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Malcolm
Prop 187

California Calls Off Effort to Carry Out Immigrant Measure

By EVELYN NIEVES

SAN FRANCISCO -- The landmark 1994 ballot referendum that barred illegal immigrants and their children from receiving services such as a public education and became one of the most contentious political issues in California history, was declared all but dead Thursday.

Gov. Gray Davis, striking a deal with opponents of the initiative, Proposition 187, after three months of mediation, has agreed to drop an appeal of a federal court's ruling that found much of the measure unconstitutional. In turn, the opponents of Proposition 187, who had blocked the measure in the courts for five years, agreed to drop all legal challenges against the state.

The pact, which the 9th U.S. Circuit Court of Appeals must approve, permanently bars Proposition 187's core provisions, including those that prevented illegal immigrants from attending public schools and receiving social services and health care.

It also voids the requirements that local law enforcement authorities, school administrators and social and medical workers turn in suspected illegal immigrants to federal and state authorities.

All that is left of Proposition 187 are two minor laws that establish state criminal penalties for creating, using and selling false documents to conceal illegal immigration status.

Davis stressed Thursday that while itself Proposition 187 might have been voided, much of its intent was covered by the federal immigration laws passed in 1996, which like the proposition, denied illegal immigrants access to most social services. "The agreement that has been reached over the months essentially embraces the spirit of Proposition 187," he said.

But members of civil rights organizations that mounted the challenge to Proposition 187 under the umbrella of the League of United Latin American Citizens, were jubilant Thursday, while proponents of the initiative bitterly complained that Davis was ignoring the will of the electorate.

"We are so pleased that we can put this ugly chapter behind us in California," said Ramona Ripston, executive director of the American Civil Liberties Union of Southern California, which held a news conference Thursday with the Mexican American Legal Defense and Education Fund to celebrate what they called the end of divisive politics in California.

But Sharon Browne, a lawyer with the Pacific Legal Foundation in Sacramento, which helped draft Proposition 187, said that although another appeal is unlikely, the battle over the initiative "may not be over."

"We could have new parties, new plaintiffs, new lawsuits," she said. "Clearly the agreement represents the position of two parties who felt the same way. Proposition 187 never really had a chance because there was no one representing it. The losers in this case are the people who voted for it."

Proposition 187, the centerpiece of Republican Gov. Pete Wilson's re-election campaign in 1994, became a national symbol of anger over illegal immigration. It was also an awakening for Latinos in California, who had yet to realize their potential for political clout.

Passage of the measure galvanized Hispanic residents, 77 percent of whom voted against it, as well as many civil rights groups. In Los Angeles, it led to one of the largest protests in state history.

And along with Proposition 209, which banned affirmative action by the government, and Proposition 227, which ended bilingual education, Proposition 187 is considered largely responsible for ending the Republican Party's 16-year hold on the governor's office in 1998.

Davis, who won the election against the Republican attorney general, Dan Lungren, by a 20-point margin, had campaigned as an opponent of Proposition 187 and pledged not to enforce the provisions that would prohibit 270,000 children from receiving a public education. But once in office, he decided not to drop the state's appeal of a ruling last year in U.S. District Court in Los Angeles that found Proposition 187 unconstitutional because it conflicted with federal authority in immigration law.

Instead, in one of the first important political tests of his administration, one month before a May deadline to continue or drop the appeal, Davis took what those on both sides of the issue called a mushy middle ground. He asked the federal appeals court to mediate the dispute over the ballot measure.

In asking for mediation, Davis said that although he opposed Proposition 187, he was sensitive to the will of the five million Californians who voted for the measure.

But proponents of the proposition, who unsuccessfully tried to enter the case as parties, both in U.S. District Court and at the outset of the appeal, said that the mediation meant that two opponents of Proposition 187 would decide its merits. Opponents said that it gave credibility to an unconscionable measure.

The political fallout included a rift between Davis and Lt. Gov. Cruz Bustamante, who issued public statements rebuking Davis' efforts to reach a compromise. Bustamante, an outspoken opponent of Proposition 187, even filed a friend-of-the-court brief aimed at blocking the governor's efforts to mediate.

Thursday, sheriffs in half a dozen counties with large immigrant populations, who would have been responsible for enforcing Proposition 187, praised Davis for reaching an agreement, especially one that retained criminal penalties for illegal documents but ended the ban on public education for illegal immigrant children.

Bustamante, in a telephone interview, also praised the agreement.

"This is clearly a great day for mending what was a very dark period in California politics that was anti-immigrant and highly charged," he said, "and this will in fact close the door and start a new chapter."

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New Penalty for Clinton in Jones Case

By NEIL A. LEWIS

WASHINGTON -- In what could be the final chapter in Paula Corbin Jones's sexual misconduct lawsuit, a Federal judge ordered on Thursday that President Clinton pay Ms. Jones's lawyers nearly \$90,000 in compensation for extra work they performed because of the President's false testimony about his relationship with Monica S. Lewinsky.

The amount was far less than the \$496,000 sought by the Jones lawyers, and Clinton, through his lawyer, said he would agree to pay the amount specified on Thursday by Judge Susan Webber Wright in Little Rock, Ark. One of the lawyers for Ms. Jones said he might appeal Judge Wright's decision over the amount.

Determining the size of Clinton's financial penalties has been the only remaining issue in Ms. Jones's lawsuit charging President Clinton with sexual misconduct while he was Governor of Arkansas. The lawsuit, which was settled last year with Clinton paying her \$850,000 but not admitting guilt, led to the disclosure of the President's efforts to hide his relationship with Ms. Lewinsky and eventually to his impeachment.

The financial penalty is part of the unprecedented finding of contempt of court against a President of the United States by a Federal judge. Judge Wright ruled in April that the President had been in contempt for knowingly lying about his relationship with Ms. Lewinsky when questioned by Ms. Jones's lawyers.

"The Court takes no pleasure in imposing contempt sanctions against this nation's President and, no doubt like many others, grows weary of this matter," Judge Wright said in her 19-page ruling.

"Nevertheless, the Court has determined that the President deliberately violated this Court's discovery orders, thereby undermining the integrity of the judicial system, and that sanctions must be imposed to redress the President's misconduct and to deter others who might consider emulating the President's misconduct," she said.

When he was deposed here by Ms. Jones's lawyers in January 1998 in Judge Wright's presence, Clinton denied that he had engaged in sexual relations with Ms. Lewinsky and that he had ever been alone with her but for a fleeting moment.

After Clinton acknowledged last August an improper physical relationship with Ms. Lewinsky while she was a White House intern, Judge Wright reacted angrily, saying she would consider whether his behavior constituted contempt of court.

When Judge Wright finally ruled in April that he had been in contempt, she ordered Clinton to pay the court \$1,202 in costs to compensate the Government for her travel costs to Washington to preside over his false testimony. She also ordered the President to pay Ms. Jones's lawyers for any extra costs they incurred because of his false testimony.

Since that ruling, the President's lawyers and those for Ms. Jones have been wrangling over how much he owed.

Robert S. Bennett, Clinton's principal lawyer, had estimated the costs to be no more than \$33,000. Bennett said on Thursday, "We accept the judgment of the court and will comply with it."

White House officials said the President's lawyers were examining whether the President's legal defense fund could be used to pay the costs.

John Whitehead, the head of the Rutherford Institute, a private

conservative group that had paid Ms. Jones's legal expenses, was disappointed with the amount Judge Wright ordered the President to pay. But Whitehead said he was pleased that "the bottom line philosophy shows that in the end, not even a President can get away with lying before a Federal judge."

Whitehead said he was considering an appeal although it is widely believed that such an effort would face great obstacles.

Judge Wright criticized as excessive the submissions by Whitehead and that of the Dallas law firm of Rader, Campbell, Fisher & Pike, which represented Ms. Jones.

The firm, which had sought nearly \$438,000, was awarded \$79,999. Whitehead, who had sought more than \$58,000 on behalf of the Rutherford Institute, was awarded \$9,484.

The judge said the lawyers were entitled only to fees and expenses for the period beginning Dec. 23, 1997, when President Clinton first lied about his relationship with Ms. Lewinsky by giving false written answers.

She also calculated a portion of the amount owed the lawyers by agreeing with estimates that about 20 percent of the President's Jan. 17, 1998, deposition dealt with Ms. Lewinsky.

Ms. Jones had charged that in 1991, while Clinton was Governor and she was a state clerical employee, he had her summoned to a Little Rock hotel room where he made a coarse sexual proposition. Clinton denied the account, although he acknowledged he might have had Ms. Jones brought to the room for an innocent introduction.

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