

PREFACE

When the U.S. Congress failed to enact comprehensive immigration reform in 2006 and again in 2007, this failure—and the political paralysis that it signified—opened a veritable Pandora’s Box of state and local immigration control initiatives seeking to fill the policy void. While there had been some significant attempts by the states in the 1990s to legislate by ballot box in this area (California’s Proposition 187 in 1994 was the most prominent), there was a quantum leap in such policy activism in 2006 and 2007.

To find a similar period of state- and local-level immigration policy making, we must go back to the early twentieth century, when a series of *pro*-immigrant measures were implemented in various states and cities. For example, in some cities noncitizen immigrants were granted the right to vote and bilingual education was introduced in public schools. In recent years, state- and local-level immigration policy making has taken a decidedly *anti*-immigration direction, particularly in politically conservative areas of the South and Southwest but even along the East Coast. Such activism has taken the form of attempts to restrict unauthorized immigrants’ access to public services (including driver’s licenses), penalize employers who knowingly hire the undocumented, and increase local police collaboration with federal authorities for immigration law enforcement, among other initiatives.

Why do states and localities pursue such policies? Most commonly, they are justified as responses to federal policy failures and inaction: the executive branch’s failure to control the border, gridlock in Congress on immigration reform legislation, the federal government’s refusal to reimburse states and localities for social service costs resulting from the presence of unauthorized immigrants in their jurisdictions. But states and localities often have engaged in policy activism not with any real expectation of solving the problems that they attribute to immigration. Rather, they engage in symbolic political acts designed to “send a message” to Washington that tougher action on immigration control is needed. California’s Proposition 187 is the classic example. Exit polls found that a large majority of Californians who voted for this measure, aimed at denying public education and nearly all other public services to the undocumented, never expected it to be implemented; rather, they expected the federal courts to strike it down, as indeed occurred.

Sometimes anti-immigrant measures, such as crackdowns on migrant day laborers and landlords who rent to the undocumented, have been portrayed by local governments as appropriate responses to constituent complaints about the

“illegals” in their midst. But these types of measures have also proven effective in vote getting, used by politicians from California Governor Pete Wilson to Hazleton, Pennsylvania Mayor Lou Barletta to win reelection or solidify their political base for higher office. In short, states and localities can—and usually do—have mixed motives for pursuing their own immigration policies.

The contemporary United States offers a wide range of such policies for comparative analysis. As a field of study, subnational immigration policy making is important for several reasons. First, state and local policies can affect the outcomes of national-level immigration policies—their efficacy and the uniformity of their effects. Second, state and local measures may go farther than federal laws, one way or another, and thus are substantively important. Third, the collision of state and local government policies with the federal judiciary creates new tensions, often resolved by court rulings that block or attenuate the implementation of such policies. Finally, subnational policies can have significant human impacts. What happens in states and localities can affect immigrants’ conditions of employment, housing, education, health, and the life chances of immigrants’ U.S.-born children more than can federal laws and policies.

This subject lends itself well to interdisciplinary treatment, and the present volume draws upon the expertise of a broadly multidisciplinary group of scholars, including political scientists, sociologists, anthropologists, geographers, and legal studies practitioners. They provide the first truly comprehensive overview of state and local immigration policy making in the United States, using detailed case study evidence from across the country. The contributors document the determinants, politics, jurisprudence, and consequences of subnational immigration policies and suggest promising new lines of research.

This book grew out of a research workshop held on May 9, 2008, under the auspices of the Center for Comparative Immigration Studies (CCIS) at the University of California, San Diego. Monica Varsanyi, at that time a Visiting Research Fellow of CCIS, proposed the workshop and provided essential intellectual leadership throughout the project. CCIS is delighted to have partnered with Stanford University Press in bringing this important and timely body of work to publication.

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