

Opinion: A Calif. residency program for the undocumented

By Joe Mathews

MEMO

To: Acting U.S. Secretary of Homeland Security Elaine Duke and Attorney General Jeff Sessions

From: The Golden State

Re: An alternative to mass deportation of Californians

This is a legal proposal, so let's start with a stipulation.

You are monsters.



Joe Mathews

You are rapidly deporting undocumented Californians, many of whom are crucial members of our communities, workplaces, and families. In removing parents, you routinely orphan children who are U.S. citizens, and in the next breath say you are for "America First." Your next targets for removal are the 800,000 young people known as "Dreamers," people who were brought to the United States as children by their undocumented immigrant parents.

Tragically, my people can't stop you, since immigration enforcement is the province of the federal government. But we

are slowing you down. While we provide legal aid and drivers' licenses to support undocumented immigrants, we deluge you with litigation, target you with protests, and work politically with like-minded people in other states to undermine the very legitimacy of your government.

This ever-escalating conflict is dangerous—which may be what you want. The president's political advisor Roger Stone has called for a new Civil War, and, as the Charlottesville aftermath made clear, President Trump is keen on refighting the last one.

But if civil war is not your intention, let's make a deal that would protect Californians and perhaps de-escalate the conflict, at least over immigration.

Under this deal, Congress and your administration would grant California an exemption from federal immigration law, just as the U.S. government has granted me exemptions to fight air pollution.

In effect, I, California, would win the power to designate certain people—undocumented folks who meet standards that my elected officials determine—as California residents who would have a legal right to live and work here even if they are not U.S. citizens or legal residents of the United States.

The federal government could still deport people, but with a couple of conditions. If a California resident were detained for immigration enforcement in another part of the country, he or she would have to be deported not overseas but back to California. And if the federal government decided to go ahead and deport a California resident out of the country, it would—under the contract I'm proposing—pay all the costs of that deportation.

In my view, you, the federal government, should cover the legal expenses of any California resident that you deport, and the costs of providing care, income and schooling for children

and other family members that deported people leave behind.

To do this, California would need to create standards and a process for granting residency. Dave Marin, the research and policy director for the California Freedom Coalition, which works for greater California autonomy, points out that state legislation appropriating money for legal aid to the undocumented already offers a list of people that Californians consider to be our own. These include those with family members who are U.S. citizens or legal permanent residents; veterans of the U.S. military and their spouses; asylum seekers; the “Dreamers”; and just about anyone without a violent felony conviction.

Such a concept of California residency is not new. In 2002, the state’s reform body, the Little Hoover Commission, suggested creating a “Golden State Residency Program” to accelerate the integration of immigrants, including the undocumented, into California society. Little Hoover suggested that anyone who was participating in their local community should be considered a resident, with the rights and responsibilities that entails.

Residency is not ideal; it still leaves a sub-class of people who have full rights only in California. But it’s the best that can be done until the day when a federal administration fully legalizes undocumented people. And residency is principled in one fundamental way: Californians should get to decide who gets to live and work in our state—not a faraway federal administration that routinely slanders us.

Will you, the Trump administration, do this deal? I suspect not. Your strategy so far has been to undermine the American institutions that produce compromise. And you prefer to lie and scapegoat diverse California—you think it fires up your racist base—rather than learn from our long experience with immigration.

One of America's most notable traditions is our federalist system—letting states choose their own paths and then seeing how things work out. California is confident that being a haven that integrates immigrants into our society will produce far more greatness than your approach of removing millions of people and breaking up families in the process.

So what will it be? Will you make a deal that respects California's sovereignty? Or are you dead-set on waging war against your country's largest state?

Joe Mathews writes the Connecting California column for Zócalo Public Square.