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# California as a “Blue-Print’ For Progressive Immigration Reform?: Uncovering Racial Liberalism to Expose Reconfigured Anti-Migrant Hegemony

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**CALIFORNIA AS A “BLUE-PRINT’ FOR PROGRESSIVE IMMIGRATION  
REFORM?: UNCOVERING RACIAL LIBERALISM TO EXPOSE  
RECONFIGURED ANTI-MIGRANT HEGEMONY**

by  
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**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT  
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## Abstract

Using the frames of analysis and language of political whiteness and anti-migrant hegemony, this paper examines the narrative of liberal immigration reformers *transforming* California's political landscape within the period of 1994 to 2017. Taken as case studies the following articles of legislation are analyzed: Proposition 187 in 1994, the California Dream Act in 2010, the Trust Act in 2014, up to the present Senate Bill 54 in 2017. The paper finds that while California has experienced a recognizable shift in racial liberalism in rhetoric and legislation, its overall policy continues to work within the framework of anti-migrant hegemony that functions through criminalization and detention. The paper ends with the conclusion, informed by Gonzales' writing in *Reform without Justice*, that the shift California has experienced is indicative of anti-migrant hegemony reconfiguring itself in changing social and political norms.

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California as a “Blue-Print’ For Progressive Immigration Reform?: Uncovering Racial  
Liberalism to Expose Reconfigured Anti-Migrant Hegemony

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## Introduction

With 11 million undocumented immigrants living in the U.S, immigration reform is one of the nation's most contentious issues.<sup>1</sup> Trump's administration has positioned the White House on a starkly conservative platform regarding immigrant rights. In a time of "alt-right" nationalism and Trumpian politics, California distinguishes itself from xenophobic federal rhetoric and policy by proclaiming a language of inclusivity and justice. In the face of a more militarized Mexico-U.S. border, increased deportations and the removal of DACA, California resists conservative federal policy by passing more inclusive immigrant legislation.<sup>2</sup> The almost three million undocumented immigrants that call California home live in a state that allows in-state tuition for undocumented students, provides licenses for undocumented drivers and is accepting of "sanctuary cities."<sup>3</sup> Despite its present position, California's legislation has not always been one of inclusion.

California embodied a starkly different political climate twenty-three years ago. In 1994, a majority of the electorate voted in favor of Proposition 187; a now infamous bill that made undocumented immigrants ineligible for public services like healthcare, education, and social security while also requiring all public employees to report anyone suspected of undocumented status to federal Immigration and

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<sup>1</sup> Jens Manuel Krogstad, Jeffrey S. Passel, and D'Vera Cohn, "5 facts about illegal immigration in the U.S.," Pew Research Center, April 27, 2017, accessed October 08, 2017, <http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/>.

<sup>2</sup> Kate Steinmetz, "Donald Trump vs. California: 7 Ways the State Is Resisting," Time, April 6, 2017, accessed November 08, 2017, <http://time.com/4725971/california-resisting-trump-administration/>.

<sup>3</sup> Joseph Hayes and Laura Hill, "Undocumented Immigrants in California," Public Policy Institute of California, March 2017, accessed November 08, 2017, <http://www.ppic.org/publication/undocumented-immigrants-in-california/>.

Naturalization Service authorities. The bill and the debates it caused in state and national political arenas would be fundamental in changing the trajectory of the state's legislature from exclusionary to inclusive immigrant policy.<sup>4</sup> The years following Proposition 187 saw a short continuance of nativist policy. In 1996, Proposition 209 prohibited public institutions from discriminating on the basis of race, sex or ethnicity.<sup>5</sup> Although framed in the language of racial liberalism, Proposition 209 would spark a continuing discourse regarding affirmative action's effects on underrepresented minorities on college campuses.<sup>6</sup> Moreover in 1998, Proposition 227, the English Language in Public Schools Statute, eliminated bilingual education in California public schools. This was also a controversial proposition that raised questions about nativism in education and the way the public education system should work with a multicultural student body.<sup>7</sup> The turn of the century, however, would experience a remarkable transformation in immigrant inclusive legislation. In 2001, Assembly Bill (AB 540) challenged an educational barrier by allowing undocumented immigrant residents to pay in-state tuition at California community colleges and universities.<sup>8</sup> Moreover, in response to the federal governments inaction in passing the Dream Act, the state passed its own California Dream Act in 2011. This bill built on AB 540 by allowing undocumented students the right to pay in state tuition but also receive private scholarships,

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<sup>4</sup> Cathleen Decker, "90s immigration battle remade California's political landscape," *Los Angeles Times*, November 23, 2014, accessed November 08, 2017, <http://beta.latimes.com/local/politics/la-me-pol-california-politics-20141123-story.html>.

<sup>5</sup> "California Affirmative Action, Proposition 209 (1996)," *Ballotpedia*, accessed November 13, 2017, [https://ballotpedia.org/California\\_Affirmative\\_Action,\\_Proposition\\_209\\_\(1996\)](https://ballotpedia.org/California_Affirmative_Action,_Proposition_209_(1996)).

<sup>6</sup> José L. Santos et. al., "Is "Race-Neutral" Really Race-Neutral?: Disparate Impact Towards Underrepresented Minorities in Post-209 UC System Admissions." *Journal of Higher Education* 81, no. 6 (2010): 605-631,

<sup>7</sup> John J. Attinasi, "English only for California children and the aftermath of proposition 227," *Education* 119, no. 2 (1998): 263

<sup>8</sup> California Assembly Bill 540, Cal. Legis. 2000-01 (codified at Cal. Ed. Code § 68130.5).

grants and financial aid. In 2013, when the Obama administration's Secure Communities program was deporting thousands of undocumented immigrants a year,<sup>9</sup> California legislature passed the Trust Act to restrict state and local cooperation with federal immigration authorities. Later that same year, with AB-60 undocumented immigrants regained eligibility for driver's licenses—signaling a practical step towards integration that has increased road safety and removed some of the fear of deportation over a necessary activity in daily life.<sup>10</sup> In 2014, AB 1024 opened the doors for undocumented immigrants to practice law if they meet state qualifications. This trend on inclusion continues up until the present when in October of 2017, California passed the controversial Sanctuary State Bill (SB54) which further restricts cooperation between law enforcement and federal agents and symbolically frames the state as a source of protection for immigrants. These shifts in legislation over the last 23 years have not only positioned California as the 'blue print' for pro-immigrant transformation<sup>11</sup> but have also consistently spotlighted its reaction to anti-immigrant federal policy. As President Trump moves toward fulfilling his campaign promises,<sup>12</sup> California's transformation beginning with Proposition 187 has been framed as a

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<sup>9</sup> The Secure Communities Program allowed law enforcement agencies to submit fingerprints of those arrested and/or booked into custody in state prisons and local jails to FBI and ICE. When an individual was identified as undocumented, ICE could have law enforcement hold the person for eventual federal detention.

<sup>10</sup> Hans, Lueders et al. "Providing driver's licenses to unauthorized immigrants in California improves traffic safety." *Proceedings of The National Academy of Sciences of the United States of America* 114, no. 16 (2017): 4111-4116

<sup>11</sup> Gabriela Villareal, "The California Blueprint: Two Decades of Pro-Immigrant Transformation," accessed November 12, 2017, <https://ncc.org/sites/default/files/resources/The-California-Blueprint-1.pdf>.

<sup>12</sup> Since inauguration, Trump's administration has instituted a travel ban, removed Obama's Deferred Action for Childhood Arrivals program and brought an end to the Temporary Protected Status program.



possible foreshadowing of what national immigration policy can become after the xenophobic era of the current executive office.<sup>13</sup>

#### Research Question

Using the frames of analysis and language of political whiteness and anti-migrant hegemony, this paper will examine the narrative of liberal immigration reformers *transforming* California's political landscape within the period of 1994 to 2017. Taken as case studies the following articles of legislation will be analyzed: Proposition 187 in 1994, the California Dream Act in 2011, the Trust Act in 2014, up to the present Senate Bill 54 in 2017.

The issue of immigration is discussed within a complicated U.S. racial and political landscape. To move forward in the analysis of California's progressive transformation, this paper will present the ideology of colorblindness as it has become the dominant framework for racial discourse in the post-civil rights movement era. Moreover, Daniel HoSang's theory of *political whiteness* will be presented as a mode of analysis to illuminate how white political identity continues to be present in racially liberal discourse even when framed through colorblind terms.<sup>14</sup> Finally, Alfonso Gonzales' analysis of *anti-migrant hegemony* and its enduring effects of the migrants' rights movement will be used as a lens through which to inspect the propositions and bills within this case study.<sup>15</sup> This paper hopes to reveal how even as California adopts the language of racial liberalism and passes progressive bills,

<sup>13</sup> Peter Schrag, "As California Goes....," *The Nation*, June 29, 2015, accessed October 08, 2017, <https://www.thenation.com/article/california-goes/>.

<sup>14</sup> Daniel HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010)

<sup>15</sup> Alfonso Gonzales, *Reform Without Justice: Latino Migrant Politics and the Homeland Security State* (Oxford University Press, 2012)

the structures of anti-migrant hegemony that criminalize and deport undocumented immigrants continue to be present even in the most liberal bills.

### **Literature Review**

#### **Colorblindness**

Immigration policy is a complicated web of historical events and racialized discourse. To understand it within the context of the United States it is necessary to examine the country's long history of racial hierarchy and subjugation. At its very inception American history begins to tell its story of constantly adapting racial structures that reproduce themselves contingent upon changing social and political norms. Racism, as a social construct, emerges in American society as a means of reconciling chattel slavery and Native American genocide with the ideals of freedom proclaimed in the nation's founding documents.<sup>16</sup> Even as these institutions of oppression change or end, the racism that justified them continues through transformation of the racialized rhetoric and structures.<sup>17</sup> For example, the end of chattel slavery brought an era of reconstruction, that produced (re-produced) racism and justified its structures in the era of Jim Crow.<sup>18</sup> Thus, the rules and tools of the political system change as they are challenged to preserve racial hierarchies and white supremacy.<sup>19</sup> These new rules are justified with new rhetoric, language and social consensus.<sup>20</sup>

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<sup>16</sup> Michelle Alexander, *The New Jim Crow Mass Incarceration in the Age of Colorblindness*, (New York: The New Press, 2011) 23.

<sup>17</sup> Reva Siegel, "Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing Action," *Stanford Law Review* 49 (1997):1111

<sup>18</sup> Alexander, *The New Jim Crow*, 20.

<sup>19</sup> *Ibid.*, 21.

<sup>20</sup> *Ibid.*, 21

The Civil Rights movement of the 1960's was a reaction to this restructuring of racial power through the violence of Jim Crow legislation and norms. Colorblindness is rooted in the supposed evidence that the civil rights revolution of the 1960's has largely accomplished its goals of integration and diversity.<sup>21</sup> Proponents of this ideology point to the rise of the black middle class; increased diversity in industries and social groups; widespread and sincere condemnation of explicitly racist views; and most recently, the election of Barack Obama as the first black president as evidence.<sup>22</sup> Yet, these signs of 'progress' exist alongside measurable trends of inequality along racialized lines: the rise of a prison-industrial system that overwhelmingly affects black and other people of color; widespread public support for draconian immigration laws and the militarization of national borders; growing privatization of immigrant detention centers and indefinite hold and deportation; coordinated programs of racially targeted voter suppression and the continued vulnerability of black bodies to state police violence.<sup>23</sup> Thereby, the current historical period is both a reaction and co-opting of the language and activism of the Civil Rights movement. While there is a spoken commitment by mainstream political discourse to uphold the supposed values of freedom ascribed to Americanism, colorblindness informs the underlying assumption that the United States is post-racial society. These continued legacies of institutionalized racism and discrimination continue to exist despite the apparent changes in social and political norms.

Colorblindness serves as a mechanism to limit political criticism of racism almost entirely to individual actions and beliefs while exonerating wider structures of power and

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<sup>21</sup> Mark Golub, *Is Racial Equality Unconstitutional?*, (Oxford University Press, 2018) 4.

<sup>22</sup> Golub, *Is Racial Equality*, 4.

<sup>23</sup> *Ibid.*, 4

history.<sup>24</sup> Racism is constructed to be in the past and existing only within individual people who can easily be ostracized. As an example, when Donald Trump first began his run for presidency in 2015, his platform had him labeled as a “racist and bigot” and therefore, it was argued that he could not win the nomination or much less the presidency.<sup>25</sup> His racism was limited to him as an individual existing outside the acceptable political arena. Other political commenters, however, saw his racist platform as something completely intrinsic to U.S politics. Working outside of the framework of colorblindness, a video released by *The Guardian* predicted Trump’s presidential win as a backlash to Obama’s presidency and its symbolism of racial progress—“a President Trump would be as historically American as the bald eagle, indigenous genocide, the three-fifths clause, mass incarceration, and apple pie.”<sup>26</sup> The video connects Trump’s racism to a longer history of American white-supremacy and subjugation of people of color. His racist platform was a symptom of the larger and continuing structures of racism that colorblind discourse does not acknowledge.

Even as President Trump’s racism becomes normalized the terms of debate continue to be framed through an assumption of colorblindness,<sup>27</sup> the persistent racialized structures of power are not discussed by neither conservative nor liberal

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<sup>24</sup> HoSang, *Racial Propositions*, 265.

<sup>25</sup> Dana Milbank, "Donald Trump is a bigot and a racist," *The Washington Post*, December 01, 2015, accessed December 08, 2017, [https://www.washingtonpost.com/opinions/donald-trump-is-a-bigot-and-a-racist/2015/12/01/a2a47b96-9872-11e5-8917-653b65c809eb\\_story.html?utm\\_term=.ec88ec8f0e7f](https://www.washingtonpost.com/opinions/donald-trump-is-a-bigot-and-a-racist/2015/12/01/a2a47b96-9872-11e5-8917-653b65c809eb_story.html?utm_term=.ec88ec8f0e7f).

<sup>26</sup> Steven W. Thrasher, Leah Green, and Bruno Rinvoluceri, "Trump has to be the next president. American history dictates it - video," *The Guardian*, May 11, 2016, accessed December 08, 2017

<sup>27</sup> Criticism of Trump typically ends with him being labeled as a racist without an extension of that racism into critique of long-standing racist political structures.

political discourse. California presents a paradoxical example of a liberal political culture coexisting with enduring racial hierarchies and power.<sup>28</sup> The norms of racial liberalism— "expressed through commitments to “rights,” “opportunity,” “tolerance,” “freedom,” and related signifiers”—have become the dominant framework through which racial issues are publicly deliberated in California.<sup>29</sup> Daniel HoSang spotlights that even when propositions that have clear racial implications arise, they are discussed almost exclusively without mention of race by both conservatives and liberals. To explore how messages can both transmit and disavow racialized meanings, HoSang employs the concept of political whiteness.

#### Political Whiteness

Political whiteness is a framework to understand the “formulation of political subjectivity, identity and community in which whiteness functions as an absent referent within the putatively neutral and abstract terms of liberalism.”<sup>30</sup> HoSang uses political whiteness to assess how racial liberalism and race neutral politics continue to carry racialized signifiers that protect the interests of those in power. The origins of political whiteness are not limited to the current political arena; but rather are fundamentally grounded in the endurance of a political subjectivity and collective identity shaped by an understanding of how race has historically distributed hierarchical levels of power and privilege.<sup>31</sup> This does not limit political whiteness to strictly the interests and politics of white people but rather it

<sup>28</sup> HoSang, *Racial Propositions*, 265.

<sup>29</sup> *Ibid.*, 264.

<sup>30</sup> HoSang, *Racial Propositions*, 265.

<sup>31</sup> HoSang, *Racial Propositions*, 265.

describes the process by which some political claims and interests become defined as ‘white.’<sup>32</sup>

Political whiteness sets the terms of debate around itself as an identity and a “property interest.”<sup>33</sup> Author Cheryl Harris argues that being “white” in the United States comes with the right to own property and the benefits that come from its ownership.<sup>34</sup> Through the history of white supremacy, property rights for whites in American included black people as slaves and the stolen land of the indigenous.<sup>35</sup> These historical roots have shaped white identity through the basis of racialized privilege that was legitimated through these long-standing power relationships of property.<sup>36</sup> Harris argues that whiteness as property continues even in modern conceptions of race and identity through subtle expectations of power and control.<sup>37</sup> A contemporary example, that HoSang analyzes through California Proposition 209, would be the debate over affirmative action. Programs like affirmative action received substantial criticisms by the majority white electorate because of perceived reverse-discriminations that challenge expectations that have been shaped by whiteness.<sup>38</sup> Moreover, political whiteness is not static—it is not a fully formed outside the field of politics—but rather it is constantly transformed. Through these struggles of political discourse new meanings are ascribed to the changing manifestations of whiteness in new social and political

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<sup>32</sup> Ibid., 20.

<sup>33</sup> Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (1993): 1707-791. doi:10.2307/1341787.

<sup>34</sup> Ibid.

<sup>35</sup> Harris, “Whiteness as Property”

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> HoSang, *Racial Propositions*, 201.

contexts. Each racialized legislation and its discourse adds meaning to what it continues to mean to be “white” in American politics.

### Anti-Migrant Hegemony

Building on the ideologies of colorblindness and political whiteness, scholar Alfonso Gonzales develops a form of analysis that more specifically grounds the role that whiteness and hegemony play in framing the modes of discussion about immigration. Gonzales uses the language of *anti-migrant hegemony* to name a type of ideological leadership that naturalizes the adoption of authoritarian solutions to the “immigration crisis.”<sup>39</sup> Like HoSang’s analysis of political whiteness, anti-migrant hegemony is a dynamic form of power that presupposes that account be taken of the interests and tendencies of those in power over those being subjugated.<sup>40</sup> Gonzales conceptualizes those in power as an *anti-migrant bloc* composed of elected officials, state bureaucrats, think tanks, intellectuals and media personalities who work under the influence of global capital to narrow the terms of the immigration debate around questions of criminality and anti-terrorism. This framework creates a colorblind discourse that guarantees the reproduction and expansion of the homeland security state while obscuring the structural causes that have displaced millions of people in the Americas and other parts of the world into migrating to the U.S. The homeland security state persists as a well-resourced, operationally robust and modernized enforcement system that includes the federal department, an increasingly militarized border and a growing number of privately owned immigrant detention centers.<sup>41</sup>

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<sup>39</sup> Gonzales, *Reform Without Justice*, 5.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

The homeland security state enforces a “legal violence”<sup>42</sup> against migrants and their families who are perpetually vulnerable to detention and separation. Violence is normalized and legitimized through the criminalization of migrants both ideologically and legally. Criminalization functions ideologically through the process of attributing racialized criminal characteristics to a targeted group, in this case Latinx, to construct justifications for legal violence.<sup>43</sup> Criminalization attributes historical stereotypes about Mexican male criminality to all Latino groups in the U.S. imaginary—an imaginary that has been shaped by two-hundred years of conflict and colonization.<sup>44</sup> This criminalization then allows for the passing of legal policy that establishes grounds for removal. Thus, the underlying ideology that continuously ties immigrants to criminality also sets the terms of debate into binary opposition between bad immigrants and good immigrants –where the ‘bad immigrant’ is conflated into deserving detention and deportation while the ‘good immigrant’ is a productive member of American society that deserves to stay.<sup>45</sup> This binary sets the boundaries of the “common-sense” discourse around immigration and is constantly reproduced through mobilizing and legislation.<sup>46</sup>

The success of this anti-migrant bloc has prevented Latino migrant activists and their allies from moving beyond isolated and short-term victories or falling complicit in the system altogether. Gonzales divides the migrant rights movement

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<sup>42</sup> Leisy Abrego et al. "Immigrant Latina Mothers as Targets of Legal Violence," *International Journal of Sociology of the Family* 37, no. 1 (2011): 9-26. <http://www.jstor.org/stable/23029784>.

<sup>43</sup> Alfonso Gonzales, *Reform Without Justice*, 6.

<sup>44</sup> *Ibid.*, 17.

<sup>45</sup> Gonzales, *Reform Without Justice*, 17.

<sup>46</sup> *Ibid.*



into two major factions: immigration reformers and oppositional forces. *Immigration reformers* are willing to accept the established terms of debate that perpetuate the good immigrant-bad immigrant binary. They fight for a gentler version of the homeland security state through reform rather than questioning the logic of the homeland security state, global capitalism and white supremacy that might lead to a dismantling the homeland security state altogether.<sup>47</sup> Thus, they avoid using arguments around racial justice or human rights, instead advocating moderate colorblind discourse designed to appeal to the moderate voter.<sup>48</sup> The immigrant reformist faction is most effective in gaining some degree of legislative wins and protections for undocumented migrants but are largely conditional and can be challenged or removed—such as Deferred Action for Childhood Arrivals and Temporary Protected Status programs.<sup>49</sup> Alongside the discursive limitations, the reformist faction is also limited by capital interests and their monied endorsements. Many of the leading immigration reform organizations are directly sponsored or associated with major corporations. For example, the National Council of La Raza has a corporate board of sponsors, headed by Johnson and Johnson, that includes power transnational corporations like Coca Cola, AT&T, Bank of America and Coors, to name a few.<sup>50</sup> Gonzales contests that there are obvious and significant differences between reformist and the anti-migrant bloc; however immigrant reformers’ relationships with corporate sponsors sets the boundaries of migration control in a way that preserves the social reproductions of the global capitalist system that profits those same sponsors.

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid., 10.

<sup>50</sup> Gonzales, *Reform Without Justice*, 10.

On the other side of the migrants' rights movement, Gonzales positions the *oppositional forces*. The oppositional forces reject the good immigrant—bad immigrant binary and are composed of grassroots organizations, small non-profit organizations, rank and file union members, labor centers, independent migrant workers, leftist intellectuals, independent labor centers, anti-globalization and anti-war activists, and a sector of youth and student organizers.<sup>51</sup> They oppose reformist policies that constantly exalt some immigrants at the cost of others—leaving out protections for the thousands of immigrants with minor past convictions and those that lack technical requirements.<sup>52</sup> Unlike reformists who often have financial sponsorship from major corporations, the factions of oppositional movements are often under resourced and lack institutional support.<sup>53</sup> Without the pressures of corporate sponsorships shaping their advocacy, oppositional forces push to expand the discourse outside its current framework to include a structural critique of global capitalism and US foreign policy as inherent to the roots of the issue.<sup>54</sup> The oppositional forces can include perspectives of those that are often left out of popular immigration debates. The Translatin@ Coalition is just one example of an oppositional force that works outside the traditional paradigm to advocate for the specific needs of the often-excluded experiences of translatin@ immigrants.<sup>55</sup> Oppositional forces are not willing to work within racially liberal

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<sup>51</sup> Ibid., 11

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Gonzales, *Reform Without Justice*, 12.

<sup>55</sup> "About TLC," TransLatin@ Coalition, accessed November 11, 2017, <https://www.translatinacoalition.org/about-tlc/>.

frameworks; thus, they are often working within community organizations instead of within the bureaucracy of policymaking.

With this review of colorblindness and its shaping of racialized political discourse, this paper will move forward using the tools of political whiteness and anti-migrant hegemony to inspect Proposition 187 in 1994, the California Dream Act in 2011, the Trust Act in 2014, up to the present Senate Bill 54 in 2017. Each piece of legislation will be analyzed individually as a case study to explore how racial liberalism and political whiteness work within the legislation to either expand or reduce the homeland security state. Attention will be paid to migrant activists' efforts to pass or defeat the bills. These efforts will then be analyzed through Gonzales' binary model of immigrant reformers and oppositional forces.

### **Case Studies**

#### **Proposition 187**

Proposition 187 was a landmark measure that shaped California immigration policy in the 1990's. In 1994, the California electorate voted at 58% to deny undocumented immigrants access to all public services, including education, health care and social security, and to require all public employees to report anyone *suspected* of undocumented status to federal Immigration and Naturalization Service authorities. The proposition was immediately met with several federal lawsuits from groups like the Mexican American Legal Defense and Education Fund and the American Civil Liberties Union, that would eventually have courts rule most of the measure's operating provisions as unlawful.<sup>56</sup> Although Proposition 187 was blocked by federal judges and never reached enforcement, the intense, polarizing campaign

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<sup>56</sup> HoSang, *Racial Propositions*, 190.

reordered immigration discourse nationally. Proposition 187 reveals truths about Californian politics in this era: political whiteness and racial liberals function to protect the interests of those in power at the expense of the vulnerable.

HoSang defines political whiteness as explaining how political dialogue can be both racially ‘neutral’ and also target specific racialized communities. He uses Proposition 187 as an example of an inherently racialized proposition that was presented in colorblind language but carried out the discrimination and exclusion of immigrant people of color. After his gubernatorial election in 1994, Pete Wilson addressed accusations of xenophobia and racism by proclaiming, “There is no room in California for bigotry or discrimination... California remains a state of compassion and tolerance... This is a state of opportunity...”<sup>57</sup> Wilson defended California’s progressivism in the same year the electorate voted to make the 1.3 million<sup>58</sup> undocumented people in the state civically dead—unqualified for any publicly recognizable rights to food, education and education.<sup>59</sup> Wilson is part of the anti-migrant bloc of elected officials who naturalize authoritarian solutions to the immigrant ‘crisis.’ Prop 187 represents a draconian immigration policy that was presented in colorblind discourse but would ultimately have reverberating effects on an immigrant community mostly composed of people of color.<sup>60</sup>

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<sup>57</sup> Ibid., 161.

<sup>58</sup> Philip Martin, “Illegal Immigration: Numbers, Benefits, and Costs in California,” Migration News, May 1994, accessed November 1, 2017, <https://migration.ucdavis.edu/mn/more.php?id=298>

<sup>59</sup> HoSang, *Racial Propositions*, 161.

<sup>60</sup> “Immigration-Related Statistics, 1994,” CIS.org, accessed December 08, 2017, <https://cis.org/ImmigrationRelated-Statistics-1994>.

Not only did the bill target people of color, but it also was framed as being a response to the suffering of a majority white electorate at the hands of immigrants. The proponents of the measure announced the proposition as the *Save Our State*, or S.O.S., initiative—a title which reinforced the central narrative of an innocent “suffering” populace being exploited by lawbreaking intruders. The opening statements of the proposition explicitly employ the language of suffering and self-defense:

*The People of California find and declare as follows:*

*That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state.*

*That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.*

*That they have a right to the protection of their government from any person or persons entering this country unlawfully.<sup>61</sup>*

The framing of Proposition 187 by its proponents was paradoxical because, although it was presented in “racially neutral” language it promoted and relied on collective narratives of “white injury.”<sup>62</sup> A particular campaign called Citizens for Action Now centered primarily, white middle-aged residents of Orange county presenting testimonies repeated the narrative of the “suffering of the law-abiding, hardworking, taxpaying citizens at the hands of a lawbreaking class of ‘illegals’ whose degrading and criminal behavior they were forced to subsidize.”<sup>63</sup> This manifestation of privilege masquerading as powerlessness functioned to build a sense of solidarity within its own group.<sup>64</sup> Even if they lacked connection across other lines, scapegoating immigrants as source of their individual problems was something to bring the white electorate together. Lipsitz writes of whiteness as an identity that serves to protect

<sup>61</sup> California Constitution, Article II, Section 8, Proposition 187

<sup>62</sup> HoSang, *Racial Propositions*, 165.

<sup>63</sup> “Striking a Balance,” *Orange County Register*, July 17, 1992.

<sup>64</sup> George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia PA: Temple University Press, 2006), 50.

the longstanding privileges and priorities that maintain systems of power. This investment in whiteness persists even as racial identity politics are dismissed as no longer relevant. In this case, political whiteness centered a range of identities—taxpayer, homeowner, American. The narratives of suffering and exploitation of these *white* identities which were then used to make claims about who is worthy and unworthy to live in this state. The proponents’ narratives were doing the work of aligning these white subjectivities, interests and communities which would translate to support by the majority white electorate on the ballot.<sup>65</sup> The narratives were also ideologically building criminalization against immigrants that would justify their complete disenfranchisement and vulnerability within the homeland security state.

How did immigrant rights groups mobilize against Proposition 187?

The opposition to Proposition 187 divided into two major groups: The Taxpayers against Proposition 187 (hereafter Taxpayers) and various grassroots efforts—Californians United Against 187 (hereafter Californians United) as one of the main groups.<sup>66</sup> Although they shared in opposition to Proposition 187, these two factions disagreed in their methods and advocacy. The Taxpayers against Proposition 187 provides an example of a well-meaning liberal attempt to stop the legislation that was both ineffective and complicit in reproducing dehumanizing narratives about immigrants and criminality. When Proposition 187 surpassed expectations by qualifying for the November ballot, immigrant rights organizations, Democratic

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<sup>65</sup> HoSang, *Racial Propositions*, 180.

<sup>66</sup> *Ibid.*, 175-185.

leaders and other opponents of the measure had to mobilize quickly to thwart the growing momentum of the proposition.<sup>67</sup> The No on S.O.S committee turned to the political consulting firm of Woodward and McDowell, a Republican ballot initiative consultancy famous for defeating two pro-environmental measures,<sup>68</sup> to develop a strategy against Proposition 187. After Woodward and McDowell conducted surveys on public attitudes regarding the proposition and immigration, they found that “voters are eager to do something (anything) to address what they perceive to be an illegal immigration problem.”<sup>69</sup> The firm recommended the committee organize by recognizing the immigration as a problem but contending that Proposition 187 would be ineffective and only cause more problems. Following Woodward and McDowell’s advice, the Taxpayers’ campaign affirmed the notion of collective white injury—*indeed, illegal immigration was a serious and costly problem, however Proposition 187 would only make undocumented people more of a danger by displacing them.*<sup>70</sup> They argued that keeping undocumented children out of school would cause 400,000 children to be out on the streets which they asserted would cause more “crime and graffiti.”<sup>71</sup> Moreover, on the question of healthcare access, they argued that since undocumented workers handle food supply in fields and restaurants, denying them basic health care would spread communicable diseases and create greater risk for transmitted

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<sup>67</sup> HoSang, Racial Propositions, 175-185.

<sup>68</sup> Woodward and McDowell were famous for defeating Big Green and Forests Forever because of opposition from corporate interests.

<sup>69</sup> HoSang, Racial Propositions, 175-185.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid., 171.

diseases.<sup>72</sup> The Taxpayers even criticized Proposition 187 for not including increases in law enforcement, Border Patrol, and deportation mechanisms.<sup>73</sup>

According to HoSang, there was another faction of immigrants' rights groups that organized against the proposition but disagreed with the platform formed by the Taxpayers against Proposition 187. Ignatius Bau, an immigrant rights attorney for the Lawyers Committee for Civil Rights in San Francisco, was one of the main leaders of this movement.<sup>74</sup> He criticized the Taxpayer's strategy for evoking "all the 'racial specters' of undocumented kids running around causing crime and undocumented immigrants spreading disease" in an effort to instill fear in voters.<sup>75</sup> As presented by HoSang, North California Coalition for Immigrant and Refugee Rights (NCCIRR) executive director Emily Goldfarb and community organizer Jan Adams, joined with Bau to launch one of the main grassroots efforts against the measure: Californians United Against 187. This group sought to organize the community of immigrants as political agents.<sup>76</sup> However HoSang acknowledges that because immigrants' rights organizing had typically been focused on community work, many immigrants did not have experience with the electoral process or were not eligible to register. Californians United recognized that they were facing an 83 percent white electorate with only 11 percent Latino registered voters.<sup>77</sup> Moreover, it also proved difficult to develop a

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<sup>72</sup> HoSang, Racial Propositions, 175-185.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid., 174

<sup>75</sup> Ibid., 178

<sup>76</sup> Many immigrants and refugees who arrived from Mexico and Central America in the 1980's were politicized through the violent civil and military struggles in their countries of origins.

<sup>77</sup> HoSang, Racial Propositions, 175-185.



political vocabulary and imagination to articulate a defense of undocumented immigrants' rights when they held none in the pervasive framework of the time. HoSang contests that under racial liberalism, claims for immigrants' rights were not legitimate and were often stigmatized and ridiculed. Not only were they dealing with structural disadvantages, Californians United and other grassroots groups also faced direct and repeated disagreements with the Taxpayers campaign. A source of contention between the two factions of the immigrant rights organizing was the anti-187 march that happened in downtown Los Angeles on October 16<sup>th</sup>. Over 70,000 people marched from East Los Angeles to city hall, some carrying Mexican flags, all denouncing Proposition 187 and Pete Wilson. For grass roots organizations like Californian's United the marches and subsequent walk-outs from students signaled emotional political engagement that would outlast even a passed Proposition 187. To the Taxpayers, the marches sabotaged their campaign's work to affirm the anti-immigrant sentiments of white voters by avoiding explicit discussions of race, immigration and the political status of Latinos. By marching through the streets with Mexican flags, they refused to stay politically invisible and silent while they were criminalized and robbed of their agency.<sup>78</sup>

Ultimately both groups failed at stopping Proposition 187. However, their conflicting organizing platforms can be analyzed through the categorizations of immigration reformers and oppositional forces that Gonzales describes in his book *Reform without Justice*. The Taxpayers exemplified the immigrant reformers. Their organizing worked within the accepted terms of debate: political whiteness and anti-migrant hegemony. Instead of challenging Proposition 187 by addressing underlying prejudices against immigrants, they

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<sup>78</sup> Ibid.

worked within the dominating framework of political whiteness. The language of criminalization was meant to affirm the notion of “white injury” at the hands of undocumented immigrants. Intending to protect undocumented immigrants, Democratic leaders and immigrant rights organizations became complicit in perpetuating stigmatizing and degrading caricatures of immigrants. Relegating undocumented children to criminal drug activity and undocumented women to health hazards built upon an already stigmatizing racial imaginary.<sup>79</sup> While this manifestation of racial liberalism would no longer be effective in the current California politics, it is exemplary of how democratic figures can be complicit in perpetuating systems of oppression. In contrast, the experiences of the Californian United exemplify the strategies and struggles of the group Gonzales labels as oppositional immigration activists. As grassroots organizations the oppositional forces to Proposition 187 were not as organized as the Taxpayers. Californians United were one of the main groups, but the opposition forces were also divided amongst smaller immigrant rights groups. Moreover, instead of reproducing the criminalization of immigrants, Californians United instead struggled to widen the existing discourse to include human and immigrant rights. Although they were also unsuccessful at blocking the measure, the work they began with mobilizing the Latino electorate would have longer lasting implications than the campaign of the Taxpayers.

Proposition 187 and Governor Wilson’s administration are cemented into California history as the catalysts that began the state’s transformation over the last

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<sup>79</sup> Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Blue Ridge Summit: Rowman & Littlefield Publishers, 2013)

20 years towards more inclusive immigrant policies. The discourse surrounding the measure would also influence national immigration politics—Alabama, Arizona, Georgia and South Carolina who each passed tough immigration enforcement laws that would be similarly struck down in court.<sup>80</sup> The measure is considered a cornerstone in California politics because it would influence a dramatic increase in naturalization, voting and political participation rates among many Latinos. The dehumanization of the proposition created a cohort of deeply politicized voters that would begin the transformation of California politics.<sup>81</sup> The failure of the Taxpayer organizing strategy in comparison to the work Californian’s United accomplished in beginning the enfranchisement of the Latino voter, speak to the type of advocacy that leads to long-term change for the immigration community.

#### 2000s

The year 2001 saw a national debate unfold regarding undocumented youth who immigrated to the U.S. at an early age and spent most of their lives growing up in the states. The Development Relief and Education for Alien Minors (DREAM) Act S.1291 was introduced as a bipartisan bill in the senate to provide undocumented immigrants who has arrived to the U.S. at a young way a pathway to permanent legal status. The initial bill would provide a pathway to permanent residency for applicants that were younger than 21, attending or had graduated from an institution of higher education, had lived in the U.S. for over 5 years and had demonstrated “good moral character.” Although the senate bill 1291 would fail to pass the Senate during the 107th Congress, it marked the beginning of a decade-

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<sup>80</sup> Kevin Johnson, "California Dreaming? The Integration of Immigrants into American Society," UC Davis School of Law Faculty Blog, November 02, 2017, , accessed November 14, 2017, <https://facultyblog.law.ucdavis.edu/post/california-dreaming-the-integration-of-immigrants-into-american-society.aspx>.

<sup>81</sup> HoSang, Racial Propositions, 190.

long and continuing discourse around the status of the 1.5 generation of immigrants. There have been over 20 subsequent “Dream Act” bills presented in attempts to provide some sort of relief to the DREAMers.<sup>82</sup> The Dream of Act 2010 S.3992 become one of the most highly anticipated bills that most recently failed to pass Senate during the Obama administration. California would react to this loss by passing its own California Dream Act in 2011.

#### California Dream Act, 2011

The California Dream Act represents a monumental improvement in college access for young undocumented students. It is a package of two California bills: AB130 which allows access to private scholarships and grants and AB131 which allows students that fulfill A5B40<sup>83</sup> requirements to receive public financial aid. Although the California Dream act is a response to the failure of the federal acts, it does not make students eligible for federal financial aid and does not include a path to citizenship.

The roots of the DREAMer narrative are grounded in the 2001 mobilizing of the original DREAM Act.<sup>84</sup> According to Lauby, the proponents were working to shift the narrative from “Latino threat” and the post 9/11 focus on exclusion and

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<sup>82</sup> "What Is the DREAM Act and Who Are DREAMers?" LawLogix.com, , accessed December 08, 2017, <https://www.lawlogix.com/what-is-the-dream-act-and-who-are-dreamers/>.

<sup>83</sup> Through AB540 undocumented and non-resident students who are graduating from a California High School after a minimum of three years qualify for in-state tuition at California colleges and Universities.

<sup>84</sup> Fanny Lauby, “Leaving the ‘perfect DREAMer’ behind? Narratives and mobilization in immigrant reform,” *Social Movement Studies* 15, no. 4 (2016): 374-387, accessed November 12, 2017, <https://doi-org.ccl.idm.oclc.org/10.1080/14742837.2016.1149461>

enforcement. The DREAMer movement centered *testimonios*.<sup>85</sup> The movement has largely been fueled by undocumented youth “coming out of the shadows”<sup>86</sup> to share their stories. As Lauby contests, these testimonios not only challenged the racialized framing of immigrants but also empowered other undocumented youth to share their own. Powerful testimonios can help raise awareness and encourage undocumented youth to join an activist organization.<sup>87</sup>

Through the work of the DREAMer narrative they tied traditional American values of individualism, self-sacrifice and hard-work to high achieving undocumented youth.<sup>88</sup> They were not law-breaking criminals who chose to illegally cross the border, but rather aspiring college students who have worked hard to achieve success despite their circumstance. By evoking the ideology of the American Dream, they were both humanizing a group of undocumented youth who had been traditionally left out of the narrative and building upon other civil rights movements that have used the language of dreams. The repeated motif of young dreamers seeking justice and equity is reminiscent of the Civil Rights movement’s quintessential *I have a Dream* speech. “Speaking at the March on Washington for Jobs and Freedom in 1963, Martin Luther King Jr. would forever bind the promise of American racial democracy to the language of dreams.”<sup>89</sup> Through this language, the immigration movement marries itself to the tradition of “racial justice in America” as being theorized “chiefly in terms of futurity.”<sup>90</sup> As Golub theorizes, the dream is constantly

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<sup>85</sup> In Latin American and Chicana-Latina studies, testimonio is used to describe someone’s personal narrative. Given the disciplines, the personal often speaks to migration, oppression and resistance.

<sup>86</sup> Leo Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*, Second Edition, (Stanford: Stanford University Press, 2013)

<sup>87</sup> Lauby, “Leaving the ‘perfect DREAMer’ behind?” 374.

<sup>88</sup> Lauby, “Leaving the ‘perfect DREAMer’ behind?” 374.

<sup>89</sup> Golub, *Is Racial Equality Unconstitutional?*, 21.

<sup>90</sup> Ibid.

in the future as something to work towards as the distance to overt racial oppression is left in the past. With racism set in the past through colorblind ideology and racial justice set in the future through narratives of ‘dreams,’ the continued racial oppressions of the present are not given a space to be discussed. Thus, the DREAMer narrative sets a standard of achievement necessary for an undocumented immigrant to become a *future* American—regardless if that dream is attainable for every immigrant or ever fulfilled by any immigrant.

While the DREAMer movement has been successful in gaining some victories for undocumented students, it reinforces the mythical construction of the American Dream. As Lauby argues, the DREAMer movement has perpetuated the flawed narrative that opportunity exists for all immigrants that can ‘pull themselves up by their bootstraps’ and demonstrate their value to American society and the economy. The humanity of undocumented youth and their right to justice becomes contingent on their ability to perform well in school, graduate from college or serve in the military.<sup>91</sup> The danger of the ‘perfect DREAMer’ narrative is that it fails to represent the diversity of experiences and identities of undocumented youth at the same time as it marginalizes undocumented folks who are older, less educated and less assimilated.<sup>92</sup> Immigrants that do not fit within the DREAMER narrative are left outside of the protections of the DREAM Act.

<sup>91</sup> Walter J. Nicholls, *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate* (Palo Alto: Stanford University Press, 2013) 118-119

<sup>92</sup> Fanny Lauby, “Leaving the ‘perfect DREAMer’ behind?”, 380

As the movement won legislative battles, activists using the DREAMer narrative continued to distance themselves from stigmas attributed to immigrants in an effort to demonstrate conformity to the values of the broader American public.<sup>93</sup> Even if DREAMers tried to include different perspectives into the narrative, a system of training and monitoring emerged where the narratives would be carefully crafted as to not deviate from a positive representation.<sup>94</sup> Thus, the narratives did not often reflect the multifaceted experiences and identities that can exist even within a single undocumented person. In an interview for Lauby's research on narratives and immigration reform, Rosario—a New York activist who started a DREAM Team while in college but has since quit the movement to focus on community activism—says that she rejects the term altogether:

“I have stepped away from the word ‘DREAMer’ because of the way they suppose the DREAMer to be... I get it, they’re trying to sell it, [...but] that has put another title on us. We’re ‘the DREAMers,’ which I’m not. I’m not a DREAMer, I’m undocumented.”<sup>95</sup>

The inherent flaw in the DREAMer framework is that it claims rights for a select group of undocumented youth based on personal achievement and not by the virtue of human rights.<sup>96</sup> If the value of person is contingent on how they perform in school or if they join the military, then do will only be valued within the system if they uphold those achievements. The narrative includes combines a few frameworks already existing in immigrant activism such as the U.S. as a ‘nation of immigrants’ which focuses on the immigrant history of the U.S. and the ‘family’ framework which focuses DREAMer’s as members of close-knit families

<sup>93</sup> Nicholls, *The DREAMers: How the Undocumented Youth Movement*, 118

<sup>94</sup> Ibid.

<sup>95</sup> Fanny Lauby, “Leaving the ‘perfect DREAMer’ behind?”, 380

<sup>96</sup> Nicholls, *The DREAMers: How the Undocumented Youth Movement*, 120

and communities.<sup>97</sup> It however, does not include the “#Not1More’ campaign against *any* deportations, which primarily features the family unit framework.<sup>98</sup> Thus, as Lauby argues, it becomes increasingly difficult to extend the protection from DREAMers to other immigrants because the narrative is not premised on stopping deportations or promoting human rights. It is focused on the nation-state and allowing in only those assimilated individuals who would bring capital value to the U.S.

Moreover, undocumented DREAMers were presented as innocent and high-achieving students that were brought illegally into the United States not by choice, but by their parents. This story line both removes agency from undocumented youth and demonizes their parents.<sup>99</sup> As Lauby argues, the “by no fault of their own” framework implies that DREAMers’ parents crossing the border is something to be reprimanded but it does not provide the social, political and economic structures that cause immigration. The Dreamer narrative exemplifies and reproduces the good—bad immigrant binary by maintaining discourse within the established terms of debate about who is deserving and who is criminal.<sup>100</sup>

The passage of the DREAM Act in California has been a remarkable liberal success. The narrative of a DREAMer’s innocence, exceptionalism and, most importantly, Americanism has been effective in changing public opinion about young undocumented youth.<sup>101</sup> Even in the present political climate spear-headed by the

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<sup>97</sup>Fanny Lauby, “Leaving the ‘perfect DREAMer’ behind?”, 376

<sup>98</sup> Ibid.

<sup>99</sup> Will James, "Dreamers Push Back Against Praise That 'Demonizes' Their Parents," KNKX, September 11, 2017, accessed December 08, 2017, <http://knkx.org/post/dreamers-push-back-against-praise-demonizes-their-parents>.

<sup>100</sup> Ibid.

<sup>101</sup> Fanny Lauby, “Leaving the ‘perfect DREAMer’ behind?”, 378



executive office's rhetoric and policy, a poll conducted by Politico/Morning Consult has shown that two thirds of self-identified Trump voters would want DREAMer's to stay through some pathway to citizenship or permanent residency.<sup>102</sup> However, while this majority wanted to forge a path to citizenship or permanent residency, another study found that only 34 percent of Trump voters approved of DACA.<sup>103</sup> Voters supporting the DREAMers but not supporting legislation that would bring them political recognition is symptomatic of the pervasiveness of political whiteness. Racial liberalism allows for there to be a spoken commitment to racial justice without that translating into structural change that would threaten the status quo of white interests.

DREAMer's themselves have recognized the problems with positioning their own narratives within this framework at the expense of representing advocating for all undocumented immigrants. In a project titled *A Paper Trail: Uncovering the reality of undocumented students access to higher education across state borders* UCLA students present the stories of undocumented students who challenge the limited representation of the DREAMer framework.<sup>104</sup> The students reflect on the thin line they walk as they navigate the privileges afforded to them through the DREAM Act and DACA while also having undocumented parents. Moreover, undocumented youth left out of the narrative have also organized to create space for their own testimonios. The *group 67 Sueños* challenges the

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<sup>102</sup> Steven Shepard et al., "Poll: Majority opposes deporting Dreamers," POLITICO, September 05, 2017, accessed November 20, 2017, <https://www.politico.com/story/2017/09/05/poll-trump-deporting-daca-dreamers-242343>.

<sup>103</sup> William A. Galston, "Two-thirds of Trump supporters want Dreamers to stay in U.S.," Brookings, September 13, 2017, accessed October 04, 2017, <https://www.brookings.edu/blog/fixgov/2017/09/13/two-thirds-of-trump-supporters-want-dreamers-to-stay-in-u-s/>.

<sup>104</sup> "A Paper Trail," A Paper Trail, November 9, 2015, accessed December 08, 2017, <http://undocumented.dailybruin.com/>.

individualism and exceptionalism of the DREAMer narrative through collective storytelling.<sup>105</sup> The organization gets its name from the percentage of undocumented youth nationwide that would automatically be left out of DREAM Act legislation. As the conversation on undocumented youth expands there has been a shift from the ‘perfect DREAMer narrative,’ something contrived from policy-makers, to ‘Undocumented, Unafraid, and Unapologetic’ which is more controlled by undocumented youth’s themselves.<sup>106</sup> Through their own advocacy and inclusion of diverse narratives, these groups of undocumented student activists represent the oppositional immigrant rights movement in Gonzales’ language. Unlike the immigration reformists, these sectors of undocumented youth are unwilling to dilute their stories as a political strategy. They aim to push the terms of debate past the bad immigrant—good immigrant binary, understanding that immigration is a complex issue. As articulated by Vlad Stoicescu-Ghica, a UCLA student from the *A Paper Train* project, “[Before 2001] when there was no conversation, you needed something (like the DREAMer narrative) that would get people’s attention. But now that we have that national conversation going on...it’s time to elevate it<sup>107</sup>”

2010’s

Further questioning the liberal narrative of progress, it is important to analyze the Obama administration’s history with immigration. While President Obama’s

<sup>105</sup> "67 Sueños," American Friends Service Committee, September 12, 2017, , accessed November 25, 2017, <https://www.afsc.org/program/67-sue%C3%B1os>.

<sup>106</sup> Drew Schmenner, "Countering the DREAMer Narrative: Storytelling, Immigration Reform, and the Work of 67 Sueños" (Master's Thesis, University of San Francisco, 2014), 45-48

<sup>107</sup> "A Paper Trail," *A Paper Trail*

election was championed as a sign of racial progress, his administration continued to be complacent in the anti-migrant hegemony that affected the 11 million undocumented immigrants in the country.<sup>108</sup> Even as the first black president, democrat and figure of hope for change in America, his administration's policy of deporting *felons not families* continued to perpetuate the framing of good immigrant—bad immigrant binary that dangerously separates some immigrants as exemplars and others as undeserving.<sup>109</sup> Under Trump's explicitly racist administration, the emerging narrative is that of California resisting his xenophobic policies. Xenophobic policies that drive deportation have been present even under President Obama's administration, signaling that the anti-migrant hegemony is not new but rather a structural issue that persists regardless of who holds executive office. To examine this question, two pieces of legislation that are considered liberal successes of inclusive and protective immigration policy will be analyzed: the Trust Act (AB 4) and Senate Bill 54.

#### Trust Act and Senate Bill 54

The California Trust Act, which was signed by Brown in October 2013, was a landmark immigration policy meant to blunt the impact of federal policy on immigrant communities. It was introduced by Former San Francisco Assemblyman Tom Ammiano in 2011 in response to the Secure Communities program.<sup>110</sup> Under the Obama administration,

<sup>108</sup> President Obama's Legacy on Immigration," Immigration Impact, January 20, 2017, accessed December 08, 2017, <http://immigrationimpact.com/2017/01/20/president-obamas-legacy-immigration/>.

<sup>109</sup> Adrian Florido, "Immigration Advocates Challenge Obama's 'Felons Not Families' Policy," NPR, November 01, 2016, , accessed December 08, 2017, <https://www.npr.org/2016/11/01/500264042/immigration-advocates-challenge-obamas-felons-not-families-policy>.

<sup>110</sup> Jazmine Ulloa, "How California's Trust Act shaped the debate on the new 'sanctuary state' proposal – Los Angeles Times," Los Angeles Times, September 10, 2017, accessed October

the Secure Communities initiative allowed law enforcement agencies to submit the fingerprints of all people booked in state prisons and local jails to the FBI and ICE. When an individual was identified as undocumented, ICE could have law enforcement hold the person for eventual federal detention. The Obama administration framed the focus Secure Communities as identifying immigrants without legal status who had been convicted of serious crimes, like murder, rape and kidnapping. However, the program received criticism over the number of immigrants—even those not convicted of ‘violent’ crimes—were being deported.<sup>111</sup>

The Trust Act was amended through different versions before finally being accepted. The first version would have blocked state and local law enforcement from sharing fingerprints with ICE.<sup>112</sup> The Los Angeles Times reports that the bill was met with controversy and criticism from the California police and sheriff’s associations, prompting Governor Brown to state “I believe it’s unwise to interfere with a sheriff’s discretion to comply with a detainer issued for people with these kinds of troubling criminal records.”<sup>113</sup> After negotiations with police and sheriff’s associations, the final bill prohibited California law enforcement agencies from holding immigrants for ICE unless they were charged with one of an expanded list of roughly 800 crimes.<sup>114</sup>

Immigration rights advocates criticized The Trust Act because it included such an

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03, 2017, <http://www.latimes.com/politics/la-pol-ca-trust-act-sanctuary-state-immigration-20170910-htmlstory.html>.

<sup>111</sup> Kate Linthicum, "Obama ends Secure Communities program as part of immigration action," Los Angeles Times, November 21, 2014, accessed December 05, 2017, <http://www.latimes.com/local/california/la-me-1121-immigration-justice-20141121-story.html>.

<sup>112</sup> Ulloa, “How California’s Trust Act”

<sup>113</sup> Ulloa, “How California’s Trust Act”

<sup>114</sup> Ibid.

extensive list of crimes that would connect local and federal authorities—including nonviolent drug charges and “wobblers.”<sup>115</sup>

The Trust Act would prove to have a considerable influence on the political debates regarding California Senate Bill 54. The Sanctuary State Bill (Senate Bill 54) has been framed as a response against the Trump Administration. The election of the 45th president sparked national debate on the question of sanctuary spaces—college campuses and even whole cities pledged protections for its undocumented residents.<sup>116</sup> The initial legislation presented by Sen. Kevin de Leon would limit state and local law enforcement communication with federal immigration authorities, and prevent officers from questioning and holding people on immigration violations.<sup>117</sup> As the Los Angeles Times reports, after opposition from both democrats and republicans, sheriff departments, and threats from Trump administration officials, several amendments were made to the bill that was finally passed. The amendments, which De Leon said “were reasonable and reflected a powerful compromise between law enforcement officials and advocates,” would effectively allow federal immigration authorities to keep working with state correction officials—a key concession Brown demanded—and to continue entering county jails to question immigrants.<sup>118</sup> The legislation would also permit police and sheriffs

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<sup>115</sup> “Wobblers” are crimes that can be charged as either misdemeanors or felonies. In California wobbler crimes include burglary and fraud charges.

<sup>116</sup> Jasmine C. Lee, Rudy Omri, and Julia Preston, “What Are Sanctuary Cities?” The New York Times, September 03, 2016, accessed November 08, 2017, <https://www.nytimes.com/interactive/2016/09/02/us/sanctuary-cities.html>.

<sup>117</sup> Jasmine Ulloa, “California lawmakers approve landmark ‘sanctuary state’ bill to expand protections for immigrants – LA Times,” Los Angeles Times, September 16, 2017, accessed December 08, 2017, <http://beta.latimes.com/politics/la-pol-ca-california-sanctuary-state-bill-20170916-story.html>.

<sup>118</sup> Ulloa, “California lawmakers approve...”

to share information and transfer people to immigration authorities if they have been convicted of one or more crimes from the list of 800 outlined in the California Trust Act.<sup>119</sup> Immigrant rights groups did win some concessions. Under the bill the California Department of Corrections and Rehabilitation would have to develop new standards to protect people held on immigration violations and to allow immigrant inmates to receive credits towards their sentences serviced if they participate in rehabilitation and educational programs while incarcerated.<sup>120</sup>

Like the criticism of the Trust Act, immigrants' rights advocates argued against the 800 crime exceptions applied to the amendment. The list of exceptions includes many violent and serious crimes, as well as some nonviolent drug related offenses which advocates warn have the potential to ensnare immigrants "who do not pose a danger to the public."<sup>121</sup> While this legislation is an important symbolic gesture of tolerance and protection--particularly in the hostile political environment instigated from Washington—it constitutes a reformist policy that perpetuates anti-migrant hegemony. The act acknowledges the existence of the state's 2.3 million undocumented people,<sup>122</sup> but the "sanctuary" it extends to them is conditional around the long existing narrative of immigrant criminality. Through the language of racial liberalism, California's reformist policies continue to perpetuate Gonzales' good immigrant—bad immigrant binary. Although the bill will bring some immigrants

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<sup>119</sup> Jazmine Ulloa, "California becomes 'sanctuary state' in rebuke of Trump immigration policy," Los Angeles Times, October 05, 2017, accessed December 08, 2017, <http://beta.latimes.com/politics/la-pol-ca-brown-california-sanctuary-state-bill-20171005-story.html>.

<sup>120</sup> Ulloa, "California lawmakers approve..."

<sup>121</sup> Ibid.

<sup>122</sup> Ulloa, "California becomes 'sanctuary state'"

increased protections, the legislation is far from embodying the oppositional forces' ideology of #Not1More.<sup>123</sup>

Moreover, Senate Bill 54 embodies what Gonzales would call a "gentler version of the homeland security state."<sup>124</sup> Even as the 'leader of progressive immigration reform,' California continues to have the second largest number of people in U.S. immigration detention.<sup>125</sup> The state has 10 immigration detention facilities which housed a total average daily population of 4,595 noncitizens in 2015--the largest facility being the Adelanto Detention Facility with 1,476 detainees.<sup>126</sup> This facility is operated by the GEO Group, the country's largest private prison company, and has been at center of controversy after three people died over three months in the Adelanto Detention Facility.<sup>127</sup> Like the rise of the prison industrial complex after the War on Drugs, a growing number of immigration detention centers are now owned by the same private prison companies. Thus, immigration detention becomes a new factor of profit alongside globalization. With its 800 exceptions, Senate Bill 54 continues to complicit in populating these detention centers with the undocumented immigrants to whom it symbolically promises *sanctuary*.

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<sup>123</sup> "About the Not1More Deportation Campaign," #Not1More Deportation, accessed December 08, 2017, <http://www.notonemoredeportation.com/about/>.

<sup>124</sup> Gonzales, Reform without Justice, 6.

<sup>125</sup> "Immigration Detention Map & Statistics," End isolation, accessed December 08, 2017, <http://www.endisolation.org/resources/immigration-detention/>.

<sup>126</sup> "Immigration Detention Centers in California," Human Rights Watch, June 08, 2017, accessed December 08, 2017, <https://www.hrw.org/video-photos/map/2017/05/12/immigration-detention-centers-california>.

<sup>127</sup> "Immigration Detention Map & Statistics," End isolation

### Conclusion

California's immigration policy has transformed since the 1994 era of the infamous *Save our State* proposition. In the 23 years since Proposition 187, undocumented people in California have gained access to driver's licenses,<sup>128</sup> in-state tuition and financial aid for higher education,<sup>129</sup> rights to practice law,<sup>130</sup> and have even received promises of protection against federal immigration authorities.<sup>131</sup> The undocumented experience in California is shaped by different legislation and political discourse than it was in 1994. But to what extent is this a *transformation* of immigration policy?

This paper has analyzed Proposition 187 (1994), the California Dream Act (2011), the Trust Act (2014) and Senate Bill 54 (2017), to find the extent to which these policies have challenged anti-migrant hegemony and the Homeland Security State, as conceptualized by Gonzales. Proposition 187 was clearly a produce of the anti-migrant bloc; however, the Taxpayers organizing exemplified the ability of immigration reformers to become complicit in anti-migrant hegemony. The California Dream Act and both the Trust Act and Senate Bill 54 were also shown to perpetuate the ideologies of the good—bad immigrant binary. These legislations did not disrupt the criminalization of undocumented immigrants that has led to the state having the second largest detention center population.<sup>132</sup> Texas leads in having the most immigrants in detention centers, but considering the vast differences in immigration policy, there is an expectation that California would also have a smaller number of

<sup>128</sup> Safe and Responsible Drivers Act (AB 60)

<sup>129</sup> California Dream Act (AB 13 & AB 131)

<sup>130</sup> Admission to Practice Law (AB 1024)

<sup>131</sup> Trust Act (AB 4) and Senate Bill (54)

<sup>132</sup> "Immigration Detention Map & Statistics," End isolation



undocumented immigrants in detention awaiting eventual deportation.<sup>133</sup> Thus, while California has experienced a recognizable shift in racial liberalism in rhetoric and through the language of its bills, it continues to work within the framework of anti-migrant hegemony that functions through criminalization.

Gonzales warns about the reconfiguration of the anti-migrant bloc and its hegemonic leadership over the immigration debate.<sup>134</sup> Like the reconfiguration of the racial caste system from chattel slavery, to Jim Crow, to mass incarceration that Michelle presents in *The New Jim Crow*. Gonzales observes the same idea of hegemony's reconfiguration within the immigration debate. To Gonzales, this reconfiguration is taking the form of a mostly Euro-descendant and affluent Latino elite attempting to represent the interests of the 50.5 million Latinos, most of whom are working class and from indigenous and African heritage. Through this *Latin Americanization* of U.S. politics, this new generation of mainstream Latino politicians will continue to work within anti-migrant hegemony in efforts to reform the Homeland Security State.<sup>135</sup>

If California has experienced a transformation, it has not been towards more inclusive policy but rather it has been a transformation of how anti-migrant hegemony reconfigures itself to persist through changing social and political norms.

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<sup>133</sup> Ibid.

<sup>134</sup> Gonzales, *Reform without Justice*, 156

<sup>135</sup> Ibid.

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