take on increasing importance. Anti-immigrant rhetoric and policies were increasingly seen as a threat to all Hispanics, regardless of their other social and political stances, allowing for

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<sup>94</sup> Dan Carney, “Immigrant Vote Swings Democratic as Issues Move Front and Center,” *CQ Weekly*, May 17, 1997.



their effective mobilization against the punitive anti-immigrant measures within the PRWORA.<sup>95</sup>

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<sup>95</sup> See Guittierez, *Walls and Mirrors*; Peter Beinart, New Bedfellows,” *The New Republic*, August 11-18, 1997, 22-26.

## CHAPTER VII

### CONCLUSION

The two most enduring symbols of immigrants throughout American history have been that of the immigrant pauper and that of the hardworking immigrant who “helped to build this country.”<sup>1</sup> The tension between these two narratives within American political culture has resulted in extremely polarizing rhetoric and legislation, particularly over the course of the late twentieth century. As the United States began as a nation of peoples who were themselves immigrants, Americans have continually grappled with Hector St. John de Crèvecoeur’s question, “What is an American?”<sup>2</sup>

At the turn of the nineteenth into the twentieth century, it appeared to many that the United States could no longer absorb mass immigration, particularly the kinds of immigrants who were increasingly reaching American shores – that is, lower-skilled, younger, single, and non-Anglo-Saxon immigrants. What would happen to the American racial stock, to American social and political institutions? What would happen to the financial futures of native-born Americans if this mass immigration of undesirables was allowed to continue unabated? What would become of American society and culture?

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<sup>1</sup> “The Value of the Immigrant,” *New York Daily Times*, Dec. 31, 1855, 4; House Committee on Subcommittee on Human Resources of the Committee on Ways and Means, *Impact of Immigration on Welfare Programs*, 103d Cong., 1st sess., 1993, serial 58, 27.

<sup>2</sup> J. Hector St. John de Crèvecoeur, *Letters from an American Farmer* (London, 1782), 45-53, 58-63; Edith Abbot, ed., *Historical Aspects of the Immigration Problem: Select Documents* (Chicago: The University of Chicago Press, 1926), 419.

Anti-immigrant rhetoric in American political culture evolved within a racialized narrative that depicted immigrants as taking jobs from more deserving native-born Americans, lowering or stagnating wages; as being unassimilable; as a corrupting influence on American society, politics, and culture; and as disproportionate consumers of welfare. The implementation of the National Origins Quota System in 1924 reflected the fears within the American citizenry that mass immigration would result in a permanent change to the demographics in America. Many Americans feared that what it meant to be an American, racially, socially, culturally, politically, and morally would change if such massive influxes of newcomers believed to be so different from themselves was allowed to continue. The Quota System helped to ensure that the “racial stock” of America did not become irrevocably degraded with those deemed inferior.

The intellectual underpinning of United States’ immigration policy based in racial hierarchies became increasingly difficult to justify within the United States and to the rest of the world as United States soldiers fought against Hitler and the Nazis in World War II and the world began to realize what theories of racial hierarchies could result in if taken to their extreme. After World War II, the United States became embroiled in the Cold War with the Soviet Union. The United States portrayed itself as the shining example to the world of freedom and democracy, while at home it was denying basic civil rights to African Americans, Latinos, and others of color.<sup>3</sup> Within the Civil Rights Movement and Rights Revolution, equality and freedom were charging and polarizing the country. As President Johnson signed the Civil Rights Act of 1964 and the Voting Rights Act of

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<sup>3</sup> Not to mention the internment of Japanese aliens and Japanese Americans during World War II.

1965, how could the United States continue to keep in place an antiquated immigration policy that was based on racial hierarchies? Consequently, Johnson signed the Immigration and Nationality Act of 1965 into law, removing racial hierarchies from American immigration policy and replacing them with more traditional American capitalist hierarchies.

Constant throughout the history of immigration to the United States has been the fear that “non-white” immigration would have disastrous repercussions for the United States. As increasing numbers of black and brown immigrants came to the United States from Africa, Asia, and Central and South America as a result of the INA 1965, fears resurfaced about the destructive potential that these changing demographics might have on America. Fears intensified that these immigrants were unassimilable. As the twentieth century progressed, southern and eastern Europeans became increasingly assimilated into whiteness and the most feared immigrants demographically became immigrants from Africa, Asia, and Central and South America. Anti-immigrant rhetoric began to increase at the same time as anti-welfare rhetoric and imagery also heightened, both within a racialized context of black and brown “others.” By the 1980s and 1990s, “illegal immigrant” became synonymous with “Mexican” within American political culture.

At the same time as Ronald Reagan popularized the imagery of the black “welfare queen,” immigrants were becoming increasingly associated with welfare recipients. Immigration restrictionist groups such as FAIR and conservative organizations such as the John Birch Society began to popularize the idea that the United States’ welfare state was a magnet drawing in masses of poor immigrants desiring to take advantage of

government benefits in the United States. In the 1980s, the idea of welfare as a magnet became increasingly mainstream as did the idea of an immigrant invasion, particularly of illegal immigrants.

The late twentieth century immigration restrictionist movement had clear analogues with the late nineteenth century restrictionist movement, particularly within American political culture. In the 1990s, efforts to restrict immigration merged with efforts to restrict alien rights. These 1990s restrictionists believed that controlling immigration would end the so-called “welfare magnet” they believed was causing this invasion. Legal immigrants became painted with the same brush as illegal immigrants. The Republican Party, led by Governor Pete Wilson in California, moved to restrict immigrant rights in the form of Proposition 187. Still, Proposition 187 on its face only targeted illegal immigrants. In practice, however, Proposition 187 encouraged racial profiling, which resulted in the targeting of legal immigrants for harassment and discrimination as well. Proposition 187 scored a resounding victory among the white populace of California, helping to propel Wilson to re-election in what had originally promised to be an uphill re-election battle.

Seeing the significant grassroots support Proposition 187 garnered in California, the national Republican Party officially got on the anti-immigrant bandwagon during the 1994 elections and their anti-immigrant rhetoric helped to propel the party to majorities in both the House and the Senate. National Republicans had campaigned on a platform they called “the Contract with America,” which included an anti-immigrant plank. In the “Personal Responsibility Act” laid out in the “Contract with America,” Republicans

aimed to “reform” welfare, ending entitlements and reversing the social contract first forged by Franklin Roosevelt in the New Deal and continued by Lyndon Johnson’s Great Society. The savings from this reform of welfare was two-fold -- shifting costs to states through replacing AFDC with TANF, a system of block grants to the states, and by declaring most legal aliens ineligible for government benefits. Legal immigrants were now demonized within American political culture as disproportionate consumers of welfare and as undeserving.

However, with this constant threat and harassment caused by the anti-immigrant rhetoric that had been mainstreamed in American political culture by the mid-1990s, the Republicans woke a “sleeping giant” in the immigrant, specifically, Hispanic, population. Immigrant groups attempted to take control of the immigrant narrative and articulate that immigrants were hard-working, deserving, and contributing members of American society and culture. Immigrants began naturalizing in record numbers, mobilizing politically, and proved themselves a powerful collective political force in the 1996 elections. By 1998, many of the most punitive restrictions against legal aliens in the 1996 welfare and immigration reforms were rolled back and politicians began catering to the immigrant and particularly the “Hispanic vote.”

In their haste to take advantage of their historic victories in 1994 and capitalize on what appeared to be the winning political strategy of anti-immigrant sentiment in order to restrict both immigrant rights and roll back the foundation of the United States’ welfare state, Republicans went too far in their efforts to dismantle the spirit of the Rights Revolution and the welfare rights movement on the backs of immigrants. Even legal

immigrants were forced to live in a constant state of fear of further restrictions on their rights, refused service in restaurants, and underwent the humiliation and degradation of demands to produce their immigration papers at seemingly non-political places such as grocery stores and restaurants. Even citizens who “looked” or “sounded” foreign were subject to these violations of their civil rights. These actions bonded previously factionalized immigrant groups together to meet a common threat. Citizens, legal immigrants, and illegal immigrants alike were stereotyped and branded as criminal, lazy, welfare recipients who were taking jobs from native-born Americans and corrupting American society with their foreign influences. These racialized attacks on immigrant rights unified immigrant groups, who made their voices heard in the 1996 elections, winning a reprieve, at least, from the mainstreaming of anti-immigrant sentiment in American political culture and leaving a lasting legacy of powerful and mobilized immigrant advocacy groups. They gained national political recognition of a Hispanic and larger immigrant voting bloc, which won them, at the very least, lip service to their demands and interests and a tenuous claim to social citizenship. Immigrant advocacy groups had taken advantage of American immigration policy in order to assert their demands for full inclusion within American society and polity. In their efforts to dismantle the Rights Revolution, anti-immigrant activists inadvertently re-energized the fight for immigrant rights and racial equality in America.

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