

Gubernatorial candidates spar over immigration, but true power is limited

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Body

If history and the campaign platforms of Meg Whitman and Jerry Brown are a telling guide, the next California governor is unlikely to rock the boat on immigration policy.

It is not that the candidates do not talk about it: Immigration sparked impassioned arguments at their face-to-face debates. They voiced sharply different perspectives about what the government should do about the estimated 2.6 million illegal immigrants living in California. However, most of their disagreement concerns policies under the purview of the federal government.

"There's a limited amount that a California governor can do when it comes to immigration," said Kevin Johnson, dean of the UC Davis law school. "The governor could sort of use the bully pulpit to rile people up or calm people down on immigration, but as a practical, legal matter, their role is limited."

The federal government regulates who can migrate to the United States, and it is responsible for enforcing the immigration restrictions set in place.

The policies on which governors traditionally have more authority are at the margins of the immigration debate, such as whether college students here illegally should qualify for in-state tuition and financial aid, or whether the state should use its law enforcement officers to help with border patrol.

Both candidates think that Congress, which has not passed a major immigration bill in nearly 15 years, should be doing more. Brown, the Democratic candidate, supports federal reform measures that include a path for undocumented immigrants to become legal residents and citizens. Whitman, a Republican, opposes legalization, which she calls amnesty, and wants the federal government to expand the fence on the U.S.-Mexico border, deploy more manpower to the border and expand the guest worker program that brings migrants into the state for seasonal work.

Brown said in a debate that Whitman's positions treat "people from Mexico as semi-serfs: Work 'em and send 'em back. It's not right." Whitman said illegal immigrants are a drain on the state and that Brown's lenient views are fiscally irresponsible.

As the chief executive of the nation's most populous state, the next governor can have a wide influence over the immigration debate and be an advocate in lobbying Congress to push forward some kind of immigration overhaul. Will either candidate, if elected, have the authority to alter the state's own policies toward immigrants?

"Any California governor has the potential to be rocking the boat. Whether they actually do or not is another question," said Tomas Jimenez, a Stanford University sociology professor who studies immigration.

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"Immigration is the domain of the federal government, but we've seen in recent years, particularly in the case of Arizona, there are ways that state governments, even local governments, can get involved pretty directly in immigration policy," he said.

States can have an effect on whether immigrants, legal or illegal, want to live in them, and how those immigrants find opportunities to succeed once they get there. Some state policies are focused on integrating immigrants through English-language classes and social services, Jimenez said. Others, such as in Oklahoma and Arizona, have sought to push out illegal immigrants by denying them access to jobs or making it easier to arrest and deport them.

California had its own attempt at an illegal immigrant crackdown in 1994, when voters passed Proposition 187, the "Save Our State" measure that tried to disqualify illegal immigrants from a K-12 education and other public services. A federal judge later struck it down in court.

Despite having Prop. 187's champion, former Republican Governor Pete Wilson, as her campaign manager, Whitman has distanced herself from the measure, saying Prop. 187 and the Arizona law do not make sense for California. On this, she and Brown agree.

Both candidates also oppose providing California driver's licenses to immigrants living here illegally.

Brown has largely avoided making immigration-related proposals, saying the issue needs to be dealt with at the federal level. Whitman has made several immigration policies part of her platform, but she has not explained how she would get past a Democrat-dominated Legislature to make them happen.

Based on their platforms and speeches, here are the major party gubernatorial candidates' views on four immigrant policy debates at the state level:

- Higher education: Republican candidate Meg Whitman wants to ban the admission of undocumented students to California colleges and universities. Democrat Jerry Brown says the higher education system is "for everyone -- whether they are documented or not. If they went to school, they ought to be here." California already allows undocumented students admission to state colleges and universities, and it also allows them to pay in-state tuition rates. Gov. Arnold Schwarzenegger last month vetoed the California DREAM Act, which would have allowed undocumented college students to apply for financial aid. Whitman supported the veto and said she would do it again if elected. Brown has said the California DREAM Act is "one of the first" he would sign after taking care of the budget. E-Verify: Whitman has made an "economic fence" against illegal immigration a paramount issue in her campaign platform, but her proposal lacks specifics. The federal government allows any employer to register workers in a voluntary, underutilized database called E-Verify that checks their immigration status. Some states have made E-Verify registration mandatory. Whitman has questioned the accuracy of the database, but she wants to work with the federal government to set up a better program to "keep employers honest," according to her website. Her campaign did not respond to a question e-mailed last week asking how she would establish the system or if she would try to make it mandatory in California. Brown, according to a spokesman, considers it a federal issue. Sanctuary cities: Should California cities, such as San Francisco, Oakland and Richmond, be allowed to declare themselves sanctuaries for undocumented immigrants? Whitman said she would seek a legislative solution to eliminate sanctuary cities but has not said how. Brown promotes Secure Communities, a collaboration between federal and local governments that sends immigrant inmates in county jails to federal authorities. Workplace inspections: Whitman says on her website that she will institute a system "where state and local law enforcement agencies conduct inspections of workplaces suspected of employing undocumented workers." Offenders will face fines and business license suspensions. Her campaign did not respond to a question e-mailed last week about how she would implement the program. Brown has said that immigration enforcement is the federal government's responsibility. "State and local law enforcement agencies have plenty of work to do," Brown spokesman Sterling Clifford said.

Graphic

California Republican **Gubernatorial Candidate** Meg Whitman at the San Jose Mercury News Tuesday September 21, 2010. (Maria J. Avila Lopez/Mercury News)

California Attorney General and Democratic **gubernatorial** nominee Jerry Brown speaks during a visit to PetersenDean Roofing and Solar System, in Newark, Calif., during a visit, on Thursday, Sept. 23, 2010. Brown appeared at the nation's largest, privately owned solar and roofing company to announce his opposition to Proposition 23. (Anda Chu/Staff)

California Attorney General and Democratic **gubernatorial** nominee Jerry Brown speaks during a visit to PetersenDean Roofing and Solar System, in Newark, Calif., during a visit, on Thursday, Sept. 23, 2010. Brown appeared at the nation's largest, privately owned solar and roofing company to announce his opposition to Proposition 23. (Anda Chu/Staff)

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