

LAWYERS GO TO BAT FOR PROPOSITION 187'S EDUCATION BAN

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Body

The high cost of educating illegal immigrants in recession-plagued California justifies **Proposition 187's ban** on public **education** for undocumented children, **lawyers** for Gov. Pete Wilson argued Friday.

In papers filed with a Superior Court judge, Wilson's **lawyers** said a 1982 U.S. Supreme Court ruling requiring Texas to educate illegal immigrants does not apply to **Proposition** 187 because the impact of illegal immigration is much worse in California.

"California is . . . the state most affected by immigration, and in particular by the influx of illegal aliens," 42 percent of whom live in the state, said Deputy Attorney General Frank Furtek.

Unlike Texas, which was unable to persuade the high court that the **education** of illegal immigrants was a serious burden on the state, California can demonstrate "staggering financial and societal burdens . . . an extraordinary situation unparalleled by that of any other state," Furtek wrote.

He stressed the state's "years of recession and a steady decrease in General Fund revenue" since 1990, a striking contrast to Wilson's recent optimistic economic forecasts and proposal for a 15 percent tax cut.

Proposition 187, approved by 59 percent of the voters Nov. 8, **bans** public **education**, social services and non-emergency health care for illegal immigrants. It also requires officials who encounter suspected illegal immigrants to tell them to obtain legal status or leave the country, and to report them to federal immigration authorities.

San Francisco Superior Court Judge Stuart Pollak barred enforcement of the **education** provisions Nov. 9, citing the 1982 Supreme Court ruling requiring states to provide **education** to all residents, regardless of immigration status. He is tentatively scheduled to hear arguments Feb. 8 on a preliminary injunction, which would stay in effect until the case **went** to trial but could also be appealed to higher courts. Furtek's papers were filed for that hearing. In a separate case, U.S. District Judge Mariana Pfaelzer of Los Angeles issued an injunction Dec. 14 against all other provisions of the initiative except its **ban** on false immigration documents. She said parts of the measure appeared to create a state deportation system, in violation of exclusive federal authority over immigration, and could induce departure of many immigrants who had a right to remain under federal law.

Wilson and other backers of **Proposition** 187 have said they hope it will lead the Supreme Court to reconsider the 1982 ruling on **education**. Since lower courts remain bound by that ruling, Furtek could not attack it directly, but argued that it was not intended to cover current conditions in California.

"California schools are overcrowded and understaffed," Furtek said.

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