

‘Save Our State’

Dick Mountjoy and California’s Proposition 187

BY RICK OLTMAN

In the early 1990s in California, as citizens began to see and complain about the problems in their communities that were either caused, or exacerbated, by illegal aliens, the typical refrain from city councils and county supervisors was, “Immigration is a federal problem.” This pathetic whimper was uttered countless times in countless cities as crime increased, school quality decreased, emergency rooms overflowed with non-emergency, but more importantly non-paying, patients, and low-income citizen workers, mainly minorities, were pushed out of jobs and industries.

Almost three years to the day after the implementation of the 1986 IRCA Amnesty, which was supposed to end illegal immigration, citizens in San Diego county led by Muriel Watson, the widow of a U.S. Border Patrol pilot, began parking their cars on Dairy Mart Road above the Tijuana River, shining their headlights south to “light up the border” and spot illegal aliens entering the country. Mrs. Watson announced in 1990 that she was suspending her efforts because officials in the United States and Mexico promised to act to end the illegal entry. Of course, nothing was done to curtail the illegal influx.

Rick Oltman has worked for immigration reform for almost twenty years. He has lobbied in Washington, D.C. and in dozens of state capitals for secure borders and immigration enforcement. He has been featured on the PBS News Hour with Jim Lehrer, MSNBC Reports, CNN, including Talk Back Live, Lou Dobbs, and Anderson Cooper 360, the FOX Business Channel and FOX News Channel, and many other interviews. In 1994 Rick was Chairman of the YES ON 187-SAVE OUR STATE campaign supporting Proposition 187. In 2004 Rick worked with Arizona activists to qualify Proposition 200, Arizona’s state initiative that required proof of citizenship when voting or applying for public benefits. Prop 200 won with 57 percent of the vote. Contact Rick at rickoltman@comcast.net.

In Sacramento in the early ’90s, a few courageous legislators led the fight to pass state laws to deal with illegal aliens. Assemblymen Pete Knight and Bill Morrow worked with Assemblyman Dick Mountjoy from Monrovia, California.

Mountjoy, former Mayor of Monrovia, introduced over a dozen pieces of legislation in the 1993-1994 session of the California Assembly. None of the bills was given any chance to become law. And, most didn’t become law. His most important success was a bill that changed California law to prevent illegal aliens from getting being issued a valid driver license. It was signed by Gov. Pete Wilson and went into effect on January 1, 1994, and remains in effect despite repeated efforts to change the law, including legislation submitted by then Assemblywoman Hilda Solis, who is currently the Secretary of Labor for the Obama Administration. There were several attempts to overturn the law, including Gov. Gray Davis’ support of a new law that did provide illegals with a license. It was because of his support for giving illegal aliens driver licenses and his efforts to effectively euthanize Proposition 187 — The Illegal Alien Initiative — in 1999 that Gray Davis became the first and only Governor to be recalled in California history in 2003.

Dick Mountjoy was the creator of Proposition 187. After seeing most of his bills thwarted in 1993, he decided to put the legislation into proposition form and put it on the ballot.

Mountjoy was joined by experts in immigration law and enforcement from the Reagan Administration, including, Alan Nelson, former Commissioner of INS; Harold Ezell, former head of the INS’s Western Region; Bill King, former Chief Patrol Agent of the Border Patrol; and Pete Nunez, former U.S. Attorney.

These five men fashioned the law based on what they hoped to accomplish in stemming the influx of illegal aliens into California, which was, in the early ’90s, ground zero for illegal immigration.

They named the initiative: Save Our State Section 1 of Proposition 187 provides this introduction:

The People of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal immigrants in this state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal immigrants in this state. That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Mountjoy and Company then reached out to immigration reform groups throughout the state, many newly formed. Hundreds of thousands of signatures were needed and activists all over the state began gathering them at shopping malls, sports events, everywhere there were large crowds.

The solicitation from the volunteer signature gatherers was simple, "Do you want to cut off tax dollars to illegal aliens?" People walking through parking lots would abruptly turn around to sign the initiative.

The goal of Save Our State was simple: To cut off all taxpayer dollars to illegal aliens, with the exception of emergency healthcare. Proposition 187 was, in reality, a tax law. A tax law that denied taxpayer money and services to illegal aliens, which was in the billions of dollars 20 years ago.

The most controversial section of Prop. 187 was Section 7, which excluded illegal alien students from public schools. Public school funding in California has typically been near half the entire state budget. In recent years support for K-12 has averaged \$60-\$70 billion a year. And it was certain to be challenged in the courts, given the U.S. Supreme Court's 5-4 ruling on *Plyler v. Doe* in 1982, which found that the state of Texas couldn't exclude illegal alien students from public schools. That ruling by the Supremes officially mandated an American public school education, paid for by the taxpayers, for every student in the world. All they had to do was get to America.

Mountjoy, Nelson, et al. knew a challenge was certain. But, Al Nelson's attitude was that the law was narrowly struck down 5-4, the Court had new members in the fourteen years since their ruling, and if Texas couldn't make the case that American students were being disadvantaged by illegal alien students in the late 1970s, that California could certainly prove it in the mid-1990s.

Response to the initiative was uniformly hostile. Almost every news outlet was hateful in its reports. Supporters were maligned and smeared in ways that are standard fare today, but shocked fair minded people 18 years ago.

Professional associations, business associations, Doctors and nurses and labor unions (surprisingly at that time) denounced the effort. The California Democrat Party was opposed and the California Republican Party was dubious and offered no support initially.

It was a pure state effort. Assistance was requested from some organizations outside California but nothing came of it. There was some supporting lip service once it was obvious Prop 187 would win with the voters, but all of blood, sweat, toil and tears was Californian.



Dick Mountjoy, the creator of Prop. 187

Gathering enough signatures to qualify Save Our State was a Herculean effort in a state the size of California. Typically 70 percent of the signatures gathered are valid. And, it became obvious that paid signature gatherers were needed if SOS was to qualify for the November ballot. But that would cost money, something the SOS campaign did not have.

Gov. Pete Wilson was up for re-election in 1994. Having defeated former San Francisco Mayor Diane Feinstein in 1990, Wilson's 1994 opponent was Kathleen Brown, daughter of a popular former governor, Edmund G. "Pat" Brown, and sister of a popular former (and current) governor, Jerry Brown. And in March of 1994, Pete Wilson was at 24 percent in the polls.

Joe Shumate, Deputy Chief of Staff to Wilson, and key advisor to the re-election campaign (who would,

two years later, lead Russian President Boris Yeltsin to re-election) suggested to Gov. Wilson that supporting an anti-illegal alien initiative would help him with the voters in November. In early '94 there were two initiatives to endorse, but Save Our State had a big lead in not only signatures gathered, but publicity. Save Our State, Shumate told Wilson, will save the re-election campaign.

The plan was to convince a reluctant California Republican Party to fund the hiring of paid signature gatherers to qualify Save Our State for the ballot.

Assemblyman Dick Mountjoy lobbied his associates from Sacramento. Al Nelson reached out to his contacts from the Reagan Administration, likewise King, Ezell and Nunez.

I was a member of the California Republican Party and co-chair of the Outreach Committee which had sponsored the first ever immigration workshop at a CRP convention 18 months earlier. That meeting kicked off the entire statewide immigration reform movement by bringing together leaders from around the state and the country who had not met each other and were only vaguely aware of each other's efforts. In the early 90's there was no broadband internet. Most communication was done by phone or fax or U.S. Mail. I wrote resolutions for the Resolution Committee supporting immigration enforcement and lobbied CRP supporters of enforcement to support the initiative with dollars.

Serious metaphorical arm twisting took place at the Convention which produced the desired result. The California Republican Party provided the money to hire Arno Political Consultants to put their army of paid signature gatherers into the communities and SOS over the top. Mike Arno's leadership and political savvy paid off ten years later in Arizona where his team took a faltering initiative drive, Protect Arizona Now, and against all odds, qualified it for the ballot.

Every initiative campaign has three phases. Qualification, election and litigation. The election campaign was no less hectic. Earned media was essential, and debates, news interviews and public speaking were all key components of the campaign.

Pete Wilson endorsed Proposition 187 in September, leading into the final phase of the campaign. He ran his now famous "banzai" ads, which showed real video footage of illegal aliens running through the port of entry at San Ysidro in large numbers. A foretaste of today's

"flash mobs." Support for enforcement skyrocketed.

In the final week of the campaign the California Poll showed Pete Wilson far ahead of his opponent and Prop. 187 leading almost 2-1. So big was the lead that suspicion was aroused.

One rumor told that the Democratic National Committee in Washington had \$10-\$15 million they were going to spend on TV ads for Kathleen Brown over the final weekend before the Tuesday election, but Wilson was so far out front, they decided to not to spend the money.

The election results were a testament to the California voter and support for immigration law enforcement. Pete Wilson rallied over 30 points to win re-election with 56 percent of the vote.

Proposition 187, outspent, vilified, mischaracterized, lied about and smeared won with 59 percent of the vote.

The efforts of a few good men, an army of volunteers, a reluctant California Republican Party, a sharp political consultant, a savvy governor and the expertise of Mike Arno made a momentous statement in November of 1994. It was a political earthquake. Taxpayers didn't want to fund services for illegal aliens.

Californians saw that the federal government wasn't doing its job to secure the border two decades ago. In true Californian tradition, when the government won't act the people must, a law was passed overwhelming by voters who wanted to send a message to elected officials and see an end to illegal immigration.

Twenty years ago, only Californians could see a future where illegal immigration wasn't stopped. Today, there isn't a community in our country that doesn't see what Californians saw, and warned about, then.

Fast forward. Today, Arizona, Georgia, Alabama, South Carolina and other states are taking action, and being sued by the federal government. We await the outcome of those court cases.

But, states' rights, the 10th amendment...we are going to hear a lot about this in the years to come as citizens and state officials come to the realization that the only way to preserve their communities is for the states to take action and stop waiting for the federal government to enforce our immigration and employment laws.

That seems to be the only way. Maybe that has always been the only way.

One thing for sure, it is the American way. ■