

Proposition 187

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Document Type

Legislative

Significance

Sought to bar unauthorized immigrants from most public services, including health care and education

Overview

Proposition 187 was a California ballot initiative that sought to prohibit illegal immigrants from accessing public services such as health care and education. In 1994, the initiative was put forth by the “Save Our State” Committee, an organization opposed to illegal immigration, and authored by committee chair Ronald Prince, co-chair Barbara Kiley, and California assemblyperson Dick Mountjoy. Proponents of the bill argued on behalf of California taxpayers, citing that taxpayers paid billions of dollars in assistance to illegal immigrants, largely for health care and education. California had experienced an increase in immigration during the early 1990s, and polling showed broad support for immigration reform, including

Proposition 187. California Democrats and student organizations spoke out publicly against the initiative, seeing it as an attack on the Hispanic population and an expression of bigotry against Latinx and Asian immigrants. However, the initiative passed by a wide margin in November 1994, with almost a quarter of Latinx population voting in favor of the initiative. The large percentage of Latinx votes in favor of the initiative highlighted a realignment of Hispanic political affiliations as many Hispanic voters changed voter registration from Democrat to Republican. It also pinpointed how Hispanic Americans sought to distance themselves from Hispanic noncitizens in an effort to assert their Americanness.



Protesters marching against Proposition 187 (Wikimedia Commons)

Document Text

Proposition 187: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution. This initiative measure adds sections to various codes; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Findings and Declaration.

The People of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this

state. . . . Therefore, the People of California declare 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.

SECTION 2. Manufacture, Distribution or Sale of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 113 is added to the Penal Code, to read:

113. Any person who manufactures, distributes or sells false documents to conceal the true citizen-

ship or resident alien status of another person is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of seventy-five thousand dollars (\$75,000).

SECTION 3. Use of False Citizenship or Resident Alien Documents: Crime and Punishment.

Section 114 is added to the Penal Code, to read:

114. Any person who uses false documents to conceal his or her true citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of twenty-five thousand dollars (\$25,000).

SECTION 4. Law Enforcement Cooperation with INS.

Section 834b is added to the Penal Code, to read:

834b. (a) Every law enforcement agency in California shall fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws. . . .

SECTION 5. Exclusion of Illegal Aliens from Public Social Services.

Section 10001.5 is added to the Welfare and Institutions Code, to read:

10001.5. (a) In order to carry out the intention of the People of California that only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of public social services and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted. . . .

SECTION 6. Exclusion of Illegal Aliens from Publicly Funded Health Care.

Chapter 1.3 (commencing with Section 130) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 1.3. PUBLICLY-FUNDED HEALTH CARE SERVICES.

130. (a) In order to carry out the intention of the People of California that, excepting emergency medical care as required by federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly-funded health care, and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted. . . .

SECTION 7. Exclusion of Illegal Aliens from Public Elementary and Secondary Schools.

Section 48215 is added to the Education Code, to read:

48215. (a) No public elementary or secondary school shall admit, or permit the attendance of, any child who is not a citizen of the United States, an alien lawfully admitted as a permanent resident, or a person who is otherwise authorized under federal law to be present in the United States.

(b) Commencing January 1, 1995, each school district shall verify the legal status of each child enrolling in the school district for the first time in order to ensure the enrollment or attendance only of citizens, aliens lawfully admitted as permanent residents, or persons who are otherwise authorized to be present in the United States. . . .

SECTION 8. Exclusion of Illegal Aliens from Public Postsecondary Educational Institutions.

Section 66010.8 is added to the Education Code, to read:

66010.8. (a) No public institution of postsecondary education shall admit, enroll, or permit the

attendance of any person who is not a citizen of the United States, an alien lawfully admitted as a permanent resident in the United States, or a person who is otherwise authorized under federal law to be present in the United States. . . .

SECTION 9. Attorney General Cooperation with the INS.

Section 53069.65 is added to the Government Code, to read:

53069.65. Whenever the state or a city, or a county, or any other legally authorized local governmental entity with jurisdictional boundaries reports the presence of a person who is suspected of being present in the United States in violation of federal immigration laws to the Attorney General of Cali-

fornia, that report shall be transmitted to the United States Immigration and Naturalization Service. . . .

SECTION 10. Amendment and Severability.

The statutory provisions contained in this measure may not be amended by the Legislature except to further its purposes by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the voters. In the event that any portion of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the act, which can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

Glossary

illegal alien: a foreign person who is living in a country without having official permission to live there

severability: a provision in a piece of legislation that allows the remainder of the legislation's terms to remain effective, even if one or more of its other terms or provisions are found to be unenforceable or illegal

Short-Answer Questions

1. Analyze the penalties for agencies, governments, and locales that violate immigration laws under Proposition 187.
2. Under Proposition 187, what do you think is the purpose of singling out education?
3. Proposition 187's main issue was rooted in illegal border crossings and poor border enforcement. Proponents of the measure argued that not enough was being done to prevent illegal border crossings, while critics argued the measure did not actually strengthen border enforcement. How do you think these measures have impacted arguments surrounding immigration?