

# LOCAL ANTI-IMMIGRATION POLITICS IN CALIFORNIA'S INLAND EMPIRE

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## Introduction

In summer 2010, eight cities in the Inland Empire (IE), a region located east of Los Angeles (Figure 1), passed mandatory E-Verify<sup>1</sup> ordinances and/or proclamations supporting Arizona's SB1070.<sup>2</sup> National and local media covering the events argued the cities' actions were the product of partisan conservative pressure on city councils in conservative places (Horseman and Hill 2010; Lovett 2011). The observation is accurate. The IE is more conservative than the rest of California and the eight cities are more conservative than the rest of the IE (Table 1). The region's increasingly militant Tea Party activists,<sup>3</sup> who champion punitive immigration policies including criminalization and deportation, targeted city council meetings urging local officials to protect their communities from undocumented immigration and its effects.

For the past 15 years, state and local anti-immigrant politics and policies have been challenging federal authority to regulate immigration. In 1996, the Clinton administration focused its immigration policy on militarizing the U.S.-Mexico border and shifted some domestic immigration enforcement to the states (Varsanyi 2008). Since then, states and localities began legislating against immigrants arguing they are an economic burden and cultural threat. The resulting political and legal chaos stems from what Varsanyi labels the "liberal paradox" (2008, 881): competing economic and political interests in a neoliberal state concur on policies that champion free movement of goods and services and a deregulated, flexible labor market, while tightening controls over immigration and limiting immigrant and labor rights. Others point out that the paradox is played out differently depending on the nexus of national, state, and local politics one finds in a particular place (Sparke 2006). Such varied topography of immigration politics leads to a chaotic legal framework where flexible labor markets are desirable, but some who work in them are criminalized and

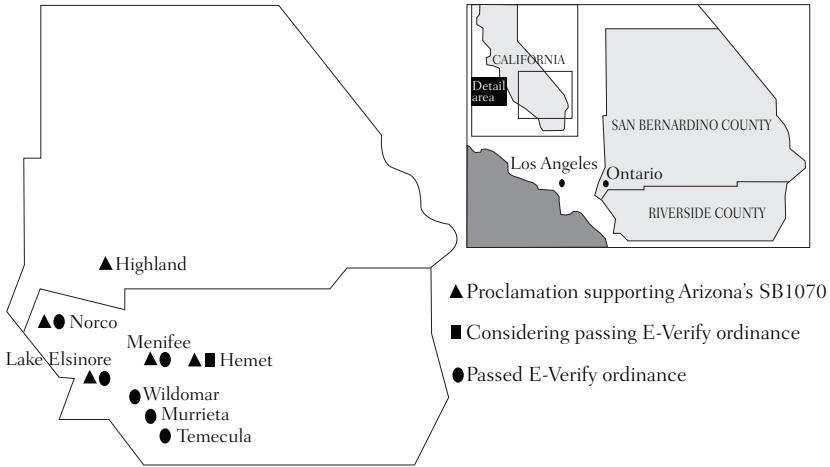
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<sup>1</sup> A U.S. government Internet database that verifies eligibility to work in the U.S.

<sup>2</sup> A sweeping anti-immigrant law that allows local law enforcement to ask for immigration documentation, criminalizes solicitation of work in public, charges all undocumented immigrants with trespassing, and mandates the use of E-Verify for all the state's public and private employers.

<sup>3</sup> A populist conservative movement seeking to strictly limit the role of the federal government and enhance local political power.

FIGURE 1  
 INLAND EMPIRE CITIES CONSIDERING/PASSED E-VERIFY ORDINANCES AND/OR  
 PROCLAMATIONS SUPPORTING ARIZONA'S SB1070



SOURCE OF INSET MAP: Barr (2010).

TABLE 1  
 SELECTED POPULATION, ECONOMIC, AND POLITICAL CHARACTERISTICS  
 OF INLAND EMPIRE CITIES THAT PASSED E-VERIFY ORDINANCES AND/OR  
 PROCLAMATIONS SUPPORTING ARIZONA'S SB1070

City/Inland Empire/California	Population ethnicity (percent) <sup>1</sup>		Unemployment (percent) <sup>2</sup>	Voter registration (percent) <sup>3</sup>	
	White (alone)	Hispanic (all races)		Republican	Democrat
Hemet	58.0	32.0	18.2	45.4	33.8
Highland	33.1	46.6	17.5	41.0	38.5
Lake Elsinore	41.4	46.4	14.2	38.5	34.0
Menifee	n.a.	n.a.	n.a.	46.3	31.6
Murrieta	55.7	25.7	9.7	50.1	25.8
Norco	54.2	33.8	11.9	51.8	26.8
Temecula	59.4	24.7	10.0	49.8	25.4
Wildomar	58.9	32.4	12.9	47.8	27.5
<b>Inland Empire</b>	<b>39.4</b>	<b>44.9</b>	<b>14.3</b>	<b>40.2</b>	<b>37.6</b>
<b>California</b>	<b>42.5</b>	<b>36.1</b>	<b>12.4</b>	<b>31.0</b>	<b>44.1</b>

<sup>1</sup> U.S. Department of Commerce (2010b).

<sup>2</sup> California Employment Development Department (2010).

<sup>3</sup> California Secretary of State (2010).

impeded from becoming formal participants. Without legal status they are vulnerable to employers, who exercise complete authority over them in every aspect of work.

This arrangement has powerful backers in the U.S. business community, who frequently oppose any attempts to constrain access to the large pool of disposable labor. Conversely anti-immigrant activists are convinced that this arrangement is harmful, portraying undocumented immigrants as an economic burden and a social threat. They have turned their politics into legislative action by targeting conservative politicians and voters at the state and local levels to challenge the federal government's exclusive authority over immigration. Currently, anti-immigrant activists are exploiting a provision in the Immigration Reform and Control Act (IRCA) that they argue allows state and local governments to regulate immigration. Passed in 1986, IRCA addressed the magnet of employment that attracted undocumented immigrants by imposing sanctions against employers who hired them. Employers became immigration enforcers because they were forced to report all workers they hired, but it was still up to the federal government to scrutinize the submitted data and remove unauthorized workers (Cunningham 2010, 415). IRCA also imposed anti-discrimination provisions meant to prevent employers from pre-screening or punishing workers based on presumed immigration status. Despite widespread consensus that IRCA's intent was to strengthen federal authority over immigration, citing one of its provisions,<sup>4</sup> state and local legislatures are enacting new business licensing laws to impose additional requirements on employers for enforcing immigration law and sanctions if they do not.

Court decisions about state laws have been mixed, depending on whether jurists classified state and local laws as licensing (upheld) or immigration (struck down). The most prominent case is Arizona's Legal Arizona Worker's Act (LAWA), which mandates the use of E-Verify by all employers in the state and penalizes violators who do not use the program or willingly hire undocumented workers, by revoking their business licenses. LAWA was upheld by federal courts on the grounds that it is a licensing law.

Emboldened by LAWA's court victories, anti-immigrant activists advocate the mandatory use of E-Verify as a solution to immigration problems. This is evident in the IE where Tea Party activists have mobilized conservative politicians for their cause to pass local versions of LAWA throughout the region. This article examines this process in two parts. The first details the debates surrounding the proposed E-Verify ordinances and pro-Arizona proclamations. The second examines these debates in the context of U.S. national and state immigration politics.

<sup>4</sup> "The provisions of this section preempt any State or local law imposing civil or criminal sanctions (*other than through licensing and similar laws*) upon those who employ...unauthorized aliens." (U.S. Legal Services Corporation 1986) (author's emphasis).

## **Local E-Verify Ordinances and Proclamations In the Inland Empire**

In summer 2010, local Tea Party activists targeted several cities in the western IE, prodding them to pass mandatory E-Verify ordinances and to support Arizona's latest anti-immigrant law SB1070, which contains the same E-Verify provision as LAWA (Figure 1). The resulting mandatory E-Verify ordinances are based on LAWA and Southern California's first local ordinance, implemented in January 2010 by Lancaster in Los Angeles County. All the ordinances are complaint-based, tie the use of E-Verify to licensing, and are enforced by city staff and city managers. They differ slightly in the penalties they impose. Some merely suspend business licenses of habitual violators while others "may" revoke them permanently at the discretion of city managers. Like LAWA, none provide protection against discrimination from employers. The proclamations supporting Arizona portray it as heroic in its struggle against undocumented immigration and condemn the federal government's unwillingness to deal with the problem. The information used here to detail each city's case comes from videotaped and/or printed city council meeting minutes and from media reports.

During public debate over mandating E-Verify in Lake Elsinore, two Tea Party activists, who are actively involved in trying to pass E-Verify in all IE cities, spoke of E-Verify's accuracy and its negligible burden on business and city budgets. They also dismissed any threats of lawsuits against the city claiming that the federal court decisions upholding LAWA have opened the door for E-Verify to be implemented in cities across the U.S. One activist said that E-Verify is necessary to protect the American dream now being hijacked by illegal aliens, who are taking all the good starter jobs (e.g., fast food) and not allowing young workers to enter the job market. For their part, City Council members agreed that the council needed to do something about the growing problem of undocumented immigration, but they disagreed on whether the city could afford to enforce an E-Verify ordinance. One council member who wanted the more robust E-Verify ordinance, whereby the city would require employers to submit documented proof that they are using the program, argued it was necessary to be able to drastically lower very high local unemployment rates. He cited a Heritage Fund study on the cost of undocumented immigrants to communities and claimed that the city's investment in a harsher ordinance would be offset by the benefits of higher employment. However, based on a city staff report detailing the prohibitive costs of aggressively enforcing E-Verify, the council voted for the complaint-based option. Conspicuously absent from the debate were representatives from the local business community. City staff reported that the city's chamber of commerce asked for more time to study E-Verify, but were not explicitly opposed to the ordinance.

After its discussion of E-Verify the council passed a proclamation supporting Arizona's SB1070. Council members were almost unanimous in praising Arizona for standing up to the federal government and forcing a legal showdown over border security and immigration reform (City of Lake Elsinore 2010). To further jus-

tify the council's proclamation, the former mayor of Lake Elsinore wrote an op-ed piece in a local newspaper summing up the impact of undocumented immigration as detrimental to national security, economic prosperity, and national unity. She claimed that the law correctly divides "law-abiding people from lawbreakers," and argued that those opposing Lake Elsinore's proclamation seek to "alienate people along racial lines (pitting Latinos against Anglos)." She concluded that Lake Elsinore and other cities support Arizona because it "took a stand on the side of the law," which, along with "the relentless defense of freedom," is what unites all Americans regardless of race and background (Melendez 2010).

Temecula became another target of Tea Party activists advocating a mandatory E-Verify ordinance during council meetings. They repeated their talking points touting the program's accuracy, assuring council members that Arizona's court victories cleared the way for mandating it, and arguing that implementing it will have a dramatic positive effect on the local labor market making jobs available to legal residents who need them. Business owners present stated that they wanted to use E-Verify to weed out undocumented workers. Other members of the public commented that local government has to enforce immigration law because the federal government violates it by telling undocumented workers to come here and work. One known anti-immigrant activist accused all "Hispanics" running businesses in Temecula of laundering money from the drug trade. Another said that the reason undocumented workers come to the U.S. is because their countries are "sewers," and that they should instead stay at home and fight for their rights there. A claim was made that E-Verify is "color blind," and its use does not discriminate on the basis of race and ethnicity. Others turned that argument on its head saying that what is happening in the U.S. labor market is racial profiling against U.S. citizens by some employers who prefer undocumented immigrants who are paid less and have no rights. One person said that white people always sat back and have been made to feel guilty about their purported discrimination against minorities, and now it was time for them to stand up for themselves.

The City Council seemed to be most concerned about the enforcement costs of mandating E-Verify, but members remained united in their condemnation of illegal immigration. They all felt that it was their duty as local leaders to do something about an issue that they felt is harming their community. One council member argued that "illegals have no stake" in the community and no rights. In passing the ordinance they concluded the E-Verify process would not be a burden on the city or its businesses (City of Temecula 2010).

When the Murrieta City Council debated its ordinance, Tea Party activists argued that E-Verify would stop Mexico from getting a "double dip" from Mexican workers sending money home and U.S. companies outsourcing jobs to Mexico. One anti-immigrant activist said that "the labels Latinos and Hispanics are sugar-coated terms for illegals," and that local governments should not be responsible for them but for "American creeded" citizens. Tea Party activists challenged the council to protect their citizens and stand up to the federal government. They called the city's proposed resolution for voluntary use of E-Verify "wimpy," and urged the city to

pass a strict ordinance, arguing that if it did not follow its neighboring communities, it would be flooded with undocumented workers from those cities.

Most council members were concerned about the fiscal impact of implementing E-Verify, but were partially reassured by the local chamber of commerce president, who commented that he saw no serious cost burden. The city manager seemed reluctant about E-Verify, arguing that Murrieta was immune to an influx of low-skill undocumented workers because its businesses demand mostly highly skilled workers. Some council members were concerned the city might be sued, but Tea Party activists pointed out that not one city that passed E-Verify has been sued. While the council members seemed apprehensive, they expressed the need for acting in some way to address what they saw as a pressing economic issue in their community. One council member declared that E-Verify will eliminate the shadow labor force “that [businesses] don’t need to take care of”; thus, “Murrieta will no longer condone slavery here” (City of Murrieta 2010). In the end, the council passed E-Verify as an economic and moral imperative.

The City of Menifee is not a legal entity; however, once incorporated, the city has plans of enacting E-Verify. There was a large presence of Tea Party activists at council meetings who supported the city’s decision. In addition, the City Council debated a proclamation in support of Arizona’s SB1070. Public comments came once again from a large group of Tea Party activists. They urged standing up to the “left wing, socialist, communist Obama administration,” which does not “love our country” and is “trying to destroy our country.” They urged “Boycotting Arizona,” meaning buying as many things as possible from Arizona businesses to offset boycotts launched by California cities such as San Diego, Los Angeles, and San Francisco. Although the majority of council members felt that this was not a local issue, they were angry enough at California cities that launched boycotts against Arizona to condemn them for their actions (City of Menifee 2010).

The following cities in the IE had much scarcer documentation of their council meetings but were approached by Tea Party activists to pass E-Verify and pro-Arizona proclamations. The City of Wildomar passed an amendment to its contracting language requiring contractors to use E-Verify. Although it was urged by Tea Party activists to apply E-Verify to all businesses in the city, the council did not support the idea on the grounds that the city does not have the necessary enforcement capacity (Williams 2010). The City of Norco requires that all city contractors and vendors and their sub-contractors file affidavits with the city manager that they are using E-Verify. Norco also approved a proclamation supporting SB1070. According to press reports, Tea Party activists rallied at city hall before the council meeting and many spoke in the meeting urging support of the proclamation (Parrilla 2010). The Hemet City Council unanimously passed a proclamation supporting SB1070. From the minutes, it appears there was substantial public debate, with comments from 30 people. Supporters of the proclamation also urged a mandatory E-Verify ordinance, but were outnumbered by opponents almost two-to-one. Despite the significant public opposition, council members declared their support for the proclamation arguing that illegal immigration is an economic drain on the state and cities, that

the immigration process is broken, and that many people live in fear of illegal immigrants (City of Hemet 2010, 11). The City of Highland in San Bernardino County also passed a proclamation supporting Arizona's SB1070. During public comments, three persons supported the proclamation arguing that local governments must enforce national laws if the federal government does not. They pointed out that SB1070 has gained overwhelming public support because it deals with local problems of criminality, overpopulation, and unemployment caused by undocumented immigration (City of Highland 2010). After the resolution passed unanimously, the mayor of Highland said that the resolution was "for the people that pay their taxes" and that if "people don't like it, then they don't have to live here." One council member said that the vote was against amnesty for "illegals," while another claimed that "all of Highland's residents agree with the resolution" (Sorba 2010).

### **National, State, and Local Nexus**

To understand what is happening in the Inland Empire, it is important to understand immigration politics in the national, state, and local contexts. Connecting anti-immigrant politics and policies at all levels explains IE anti-immigrant activists' current strategy and its impact on local immigration politics. Although the following analysis is divided into three categories (economic, political/legal, and social-cultural), there was significant synthesis among these categories as anti-immigrant activists built their case for mandatory E-Verify ordinances and other regulations. Nevertheless, it is useful to untangle these arguments and look at them separately to evaluate their role in anti-immigrant politics at every level.

#### ECONOMIC

An argument used often by IE anti-immigrant activists in favor of mandatory E-Verify ordinances was that they will resolve the current unemployment problem. They argue that once implemented, E-Verify would lead to firings of undocumented immigrants, and their jobs would be taken by authorized workers. Furthermore, E-Verify would act as a deterrent, preventing employers from hiring undocumented workers, and undocumented workers from seeking work. Surprisingly, business organizations whose members would be most affected by such ordinances were hardly present during council meetings and seemed indifferent when their opinion was sought by decision-makers.

This differs from the national and state contexts where business organizations are leading the legal charge to strike down mandatory E-Verify. The U.S. Chamber of Commerce was the lead plaintiff in the Supreme Court case against Arizona's LAW A, in which it argued that LAW A is not merely a licensing law because it imposes civil and criminal sanctions on employers that surpass federal sanctions, meaning LAW A is unconstitutionally preempting federal law. The chamber also argued

that E-Verify would be costly and burdensome to businesses and lead to discriminatory hiring (*Chamber of Commerce v. Whiting*-Argued 2010).

In California, the state legislature passed a bill that prohibited all levels of government in the state from mandating the use of E-Verify (Around the Capitol 2011). The bill cited chamber claims that mandatory E-Verify use would impose crushing costs on business. It also stated that since E-Verify was error-prone, it hurts potential employees and therefore must remain voluntary as stipulated by the federal government. Finally, the bill declared that since California is suffering from high unemployment, it is prudent to remove any potential obstacles to job creation in the state. Although the bill passed by an overwhelming majority, Governor Schwarzenegger vetoed it, claiming that the bill raised constitutional issues by imposing the state's authority on counties and cities on "matters that may constitute municipal affairs" (2010). This gave California cities a green light to mandate E-Verify without inviting legal challenges from the state.

Locally, IE cities that passed E-Verify ordinances have lower unemployment rates than the regional average (Table 1), but in comparison with pre-recession unemployment rates, they have experienced a significant increase. Between the fourth quarter of 2006, the peak of the IE's housing and economic boom, and the fourth quarter of 2009, the region lost almost 11 percent of its jobs, one of the highest totals in the U.S. Ironically, the hardest hit sectors were those dominated by Latinos such as construction, food services, and hospitality. Losses in these sectors have not been offset in other emerging sectors of Latino employment such as transportation and warehousing (author's calculations from U.S. Department of Commerce 2010b). The remarkable finding about the past three years of the recession in the IE is that, while the Mexican-origin population continued to grow, reaching 41 percent of all inhabitants, the percentage of Mexicans who are not U.S. citizens declined from 10 percent of residents in 2006 to almost 9 percent in 2009 (author's calculations from U.S. Department of Commerce 2010b). These numbers have led the local media to speculate that the lack of employment opportunities has resulted in an out-migration of undocumented migrants from the IE (Olson 2010).

These observations discredit the anti-immigrant activists' claims that undocumented workers are taking potential jobs from authorized workers. It may be true that labor market competition has increased dramatically in the region, but the competition seems to be primarily among authorized workers. It is also noteworthy that activists in these communities were silent on immigration issues just a few years ago when the IE was in the middle of its economic boom and unemployment hovered around 5 percent.

Part of the explanation for anti-immigrant activists' misrepresentations of labor markets dominated by undocumented immigrants is that they grossly overestimate immigrant numbers. For example, Arizona's residents vastly overestimated the number of undocumented workers in their state. According to a 2005 poll they believed that 40 percent of private sector workers were undocumented. This translated into a misperception that 70 percent of Arizona's Latino population was illegal. In fact, 74 percent of Arizona's Latinos are U.S. citizens (Behavioral Research



Center 2005). Although similar polls are not available for the IE, a quote from a local anti-immigrant Tea Party activist recently elected to the California assembly reveals the same misperception: “It is not a stretch to picture a revolt in Los Angeles, whose population is comprised of over 50 percent illegal aliens. At the rate of influx and births, it will be 80 percent illegal alien within a decade....None of this bodes well for the citizens who live in Southern California now, nor will it improve the life of the poor alien, but it is well on its way to wiping out everything that was once good in Southern California” (Maddaus 2010). In fact, the Pew Hispanic Center estimated that in California, undocumented immigrants made up less than 7 percent of the population and about 9 percent of the labor market. In addition undocumented workers hardly come into direct competition with native workers because they create complimentary services or take jobs unwanted by others (Card and Lewis 2007).

The gap between anti-immigrant activists’ claims about economic impacts of undocumented immigrants and the real impacts suggests that economic arguments are not convincing most people that undocumented immigrants are taking jobs from authorized workers. Those who are convinced use the economic impact of undocumented immigration in combination with political and cultural factors to mobilize support for anti-immigrant politics and policy in the IE and the nation. In other words, it is only when the economic factors are politicized and racialized that they become convincing to people who believe that mandatory use of E-Verify could save their communities from economic hardship.

#### POLITICAL/LEGAL

The political and legal arguments made by Tea Party activists and council members who supported the implementation of E-Verify and Arizona’s SB1070 focused on the necessity of local immigration regulation in light of the federal government’s willful abdication of its responsibilities. Given this, it is up to local and state governments to enforce federal laws and protect their citizens’ interests. Mandatory use of E-Verify is a way to enforce immigration laws through business licensing, which they argue is expressly allowed under IRCA (see Introduction).

Lawsuits against Arizona were twice dismissed by federal courts on the grounds that LAWAs are licensing laws, not immigration laws and, therefore, are not preempted by federal immigration laws. The courts also ruled that the mandatory use of E-Verify is not preempted by the current federal policy of voluntary use, and that its sanctions against employers do not exceed federal law (*Chicanos por la Causa v. Napolitano* 2008). The case was appealed to the Supreme Court where the U.S. Chamber of Commerce argued that LAWAs are not licensing laws because they sanction investigation and adjudication of immigration status by state authorities encroaching on federal jurisdiction. They also argued that it is permissible for states to “add on” sanctions through licensing laws after the federal government investigates immigration law violations, but that LAWAs illegally usurp the entire process of immigration regulation (*Chamber of Commerce v. Whiting*-Argued 2010, 17). Conversely, the state

of Arizona argued that IRCA allowed state and local governments to use the licensing law to punish employers who violate any laws including immigration statutes, and gave states the authority to investigate and adjudicate these violations. Arizona's argument was that the state's escalating problems with immigration warrant LAVA. This argument found an ally in Justice Scalia who stated, "Perhaps Congress never expected that the States would have to resort to such massive measures, and they probably wouldn't have...if the law had been uniformly enforced and vigorously enforced; right?" (*Chamber of Commerce v. Whiting*-Argued 2010, 30). Arizona seized on this point to argue that Congress may have not foreseen the current massive immigration problems, but it may have foreseen that immigration has variable geographic effects, and therefore it did not fully preempt state law.

In May 2011, the Supreme Court upheld LAVA; with the majority argued that it is indeed licensing law, not immigration law. Writing for the majority, Chief Justice Roberts argued that LAVA falls within states' authority given to them by Congress when it passed IRCA (*Chamber of Commerce v. Whiting*-Decided 2011, 2). In their dissenting opinion, Justices Breyer and Ginsburg argued LAVA's licensing provision encroaches onto immigration law and should be preempted. They were concerned that the law would undermine IRCA's efforts to protect lawful workers from discrimination and erroneous prosecution and punishment (*Chamber of Commerce v. Whiting*-Decided 2011, 33).

The politicization of this case even in the Supreme Court indicates that the most important indicator that turns anti-immigrant politics into policies is the degree of partisanship and politicization at different levels (Ramakrishnan and Wong 2010, 74). As one IE Tea Party activist said, "You go to places where you can win....You go to places where there are conservative city council members" (McAllister 2010). The strategy is that local activism will shift national politics as demonstrated by the Supreme Court decision.

At the national level the debate about immigration reform has abated in Congress, but immigration enforcement has increased under both the Bush and Obama administrations. In fact during each of its first two years, the Obama administration deported more immigrants than the Bush administration did in its record last year (Slevin 2010). Part of the reason may be that the Obama administration wants to demonstrate it is determined to enforce immigration law to keep local enforcement initiatives at bay, and to score political points in states where immigration has become a key issue for Republican candidates (Preston 2010). Despite the administration's efforts, conservative state legislators continued to argue that the federal government was not doing enough. From 2005 through 2010, state legislatures across the U.S. considered over 6 600 immigration-related bills. Of those, 976 became law and 385 were adopted as resolutions (National Conference of State Legislatures 2011a). Although nationwide there are as many state laws and resolutions seeking to expand immigrant rights as there are seeking to restrict them, this statistic changes when one zooms in on a state or region. The more conservative states and places tend to be, the more likely they are to pass anti-immigrant laws and ordinances (Ramakrishnan and Wong 2010, 86).

E-Verify laws are a good example of this. According to the National Conference of State Legislatures (2011b), 14 conservative states require E-Verify, three of which mandate its use for all public and private sector employees. The most prominent of these is Arizona's LAW A, passed in 2007. It was signed into law by then-Governor and now Department of Homeland Security Secretary Janet Napolitano, who argued that Congress was incapable of addressing state needs, and therefore state immigration action was warranted.

Arizona is a conservative state where registered Republican voters outnumber Democrats by almost five percentage points. In the state legislature, Republicans outnumber Democrats more than two to one. Republican leader, state Senator Russell Pierce, who is responsible for both LAW A and SB1070, was elected in 2000 when immigration was not a major issue for Arizona's voters. But as the migration flow shifted from California to Arizona due to Clinton-era border militarization policies, Pierce's aggressively anti-immigrant politics became popular and his punitive and restrictive bills began to sail through the state legislature (Riccardi 2011).

The political context is different in California, where Democratic voters outnumber Republicans by 14 percentage points and the state legislature is dominated by Democrats. This difference is reflected in state-wide perspectives on immigration, which are more tolerant. A recent survey indicated that voters who supported immigration reform that would allow undocumented migrants to become citizens outnumbered those who opposed it by 19 percentage points (Decker 2010).

However, considering the backlash against immigrants in parts of California, such as the IE, one must be aware that this is a large and diverse state segregated into ethnic and political enclaves that are products of urban fragmentation and political gerrymandering. The political context in the IE cities that passed E-Verify and pro-Arizona proclamations differs greatly from the rest of the state. Registered Republican voters are a majority, almost 18 percentage points above the state average, while Democrats are a minority, 16 percentage points under the state average (Table 1). In comparison with the rest of the IE, which is rapidly becoming majority Latino and politically moderate (Ramakrishnan 2007), those cities remain majority white and Republican. An explanation for this may be that they have attracted many conservative white voters from neighboring Republican bastions in San Diego and Orange counties (Horseman and Hill 2010).

The conservative profile of the region's voters is reflected in their political representatives, who are actively producing and championing anti-immigrant legislation at all levels of government. The recently-created Reclaim American Jobs Caucus in the U.S. Congress has four IE members and touts its goal as job creation through immigration enforcement. Other IE Republicans are also active in presenting anti-immigrant bills. Representative Miller introduced the LEAVE Act that would strip undocumented immigrants of all access to housing, birthright citizenship, access to credit or bank accounts, and use of alternate identification. In addition, the act would continue the militarization of the border, proceed with tamper-proof identification proposals, establish mandatory cooperation between federal and local law agencies in immigration enforcement, prohibit in-state tuition for immi-

grant students, eliminate sanctuary cities, and make E-Verify mandatory for all employees nationwide (U.S. Congress 2009). This legislation was co-sponsored by two of his IE colleagues. Miller wanted to make local attempts at immigration regulation part of federal law, therefore encouraging and legalizing local anti-immigrant ordinances. Other bills written or co-sponsored by IE Republicans are HR997 (to introduce English as the official language of the U.S.), HR1868 (to strike down citizenship as a birthright), HR4548 (banning in-state tuition for undocumented immigrants, even if they were brought to the U.S. as children), HR98 (creating tamper-proof Social Security ID), and HR19 (making E-Verify mandatory). In addition some IE representatives have defended Arizona's SB1070 and asserted that the federal government should not challenge *LAWA* in courts.

At the state level most of IE's state senators and assembly members are also Republican, but up to now they have not been very outspoken on immigration. However, the most recent state election radicalized some voters who elected Tea Party activists vowing to make immigration reform a state issue. Tim Donnelly, who was elected on such a platform, articulated his immigration politics this way:

We are told the illegal alien is now a resident of our communities, entitled to all the protections of the law, but none of its penalties....Really. As an American, I am not accustomed to being "told" anything. In fact, it is "we" who generally do the telling. "We the people" are finished listening....The facts are incontrovertible that allowing an illegal invasion of the United States will destroy the American Southwest, and very probably wipe out the freedoms we American Christians enjoy. (Maddaus 2010)

Donnelly's views are shared by the IE's Tea Party activists who radicalize IE politicians and then support them as they write and vote for anti-immigrant regulations. The activists also rely on successful models from other places, such as Arizona, to gain leverage over reluctant local politicians and politicize the electorate. Arizona's defense of *LAWA* in federal courts is one of these models because it gives local anti-immigrant ordinances legal legitimacy.

The recent Supreme Court decision upholding *LAWA* was a significant boost to local anti-immigrant activists. It legalized state and local mandatory E-Verify ordinances, but did not address the potential for discriminatory hiring or firing practices by employers seeking to avoid licensing sanctions. Although likely to produce illegal discriminatory practices by employers, for anti-immigrant activists this decision achieves the desired effect of immigrant attrition. In other words, the lack of protection against discriminatory use of E-Verify implicitly sanctions racial profiling that may lead immigrants and citizens to leave the cities that implemented these ordinances. This is discussed in more detail in the next section.

## SOCIAL/CULTURAL

The issue of discrimination was brought up by E-Verify opponents during city council debates throughout the IE. Anti-immigrant activists countered by claiming that E-Verify is “color-blind” and that undocumented workers do not have rights anyway because of their status. Throughout the debates, undocumented immigrants were criminalized and presented as race-baiters and opportunistic cowards. City council members were urged to support E-Verify as a solution to high crime rates perpetrated by “illegals,” who purportedly open businesses to launder drug cartel profits, steal taxpayers’ money by consuming social entitlements, and must be made to pay for being “law breakers” in the name of a “relentless defense of freedom.” Activists and politicians alike labeled “illegals” and their supporters as race-baiters saying that “those who bring up race as an issue are undermining national unity,” because laws such as Arizona’s SB1070, LAVA, and local E-Verify ordinances do not engage in “racial profiling,” but merely separate “law abiders” from “law breakers.” In short, justice is blind. Despite this, many activists brought up race frequently, arguing for example that the labels of “Latino” and “Hispanic” are pseudonyms for “illegals” because “creeded citizens” do not need to call themselves anything but American. Some also asserted that businesses discriminate against Americans in favor of undocumented workers whom they can exploit, and that businesses and their allies in the immigrant rights movement cover their misdeeds by making white people feel guilty and labeling them as racist if they point out this illegal arrangement. Anti-immigrant activists argue that white people need to stand up for themselves. Their frustrations are once again summed up by Tim Donnelly, the recently-elected state assemblyman, who said, “We are told that ‘diversity’ is a goal, and although it is unclear when we will reach this utopian dream, it involves more Hispanics and fewer of everyone else. We are told that anyone who does not go along with the above program (or pogrom) is a ‘racist,’ ‘xenophobe,’ or a ‘vigilante’” (Mad-daus 2010). Lastly, undocumented immigrants are labeled as opportunistic cowards because they “don’t want to stand up and fight for change within their country.” Instead they “zap [sic] the vitality of a nation” by coming here and taking advantage of generous U.S. communities in which they “have no stake.”

Such rhetoric galvanizes public support in conservative areas and politicizes conservative voters who demand that their representatives act to protect them from criminal aliens and their supporters. Mandatory E-Verify ordinances and proclamations supporting Arizona’s anti-immigrant law are meant to legitimize anti-immigrant politics because they supposedly do not judge people on race, but only immigration status. Therefore anti-immigrant activists whose racialized politics are an obstacle to gaining broader popular support now point to E-Verify as a tool that strips race from the debate and impartially separates law breakers from law abiders. The activists tout E-Verify as flawless technology that makes objective decisions no matter what prejudices people may have. They convinced city councils that E-Verify is so “color blind” that not one saw the need to incorporate anti-discriminatory provisions into their ordinances. This, despite evidence of racial

profiling from Arizona and federal provisions in IRCA that developed a robust framework of anti-discriminatory laws meant to safeguard workers from arbitrary decisions by employers.

In 2009, a study of E-Verify found that it places a heavy burden on employers to process employees correctly, which has led to several types of improprieties. Employers have gamed the system by checking documents but keeping on undocumented workers at lower wages off the books, leaving it up to government prosecutors to discover their fraud. Employers admitted they discriminated against potential employees who looked or sounded like immigrants. Some stated they would not hire even immigrants who can legally work in the U.S. (Meissner and Rosenblum 2009, 3). One-quarter of employers using E-Verify said they illegally punished workers by forcing them to take unpaid leave or dismissing them if they had to adjust their flagged status. Many employers also prescreened potential employees with E-Verify, passing over workers with flagged status (Meissner and Rosenblum 2009, 13). These findings point to significant enforcement problems that must be addressed before E-Verify can become mandatory. However, state and local leaders who support its mandatory use overlook or dismiss these flaws. In most cases, they cite its 97-percent immigration-status return rate that they label as fast, accurate, burden-free, and non-discriminatory.

LAWA was challenged in courts partially on the grounds that it denies workers due process and equal protection because it exposes them to employer discrimination. However, the Federal Appeals Court found the claims of increased potential for employer discrimination against workers to be speculative, arguing that one cannot say there will be discrimination if the law is not in effect (*Chicanos por la Causa v. Napolitano* 2008). This ruling was a boost for anti-immigrant activists, who portrayed it as proof that E-Verify prevented discrimination. Nevertheless critics in Arizona continue to point out the erroneous assumptions of E-Verify's impartiality as well as its uneven implementation and enforcement. They argued that LAWA's enforcement is left up to the politically malleable discretion of county attorneys who decide whether or not to prosecute anonymous complaints, therefore enhancing the potential for racial profiling (Hansen 2007). There is also evidence that LAWA is being used as a pretext to raid businesses looking for undocumented workers as opposed to prosecuting unscrupulous employers. After its implementation, over 130 workers have been arrested in raids around Phoenix on charges of using forged documents or false identities to get work (Billeaud and Sherman 2010). As a result, some companies stopped hiring or fired Latino workers, something they can do with impunity because LAWA does not contain anti-discriminatory measures like those contained in federal law. Because of LAWA, businesses are leaving Arizona and a growing number of workers are shifting to an underground labor market, costing the state much-needed tax revenue (Rosenblum and Gorman 2010, 128). These facts do not seem to bother anti-immigrant politicians in Arizona whose goal is to purge the state of Latinos at all costs. Section one of SB1070 reads, "The legislature declares that the intent of this act is to make attrition through enforcement

the public policy of all state and local government agencies in Arizona” (Arizona Senate 2010).

Similarly local E-Verify ordinances in the IE are meant to purge cities of purported undocumented immigrants. Local politicians’ refusal to acknowledge potential discrimination against workers is due to local conservative partisanship, and the pressure exerted by populist anti-immigration activists who have politicized local constituents. This produces a political environment where the evidence of discrimination is angrily denied or ignored, leading to increases in discriminatory practices that overwhelmingly impact the Latino community, which is portrayed as undocumented and without rights.

## **Conclusion**

Pushing local ordinances targeting immigrant workers and their families has been a frequent strategy by anti-immigrant groups in Southern California. For the most part their efforts have been stymied by the courts until the recent rulings upholding *LAWA*. Emboldened by Arizona’s example, local Tea Party and other anti-immigrant activists politicized partisan conservative IE city councils and voters to pass mandatory E-Verify ordinances supposedly meant to punish businesses employing undocumented workers. However, following *LAWA*, the ordinances have no provisions to protect workers against discrimination associated with employer hiring practices that have tended to profile workers based on their perceived, rather than real, immigration status. Such profiling seems acceptable to Arizona and IE politicians, who are aligning themselves with partisan conservative groups that use racially-charged rhetoric generating false perceptions that the entire Latino community is undocumented or at least complicit in aiding and abetting undocumented immigrants. The Latinos’ intent, the rhetoric asserts, is to increase their population in order to take political control of the nation and recast its values and morals. Such stated racist perceptions are combined with baseless “facts” portraying a group of people as an economic, social, and cultural threat to communities. The only way to reverse the threat is to make the undesirables leave, which is the objective of Arizona’s SB1070, the proclamations supporting it in the IE, and the IE ordinances based on *LAWA*. The recent Supreme Court decision upholding *LAWA* legitimizes these discriminatory anti-immigrant policies. In the case of the IE, these attrition policies probably face imminent demise because of local demographic and political trends. Within five years, Latinos and moderate independent voters will be a majority in the region, and anti-immigrant activists will likely run out of partisan conservative places that support their politics.

## Bibliography

### ARIZONA SENATE

2010 “Senate Bill 1070,” [www.azleg.gov](http://www.azleg.gov), accessed January 20, 2011.

### AROUND THE CAPITOL CALIFORNIA POLITICAL NEWS & OPINION

n.d. “AB1288, Fong. Employment: Hiring Practices: Electronic Employment Verification,” *Around the Capitol California Political News & Opinion*, [www.aroundthecapitol.com](http://www.aroundthecapitol.com), accessed January 21, 2011.

### BARR, ALISTAIR

2010 “California Bank Is Put to Test on Commercial Real Estate,” *MarketWatch*, <http://www.marketwatch.com/story/california-bank-tested-by-commercial-real-estate-2011-01-07>.

### BEHAVIORAL RESEARCH CENTER

2005 “Rocky Mountain Poll III-11,” Behavioral Research Center, Inc., October 5, [www.brcpolls.com](http://www.brcpolls.com), accessed October 16, 2010.

### BILLEAUD, JACQUES, and MARK SHERMAN

2010 “Arizona Immigration Law Arguments on Employer Sanctions to Be Heard by Supreme Court,” *The Huffington Post*, December 4, [www.huffingtonpost.com](http://www.huffingtonpost.com), accessed December 10, 2010.

### CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT, LABOR MARKET INFORMATION DIVISION

2010 “Current Industry Employment and Unemployment Rates for California,” *Labor Market Info*, December, <http://www.labormarketinfo.edd.ca.gov/>, accessed January 14, 2011.

### CALIFORNIA SECRETARY OF STATE, ELECTIONS AND VOTER INFORMATION

2010 “October 18, 2010 – Report of Registration,” California Secretary of State Debra Bowen website, <http://www.sos.ca.gov/elections/ror/ror-pages/15day-gen-10/>, accessed January 14, 2011.

### CARD, DAVID, and ETHAN G. LEWIS

2007 “The Diffusion of Mexican Immigrants during the 1990s: Explanations and Impacts,” in George J. Borjas, ed., *Mexican Immigration to the United States*, Chicago, University of Chicago, pp. 193-228.

### CHAMBER OF COMMERCE V. WHITING-ARGUED SUPREME COURT

2010 [www.supremecourt.gov](http://www.supremecourt.gov), December 8, accessed December 10, 2010.



*CHAMBER OF COMMERCE V. WHITING-DECIDED*

2011 [www.supremecourt.gov](http://www.supremecourt.gov), May 26, accessed June 1, 2011.

*CHICANOS POR LA CAUSA V. NAPOLITANO*

2008 [www.aclu.org](http://www.aclu.org), Ninth Circuit Court of Appeals, September 17, accessed November 11, 2010.

## CITY OF HEMET

2010 "Minutes Regular Meeting of the Hemet City Council June 22, 2010," June 2010, [www.cityofhemet.org/](http://www.cityofhemet.org/), accessed January 20, 2010.

## CITY OF HIGHLAND

2010 "Minutes Redevelopment Agency and City Council Regular Meeting July 13, 2010" July, [www.ci.highland.ca.us](http://www.ci.highland.ca.us), accessed January 17, 2011.

## CITY OF LAKE ELSINORE

2010 "Minutes Regular City Council Meeting City of Lake Elsinore, Tuesday, June 22, 2010," City Clerk, June, <http://www.lake-elsinore.org/>, accessed December 12, 2010.

## CITY OF MENIFEE

2010 "City of Menifee City Council Meeting Minutes June 15, 2010," City of Menifee, City Council, June, <http://www.cityofmenifee.us/>, accessed January 20, 2011.

## CITY OF MURRIETA

2010 "City of Murrieta Council Meeting August 17, 2010," City Council, August, videotape, [www.murrieta.org](http://www.murrieta.org), accessed December 12, 2010.

## CITY OF TEMECULA

2010 "Temecula City Council A Regular Meeting June 22, 2010," June 22, [www.cityoftemecula.org](http://www.cityoftemecula.org), accessed November 10, 2010.

## CUNNINGHAM, PATRICK S.

2010 "The Legal Arizona Worker's Act: A Threat to Federal Supremacy over Immigration?" *Arizona State Law Journal* vol. 42, no. 2, pp. 411-438.

## DECKER, CATHLEEN

2010 "For GOP, State Is a Deep Blue Hole," *Los Angeles Times*, November 19, [www.latimes.com](http://www.latimes.com), accessed November 19, 2010.

## HANSEN, RONALD

2007 "What is Unclear About the Law?" *Arizona Republic*, December 30, [www.azcentral.com](http://www.azcentral.com), accessed October 16, 2010.

HORSEMAN, JEFF, and JOHN F. HILL

2010 "Tea Party Movement Builds Inland Momentum," *Press-Enterprise*, September 18, [www.pe.com](http://www.pe.com), accessed January 25, 2011.

LOVETT, IAN

2011 "Part of California Takes on Illegal Hiring," *New York Times*, January 4, [www.nytimes.com](http://www.nytimes.com), accessed January 26, 2011.

MADDAUS, GENE

2010 "Tim Donnelly, Tea Party Republican, Introduces Arizona-Style Immigration Law," *LA Weekly*, December 7, [www.laweekly.com](http://www.laweekly.com), accessed January 2011.

MCALLISTER, TONI

2010 "Tea Party Patriots Push For Action in Region Against Illegal Immigration," Southwest Riverside News Network, June 23, [www.swrnn.com](http://www.swrnn.com), accessed November 27, 2010.

MEISSNER, DORIS, and MARC R. ROSENBLUM

2009 *The Next Generation of E-Verify: Getting Employment Verification Right*, Migration Policy Institute, [www.migrationpolicy.org](http://www.migrationpolicy.org), accessed November 10, 2010.

MELLENDEZ, MELISSA

2010 "Unite Against Illegal Immigration," *Press-Enterprise*, July 10, [www.pe.com](http://www.pe.com), accessed November 18, 2010.

NATIONAL CONFERENCE OF STATE LEGISLATURES

2011a "2010 Immigration-Related Laws and Resolutions in States," Immigrant Policy Project, January 5, [www.ncsl.org](http://www.ncsl.org), accessed January 21, 2011.

2011b "E-Verify: Frequently Asked Questions," Immigrant Policy Project, January, [www.ncsl.org](http://www.ncsl.org), accessed January 21, 2011.

OLSON, DAVID

2010 "Reverse Migration: Economy Forces Some Mexican Nationals to Return Home with Varying Emotions," *Press-Enterprise*, May 23, [www.pe.com](http://www.pe.com), accessed November 9, 2010.

PARRILLA, LESLIE

2010 "Norco City Council Backs Arizona's Immigration Law," *Press-Enterprise*, August 4, [www.pe.com](http://www.pe.com), accessed January 20, 2011.

PEW HISPANIC CENTER

2010 "Unauthorized Immigrants in the US," Pew Hispanic Center, [www.pewhispanic.org](http://www.pewhispanic.org), accessed October, 7, 2010.

PRESTON, JULIA

2010 "Deportations from US Hit a Record High," *New York Times*, October 6, [www.nytimes.com](http://www.nytimes.com), accessed December 5, 2010.

RAMAKRISHNAN, S. KARTHIC

2007 *Survey of Political and Civic Engagement in the Inland Empire*, University of California Riverside, [www.politicalscience.ucr.edu](http://www.politicalscience.ucr.edu), accessed September 10, 2010.

RAMAKRISHNAN, S. KARTHIC and TOM WONG

2010 "Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants," in Monica W. Varsanyi, ed., *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, Stanford, California, Stanford University Press, pp. 73-96.

RICCARDI, NICHOLAS

2011 "Arizona's Relentless Conservative Voice," *Los Angeles Times*, January 17, [www.latimes.com](http://www.latimes.com), accessed January 22, 2011.

ROSENBLUM, MARC R., and LEO B. GORMAN

2010 "The Public Policy Implications of State-Level Worksite Immigration Enforcement: The Experiences of Arizona, Mississippi, and Illinois," in Monica W. Varsanyi, ed., *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, Stanford, California, Stanford University Press, pp. 115-134.

SCHWARZENEGGER, ARNOLD

2010 "AB1288 Fong Veto," Project Vote Smart, October, [www.votesmart.org](http://www.votesmart.org), accessed January 21, 2011.

SLEVIN, PETER

2010 "Deportation of Illegal Immigrants Increases Under Obama Administration," *Washington Post*, July 26, [www.washingtonpost.com](http://www.washingtonpost.com), accessed October 22, 2010.

SORBA, MICHAEL J.

2010 "Highland Council Backs Arizona," *Press-Enterprise*, July 17, [www.pe.com](http://www.pe.com), accessed November 18, 2010.

SPARKE, MATTHEW B.

2006 "A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border," *Political Geography* vol. 25, no. 2, pp. 151-180.

U.S. CONGRESS LIBRARY OF CONGRESS

2009 "Bill Text 111th Congress (2009-2010) H.R.994.IH," February 11, [www.thomas.loc.gov](http://www.thomas.loc.gov), accessed November 27, 2010.

U. S. DEPARTMENT OF COMMERCE, UNITED STATES CENSUS BUREAU

2010a "Longitudinal Employer-Household Dynamics," <http://lehd.did.census.gov/led/>, accessed November 4, 2010.

2010b "2005-2009 American Community Survey," <http://www.census.gov/acs/www/>, accessed January 11, 2011.

U.S. LEGAL SERVICES CORPORATION, OFFICE OF INSPECTOR GENERAL

1986 "Immigration Reform and Control Act of 1986," November 6, [www.oig.lsc.gov/legis.gov](http://www.oig.lsc.gov/legis.gov), accessed January 25, 2011.

VARSANI, MONICA W.

2008 "Rescaling the 'Alien,' Rescaling Personhood: Neoliberalism, Immigration, and the State," *Annals of the Association of American Geographers* vol. 98, no. 4, pp. 877-896.

WILLIAMS, MICHAEL J.

2010 "Wildomar: Council Adopts Limited E-Verify Policy," *North County Times*, August 11, [http://www.nctimes.com/news/local/wildomar/article\\_4034ecea-5f0d-575b-9ee6-ea37758dc8d1.html](http://www.nctimes.com/news/local/wildomar/article_4034ecea-5f0d-575b-9ee6-ea37758dc8d1.html), accessed January 10, 2010.