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# ARTICLES

## HATE UNLEASHED: LOS ANGELES IN THE AFTERMATH OF PROPOSITION 187\*

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### I. INTRODUCTION

On November 8, 1994, California voters overwhelmingly approved Proposition 187. Although most of the Proposition has not been implemented<sup>1</sup>, since it was enjoined by both federal and state courts since November 9, 1994, it has nevertheless had a seismic impact on national political discourse. No less seismic, but less reported, is the damage it has done in Los Angeles to human relations in general and the Latino community in particular.

The measure, which is being replicated in Florida, Oregon, and other states, would deny education, health care and other social services to suspected undocumented immigrants, requiring public agencies providing these services to verify the immigration

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1. "[N]one of the provisions of Proposition 187, except sections two and three, which create new state crimes involving manufacture or use of fraudulent documents, may be implemented. All other substantive provisions—relating to law enforcement reporting, social services, health care, elementary and secondary education, and higher education—have been enjoined by federal and/or state court judges." Memorandum from Mexican American Legal Defense and Educational Fund to Interested Community Members (Sept. 11, 1995) (on file with authors).

status of all recipients, and report them to state and federal authorities. Because Proposition 187 works by demanding documents of people "suspected" of being undocumented, civil rights leaders condemned the measure's potential for causing discrimination. Proponents maintained that the measure had nothing to do with race or ethnicity.

This Article demonstrates the way in which the rhetoric permeating the debate over Proposition 187 created an environment that gave license to discrimination and intolerance and has had severe consequences for the Latino community in and around Los Angeles. By specifically highlighting incidents of civil rights abuses—discrimination and denials of services—this provides evidence of how everyday life has been transformed for Latinos in the year following the election approving the measure.

#### A. *Nativism in California: A Continuous Presence*

Discrimination against immigrants or anyone who "seems foreign" is not a new phenomenon in California. A brief glance at the state's history reveals an ugly cycle of nativism that repeats itself in periods of national anxiety provoked by economic recession, unemployment, or perceived external threats. The Chinese Exclusion Act of 1882 and the internment of Japanese-Americans during World War II, both of which focused on Asian-Americans, are two of the most obvious examples.

Mexican and Latin American immigrants as well as Americans of Mexican descent (U.S. citizens) have also been the targets of discriminatory laws and customs. In the 1930's, citizens and non-citizens of Mexican ancestry were subject to indiscriminate mass deportations which resulted in 500,000 being dumped across the border in Mexico.<sup>2</sup> "Operation Wetback," in 1954, was a paramilitary operation to remove Mexicans from several southwestern states which resulted in the deportation of over 51,000 Mexicans and Mexican-Americans in California alone. The atmosphere of fear and hostility touched virtually everybody of Mexican descent, with U.S. citizens falling victim to harassment and even deportation.<sup>3</sup>

"Wetbacks" were blamed for everything from diseases to labor strikes, "subversion" and crime along the border.<sup>4</sup> Historian

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2. See FRANCISCO E. BALDERRAMA AND RAYMOND RODRIGUEZ, *DECADE OF BETRAYAL: MEXICAN REPATRIATION IN THE 1930S* 23 (1995).

3. See JUAN RAMÓN GARCÍA, *OPERATION WETBACK: THE MASS DEPORTATION OF MEXICAN UNDOCUMENTED WORKERS IN 1954* 200, 230-31 (1980).

4. See Manuel García y Griego, *The Importation of Mexican Contract Laborers to the United States, 1942-1964: Antecedents, Operation, and Legacy*, in *THE BORDER THAT JOINS: MEXICAN MIGRANTS AND U.S. RESPONSIBILITY* 49 (Peter G. Brown & Henry Shue, eds., 1981).

Juan Ramón García describes the ideological climate of the period: "The image of the mysterious, sneaky, faceless 'illegal' was once again stamped into the minds of many. Once this was accomplished, 'illegals' became something less than human, with their arbitrary removal being that much easier to justify and accomplish."<sup>5</sup>

According to 1990 census data, 26% of California's population is Latino, or one in four California residents. Los Angeles County alone is home to almost 3.4 million Latinos, or 40% of the county's population.<sup>6</sup> By the year 2030, it is estimated that one in three Californians, or about 15 million people, will be Latino.<sup>7</sup> This demographic transformation of "white America" poses a cultural threat to many.

Like earlier eras of anti-immigrant sentiment, the 1990s are an era of shrinking economic opportunity and continued transnational migration. These factors, intertwined with changing racial relationships, have escalated into conditions ripe for what Wayne Cornelius, Director of the Center for US-Mexican Studies at the University of California, San Diego, calls "another . . . nativist spasm."<sup>8</sup>

Indeed, Proposition 187 introduced a new chapter into the history of nativism in California and the nation. Proponents of Proposition 187 staunchly maintained that the issue was immigration, not race, and most carefully dodged language suggesting any racial or ethnic bias during the campaign. Some, however, were not so careful. For example, Stop Immigration Now founder Ruth Coffey said, "I have no intention of being the object of 'conquest', peaceful or otherwise, by Latinos, Asians, Blacks, Arabs or any other group of individuals who have claimed my country."<sup>9</sup>

A more subtle allusion is found in the original name for Proposition 187 — the "Save Our State" initiative. This title resonates with the anti-Asian sentiment of the 1920s, when a *Sacramento Bee* headline called on readers to "Save California."<sup>10</sup>

5. *Id.* at 32.

6. David E. Hayes-Bautista, *Mexicans in Southern California: Societal Enrichment or Wasted Opportunity?*, in THE CALIFORNIA-MEXICO CONNECTION 131, 131 (Abraham F. Lowenthal & Katrina Burgess eds., 1993).

7. See DAVID E. HAYES-BAUTISTA, WERNER O. SCHINCK, AND JORGE CHAPA, THE BURDEN OF SUPPORT: YOUNG LATINOS IN AN AGING SOCIETY 25 (1988).

8. WAYNE A. CORNELIUS, AMERICA IN THE ERA OF LIMITS: NATIVIST REACTIONS TO THE "NEW" IMMIGRATION 5-6 (Center for U.S.-Mexico Studies Working Paper No. 3, 1982).

9. Gebe Martinez and Patrick J. McDonnell, *Prop. 187 Backers Counting on Message, Not Strategy*, L.A. TIMES, Oct. 30, 1994, at A1.

10. SACRAMENTO BEE, Oct. 20, 1920, at A1.

The rhetoric since the election regarding ethnicity and culture is far less subtle.

Glenn Spencer, president of Voices of Citizens Together, which collected 40,000 signatures to qualify Proposition 187 for the ballot, said in February, 1995: "We have to take direct and immediate action to preserve this culture and this nation we have spent two centuries building up." He went on to describe immigration with the racially loaded phrase "international busing."<sup>11</sup>

The spring of 1995 saw *Alien Nation*, the book by *Forbes* magazine editor Peter Brimelow, widely reviewed and discussed. It made what the *New York Times* called "the benchmark case against immigration as it is currently taking place."<sup>12</sup> In doing so, it reflected a change in the overt nature of the rhetoric about immigration, culture, and by extension, race.

Brimelow's central assertion is that the culture of the United States is essentially white, Anglo-Saxon Protestant. Immigration reform in 1965 held the door open for a flood of Asian and Latin American immigrants, and if this continues to the middle of the next century, whites will no longer be a majority. He claims that this has inadvertently changed the national character, something that we as a nation have a right to control.<sup>13</sup>

Anti-immigrant sentiment has found a natural home in the frustrations of Americans concerned with the shrinking American dollar. Latin American and Asian immigrants are scapegoated for the nation's economic problems through coded racial rhetoric that resonates with that of other eras: "No Irish Need Apply," "No Japs," "No Mexicans Allowed." Journalist David Cole points to these parallels:

The objects of prejudice are of course no longer Irish Catholics and Germans; 140 years later, "they" have become "us." The new "they" — because it seems "we" must always have a "they" — are Latin Americans . . . Haitians and Arab-Americans, among others.

But just as in the 1850's, passion, misinformation and short-sighted fear often substitute for reason, fairness and human dignity.<sup>14</sup>

Nativist policies, from the Chinese Exclusion Act to "Operation Wetback" to Proposition 187, have consistently contributed to increased discrimination and intolerance based upon appear-

11. Sam Anson, *Prop. 187: Diehards Gear Up for Second Initiative Campaign*, L.A. VILLAGE VIEW, Feb. 17-23, 1995, at 31.

12. Richard Bernstein, *The Immigration Wave: A Plea to Hold it Back*, N.Y. TIMES, Apr. 19, 1995, at C17.

13. See PETER BRIMELOW, *ALIEN NATION: COMMON SENSE ABOUT AMERICA'S IMMIGRATION DISASTER* (1995).

14. David Cole, *The New Know-Nothingism: Five Myths About Immigration*, THE NATION, Oct. 17, 1994, at 410.

ances, not only for immigrants, but for any person of color, including African-Americans and Native Americans.

This Article documents how the xenophobic climate created by Proposition 187 resulted in heightened discrimination against Latinos of all backgrounds. As history has borne out, once hateful attitudes become commonly expressed against one group, the atmosphere becomes poisoned for other ethnic and racial groups as well. Nativism, as historian John Higham wrote, serves to "illuminate some of the dark contours of the American past."<sup>15</sup> It continues, as well, to serve as an important ideological rationale that converts economic fears into unsound policy.

And unsound policy is being proposed at a furious rate. Indeed, anti-immigrant fervor has given rise to a numbing onslaught of negative proposals aimed at immigrants, which are no longer confined to attacks on the undocumented. Grassroots activists in both Oregon and Florida are at work to qualify 187-like ballot initiatives, while on Capitol Hill, the proposals encompass and go beyond Proposition 187, and come from both sides of the aisle.

California Democrat Anthony Beilenson, a long-time champion of civil rights, joined the vehemently anti-immigrant Elton Gallegly, a California Republican, in co-sponsoring a bill that would cut the heart out of the Fourteenth Amendment by denying birthright citizenship to the U.S.-born children of undocumented parents.<sup>16</sup> Senator Alan Simpson, a Wyoming Republican, has proposed barring new citizens from receiving benefits or public services for five years after naturalizing. A federal version of Proposition 187, the Exon Amendment to the Dole welfare "reform" package, has been approved by the Senate.<sup>17</sup>

Latinos were rhetorically targeted in the debate over Proposition 187. Governor Pete Wilson, the most high-profile proponent of Proposition 187, ran campaign spots that featured footage of the "flood" of immigrants coming across the Mexican-U.S. border, followed by a tag urging a "yes" vote on the initiative. Anti-immigration rhetoric focused then, as it does now, on the stereotype of large Latino families "draining" the welfare system. Bette Hammond, founder of STOP-IT (Stop the Out-of-

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15. JOHN HIGHAM, *STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM, 1860-1925* x (1977).

16. U.S. CONST. amend XIV, § 1 provides: "All persons born or naturalized in the United States . . . are citizens of the United States and of the state wherein they reside."

17. See Jim Specht, *Senate Votes to Bar Illegals From Most Federal Aid Programs*, Gannett News Service, Sept. 14, 1995, available in LEXIS, Nexis Library, GNS File.

control Problems of Immigration Today), characterizes the "invasion of illegal aliens" from Mexico as a fundamental threat to America and assigns them blame for a broad range of problems:

Americans don't like the graffiti in their neighborhoods. They don't like the traffic and overcrowding and the crime. American citizens don't like some of the neighborhoods in Southern California being taken over by illegals . . . . I have a feeling the reason there haven't been any more riots in L.A. is because so many people lined up to buy guns. White American citizens got guns to fight back against the illegal aliens and the criminals.<sup>18</sup>

White supremacist groups also make their perspectives on the "threat" of Latinos clear. Two days before the November 1994 elections, for example, flyers were distributed to homes in Glendale, a Los Angeles suburb, depicting an image of a machine gun firing bullets at a dark skinned man. The flyer reads: "How's this for a new slogan for the U.S. Border Patrol? 'If it ain't white WASTE IT!' Remember, it's stop the Mudslide . . . or drown! 187 Yes! We need a *real* border. First we get the spics, then the gooks, and at last we get the niggers. They're all going home."<sup>19</sup>

## II. METHODOLOGY

This Article is based on reports that came in through the CHIRLA post-187 hotline and through CHIRLA member organizations. The time period covered in this report is the summer of 1994 through the fall of 1995. Although Proposition 187 did not pass until November 8, 1994, the signature gathering and electoral campaigns in the summer and early fall of 1994 launched the rhetoric characterizing immigrants as a threat and a problem. There are a handful of cases in this report from that time period.

The geographical emphasis in this report is on Southern California, principally because the vast majority of the incidents reported to CHIRLA occurred in and around Los Angeles.

What follows is an outline of the methods of data collection and how the cases were counted and categorized. The first step to data collection was establishing the CHIRLA hotline.

### A. *The CHIRLA Hotline*

In the weeks leading up to the election, CHIRLA staff and members working in the immigrant community began to hear re-

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18. Ruth Conniff, *The War On Aliens: The Right Calls the Shots*, THE PROGRESSIVE, Oct. 1993, at 22, 26.

19. Flyer on file with authors.

ports that reflected a growing worry and confusion about what would happen if Proposition 187 was approved. Parents spoke of plans to keep their children home from school. Immigrant women quietly avoided appointments for prenatal care. There were questions about the legality of police enforcement of immigration laws and their collaboration with the federal Immigration and Naturalization Service ("INS").

On November 4, 1994, CHIRLA responded to the worry and confusion by establishing the only staffed Spanish-language hotline in a five-county area of Southern California. The hotline was the brainchild of staff and members of CHIRLA's Community Response Task Force (CRTF), a committee made up of representatives from more than 50 organizations with diverse constituencies. Staff and volunteers from organizations including the Asian Pacific American Legal Center, Proyecto Pastoral of Dolores Mission, the Los Angeles Gay and Lesbian Community Services Center, the Mexican American Legal Defense and Educational Fund, the American Civil Liberties Union (ACLU) of Southern California, and the Central American Resource Center joined together to plan an information and education campaign related to Proposition 187.

The CRTF decided that a hotline would be the most effective way to quell rumors and to encourage the community to continue seeking health care and sending their children to school. The Asian Pacific American Legal Center, a key member of the task force, established a hotline to respond to inquiries in four Asian languages.

The CHIRLA hotline was announced in the Spanish-language media on the Friday before the election. On November 9, the day after the election, the lines erupted in a ceaseless torrent of calls. Over 250 calls came in that day. In the days that followed, there were dozens of reports of denials of access to schools and health clinics, hate speech, physical threats, ordinary citizens demanding green cards and documentation of their neighbors, and businesses refusing to serve Spanish speakers or people who could not prove they were "legal." There had been fears prior to the election that individuals would be victimized because of skin color or accent, but few were prepared for the pervasive discrimination and suspicion that actually followed.

### *B. Recording the Complaints*

A team of experienced attorneys and academics worked together to develop a standardized intake form that would record the data needed for legal cases as well as serve as a practical document for compiling statistical data. Hotline operators then fol-

lowed the standard intake form in responding to every complaint received on the hotline. The CRTF also conducted training sessions for the staff of CHIRLA member agencies and organizations, thereby setting a standard procedure for documenting and following up on the complaints.

### C. *Verifying the Calls*

The passage of Proposition 187 caused a great deal of confusion and concern. As a result, some callers interpreted incidents as being racially motivated that did not involve the overt language or actions necessary for CHIRLA to classify them as such for purposes of this Article. It became incumbent upon us to develop a method to investigate and verify the complaints to determine which ones were legitimate cases of discrimination.

The intake forms contained categories that enabled us to sort the complaints into substantive areas: law enforcement harassment, inappropriate action by the INS, discrimination at private business establishments, and discrimination in the areas of education and health care. As calls came in, hotline operators filled out the intake forms, and cases were then referred to attorneys from a panel of public interest and pro bono private attorneys, including Legal Aid Foundation of Los Angeles, San Fernando Valley Neighborhood Legal Services, Inland Counties Legal Services, the ACLU of Southern California, the Asian Pacific American Legal Center, Public Counsel, the National Lawyers Guild, and the Mexican American Bar Association. These attorneys interviewed the client and any witnesses, evaluated the strength of the case, and provided direct and immediate advocacy whenever possible to remedy the violation. In some cases, litigation was brought on the client's behalf.

As part of the case evaluation, attorneys would note any inconsistencies in the client's story. If the complaint was not related to Proposition 187, the intake would not be included in the category where it had originally been assigned. Although the attorney may have taken the client's case on the unrelated matter, the data was not included for the purposes of this report.

### D. *Tallying the Results*

During the eleven months after the passage of 187, there were probably thousands of instances of harassment and rights abuses committed against Latinos in Southern California, most of them unreported by anyone. Moreover, the Los Angeles County Commission on Human Relations documented a 23.5% increase in hate crimes against Latinos in 1994, and attributed

the rise largely to anti-immigrant sentiment.<sup>20</sup> During the eleven months since the passage of 187, there were over 1,000 inquiries and complaints reported to CHIRLA.

After follow-up interviews in which the more serious violations could be identified and verified by independent witnesses or information, CHIRLA identified 229 cases of serious rights abuses.

Included in the 229 are 72 cases that involved denial of services and discrimination in sectors implicitly affected by 187, such as schools or health clinics. This report does not cover these cases, although this pattern of discrimination and fear lead many to put off seeking medical care and education for their children.<sup>21</sup> Instead, its emphasis is on the ways in which 187 affected life in unexpected settings — at the bank, at the grocery store, in routine traffic stops, at one's home. There were 157 such cases: 50 cases of civil rights violations committed by businesses; 29 cases of hate speech and hate crime; 49 cases of harassment and other unlawful treatment by law enforcement personnel; and 29 "other" cases of discrimination, including housing and employment discrimination. Many of those who suffered discrimination are U.S. born Latinos, naturalized citizens, or lawful permanent residents.

### III. FINDINGS

This Article documents the ways in which 187 transformed everyday life for Latinos of every status, including those born here and those whose ancestors had lived in the U.S. for generations. The climate of hostility resulted in discrimination in business establishments, increased police abuse, heightened conflict among neighbors, and an increase in hate crimes and hate speech against Latinos. This is not to suggest that Asians or other ethnic groups were not the victims of xenophobic attitudes and actions. This report focuses on Latinos because the underlying rhetoric clearly implied that they were the "problem." There is abundant evidence of anti-Asian hate activity, which has been extensively documented.<sup>22</sup>

The following sections describe some of the cases reported to the hotline.

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20. See L. A. COUNTY COMMISSION ON HUMAN RELATIONS, HATE CRIMES IN LOS ANGELES COUNTY 1994: A REPORT TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS [hereinafter L. A. COUNTY COMMISSION HATE CRIMES REPORT].

21. See Lee Romney and Julie Marquis, *Youth Dies as Medical Treatment is Delayed*, L.A. TIMES, Nov. 23, 1994, at A3.

22. See NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, AUDIT OF VIOLENCE AGAINST ASIAN PACIFIC AMERICANS: ANTI-ASIAN VIOLENCE, A NATIONAL PROBLEM (1994).

A. *Discrimination by Businesses Against Latinos Escalated after Proposition 187 Passed*

This section documents the ways that discriminatory treatment has manifested itself after Proposition 187 in businesses—banks, grocery stores, doctor's offices, and other retail establishments. As customers and clients, Latinos have often been regarded with suspicion based on their appearance, accent, or last name. They have been increasingly accused of being "illegal," suspected of making trouble, subjected to racial slurs and taunts, and denied service by businesses, no matter what their language ability, citizenship status, or economic status.

As in the pre-civil rights South, some businesses and other establishments seem to give preferential treatment to white customers while using hateful rhetoric or hostile attitudes to make customers of color, in this case Latinos, feel less welcome or overtly deny them service. Some of the incidents described below are, in fact, shockingly reminiscent of a segregationist era: Latino bus riders sent to the back of the bus, a Chicano youth barred from a theme park because of his appearance, a Guatemalan couple asked to show their money before they ordered food at a restaurant.

California law prohibits discrimination by business establishments. The Unruh Civil Rights Act<sup>23</sup> provides that all people have equal rights of access to business establishments, regardless of their sex, race, color, religion, ancestry, national origin, or disability. Many of the cases outlined below involve civil rights violations and litigation is being brought on behalf of the victims. Many of the cases also involve unfair business practices which constitute violations of the California Business and Professions Code.<sup>24</sup> Because of pending and contemplated litigation, this section documents the incidents without mentioning the specific names of the parties involved.

1. *Discrimination by Business Establishments*  
*July 1994*

A U.S.-born Mexican American attempted to cash a check with his teenage son at a Wilmington bank. The check was drawn on the bank where he was attempting to cash it. He showed his driver's license to the cashier but was asked for his "green card" and passport. He explained he was born in the United States and therefore did not have a "green card." The bank's manager and the teller rudely insisted that he show some

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23. CAL. CIVIL CODE § 51 (West 1996).

24. CAL. BUS. & PROF. CODE § 125.6 (West 1996).

proof that he could "work here in California" and said, "I already told you once, I want a 'green card'." The teller told him that she didn't believe he was an American citizen and refused to cash his check. He was forced to go to a check cashing establishment and pay \$36 to cash the check.

#### *October 1994*

After his house burned down in a fire, a Salvadoran legal permanent resident was subjected to racial slurs by an insurance company representative and the building contractor who was working on his home. He was told to "go back to his country."

#### *November 1994*

A Pasadena woman went to cash her paycheck and showed her California identification. The bank representative refused to cash her paycheck unless she showed a "green card" or passport.

A security guard at a warehouse store insulted a Los Angeles man with racial slurs, including "F—ing Mexican!"

A woman showed her social security card and California identification in order to open an account at a Hollywood bank. The teller asked to see another type of identification and the woman showed her "green card." The bank teller told her she needed to prove she was allowed to work in the U.S. in order to open an account.

A customer in the auto department of a Pasadena department store requested an oil change in Spanish and was told by the store clerk that he would not serve him unless he asked him in English. The clerk explained that his employer had prohibited any use of Spanish with customers or between employees although he and other staff spoke both English and Spanish. The customer left.

A man went to a Santa Ana bank to cash his paycheck. He showed his California identification and his social security card. The teller refused to cash his paycheck unless he also presented his "green card."

A customer at a large home improvement warehouse store in City of Industry was harassed by security guards in the parking lot who threatened him with a baton and called him a "f—ing wetback." He is a lawful permanent resident.

In Tarzana, a cashier at a major grocery store refused to allow a woman to purchase groceries with cash, demanding that she present identification. The woman is a lawful permanent resident whose children are U.S. citizens. Two of her children are serving in the U.S. armed forces.

In a downtown Los Angeles store, a woman was shopping for a camera and asked the clerk if they accepted Visa credit cards. The clerk responded that he was surprised they were giving Visas to "illegals." He told her that he suspected that her Visa card was fake and ordered her out of the store.

A U.S. citizen who had hired a Los Angeles lawyer went to the lawyer's office to tell him that he no longer needed legal services. The lawyer became abusive, calling the man a "wetback" and other slurs, including telling him that he had "no right to be here." The client's twelve year-old son witnessed the incident.

A U.S. citizen speaking Spanish with a friend on a public bus reported that a Los Angeles bus driver turned and yelled at his passengers (Spanish and Armenian speakers) that they could "only speak English" on his bus.

A Los Angeles grocery store cashier and a customer laughed at a Latina permanent resident buying soup, saying, "That's all they [Mexicans] eat" and called Mexicans "pigs." Afterwards, in the parking lot, the customer tried to run the woman over with his car. The woman went to the store another time and another cashier commented to a customer, "Look at what they eat, just beans."

#### *December 1994*

A man went into an Oxnard fast food chain with his daughter to buy lunch. When he was getting ready to pay in cash, he was told that he would not be served his food until he presented his identification.

A woman went to cash her federal disability check at a Los Angeles supermarket and was asked for her social security card. When she told the cashier that she did not have it with her, the cashier said that she did not understand how the woman "could be getting aid if she was illegal." The woman responded that she never told the cashier she was illegal, she just told her that she had forgotten her social security card.

When the mother of a child with Down's syndrome asked a doctor for a letter verifying her child's condition in order to receive financial assistance to care for him, the doctor refused her, saying, "Latinos should work if they wanted to be here," and demanded to see immigration papers for both her and her Down's syndrome child.

#### *January 1995*

A couple went to eat breakfast at a Reseda restaurant chain with an invited guest. Both the husband and wife, who own a bakery, were very well-dressed and were regular customers at the

restaurant. They were the only Latino customers at the time. The manager approached their table and told them that they had to show their money before ordering and that if they did not show that they had money, they could not eat there. The couple showed their cash and were asked to show their credit cards. The manager asked to have the credit cards so that she could verify them. At that point, the couple left the restaurant, humiliated.

A man and his wife were shopping at a department store in Reseda. The woman asked a cashier, who she thought was Spanish-speaking, the price of something in Spanish. The cashier responded that she did not speak Spanish, that she was "American, a citizen." The husband told her, in English, that she did not have to answer with such hostility. The cashier called him "a dumb Mexican," a "wetback," and a "motherf—er." The man is a U.S. citizen.

#### *February 1995*

A twenty year-old U.S. citizen youth from Downey was refused entry to a theme park. Security guards at the park told him: "It's because we don't like Mexican gangsters."

#### *March 1995*

When an Ontario man went to a doctor's appointment, the doctor began questioning and insulting him: "If you don't speak English, what are you doing here? F—k immigrants! F—k Mexican people! What are they doing here? They should be in their own country. They don't even want to speak English."

#### *May 1995*

A Chicano youth went to a theme park (same park as in February 1995 incident) with some friends. He was in line to pay when security guards approached him and began to harass him and a friend. The young men were physically pulled out of line, asked to leave the park and told that the next time they were found on the premises, they would be arrested for trespassing.

#### *June 1995*

A North Hollywood bus passenger reported that Latinos on her bus route are regularly asked to pay more than the regular fare. The driver frequently requires them to drop more coins in the fare box until he decides they have paid enough — often double the regular fare. In addition, the driver routinely makes Latinos sit in the back of the bus.

*July 1995*

A woman went to a Santa Monica bank to try to open an account for her sixteen year-old daughter. She presented her daughter's social security card but bank tellers told her that she needed to show immigration papers or she could not open the account.

*August 1995*

An apartment manager told a woman and her children, who are tenants of a Van Nuys apartment building, that Mexicans could not use the pool after 6:00 p.m., because after 6:00 p.m. it was for "whites only." The tenant is a U.S. citizen.

*October 1995*

A woman was waiting in line at a check cashing business in Los Angeles to pick up her food stamps. A man who had not been waiting stepped ahead of her in line and went up to the window. When the woman complained that she had been waiting for 45 minutes, the employee told her "Shut up, stupid." He threw the coupons for the woman's food stamps in the trash. When she asked why, he said, "Shut up, motherf---er. You people don't have a right to ask [for food stamps]. That's all you know how to do," and told her that he did not have to give her the stamps if he did not want to.

*B. Hate Speech and Hate Crimes Against Latinos Increased*

On June 11, 1995, a particularly ugly whiff of racial intolerance wafted into Southern California. Arsonists torched the home of a Latino family in the Antelope Valley city of Palmdale and spray-painted on the walls: "Wite[sic] power" and "your family dies." The word "Mexico" was painted on the wall with an "X" through it.<sup>25</sup>

The torching of that Latino household was a horrifying crime but regrettably not a surprise, given reports of other anti-Latino incidents in the last year. The Los Angeles County Commission on Human Relations documented a 23.5% increase in hate crimes against Latinos in 1994, attributing the rise largely to anti-immigrant sentiment. The Commission also noted that this number may be much lower than the actual number of crimes committed, particularly because immigrants may fear reporting

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25. María Luisa Arredondo, *Incendio destruye vivienda en Palmdale*, LA OPINIÓN, June 12, 1995, at 3A.

such cases to law enforcement officials.<sup>26</sup> Callers to CHIRLA's post-187 hotline reported incidents of both written and spoken hate speech, harassment from neighbors, and in some instances, hate crimes.

Hate violence or threats of violence based on a person's race, ethnicity, religion, gender, sexual orientation, or disability status are crimes.<sup>27</sup> Many municipalities have hate crimes units in their police departments and district attorneys' offices. Many cities and counties also have Human Relations or Human Rights Commissions that investigate, monitor, and document hate incidents, as well as take reports from victims. Civil claims can also be brought which include the awarding of monetary penalties against the perpetrator of the crime. The Ralph Act<sup>28</sup> provides for awards of up to three times the amount of actual damages as well as punitive damages up to \$25,000.

### 1. *Incidents of Hate Speech and Hate Crime*

*November 1994*

A 54-year-old Woodland Hills home care nurse, a legal permanent resident, was walking near El Camino Real High School when a group of eight teenage boys came out of the school gates and started to chase her, yell racial slurs and pelt her with rocks. She ignored them and tried to leave; they followed her and became more insulting, yelling, "Get out of here Indian! Mexican! Go back to your country!" and "F—k you, motherf—er!" She was unable to run away from them, due to disabilities from surgery and a recent heart attack.

A Santa Paula cook was accosted the day after the 1994 election by customers who demanded his "green card" and told him that they would be in charge "of kicking out all illegals" since it is "the duty of all citizens to report 'illegal aliens' now that Proposition 187 has passed."

A man reported that he had received a dollar bill stamped "go home wetbacks."

A woman in an automotive center told a Los Angeles mechanic that he and his colleagues had to fix her car for free because, she stated, they were "illegal," and she would call the police and the INS and report them.

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26. See L. A. COUNTY COMMISSION HATE CRIMES REPORT, *supra* note 20. See also Errol A. Cockfield, Jr., *Hate Crimes Against Gays, Latinos Up in L.A. County*, L.A. TIMES, Mar. 30, 1995, at B1.

27. See CALIFORNIA SENATE COMM. ON JUDICIARY, STATE AND FEDERAL RESPONSES TO HATE VIOLENCE, INTERIM HEARING ON HATE VIOLENCE IN CALIFORNIA (Dec. 13, 1993).

28. CAL. CIV. CODE §§ 51.7, 52 (West 1996).

In Santa Ana, a man stopped next to an Arcadia legal permanent resident at a traffic light and asked her if she was an "illegal."

In Los Angeles, a woman walking with her children on Halloween night was verbally assaulted with hate speech and racial slurs.

The author of a book on how to legalize one's immigration status reported to the INS that when the book was on display at a small shop in Thousand Oaks, a woman came in and demanded that it be removed from the shelves. "It is a stupid book that is only encouraging all these illegals!" she said. She threatened to report the shop owners to the Better Business Bureau, the Border Patrol, and the attorney general's office. She called the Sheriff's Department and a sheriff deputy "raided" the shop. The deputy ended up apologizing to the store owners, who were Lebanese immigrants.

A customer at a North Hollywood gas station yelled, "You f—king Mexican wetback! We're going to throw you out of this country!" to a Latino gas station attendant, a legal permanent resident. The customer tried to provoke the attendant to fight.

### *February 1995*

A woman in rural Corona reported that her neighbor had come by, making fun of them, and telling them that Mexicans "attract flies." The neighbor also shot all of the family's chickens. These incidents eventually forced them to move away from the area.

A Los Angeles woman reported that a neighbor came over several times and called her a "*mojada*" or "wetback" and made sexual advances. He had also walked into her apartment unannounced and exclaimed, "Here comes immigration!" The woman was forced to move out.

In a Burbank apartment complex, two Latino families were terrorized by the resident of another apartment, who suddenly lunged out of the dark, demanded a "green card" and made threatening gestures to the mother of the family. She thought that she was being mugged. The neighbor was known for making menacing and offensive remarks to Latino-appearing individuals, calling them "*mojados*" and harassing them. The parents who were harassed are legal permanent residents and have children who are U.S. citizens, one of whom served in the Gulf War. One family moved out of the building because they were afraid the man's activities might escalate into real violence.

*June 1995*

A Los Angeles woman who was walking with her two year-old was viciously bitten by a dog which jumped out of its gate. The woman's leg was bleeding, and the owner, who was standing in the yard, came to restrain the dog. A neighboring witness told the owner that he had better give the woman some money for medical treatment. He responded, "Illegals have no right to medical care, Pete Wilson said so." When she later approached the dog owner regarding the hospital bill, he refused to pay and again said, "I don't have to pay anything, Pete Wilson said it was the law."

*July 1995*

A Los Angeles immigrant rights attorney received hate mail that contained a photograph of her face with a target over it and proclaimed "Open fire," called her "brown trash" and "latina scum" and warned, "CHIRLA representative defends *mojados*. Teach her a lesson." At the top of the page, the threat read "187 will be enforced."<sup>29</sup>

*September 1995*

A Pacoima woman reported that a neighbor regularly subjected her and her family to racial slurs, calling them "a bunch of wetbacks" and telling them to "go back to Mexico." The neighbor also told them 187 was going to take effect and has defaced the walls of their apartment building with hate speech, declaring that residents there should "go back to Mexico."

C. *Abuse and Discriminatory Treatment Against Latinos by Law Enforcement Officials Increased*

Complaints about law enforcement officials harassing Latinos flooded CHIRLA's hotline in the wake of 187's passage. Callers regularly reported incidents of police officers establishing traffic checkpoints and checking papers in communities heavily populated by Latinos. There were also reports of police using racial slurs and other abusive language towards Latinos.

Police officers cannot detain people as "suspected illegals" based solely on their racial or ethnic appearance, nor can they detain an individual in a traffic or pedestrian stop for the purpose of asking about their immigration status.<sup>30</sup> If the police have

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29. María Luisa Arredondo, *La directora de CHIRLA denuncia haber sido amenazada de muerte*, LA OPINION, July 7, 1995, at 5A.

30. See Rebecca Chiao, *Fourth Amendment Limits on Immigration Law Enforcement*, IMMIGRATION BRIEFINGS, Feb. 1993, No. 93-2.

stopped someone because they believe the person has committed a crime, however, they are allowed to ask questions about immigration status and give that information to the INS. The detainee, of course, has the right not to answer these questions.<sup>31</sup>

In addition, many local municipalities and police departments in California have official policies prohibiting enforcement of immigration laws and cooperation with the Immigration and Naturalization Service. The purpose of such policies is to promote positive community relations and encourage victims and witnesses to crimes to trust their police and not be fearful to report crimes and criminals. Some of the cases listed below involve law enforcement personnel from municipalities with such policies.<sup>32</sup>

1. *Incidents of Abuse and Discriminatory Treatment by Police Officers*

*October 1994*

An Inglewood Police officer arrived at the home of a legal permanent resident, in response to complaints from a neighbor about loud music. The officer came into the house, turned down the stereo, and threatened to arrest her and deport her to Mexico if he ever had to come back. He then pulled his weapon, held it to her head and demanded to see her "green card." Fearing for the well-being of her family members, she showed him her documents. The officer eventually left, but not without first jotting down the license plate of her car. The incident was so traumatizing to the woman and her children that she had to seek medical care. She is afraid to drive for fear she will be stopped and harassed by police.

*November 1994*

A Tustin police officer stopped a driver for no apparent reason and searched his car. The officer then asked for immigration papers. The driver produced them. He asked why the officer was asking for the papers, and the officer responded, "I can ask you whatever the f---k I want."

An Inglewood caller reported that a California Highway Patrol officer stopped and asked him for a "green card."

A U.S. citizen from Monterey Park was a passenger in a car which was pulled over by a police officer who asked her whether or not she was "legal."

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31. U.S. CONST. amend. V provides: "No person shall be . . . compelled in any criminal case to be a witness against himself . . ."

32. See, e.g., Los Angeles Police Department Special Order, No. 40 (Nov. 27, 1979) (on file with authors).

An officer issued a traffic ticket to a driver in Los Angeles. The man spoke to his wife in Spanish to explain what was happening. The officer got upset and told him that he should not speak Spanish "here or anywhere." The officer pushed the driver and asked him, "Where are you from?"

Two young men were involved in a minor car accident in Huntington Park. When the police arrived they asked the men for their immigration papers, called them "*Pinches mojados*," told them to "go back to Mexico," and threatened to deport them.

#### *December 1994*

A San Bernardino caller reported that a police officer remarked to a group of Latinos that he was "going to send them all back to Mexico."

#### *January 1995*

Two callers from Dana Point separately reported that police were stopping Latinos and asking for immigration documents.

A woman in Baldwin Park was hosting a birthday party for her four year-old daughter. A neighbor who had previously insulted her with words like "*mojados*" and "motherf—er" and told her to "go back to her country" called the police during the party. Two police officers came to their home and told them to break up the party or they would call INS.

#### *February 1995*

Two men were stopped by an officer in Chino Hills who asked for a driver's license. The driver gave the officer his California Identification. The officer pulled him out of the car and sat him on the curb. He then asked the passenger if he had a driver's license. The officer looked at it and said, "This is trash. You're not an American citizen. Do you have papers? Why don't you go back to Mexico?"

#### *April 1995*

A Burbank woman reported that she and a friend were stopped by police on the grounds that their vehicle had a broken rear window. The driver was asked for her "green card."

#### *August 1995*

A 17 year-old Chicano was stopped by a Lynwood sheriff for no apparent reason. When the youth asked the officer why he

was stopped, the sheriff told him, "Because I don't like Mexicans, and you are an ignorant Mexican."

A U.S. citizen went to a swap meet in El Monte with her children and their godmother. They were stopped in the parking lot by a police officer who searched both women's purses and asked them if they had their green cards. He accused the U.S. citizen of having a false social security card. The children were told to take everything out of their pockets, and the women were searched. The officer also searched their car.

### *September 1995*

A caller reported that police had been harassing him and other gay men with insults, "You Mexican *mugrosos, putos* [filthy queers] go back to Mexico." They were asked to show their papers and officers threatened to deport all of them.

#### D. *The Majority of Victims of the Reported Incidents of Discrimination Are U.S. Citizens and Lawful Permanent Residents*

Callers to CHIRLA's hotline represented the entire spectrum of immigration status — U.S. born and naturalized citizens, lawful permanent residents, temporary residents, political asylees, and undocumented residents. Of the 157 cases covered in this report, 60% of the victims are citizens or lawful permanent residents. Latinos of every and any immigration status, as well as social class, were subjected to discrimination and racial attacks in the wake of Proposition 187 because of their Latino appearance alone. Professor Leo Chavez noted that what is most insidious about "suspecting" undocumented status "is the way the rhetoric or discourse . . . is meant to instill fear in other Latinos that they, too, will be associated with this pariah group. It reminds . . . Latinos that they, too, can be defined as outsiders, as illegitimate members of the community."<sup>33</sup>

#### E. *The Effects of These Hateful Incidents Are Long-Lasting*

Many of the callers to CHIRLA's hotline, particularly those who are longtime residents, remarked that they had never before experienced such blatantly hostile treatment. It profoundly unnerved them. In an interview with *Time* magazine, the CHIRLA hotline operator described the call of the 10-year lawful permanent resident who was pelted by rocks and slurs when she was

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33. Leo R. Chavez, Proposition 187: The Nationalist Response to the Transnationalist Challenge, Presentation at the Ernesto Galarza Public Policy Institute Conference, "Proposition 187 and the Immigration Crisis," Jan. 13, 1995, Riverside, Cal. (on file with authors).

out walking the day after the November 1994 election: "She was crying so hard, I couldn't get her off the phone for 20 minutes. . . . She kept saying, 'This is my dream - the land of liberty.'"<sup>34</sup> The victim told *La Opinión*, "Nothing like this has ever happened to me before. I have always been accustomed to respecting others and being respected myself."<sup>35</sup>

Most people reporting incidents expressed lingering feelings of pain and outrage. In verifying reported incidents through routine calls over a six to eight month time period, it became apparent that callers were still very upset about what had happened to them even if several months had passed since they had contacted CHIRLA. The U.S.-born man who could not cash his paycheck at a bank without a "green card," for example, is still angered by the incident one year later. He remarks, "I was born in Torrance! I don't have a 'green card.' I guess I have to paint my eyes green and dye my hair blonde [to cash a check]." He remarked to *La Opinión*, "I've never had an experience like this one. All this is a product of racism that has evolved from Proposition 187."<sup>36</sup>

The woman who was held at gun point by a police officer demanding her "green card" was upset for several months afterwards, as were her children and her sister, who were all present. In February, nearly four months after the incident, she reported, "This trauma has had a profound effect on me. . . . I still get headaches . . . I've had stomach trouble, I can't sleep . . . I've been a nervous wreck ever since this happened."<sup>37</sup>

The psychological impact of the climate of discrimination unleashed by 187 is deep and connected to what is most significant about the effects of 187: the way it has changed daily life for Latinos in the year following its passage and fueled a climate of intolerance.

Reports of 187-related discrimination continue to come in on CHIRLA's hotline, indicating that neighbors, business owners, police officers, and government officials still feel license to discriminate against anyone whom they suspect "might be illegal."

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34. Margot Hornblower, *Hot Lines and Hot Tempers*, TIME, Nov. 28, 1994.

35. María Luisa Arrendondo, *Mas denuncias de abusos por la 187*, LA OPINION, Nov. 30, 1994, at 1A, 6A.

36. María Luisa Arrendondo, *Persiste discriminación por la 187, dice CHIRLA*, LA OPINION, July 31, 1995, at 3A, 4A.

37. Cheryl D. Fields, *State of Fear: In the Wake of Prop. 187's Passage, Immigrant Bashing is All the Rage*, L.A. VILLAGE VIEW, Feb. 17, 1995, at 31.

### III. RECOMMENDATIONS

The attacks on civil rights and human dignity described here must stop. This can happen only with a concerted effort by both the public and private sectors which sends a message that such activities will not be tolerated. Government agencies along with the business and philanthropic communities need to develop and implement strategies that remedy the individual wrongs, deter future hate activities, and, just as importantly, identify the prevention of such activity as a priority issue for policy-makers. Existing structures and programs which attempt to address these wrongs deserve strengthening and support.

These recommendations represent attainable goals and objectives and some have been tried by humane and forward-looking organizations, politicians, and/or private corporations, and have proven successful and cost effective.

1. The dialogue about race relations in Los Angeles County needs to move beyond the Black/White paradigm to include Latinos and Asians.

2. Cultural awareness education as well as training regarding an agency's or business' legal obligations should be mandatory for government employees (especially law enforcement) and employees of large businesses, especially those serving the public. Companies should be legally mandated to provide this training.

3. Policy makers must prioritize the eradication of racism and its consequences by dedicating more public attention and resources to strengthening anti-discrimination and hate crime laws, including increasing penalties against perpetrators and remedies for the victims.

In addition, resources must be devoted to investigating discrimination and hate incidents and enforcing hate crime and anti-discrimination laws. This includes providing more support for human relations and human rights commissions and for "hate crime units" in police departments and district attorneys' offices.

4. Hate crime laws should include "immigration status" as a protected category. Many of the complaints documented in this report involve both references to the race and the perceived immigration status of the victims. There are also incidents, however, in which race or ethnicity is not addressed, but references are made to the victim's immigration status. This category needs to be added to address such incidents, which may technically fail to qualify as a hate crime under the existing legislation.

5. Immigrants' efforts to organize and speak out against discrimination should receive both public and private sector support. Many of the individuals who suffered discrimination and

hate incidents in the above-cited cases have joined together to organize a response to the indignities that they and many others have endured. They are pursuing actions such as boycotts of businesses that show a pattern of discrimination, planning work with local governments to establish commissions to address immigration issues, and organizing a public outcry against racism and immigrant-bashing.