

JUDGES PULL PLUG ON 187 IN LIMBO: VOTER-APPROVED MEASURE WON'T TAKE EFFECT BEFORE COURT HEARINGS ARE HELD.

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Body

Gov. Pete Wilson has ordered state agencies to adopt emergency rules to enforce Proposition **187**, the controversial illegal immigration **measure** -- but **judges** immediately **pulled** the **plug on** any immediate wholesale enforcement of the **measure**.

A federal **judge** in Los Angeles issued a stern warning to California not to put any part of Proposition **187** into **effect**, while a state **court judge** in San Francisco formally blocked enforcement of provisions denying education to undocumented immigrants.

Wilson made Proposition **187** the centerpiece of his re-election campaign and with its approval by 59 percent of the voters on Tuesday, he moved quickly to put it to use.

By 11:15 a.m. Wednesday, Wilson had issued an executive order directing state agencies to begin work on emergency regulations to implement the initiative.

He immediately sought to suspend a state-only program that provides prenatal care to illegal immigrants, telling the Department of Health Services to begin notifying providers that the services will be discontinued "as soon as legally possible."

He also suspended further admissions of illegal immigrants to state-paid nursing home care. It was not immediately clear whether developments in **court** superseded those actions.

William M. Byrne Jr., chief U.S. district **judge** in Los Angeles, immediately barred statewide enforcement of all sections of Proposition **187** until he can hold another hearing next Wednesday to consider a formal temporary restraining order. He also told attorneys he wants to know if migrants are being denied services **before** then.

The hearing will deal with restraining orders sought by immigration and civil rights groups in four separate lawsuits.

The lawsuits are based on contentions that Proposition **187** is pre-empted by federal statutes controlling immigration and the treatment of immigrants, is unconstitutionally discriminatory, threatens deportations without due process and other legal grounds.

Meanwhile, San Francisco Superior **Court Judge** Stuart R. Pollak, acting on three other lawsuits, ordered public schools not to bar any children from attending on the basis of their immigration status, not to check the status of students or their parents, and not to report undocumented students or parents to state or federal authorities.

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Pollak's order had been considered a sure thing, since Proposition 187 -- aimed at denying public schooling and most public services to illegal immigrants -- conflicts with a 1982 U.S. Supreme Court ruling granting undocumented children equal rights to an education.

Wilson, in his push for emergency rules, noted that Proposition 187 requires school and health officials to report those they "reasonably suspect" of being undocumented. He said emergency regulations would interpret that term to mean those unable to show proof of legal residency.

'Reasonably suspect'

"Reasonably suspect means that you are unable to provide documents that you are legally within the country," Wilson said. "Their skin color, their national origin, their accent is not the test."

He said illegal immigrants will "suffer some dislocation, for which I am sorry."

He said he believes the initiative's passage will prompt "individual families" to leave California.

Wilson said that children of legal residents "are in no way affected by the law that was passed," but he acknowledged in response to questioning that some may be the target of discriminatory remarks.

"I can't, obviously, safeguard every child from taunts from another child," he said.

Street protests

Passage of Proposition 187 brought only scattered reports of street demonstrations in the Bay Area and Southern California.

School officials reacted quickly to the initiative's passage. Delaine Eastin, the newly elected state superintendent of schools, told schools to ignore 187 even before the court orders were issued.

Dr. Bill Erlendson, assistant superintendent of the San Jose Unified School District, sent e-mail advisories to principals, instructing them to tell their staffs that it was business as usual.

Pedro Perales, superintendent of the Alum Rock Union Elementary School District, on Wednesday sent crisis counseling teams to the district's six middle schools to reassure students.

"They're safe, there's no change," Perales said. "It will take years for anything to change, and we're here to teach them."

'Business as usual'

In riot-weary Southern California, a flurry of Wednesday news conferences featured government, education and community leaders with varying agendas. They sought to assure illegal immigrants that they still could send their children to school and seek police assistance without fear.

Another group of community leaders said that regardless of the legal battles awaiting the 187, its provisions should be greeted with non-compliance -- non-violently, but adamantly.

"It is a shameful vote," said Joe Hicks, the black executive director of the Southern Christian Leadership Conference of Southern California.

He said the future for the state lies in a new civil rights movement to overcome the fear that he said inspired the vote.

Said Warren Furutani, a Los Angeles school trustee: "Regardless of the law, the issue of what's right and wrong is what we have to appeal to."

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Notes

Mercury News Wire Services and staff writers Jack Fischer and Betty Barnacle in San Jose and Gina Boubion and Pamela Kramer in Los Angeles contributed to this report.

Graphic

Photos (2);

PHOTO: Same photo ran in Morning Final edition story with FEDERAL **JUDGE** BARS ENFORCEMENT AS IMMIGRATION

PHOTO: LUCI S. WILLIAMS -- MERCURY NEWS

Students from four Peninsula schools converged on Redwood City's Hall of Justice Wednesday to protest passage of Proposition **187**.

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