

In previous issues of The Social Contract, and also in Barbara McCarthy's report on page 174, the staggering costs of immigrants to local governments are documented. This article focuses on what can be done specifically in one state to make some reductions. Lance Izumi is director of the Golden State Center for Policy Studies at the Claremont Institute, Sacramento, CA; Alan Nelson is a former commissioner of the Immigration and Naturalization Service, now residing in Sacramento.

How California Can Lead the Way Against Illegal Immigration

By Lance Izumi and Alan Nelson

In a 1992 Roper Poll, 86 percent of Americans said that illegal immigration is an important issue. Yet with a few notable exceptions, our political leaders have been silent on the issue. Why?

Part of the reason lies in the reluctance of many of our leaders to violate the taboos of "political correctness." According to the standards of this code, law and common sense are no excuses for opposing the growing tide of Mexicans flooding into California each day. Thus Congressman Dana Rohrabacher and others have found that standing against this tide invites charges of racism in the liberal media.

In addition, state officials often dismiss illegal immigration as a federal problem, saying that there is little they can do about it. While it is true that *border control* is a federal responsibility, there is a whole range of actions that California can take on its own, now, to discourage illegal immigration.

The root of the problem in California lies in the incentives to illegal immigration which exist in the state and which can be largely eliminated at the state level. Below we list the most important areas in which incentives exist and numerous specific reform measures which should be taken.

RECOMMENDATIONS

● In the Area of Government Benefits:

1. Implement the Systematic Alien Verification for Entitlement computerized data system (SAVE) in all state agencies that grant benefits.

The Immigration and Naturalization Service maintains SAVE, which lists all legal residents in the United States. The federal government now uses SAVE to prevent illegal immigrants from obtaining welfare and other cash benefits to which they are not entitled: If a person's name does not show up on the computer lists, he or she does not get the benefit. At this time, many state agencies in charge of supplying benefits do not use SAVE. They should be required to do so by executive order and/or legislation without delay.

2. Employ SAVE to screen public housing applicants.

State government funds public housing, both by operating public-housing facilities and by making grants to builders and others for the construction or rehabilitation of homes and rental units. Unfortunately — like the Department of Housing and Urban Development in Washington, D.C. — the state does not screen public housing applicants to determine their residency status. The officials and agencies involved should be required to do so.

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3. Employ SAVE at the Department of Motor Vehicles.

Obtaining benefits often requires valid identification such as a driver's license. Procuring such identification is far too easy. The Department of Motor Vehicles, for instance, rarely asks about residency status when issuing a driver's license. It should be required to verify such status before any license is issued.

4. Require information-sharing between state agencies and the Immigration and Naturalization Service.

As things stand, there is precious little sharing of information among different agencies at different levels of government. Procedures should be established to require state and county agencies to notify each other and the INS when they have information that illegal immigrants are applying for benefits.

● In the Area of Education:

1. Restrict admission to state universities to citizens and legal residents.

Currently, qualified applicants are being turned

away from the public universities of their choice because of budget limitations and overcrowding. Yet these tax-supported schools admit illegal immigrants. In a report by the state Auditor General, it is estimated that the cost to the California taxpayer of illegal immigrant students just at San Diego State University and California State University-San Marcos is \$635,000. This situation is absurd. It can and should be stopped.¹

"...tax supported schools admit illegal immigrants."

2. Challenge the U.S. Supreme Court's 1982 decision in *Pylar v. Doe* requiring the states to provide public education at the elementary and secondary levels to illegal immigrant children.

In California's ongoing budget crisis, rising education costs represent the biggest problem. To a large extent, the bloated education bureaucracy is at fault. Still, the fact is that a new school has to be built each day to meet demand. In this light, it makes no sense that California taxpayers are forced to finance the education of children who are in our country illegally. The Supreme Court decision behind this requirement — one of the oddest and potentially most destructive decisions in the history of the Court² — passed a decade ago by a slim 5 to 4 vote. There is now new blood on the Supreme Court and this issue screams to be revisited. California taxpayers, school districts, county governments and/or the Attorney General should initiate legal actions to bring the matter back before the courts.

● **In the Area of Employment:**

1. Initiate a statewide policy to transfer jobs from illegal immigrants to unemployed American citizens and legal residents who are now receiving welfare.

Unemployment in California is nearing 10 percent and welfare costs are skyrocketing. Cooperative efforts should be established among county welfare departments, the State Employment Development Department, and the Immigration and Naturalization Service to ensure that when illegal immigrants are apprehended and removed from work sites, legal workers (particularly those on welfare) are referred to the employer to fill the vacancies. Incentives, such as reduced fines, can be given to cooperating employers. Such action on the part of the governor and/or the legislature will at once reduce welfare costs, unemployment, and the black market job pool which represents a significant incentive for illegal immigration.

"... over half of those employing illegal immigrants in California do not withhold taxes from their wages."

2. Require the California Employment Development Department to employ SAVE to screen out illegal immigrant job applicants.

Currently, while applicants for unemployment insurance are screened to ensure that they are citizens or legal residents — and while federal law requires private employers to screen applicants — an illegal immigrant can walk into a state EDD office and receive job-placement assistance. EDD should be directed by the governor and/or by legislation to remedy the situation immediately with strict screening procedures.

3. Require similar screening practices at city job centers.

Many cities operate their own tax-funded job centers to assist people in finding jobs. Like EDD, many of these do not screen their clients to determine if they are illegal immigrants. The legislature should act now to require them to do so.

4. Increase penalties for employers who fail to withhold taxes from illegal immigrant workers.

As noted above, over half of those employing illegal immigrants in California do not withhold taxes from their wages. Penalties for this practice should be increased and the back-taxes collected should be forfeited to the state.

● **In the Area of Criminal Justice:**

1. Deport illegal immigrants currently in our court system, jails, and prisons.

Illegal immigrants often pass through our court system without ever being identified as illegal. In Orange County, the Superior Court recently invited the Immigration and Naturalization Service into the courtrooms to identify and process illegal immigrant defendants. This approach worked and should be initiated statewide. The initial costs will more than be repaid in a short period through increased deportations.

"At the end of their term, [illegal immigrant] convicts should be immediately deported."

Likewise, state and county governments should work with the federal government to provide hearing space and staff to conduct deportation hearings for all

illegal immigrant convicts now in California jails or prisons. Upon the end of their terms, these convicts should be immediately deported.

2. Pass state legislation to override so-called "sanctuary laws."

In a number of cities such as San Francisco, local laws have been passed which forbid local police from cooperating with the Immigration and Naturalization Service. State legislation should be passed to prohibit and override these laws. Federal, state, and local law enforcement must be allowed to cooperate to uphold immigration law as they do other kinds of law.

Conclusion

Human beings respond to incentives. Current policies in California that make it easy for illegal immigrants to enjoy government benefits, receive free or tax-subsidized education, gain employment, and take advantage of our criminal justice system serve as incentives to illegal immigration. Change these policies to remove these incentives and illegal immigration will decrease. It's that simple.

California must not hesitate to make these changes. Illegal immigration is exacerbating the state's crime problem and represents an increasing drain on its financial resources. What is more, despite the new euphemism for illegal immigrants — "undocumented immigrants" — these people are in our country illegally. We are a nation where law is king, and to openly allow and even encourage a class of people to exist above the law is to subvert one of our dearest constitutional principles.

Illegal immigration at its current high levels is an economic disaster in the making and a national disgrace. California should take the lead in acting to stop it now. ■

NOTES

¹ A recent court challenge brought by 11 immigration-reform, taxpayer, and law-enforcement organizations against the California State University system resulted in the court ordering an end to CSU's practice of granting resident-tuition benefits to illegal aliens.

² See Glen H. Thurow, *The Transformation of American Citizenship* (The Claremont Institute, 1990).