CALIFORNIA'S POLICY EUREKA ECONOMICS, AND POLITICS

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INTRODUCTION

After Nearly Twenty-Five Years in California's Spotlight, Some Perspective on Immigration and the Golden State

By Bill Whalen

An East Coaster in my upbringing and early career, I first arrived in California in 1994—an unremarkable occurrence in a year that otherwise was chock-full of news in the Golden State.

The year 1994 witnessed California's last major earthquake in a heavily populated area (Los Angeles' magnitude 6.7 Northridge Earthquake, which arrived quite rudely at 4:31 a.m. on the seventeenth day of the new year).

Twenty-five days before the year's end, Orange County filed for the then largest municipal bankruptcy in US history, the price paid for a felonious treasurer over-leveraging the county's money in high-risk investments (it took "the O.C." almost twenty-three years to pay its final bankruptcy bill).

In the northernmost reaches of Silicon Valley, Steve Jobs was fiddling with software and telling an interviewer that his life's work "will be obsolete by the time I'm 50" (thirteen years later and a month before his fifty-second birthday, Jobs unveiled the first-generation iPhone).

Well to the south, in the upscale Los Angeles neighborhood of Brentwood, a former Heisman Trophy winner was arrested on two counts of homicide, eventually leading to the "Trial of the Century," an acquittal, and—as with the Rodney King beating and subsequent riots—another episode of L.A.'s racial divide.

The year 1994 also marked a political upheaval at California's ballot box. Republicans captured five of eight state constitutional offices and gained control of the State Assembly for only the second time dating back to 1960 (nationally, the GOP flipped fifteen chambers that had been in Democratic hands).

And perhaps the greatest California rumbling of all: a pair of ballot initiatives whose impact would be felt for decades to come. That would be Proposition 184, the "three strikes" sentencing initiative, and Proposition 187, which sought to deny public services to illegal immigrants residing in the Golden State.

About Prop 187: it never saw the light of day (a federal judge deemed it unconstitutional and then governor Gray Davis abandoned a legal challenge). But it marks the beginning of a heated debate—in California and nationwide—over border control, citizenship, racial assimilation, and commonsense immigration policy.

At times, immigration-related rhetoric—much like a California wildfire—flames out of control. Last month, for example, the Fox News Channel's Laura Ingraham said the following on her nationally broadcast television show: "[I]t does seem like the America that we know and love doesn't exist anymore. Massive demographic changes have been foisted upon the American people. And they're changes that none of us ever voted for, and most of us don't like. . . . From Virginia to California, we see stark examples of how radically in some

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ways the country has changed. Now, much of this is related to both illegal and, in some cases, legal immigration that, of course, progressives love."

To which Anthony Scaramucci, briefly the Trump White House's communications director, replied: "I really wish she wouldn't talk like that because it sounds ignorant. . . . I hope she realizes that what she said is against American values that she's supposedly touting."

Ingraham later sought to clarify her remarks: "Despite what some may be contending, I made explicitly clear that my commentary had nothing to do with race or ethnicity, but rather a shared goal of keeping America safe and her citizens safe and prosperous."

But the debate goes on . . .

From a legislative standpoint, California has marched decidedly to the left on immigration since the Prop 187 vote—more so in the last decade. The state has made it legal for undocumented immigrants to obtain drivers' licenses (over a million issued so far) and has expanded eligibility for in-state tuition to include students in California illegally. In San Francisco, noncitizens can register to vote in November's city school-board election.

However, not all Californians are on the same page when it comes to expanding benefits and protections.

Last October, Gov. Jerry Brown signed "sanctuary state" legislation limiting local law enforcement officials' ability to cooperate with federal immigration authorities. In May, Orange County's Board of Supervisors voted unanimously to join a federal lawsuit against California's sanctuary laws.

But on sanctuary policy, California is divided. Per this Berkeley IGS Poll, the law runs strongest along the true-blue coast—the San Francisco Bay Area, Los Angeles County, and San Diego County. The measure is less popular in the aforementioned O.C., Central Valley, and pockets of California north of the Bay Area. While seven in ten Latino and African-American voters support the sanctuary law, white non-Anglos are split.

There's an obvious remedy to this divide: hold a statewide referendum allowing the entire California electorate to vote up or down on sanctuary policy. But let's suppose the policy was repealed: as with Prop 187, there'd be a legal challenge that a Democratic governor likely would abandon at the first opportunity to do so.

In other words, tempers would flare. Californians would remain divided. The state wouldn't heal.

In this edition of *Eureka*, we focus on immigration by coming at the topic from four directions, which includes the following:

- Victor Davis Hanson, the Martin and Illie Anderson Senior Fellow at the Hoover Institution, looks at how illegal immigration has affected a stretch of rural Fresno County that his family of Scandinavian immigrants has called home for five successive generations.
- Tim Kane, the JP Conte Fellow in Immigration Studies at the Hoover Institution, explains why immigration reform remains elusive in Washington, DC, no matter which party controls the federal government's levers.
- Rep. Ro Khanna, a first-term Democrat representing California's 17th Congressional District and the son of Indian immigrants, discusses the balance of respect for American traditions while embracing one's heritage.
- Dan Morain, senior editor at CALmatters and a veteran of the Sacramento press corps, explains why immigration has stayed a part of the California conversation for a quarter of a century.

We hope you enjoy this latest installment of *Eureka*—and that it gets you thinking about where California stands and whether we're moving in the right direction.

Bill Whalen is a Hoover Institution research fellow, primarily studying California's political trends. From 1995 to 1999, Bill served as chief speechwriter and director of public affairs for former California governor Pete Wilson.

FEATURED COMMENTARY

The Diversity of Illegal Immigration

By Victor Davis Hanson

I live on farm beside a rural avenue in central California, the fifth generation to reside in the same house. And after years of thefts, home break-ins, and dangerous encounters, I have concluded that it is no longer safe to live where I was born. I stay for a while longer because I am sixty-five years old and either too old to move or too worried about selling the final family parcel of what was homesteaded in the 1870s.

Rural Fresno County used to be one of the most ethnically diverse areas in the United States. I grew up with first-, second-, and third-generation farmers—agrarians of Armenian, German, Greek, Mexican, Japanese, Portuguese, Punjabi, and Scandinavian descent.

Race and ethnicity were richly diverse; yet assimilation was the collective shared goal—made easier because immigration was almost entirely a legal and measured enterprise. No one much cared about the superficial appearance of his neighbors. My own Swedish-American family has intermarried with those of Mexican heritage. My neighbor's grandchildren are part white, Japanese, and Mexican. The creed growing up was that tribal affiliation was incidental, not essential, to character.

Family farming was never an easy enterprise. But an us/them mentality prevailed that united diverse farmers against both human and nature's challenges. Yet most of those rural families now have all moved away or passed on. Their farms are leased to corporate enterprises and their homes rented to mostly immigrants from Mexico—many of them undocumented. Globalized agribusiness and unchecked illegal immigration, in different ways, combined to change central California and has made living in rural areas no longer safe.

Almost every old farmstead in my vicinity is no longer just a home for a single farm family. They are often now surrounded by trailers and lean-tos, in turn sub-rented out to dozens of others—violations of zoning laws and building codes of the sort that would earn me a stiff fine, but which are of little interest to local authorities. Of three neighboring farmsteads down the road, one is now a storage area for dozens of used porta potties and wrecked cars. Another is an illegal dumping ground. The third has been raided on various occasions by authorities in order to stop drug dealing, gang activity, and prostitution.

Our rural environs are often home to hard-working immigrants, but also to various Mexican gangs, drug dealers, and parolees. I hesitate to offer too many details because in the past I have incurred the anger of dangerous neighbors who got wind of filtered down stories of their criminality. It is enough said that sirens, SWAT teams, and ICE raids are not uncommon.

A month ago a gang member shot up a neighbor's house. He was arrested, released, and rearrested in a single night after trying twice to break into the home. The armed homeowner stopped his entry. I know of no nearby resident who is not armed. I cannot remember anything remotely similar occurring before 1980. In the 1970s, we had no keys to our doors, and houses were permanently unlocked.

Some of those with criminal records and gang affiliations were born in the United States. Perhaps America often does not seem as much a promised land to the second generation as it did to their parents, who arrived destitute from impoverished Oaxaca, Chiapas, and Central America. Arriving from one of the poorest regions in the world to one of the wealthiest and most culturally different—without the competitive requisites of English, legality, and a high-school diploma—in an era when the salad bowl is preferable to the melting pot, can easily result in the frequent chaos described below.

I object most to the environmental damage in our rural areas. By that I mean the tossing of household waste or even toxic chemicals onto farmland. Staged cock- and dogfighting is also not uncommon. I have found a few carcasses ripped to shreds, some with ropes around the dead dogs' neck. Picking up tossed junk in my orchard is a routine experience. The perpetrators often leave plastic bags of their bulk mail (with incriminating addresses!) among soiled diapers and wet garbage. Local authorities have enough to do without hunting down dumpers to cite them for their antigreen habits.

Every once in a while amateur and illegal collectors, who freelance for immigrant households that do not pay for "supposedly" mandated county garbage pickups, will come in at night with panel trucks and trailers. They dump literally tons of garbage such as mattresses, sofas, TVs, appliances, tires, junk mail, and car seats on alleyways and in vineyards.

Not long ago someone jettisoned in our vineyard hundreds of used florescent light bulbs, about one hundred paint cans, and fifty-gallon drums of used oil and chemicals. Needles and drug paraphernalia are not uncommon. I've seen about five stripped-down cars abandoned on our property after being stolen. Last summer a huge semitruck was left on our alleyway, picked cleaned down to the chassis.

I used to ride a bicycle in our environs. I quit for a variety of reasons.

If one is bitten by unlicensed and unvaccinated roaming dogs— and there are many out here—and if their masters do not speak English or do not have legal status, then a nightmare follows of trying to get authorities to find the dogs and impound them before the owners or the dogs disappear. It is up to the bitten whether the decision to play the odds and not get painful, and sometimes dangerous, rabies shots is prudent or suicidal. As a doctor put it to me when I was bitten: "Rabid dogs are almost unheard of in the United States, but I have no idea of what is true of Mexico. Your call."

Less dramatically, I got tired of watching local canteen trucks drive out on our rural roads, pull their drainage plugs, and dump cooking waste or toss leftovers on the road.

Sometimes there is more comedy than melodrama out in rural Fresno County. For about two months I noticed that a number of my roadside cypress trees seemed ailing. I tried gopher bait, given what I thought were strange burrows near the trunks.

Then one evening I heard voices near the trees. Two immigrants, neither speaking English, were digging with handheld hoes for what they said were hongos. They produced a large clear plastic bag that instead seemed full, of all things, harvested truffles—which I had never seen or heard of in the area.

I couldn't figure out whether the forest humus ground up from fallen Sierra trees I had purchased, or the roots of the cypresses themselves, had spawned truffles—or whether they were even truffles or perhaps some sort of strange looking subterranean tree growths or mushrooms. In broken Spanish, I politely asked that they not periodically dig up my tree cypress tree roots but could sell their already collected *hongos* in their bags at the local swap meet as they said they had intended. We left amicably enough.

On lots of occasions, drivers (almost always on Sunday afternoons) have veered off the road, torn out vines or trees, left their wrecked vehicles, and run away. Authorities belatedly arrive and explain there is no valid registration, insurance, or known licensed driver to be found—but that the damage in the thousands of dollars cannot be mitigated by selling the abandoned car, which must be impounded.

Identity theft is a problem. The IRS has reported over one million cases of likely illegal immigrants using false or multiple identities. Once I went online and discovered my checking account was suddenly in arrears by several thousand dollars. When I pulled up the cancelled checks, I saw perfect replicas of my own, with the proper bank and router numbers in the lower left corner of the checks—but at top with the name and address of a different person and with the reverse of the check stamped with his ID at a local Spanish-language market. The bank said I could call police investigators or simply file a claim that it would quickly cover. And it did. I have not written a local check to any person or business since.

Hot pursuit by local authorities that blast into private driveways is scary. On one occasion, the sheriffs and police lost their fleeing target (who later turned out to be a felon with arrest warrants) and gave up the chase. An hour later in the dead of night I heard the accomplice near our patio. He had apparently jumped out the passenger door of the car and hidden under our pecan tree. I held him at gunpoint until the flummoxed authorities returned.

When my daughter was thirteen, she and I were broadsided in our pickup by a driver who ran a stop sign. I called the local police. We were bruised but not hurt; the truck dented but drivable. She waited behind the pickup as I chased the driver who had fled on foot from his overturned car. I caught him just when the police arrived.

Rural central California is sort of ground zero for illegal immigration and its auxiliary effects. From experience, I can attest that the vast majority of illegal aliens are fine people, hard-working, and whose first and second offenses of entering and residing illegally in the United States were not followed by third and fourth acts of criminality.

Certainly after twenty-one years of teaching Latin, Greek, and humanities to immigrants at CSU Fresno, both legal and illegal, I believed that the melting pot can still work and most Hispanic arrivals integrate, assimilate, and intermarry with increasingly frequency despite the often-shrill protestations of campus identity politics advocates.

But the numbers of illegal immigrants have become so large—ranging from an estimated 11–20 million now residing in the United States—that both pessimism and optimism are now warranted. If only 10 percent have criminal records or inordinately break laws, then the good news is that many millions more are likely working and crime free. The bad news is that somewhere between one and two million have entered our country illegally and repaid that generosity with criminality or ID theft or fraud.

Our local town has erected a sort of clannish statue of the Aztec goddess Coatlicue, the mother snake goddess to whom thousands were sacrificed, with the ill-fitting caption *Viva La Raza* (literally, "long live the race"). But I think most of our town's overwhelming Mexican-American and Mexican population are about as indifferent to it as my Swedish ancestors' children in the nearby town of Kingsburg are oblivious to various Swedish totems (although none of them are emblazoned with *Viva ett ras!*).

The tragedy of illegal immigration is that it did not have to be this way. Legal, measured, meritocratic, and diverse immigration leads to rapid assimilation and Americanization and enriches the country culturally and economically.

Its antithesis—illegal, mass, non-meritocratic, and non-diverse immigration—hinders the melting pot. It fuels tribalism, while incurring vast costs in social services to ensure some sort of parity for those from impoverished southern Mexico and Central America. The wages of our citizen working poor and their access to needed social services are not helped by thousands of new arrivals without legality and English.

Yet illegal immigration in such numbers certainly empowers a host of special interests. So it continues. Employers prefer cheap labor and often worry little about the social consequences of their workers once they age, have families, or become ill or injured.

Ethnic activists seem energized when their constituents assimilate slowly and require collective representation.

The Democratic Party has learned that the blue-ing of California, Colorado, Nevada, and New Mexico is a paradigm of how to flip Arizona and Texas.

The Mexican government counts on billions in annual remittances from mostly illegal immigrants in the United States who serve as a safety valve for Mexico City to defer needed social and economic change. (In the first eleven months of 2017, Mexicans living abroad sent home $26.1 billion, most of it from north of the border.) The expatriate community in the United States seems to grow fonder of Mexico the farther it is distant.

A final note. Most who write of the positives of open borders and the supposed nativism and xenophobia of those who worry about illegal immigration choose not to experience firsthand the concrete consequences of their own advocacies. By that I mean that despite virtue-signaling, their children rarely attend impacted public schools. They do not socialize or live next to illegal immigrants. And to the degree that they interact with the undocumented, it is mostly as employers to landscapers, housekeepers, nannies, servers, and cooks who magically disappear after work.

In contrast, many of those who are worried most about illegal immigration are often now second- and third-generation Mexican Americans whose schools, neighborhoods, and social services are increasingly in crisis due to the sheer number of those who have arrived without legality, a high-school diploma, and English but in sore need of government help.

Much of what we read about illegal immigration seems to have little to do with the reality of those most directly influenced by it.

Victor Davis Hanson is the Martin and Illie Anderson Senior Fellow at the Hoover Institution; his focus is classics and military history. He is the author of *The Second World Wars: How the First Global Conflict Was Fought and Won*.

CalNotes

It's no coincidence that Fresno County native Victor Davis Hanson is descended from a long line of raisin farmers: California raisin growers produce 100% of the US raisin crop within a sixty-mile radius of the city of Fresno ("raisin" comes from the Latin racemes, which translates to "cluster of grapes or berries"). As far as top cash crops are concerned, almonds and raisins rule supreme in Fresno County.

In post-Civil War California, Armenians descended from the founders of vineyards in Persia migrated to the San Joaquin Valley. Legend has it that California's first raisin crop occurred by happenstance, not agricultural planning—a heat wave struck before harvest, killing grapes on the vine before farmers couple pluck them. As proof that times change and so too does culture: in today's society, raisins are synonymous with bran and bread. The Greeks used raisin crops to decorate temples; Hannibal fed them to his troops; Romans used them as a barter currency (legend has it two jars of raisins could be traded for one slave), a cure for mushroom-poisoning, and a payment for taxes. Good luck selling that to the IRS.

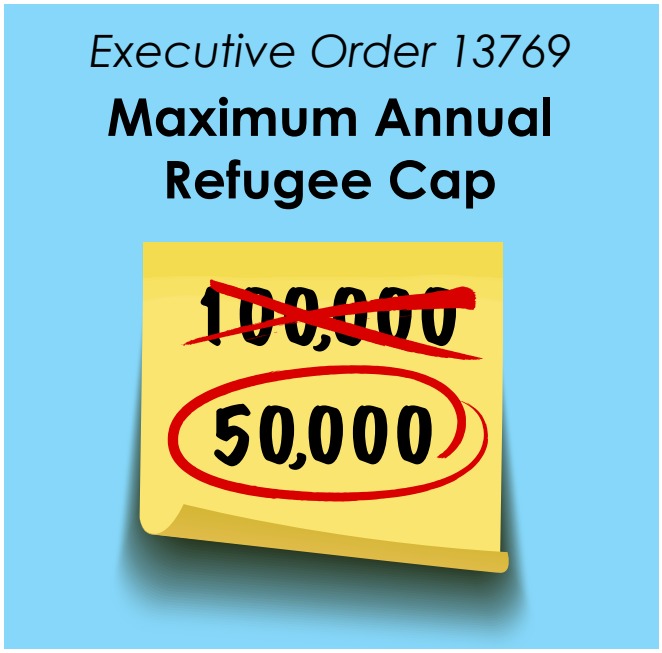
Immigration Policy Gets Ugly in 2018

By Timothy Kane

Fiasco. Disaster. Meltdown. Take your pick.

Any one of those descriptions accurately sum up the Republican Party's handling of immigration policy in 2018—especially the warring caucuses in the House of the Representatives.

But the failure of two major pieces of legislation in Congress at the start of the summer should not obscure



real and significant changes to federal immigration policy, changes driven entirely by executive action in the Trump administration.

Having weaponized identity politics in general and immigration in particular, Democrats were mocked relentlessly for their failure to consider, let alone pass, comprehensive immigration legislation during the first two years of Barack Obama's presidency in 2009 and 2010 when they had majority control of both chambers of Congress.

With Donald Trump's election two years ago, the roles were suddenly reversed. The pressure was on House Speaker Paul Ryan, Senate Majority Leader Mitch McConnell, and President Trump to deliver. If anything, the stakes are higher this time around because fixing illegal immigration was the central motivation of the Trump candidacy.

Whereas the Obama administration engaged with Congress in fits and starts for six years before shifting dramatically into executive action mode just two weeks after the 2014 election, the Trump administration engaged in a two-track approach from the very beginning, pushing congressional leaders to deliver legislation while simultaneously taking administrative action.

Within days of being sworn in, Trump signed Executive Order 13769, which included a travel ban on immigrants and visitors from seven countries, notably Iran, Libya, and Syria. Challenged and revised twice, the travel ban was upheld in a 5–4 Supreme Court ruling on June 26, 2018, a day before Republicans in the House voted on a comprehensive immigration reform bill.

Comprehensive Legislation Fails, 2018 Edition

Crafting comprehensive legislation to reform the complex US immigration system would be a challenge in the best of times—meaning: times when the two political parties work together in good faith, when compromise is a goal to be achieved rather than avoided, and when the White House offers a calming influence. Suffice to say, Speaker Ryan had an impossible task in landing this whale as he opened the new Congress in early 2017, made far worse by Democrats locked into #Resistance, leavened by disruptive tweets from @realDonaldTrump.

The bottom line: on June 27, the House voted on a bill negotiated exclusively among Republican members for over a year to meet the shifting demands of the Trump administration. The bill was defeated, 121–301, garnering barely half of the available GOP votes.

For reasons that defy easy explanation, Speaker Ryan allowed two competing bills to be voted on by the full House in late June; this latter bill was considered the more centrist one.

Fundamentally, it resolved the status of illegal immigrants brought to the United States as children (the DACA kids) with a six-year legal status and pathway to citizenship, provided $23 billion for a wall along the Mexican border, ended the diversity lottery, and modified the composition of legal immigration toward a merit-based structure. In other words, the "Goodlatte II" bill included all the big things President Trump asked for in his first speech before the Congress.

Because the president began his term by rescinding many of Obama immigration actions, notably the DACA memorandum that granted temporary legal status to illegal immigrant children, Ryan and McConnell set about assembling a legislative fix.

Why did the big push for legislation fail? One plausible reason, despite the president's willingness to make a deal, is that many of his staffers are not.

By now it is clear that the Trump administration is rife with infighting on economic issues. That infighting is often evident in diametrically opposed signals from one cabinet official who publicly disagrees with another cabinet official. These disagreements have been publicly aired on trade, immigration, and tax policies. Trump himself tweeted that a pathway to citizenship was a deal breaker, but later said it was fine. That kind of instability stymied legislative negotiations among GOP members. The departure of Gary Cohn as the head of National Economic Council seems to have unleashed Trump confidant Stephen Miller, an ideological nativist who is filling the ranks of various agencies with like-minded allies.

When Congress began working in earnest on an immigration bill last October, Miller led the drafting of White House principles that were essential elements of any law that included a DACA fix. One might think this was a handful of horses to trade with Democrats on the DACA kids, maybe a half-dozen items. However, the seven page White House memo included no fewer than seventy demands. Let's not kid ourselves: this isn't a good faith effort to shape legislation. It's cynical and designed to fail.

As the House Judiciary Committee marked up a bill for consideration in early 2018, weeks became months. Ryan had to fend off frustrated Republican centrists who worried the issue would be punted once again. They threatened to file what is known as a "discharge petition" that would bring alternative bills directly to the full chamber—a legislative vehicle that allows a bipartisan majority to overrule the Speaker and Party leadership.

Discharge petitions need support from 218 members. Rumor had it that this petition had 216 votes. It would have succeeded until Ryan promised centrists they would get consideration of a center-right bill by the end of June, no matter what. Meantime, members of the hard-right Freedom Caucus threatened to tank that effort unless they got a vote on their own bill. Hence the two-pronged approach. Republican staff worked feverishly behind closed doors to thread the needle on both approaches.

As the two bills were being finalized, the Trump administration announced a new "zero tolerance" enforcement policy of illegals claiming asylum at the southern border that would separate all children who accompanied adults, including parents. The policy created a firestorm, as the timing of the controversy engulfed cable TV and disrupted House negotiations.

On June 19, the president visited House Republicans at the Capitol, ostensibly to rally support for both bills. Some interpreted his remarks as supportive of either bill, but his support veered from vague, to strong, to negligent, and then back to strong over the next few days. One member confided to CNN that the president's visit was nice but "didn't move the ball."

Two days later, the hardline bill failed as expected, but Ryan decided to delay voting on the second bill. Representatives were trying carefully to vote with the president, not to cross him, but were frustrated. Ryan committed to a vote on June 27, come Hell or high water.

"I don't understand where the administration is right now on this issue," said Congressman Mike Coffman (R-CO) as the second vote loomed. Small wonder. Consider these tweets from @realDonaldTrump during the critical days in late June, which are just a handful of the many tweets about immigration he made during this timeframe:

- June 19: "#CHANGETHELAWS Now is the best opportunity ever for Congress to change the ridiculous and obsolete laws on immigration. Get it done, always keeping in mind that we must have strong border security."
- June 20: "The Fake News is not mentioning the safety and security of our Country when talking about illegal immigration. Our immigration laws are the weakest and worst anywhere in the world, and the Dems will do anything not to change them & to obstruct-want open borders which means crime!"
- June 20: "Had a great meeting with the House GOP last night at the Capitol. . . .!
- June 21: "What is the purpose of the House doing good immigration bills when you need 9 votes by Democrats in the Senate, and the Dems are only looking to Obstruct. . . ."
- June 21: "We have to maintain strong borders or we will no longer have a country that we can be proud of—and if we show any weakness, millions of people will journey into our country."
- June 22: "Republicans should stop wasting their time on Immigration until after we elect more Senators and Congressmen/women in November."
- June 27: "HOUSE REPUBLICANS SHOULD PASS THE STRONG BUT FAIR IMMIGRATION BILL, KNOWN AS GOODLATTE II, IN THEIR AFTERNOON VOTE TODAY. . . ."
- June 30: "I never pushed the Republicans in the House to vote for the Immigration Bill. . . ."

The fiasco of the double failure of immigration bills in the House was so fast that staffers who had worked on the issue for years were stunned. Republicans privately fumed that the White House bore the blame, and many fingered Stephen Miller, the senior White House aide, for sowing chaos on purpose. The end result is that Republicans fractured and failed, a failure that many believe will cost them dozens of seats in the November mid-terms.

Executive Action Succeeds

Only Congress can provide funding to extend and upgrade the wall along the southern border. Only Congress can revise the legal immigration system that is heavily tilted toward families. And only Congress can resolve the status of twelve million immigrants permanently residing inside the United States. But the executive branch is far from powerless.

The *Wall Street Journal*'s Gerald Seib reports that "[w]hile the loud public discussion focuses on Trump administration policies to stop illegal immigration, the administration also is taking myriad quieter steps to reduce legal immigration." These include crackdowns on high-skilled temporary work visas, known as H-1Bs. Applications for H-1Bs made by US

firms have faced skyrocketing rejection rates by the Trump administration.

The president also has complete authority over refugee policy: how, where, and when. Another section of Executive Order 13769 slashed the maximum annual refugee cap from over one-hundred thousand to under fifty thousand.

This year, the Trump Administration is on pace to accept just twenty-two thousand refugees according to reporting by Abigail Tracy of *Vanity Fair*. Analysts point to Stephen Miller's successful broad-spectrum effort to hinder refugee applicants as the reason, thereby justifying lowering the cap further. He is reportedly pushing for the annual cap to be set at fifteen thousand refugees next year.

To be clear, the category for refugee admissions is for people around the world to apply at US embassies for protection. People in faraway place such as Cambodia, Venezuela, and Afghanistan. It does not include those who make their way to an American border or port of entry seeking asylum, categorized as asylees. Here, too, the administration has tightened regulations so that fewer applicants are granted asylum and also made efforts to disincentivize people making the effort. Hence the notorious "zero tolerance" policy that separated thousands of immigrant children from their parents.

The child separation crisis has its roots in 2014. When then president Barack Obama announced DACA—legal status for illegal immigrant children—he created a perverse incentive for poor families throughout Central America to gather their children (sometimes abducting them), trek to the United States, and claim asylum. The incentive worked and a surge of asylum seekers overloaded the system. No matter how big and secure the border wall might be, this policy of "catch and release" creates an impossible dilemma. And the dangers to vulnerable children are no joke. An often cited statistic is that 14,500 to 17,500 foreign nationals are trafficked into the United States annually, that is, coercively brought here and forced to work as *de facto* slaves—mostly female, mostly young.

The Obama administration tried to house parents and children together while awaiting an immigration court hearing. A judicial settlement known as the Flores Settlement Agreement bound the hands of Obama administration officials to either release illegal immigrants inside the United States pending a hearing (which can be years away) or detain the parents and children together. But children could be held for no longer than twenty days.

I can tell you: Border Patrol agents I've spoken with express frustration that border jumpers know our rules well. It's rare to apprehend someone sneaking across the border, sans identification, who doesn't claim to be 17 years old even if he has gray hair in his beard. But after Flores, bringing along a child is literally a ticket out of jail. This is a case of American law creating real hazards for vulnerable children, a hazard the Obama administration tried and failed to resolve.

On May 7, Attorney General Jeff Sessions said enough was enough. He announced a zero tolerance policy aiming to end the practice of "catch and release," declaring in a speech, "If you cross this border unlawfully, then we will prosecute you. It's that simple. If you smuggle illegal aliens across our border, then we will prosecute you. If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law. If you don't like that, then don't smuggle children over our border."

If anything, the policy was *too* effective. Thousands of children were separated, many kept in what looked like cages during the process. Infants were taken from mothers. Children bawled. Officials were overwhelmed. It was a public relations fiasco that hurt Republicans badly.

President Trump retreated abruptly on family separations on June 20. It was an inevitable outcome, in retrospect, despite the merits of preventing child trafficking. A White House official confided to reporters at the *Wall Street Journal*, "The president just wants it all: He wants to keep families together, he wants zero tolerance and everything else."

At the same time, many on the left overreacted by calling for an end to immigration enforcement of any kind. Democratic Sens. Kirsten Gillibrand and Elizabeth Warren, both possible presidential candidates in 2020, have gone along with the progressive mob with a call to "abolish ICE," the federal

Immigration and Customs Enforcement agency. The extremes on both sides have taken over the conversation, more than ever.

Meanwhile, Stephen Miller is making progress on another front: tamping down legal immigration through the administrative state. Multiple outlets report that Miller is finalizing plans to curtail the number green cards granted annually.

The issuance of green cards is already down by roughly 20 percent from fiscal year 2016, but NBC News reports that the administration is working on a new regulation that would deny green cards and citizenship to any legal immigrant who has used government programs (including food stamps or children's health insurance), even those who are US taxpayers working two full-time jobs. This kind of action needs no approval from Congress and is sure to fire up base voters, but it seems just as sure to alienate independent voters.

If President Trump were willing to cut a genuine deal on immigration reform with centrists on both sides of the congressional aisle next year, he could salvage his reputation among independent voters and sail to reelection. That's unlikely with Miller, whom his own uncle describes as "hypocrite" and "nativist," whispering in his ear. But I've heard from more than a half dozen conservatives that President Trump may pivot in 2019 on immigration, just like Bill Clinton pivoted on welfare reform after his first mid-term fiasco.

Many Republicans on Capitol Hill believe that either Stephen Miller leaves the White House in 2019, by the president's decision, or President Trump will leave in 2020 by electoral fiat.

Only time will tell. But one thing seems certain: Immigration policy can't get uglier than it has been in 2018.

Timothy Kane is the JP Conte Fellow in Immigration Studies at the Hoover Institution. Kane has published scholarly research on immigration policy, national security, entrepreneurship, and economic growth.

CalNotes

An irksome immigration debate includes IRCA—the Immigration Reform and Control Act signed into law by Ronald Reagan thirty-two years ago this November. The law's "three-legged stool"— tougher border enforcement, penalties for employers hiring undocumented immigrants, and legalization for illegal immigrants in the United States before 1982—was supposed to settle matters. Obviously, it didn't. Some former aides suggest Reagan would be all-in on tougher immigration policies. Others point to this Reagan opinion offered during his reelection run: "I believe in the idea of amnesty for those who have put down roots and lived here, even though some time back they may have entered illegally." One other way to parse Reagan: by what he said as he signed the measure during a brief White House ceremony. "Future generations of Americans will be thankful for our efforts to humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people, American citizenship." Reagan proclaimed that 1986 law as "the most comprehensive" immigration reform in thirty-four years. Thirty-two years after that signing ceremony, the law's anniversary occurs, ironically enough, on Election Day 2018.

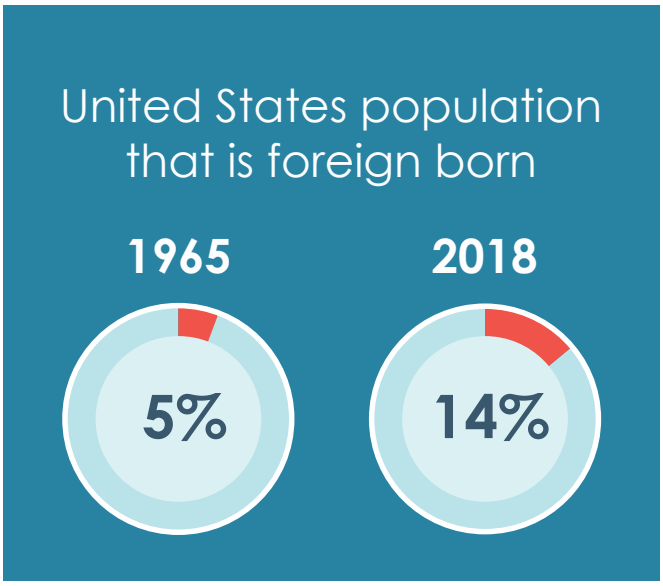
To Be an American in the 21st Century

By Rep. Ro Khanna

The question of what it means to be American has been debated since the founding of our republic, and we are at another moment when the question has taken on a new urgency.

In *The Federalist Papers No. 2: Concerning Dangers from Foreign Force and Influence for the Independent Journal*, John Jay wrote to the people of New York arguing for the ratification of the US Constitution around the issue of cultural unity. He reasoned for unity because Americans were "a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence."

In 1787, Jay was nuanced in that he argued an important part of American identity was also a belief in the American creed such as equality, liberty, individualism, and independence, which are enshrined in both the Declaration



Source: Brookings Institute, "Almost half of Fortune 500 companies were founded by American immigrants or their children"

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of Independence and the Constitution he was working to ratify.

Others have interpreted Jay's emphasis on culture more narrowly, arguing for a more tribal American identity. The late Samuel Huntington, a Harvard professor of political science, writes in his book *Who are We? The Challenges to America's National Identity*, "the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially Mexico." Huntington argues that unlike past immigrant groups, Mexicans and other Latinos have not assimilated into US culture, thereby rejecting the Anglo-Protestant values that built America. Huntington then warns this persistent inflow of Hispanic immigrants threatens to divide the United States into two peoples, two cultures, and two languages, and we ignore it at our own peril.

Huntington's nationalism, and parochial extension of John Jay's line of reasoning, is in direct conflict with the American identity Abraham Lincoln espoused against the anti-immigrant sentiment of his day. In a speech the future president gave in Chicago on July 10, 1858, as part of the Lincoln-Douglas debates, Lincoln discussed how on every 4th of July Americans celebrate our Founding Fathers. However, he argues brilliantly that those who have immigrated to the United States from Germany, Ireland, France, and Scandinavia are every bit as American as those who trace their ancestry back to the founding of our republic because the principles of the Declaration of Independence serve as an electric chord running through all our hearts.

In embracing an ideal and principle that was meant to be taken literally, namely that all men are created equal, Lincoln also rejects Douglas's beliefs that the ideals of the Declaration were reserved solely for descendants of the American Revolution and not later arrivals.

Remnants of these disagreements continue today. In his presidential farewell address, Ronald Reagan discussed the renewal that immigration brings to our identity and nation. "Thanks to each wave of new arrivals to this land of opportunity," said Reagan, "we're a nation forever young, forever bursting with energy and new ideas, and always on the cutting edge, always leading the world to the next frontier. This quality is vital to our future as a nation. If we ever closed the door to new Americans, our leadership in the world would soon be lost."

Reagan views align with those of Abraham Lincoln that beliefs in our founding principles and the common American culture being continually enriched is what makes our identity.

In sharp contrast, President Trump today attacks Hispanics and Muslims as being different than other Americans and a threat to our nation. This nativist sense of national identity calls to mind the nationalism of Samuel Huntington and the most parochial reading of Federalist 2. The irony that Trump holds up the Norwegian immigrant as an ideal while Lincoln had to argue Scandinavians should be part of the American family in his 1858 speech is lost on him.

Like then Senate candidate Lincoln and President Reagan, I believe Americans share in our nation's principles and political culture set forth in the Declaration of Independence, the Constitution, the Gettysburg Address, and Martin Luther King's "I Have a Dream" speech.

I also believe there has been and remains a cultural expectation and responsibility that immigrants will not only bring diverse perspectives but also join their new country as citizens. Jürgen Habermas, a German sociologist and philosopher, wrote of an Iranian immigrant to Germany who chooses to stand with other Germans at a concentration camp to participate in the acknowledgment of the nation's collective guilt, even though his ancestors were not part of those crimes.

We honor our achievements as a sense of American culture, such as winning World Wars I and II, putting a man on the moon, prevailing in the Cold War, securing civil rights, and ushering in the digital age. We acknowledge

the sacrifices of the generations of men and women who spilled blood, whether in places like Normandy or Selma's Edmund Pettus Bridge, so we can have opportunity. We also, regardless of background, have common national traditions such as Thanksgiving, Christmas, Veteran's Day, Memorial Day, Labor Day, and Halloween; and sports such as baseball, basketball, and American football that bind us. We engage in philanthropy, like following the rules, are generally neighborly and friendly, and keep public places clean. Yet, a hallmark of being an American is also carrying on the cultural traditions of our ancestors whether by bringing soccer, our native cuisines, our ethnic dances, or holidays like Diwali and Eid al-Adha to this country.

In the twenty-first century, Americans are more ethnically and racially diverse than we have ever been. Much of this change has been driven by immigration. In 1960, Europeans accounted for seven of eight immigrants in the United States. By 2010, nine out of ten were from outside Europe. In 1965, 84 percent of the country was non-Hispanic white, compared with 62 percent today. Nearly fifty-nine million immigrants have arrived in the United States in the past fifty years, mostly from Latin America and Asia. This immigration has brought young workers who help offset the large-scale retirement of the baby boomers. Today, a near-record 14 percent of the country's population is foreign born compared with just 5 percent in 1965. This diversity strengthens our country and makes it a better place to live.

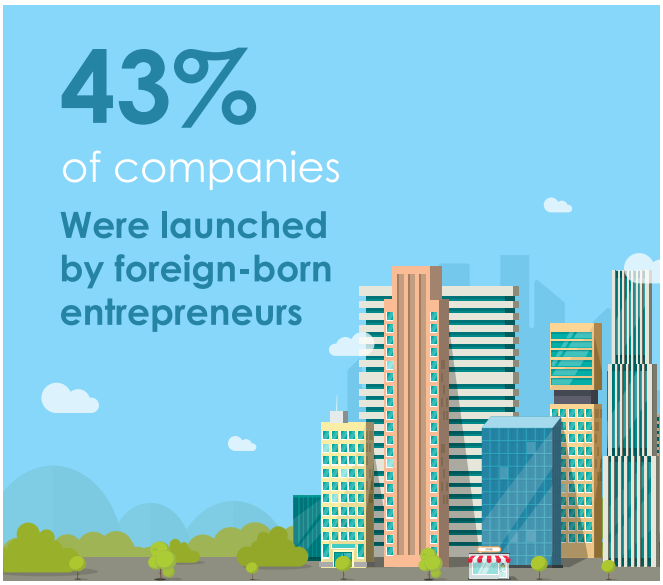
At a time when growth in the US economy and those of other developed nations is slowing, immigration is vitally important to our economy. Immigrants today are more than twice as likely to start a new business. In fact, 43 percent of companies in the 2017 Fortune 500, including several technology firms in Silicon Valley, were launched by foreign-born entrepreneurs, many arriving on family visas. Immigrants also take out patents at two-to-three times the rate of native-born citizens, benefiting our entire country. Family and skills-based visas complement each other: America would become less attractive to those who come on skills-based visas without the chance for their families to join them.

However, it is important to ensure that these economic benefits help Americans. For too long, some corporations have abused H-1B, L-1, and H-2B visas as a cheap way to displace American workers. To close these loopholes and overhaul the visa programs to protect workers and crack down on foreign outsourcing companies that deprive qualified Americans of high-skill jobs, I have cointroduced bipartisan legislation to restore the H-1B visa program back to its original intent, protect American workers, and make sure we are also providing opportunities for STEM and developing talent here at home.

When done right—as John Feinblatt, chairman of the New American Economy, stated—"The data shows it, and nearly 1,500 economists know it: immigration means more talent, more jobs, and broad economic benefits for American workers and companies alike."

For many immigrants to this nation, a challenge in the American identity is finding a balance and respect for some of our existing American traditions, while also being proud of one's own heritage.

I grew up in Bucks County, Pennsylvania. It is fairly suburban, rural, and was 98 percent Caucasian in the 1980s. When my family moved onto Amsterdam Avenue, there was a little bit of chatter and concern on our street that the Khannas were moving in. My parents finally figured out what the fuss was about: On Christmas Eve, everyone on our street would put candle lights on the street. We are of Hindu faith, and there was concern that we wouldn't. My dad said that we would be happy to put the candle lights on the street, and we put out lights every year. We were always invited to and attended all the Christmas Eve parties. I also loved playing touch football in my neighbors' backyards, participating in the same Little League games, avoiding cars while hitting hockey pucks on the road, and going to neighbors' homes during school candy sales to raise money for charity.



Source: Brookings Institute, "Almost half of Fortune 500 companies were founded by American immigrants or their children"

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But I never associated my childhood in anyway with giving up my core identity. Let me explain. Years later as a twenty-three-year-old, when I was interning for Kathleen Kennedy Townsend (daughter of Robert Kennedy), her aide told me to go work on the Hill because I had an aptitude for policy. You cannot ever get elected, her aide said to me in a matter-of-fact tone, given your faith and heritage. I refrained from writing to him when I won, pointing out that while his boss lost her race for Congress, I ended up winning mine by 20 points.

But I do remember talking to my parents back then about identity. They told me I will make it in this country if I just keep working hard and was ethical. It is a good and decent country, they assured me. But my mom made me promise, given my grandfather's struggle in jail during Gandhi's independence movement, that I will never give up who I am. I never did.

Today, the grandson of a freedom fighter who remembers seeing his parents have their green cards stamped, represents the most economically powerful congressional District in the world.

That is the story of America. That represents the hope of American immigrant families.

In many ways, my story—born in Philadelphia on the bicentennial year of America's founding in 1976 and growing up to represent Silicon Valley—is a testament to how open our nation still is to the dreams and aspirations of freedom-loving people who trace their lineage to every corner of the world.

We are still steps away from Lincoln's hope of becoming a nation that lives up to our founding principles and ushers in a just and lasting peace. But here is what I know: we can be open to the voices of new immigrants without losing our core values or American culture—if anything, the new immigrants will only enrich our exceptional nation.

Rep. Ro Khanna, a first-term Democrat, represents California's 17th Congressional District located in the southeastern portion of Silicon Valley. He sits on the House Budget and Armed Services committees and is a vice chair of the Congressional Progressive Caucus.

CalNotes

Speaking of California and immigration, here's how the Golden State's population breaks down (the following numbers all courtesy of a May 2018 report by the Public Policy Institute of California). The nation state of 39.5 million residents is home to more than ten million immigrants. In 2016, approximately 27% of California's population was foreign-born (about twice the national percentage), with immigrants born in Latin America (51%) and Asia (39%) leading the way. Nearly eight in ten California immigrants are working-age adults (age 18 to 64)—that's more than one-third of the entire states' working-age population. A major concern for California's future: the immigrant education gap. As recently as 2016, one-third (34%) of California's immigrants hadn't completed high school—more than four times that of US-born California residents (just 8%). Twenty-eight percent of California's foreign-born residents hold at least a college bachelor's degrees—again, less than California's US-born residents (36%). Why that matters: the less education, the greater the challenge for immigrants to climb the economic ladder and make a go of it in California, home to high taxes, expensive housing, and a crushing cost of living.

The Changed Face of California's Electorate and Policy Choices

By Dan Morain

Think way back to August 2008. California voters were preparing to ban same-sex marriage, and San Francisco Mayor Gavin Newsom was changing his "sanctuary" city's policy so that Eric Antonio Uc-Cahun and criminals like him would not be shielded from deportation.

San Francisco jailers had not informed federal immigration authorities when they freed Uc-Cahun, a 19-year-old native of Mexico, on two gang-related assaults. He soon was charged with knifing a man nearly to death in San Mateo.

"These attacks demonstrate that these people are acting with impunity because they have little to fear," Joseph Russoniello, the Bush administration's US Attorney for the Northern District of California, said at the time—a theme that echoes across the years.

Mayor Newsom responded by directing city authorities to tell Immigration and Customs Enforcement (ICE) about undocumented immigrants who faced felony charges. As a result, fifty juvenile offenders were referred to federal immigration officials, the *San Francisco Chronicle* reported at the time.

Fast forward to California and Campaign 2018.

Newsom is running for governor by depicting his pioneering stand in favor of same-sex marriage as an example of courage. But at a time when five hundred children and parents separated by a Trump policy have yet to be reunited, the man who would be California governor felt compelled to apologize, no matter that Un-Cahun was sent to prison.

"I'll just say this to my critics: fair game. Looking back, there were things we could have done differently. I'm very honest about that," Newsom recently told the *Sacramento Bee*.

No one wants to protect thugs. But in this state of immigrants and their children and grandchildren, Newsom can do math. He won the June 5 primary rather easily, but former Los Angeles Mayor Antonio Villaraigosa carried 58 percent of the Latino vote, Sacramento consultant Mike Madrid's numbers show.

Latinos don't vote in numbers that reflect their population. That will change as they age. The average age of Latino voters in California is twenty seven,, twenty years younger than the average white voter, Madrid says.

Still, Latinos accounted for 17 percent of the vote in June—up from 12 percent in the last gubernatorial primary. Call it a "Trump bump." It's like the reaction against 1994's Proposition 187 (limiting public services available to nondocumented Californians), only on performance-enhancing and politics-altering drugs.

Not too many years ago, Democrats questioned whether undocumented immigrants should have driver's licenses or in-state public university tuition. No longer. Recently, the California State Legislature approved a bill that would permit small business owners to obtain business licenses without having Social Security numbers. There was no debate.

"Immigrant rights, civil rights, have become a pillar of the Democratic Party," Villaraigosa said.

Not so for the Republican Party.

San Diego businessman John Cox, the GOP gubernatorial nominee, defined himself early by telling a forum at the University of Southern California that California must welcome immigrants "who can pick the fruits and vegetables that have made California number one in agriculture." As opposed to engineers or doctors.

President Trump's endorsement propelled Cox to the second spot in the top-two primary in June. But it will damage him in the general. The most recent Public Policy of California poll placed Trump's approval rating at 34 percent.

An especially telling statistic, courtesy of Madrid: Of the 2.6 million Californians who have registered to vote since Trump's election in 2016, a mere 3.1 percent were Latinos who registered Republican.

Latinos, now the largest segment of California's population, began turning away from the GOP in 1994 when governor Pete Wilson embraced Prop 187. Although the initiative was aimed at cutting public funding for illegal immigrants, legal immigrants and their children and grandchildren saw it as an attack on them.

Wilson rode the initiative to reelection in 1994, and the GOP made other gains that year. But they soon started losing races and registration, and the party has sunk to less than a fourth of the electorate.

The Trump administration's recent effort to "denaturalize" certain people who have gained their citizenship serves to reinforce the view that the Republican Party of Trump wants to build a wall against demographic shifts that work against the GOP.

California Democrats will win most races this year and in years to come. But they will need to do more to nurture their base.

A month after Trump's election, Sacramento Democrats led by Senator Kevin de León, a Los Angeles Democrat now running against Senator Dianne Feinstein, proposed legislation limiting state and local authorities' power to cooperate with US immigration officers' efforts to deport undocumented immigrants.

It's the so-called "sanctuary state" legislation, though Governor Jerry Brown forced changes, making it clear that authorities could turn felons over to ICE. Details get lost in campaigns.

Weaponizing the issue, Speaker Paul Ryan's Congressional Leadership Fund is paying for ads attacking Orange County Democratic congressional candidate Katie Porter for supporting "sanctuary cities."

Tellingly, de León lost his own Los Angeles State Senate district to Feinstein in the June 5 primary and outpolled Villaraigosa in only a handful of wealthier coastal precincts, based on Madrid's analysis.

Villaraigosa didn't campaign on same-sex marriage, gun control, or California's "sanctuary" status. Rather, he focused on economic and educational inequality, issues that matter particularly to immigrants, who strive to attain the California Dream for themselves and their children.

"The face of poverty is one of color, and it's the face of Latinos specifically," Villaraigosa told me. "We're sitting here in a state that is so rich but has the highest effective poverty rate. That ought to be a critical issue for Democrats."

In interviews and speeches, Newsom talks about income inequality, poverty, and the need to end homelessness. They're the hard challenges of the next governor. They cut across ethnic lines but affect some more than others.

Uc-Cahun, meanwhile, is doing hard time at California State Prison in Vacaville and will be eligible for parole nine months into what would be Newsom's first year in office.

Want to guess whether prison authorities will make sure ICE is waiting for him?

Dan Morain is a senior editor at CALmatters, a nonpartisan, nonprofit journalism venture committed to explaining how California's State Capitol works and why it matters. Morain previously was the *Sacramento Bee*'s editorial page editor.

CalNotes

California journalism, at present, is the classic example of a glass half-empty or half-full. On the positive side, the last three Pulitzer Prizes for Breaking News Reporting have gone to California-based publications: this year, the Santa Rosa Democrat *(Northern California wildfires); in 2017, Oakland's* East Bay Times *(the "Ghost Ship" warehouse fire); in 2016, the* Los Angeles Times *(the San Bernardino terrorist attack). The down side: the sad state of Golden State political journalism. The* Los Angeles Times' *William Stall earned the 2004 Pulitzer Prize in Editorial Writing for his examination of various failings of state government at the same time California held its gubernatorial recall election. That same year, journalists flocked to Sacramento* en masse *after the state selected a world-class celebrity as its chief executive. When the celebrity departed the State Capitol in 2011, so too did the media's fascination with state politics and government. Out-of-town television bureaus quickly retreated to their home bases; downsized newspaper staffs meant fewer reporters. And so it's been for the past eight years. "I'll be back" is Arnold Schwarzenegger's on-screen promise. For Sacramento-based journalists, it's more of an open question.*

EUREKA

ABOUT THE PUBLICATION

Eureka was created to serve as an occasional discussion of the policy, political, and economic issues confronting California. Like the Golden State motto from which this forum's title was borrowed, the goal here is one of discovery—identifying underlying problems and offering reasonable and common-sense reforms for America's great nation-state.

Ever since Archimedes supposedly first uttered the word, *eureka* has meant joy, satisfaction, and a sense of accomplishment. Drawing on the combined wisdom of Hoover's policy experts and leading California thinkers, we hope that you'll find enlightenment in these pages. Hoover research fellow Bill Whalen, who has nearly two decades of experience in California politics and public policy, serves as this forum's editor.

For additional information and previous issues, visit: *www.hoover.org/eureka*.

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CALIFORNIA'S POLICY, ECONOMICS, AND POLITICS

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