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Public Policy and New Destination Latino Immigration
Project Title

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Public Policy and New Destination Latino Immigration

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Abstract

Immigration reform is an emergent public policy issue that has come to dominate the media, the minds of voters, and the political agendas of elected officials at every level of the United States government. Though the American economy is dependent on the labor of low-skilled immigrant workers, the outcry for reforms in public policy that would restrict the critical rights of undocumented persons has been heard from the heartlands to the nation's capital. While some of these proposed reforms prescribe government action that is alarming to the immigrant community and their allies, there is a general sentiment shared among people at all points along the political spectrum; changes need to be made to the U.S. immigration system.

The federal government is in a relative deadlock and has yet to produce the comprehensive reform policies needed to address these issues, leaving state and local governments to deal with a growing immigrant population that many states are not adequately prepared to accommodate. This paper attempts to frame the surge in immigration to new destination states like Tennessee, focusing on Latino immigration, which represents the largest demographic of undocumented persons in the United States and in this state, and analyzing the policy questions this new wave of immigration presents to policymakers at all levels of government.

In order to approach this convoluted topic with a clear, tactical plan for analysis, I concentrated my research on four sections of inquiry: 1) What is motivating the new wave of Latino immigration, and why are Latino immigrants choosing to come to

Tennessee? 2) What issues, attitudes, and obstacles are Latino immigrants in Tennessee facing? 3) How does the existence of this wave of Latino immigration affect the current residents of Tennessee, and what social attitudes are prevalent amongst Tennesseans regarding the growing Latino population? 4) What public policy measures need to be taken to ensure that social justice and equality are maintained, in respect to the rights of Latino immigrants and those of the current residents of Tennessee?

To answer these questions, I began with an analysis of population growth within the United States and in my focus state of Tennessee, comparing data for U.S. legal residents and undocumented persons in recent years. The greater part of my investigation dealt with the social, economic, and political implications of the influx of Latino immigration, both on the growing Latino community and other residents of Tennessee; examination in this sphere of my project included the probing articles from policy journals, analyzing data from non-partisan think tanks, and comparing data pulled from personal scrutiny of the media, particularly newspapers and television.

Through this paper, I demonstrate the multi-faceted nature of why explanations for the surge of Latino immigration to Tennessee and why action is needed from the federal level to provide wide-spread modifications to the U.S. immigration system, in order to adequately satisfy the needs and concerns of legal residents, while maintaining the dignity and well-being of undocumented persons.

Introduction

Keep ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!

-from "The New Colossus" by Emma Lazarus. This sonnet, written in 1883, is engraved on a bronze plaque, on a wall in the base of the Statue of Liberty.

Overview

Migration has been an essential element of human existence throughout all of history, both written and unwritten. From ancient tribal relocations motivated by climate change to the exodus of an entire ethnic group from one area of the globe to another to avoid religious persecution or to find socio-economic autonomy, human migration has shaped the epochs of history and has served as a driving force for the rise and fall of entire civilizations. This need to have the ability to migrate and seek a better habitat may seem like merely another natural component of human behavior in the context of a philosophical discussion or an anthropological debate. Yet, hundreds of thousands of years into the timeline of humanity, the topic of immigration between modern nation-states is, perhaps, the most contentious subject matter that could arise in any family gathering in a local household or an assembly meeting in the House of Representatives.

In March of 2005, the number of undocumented persons in the United States reached an estimated 10.3 million, following several years of steady growth. Approximately 6 million of these individuals are from Mexico. In addition to another 2.5 million undocumented immigrants from other Latin American countries, they make the Latino immigrant population the significant majority of the population of undocumented

persons in the United States (Passel, 2005). Before 1995, about three-fourths of the total immigrant population resided in just six states: California, Florida, Illinois, New Jersey, New York, and Texas. Ten years later, these states have seen their share wane to about two-thirds of the total immigrant populace, while other states have experienced rapid increase in their immigrant populations, over the same time period (Anrig and Wang, 2006).

A case in point would be the augmentation of the immigrant population of Tennessee. According to data drawn from the 2005 U.S. Census, the Latino population of Tennessee grew by 35%, from 2000, and this growth was not a demographic anomaly- though the Latino population of Tennessee has been low from a historical perspective, that demographic has grown by 286% through the 1990s alone (Lamb, 2005). These numbers quantify the reality of a significant growth in the Hispanic population of the United States and the surge of growth in this ethnic group in the state of Tennessee. Further, there is a crisis brewing beneath this data, a plethora of public policy questions that remain unsatisfactorily answered.

The aim of this paper is to investigate the multifaceted and complex policy issues surrounding Latino immigration, particularly the presence of undocumented immigrants in the United States, with an emphasis on how the exponential growth in the Latino community affects its members, other residents of the state of Tennessee, and the creation of public policy. Though immigrants come to the United States and to Tennessee from countries throughout the world, I focused my examination on undocumented persons whose countries of origin are within the scope of Latin America. These individuals represent about eighty-one percent of the undocumented population in the United States,

according to the March 2004 Current Population Survey, conducted by the U.S. Census Bureau and the Department of Labor (See Appendix, Figure 3: Estimates for Size and Characteristics of Undocumented Population in the United States).

First, I will examine the growth of the immigrant population in the United States and document the shift of this demographic to "new destination" states that have previously had little experience in managing services and policies for immigrants. Next, I will investigate how Latino immigrants enter the United States illegally and will probe the reasons why they are willing to subject themselves to the precarious existence of an undocumented person in this country. I will further discuss the obstacles the undocuemented Latino immigrant community faces in Tennessee, from integration into mainstream culture to fighting for the protection of access to public services and of the human right of due process. Subsequently, I will shift my analysis to an exploration of how the influx of Latino immigration affects the native-born residents of Tennessee, with an additional inquiry into what social attitudes and conceptualizations of Latino immigrants are prevalent among them. Finally, I will discuss the public policy measures, both proposed and enacted, that have an effect on the rights of Latino immigrants, and further, the rights of current residents. I conclude with my thoughts on how each of these elements influences the promulgation or deterioration of social justice in the state of Tennessee and my recommendations for what policy measures could be taken to provide a comprehensive solution for the unfortunate consequences of the U.S. immigration system as it now stands.

Distinguishing Terms

This paper is intended to be read by an audience that could range from members of the teaching profession and their students, to policy makers with queries about what can be done to address the issues presented by the new waves of Latino immigration, to any legal resident with an inquisitive mind and a desire to learn more about this growing community. Consequently, it is appropriate and necessary at this point to explain certain linguistic choices that I have made, as the author.

•*Immigration/Emigration*

Immigration and emigration, due to their homophonic similarities, are often misused or misunderstood by laypersons. Persons who are born in foreign countries and enter the United States for residence are *immigrants* to this country and are *emigrants* from their country of origin. Foreign-born and native-born residents of the United States who leave this country to seek legal residency in another country are *emigrants* from the United States and *immigrants* in their destination. The difference between the number of people leaving the United States and the number of people entering the country is known as *net migration.* If the latter is larger than the former, net migration will be positive, and immigration will have contributed to the United States' population growth (Smith and Edmonston, 1997, p. 21)

• *Alien/Immigrant/Tourists*

In common usage, an "alien", in the context of the discussion of immigration, is a person from another country who does not have legal residency in this country, whereas an "immigrant" is a person who migrates to another country, typically seeking residence in that country. The connotative difference between these two terms makes the usage of

"immigrant," in conjunction with a modifier to indicate documentation status, arguably more neutral than that of 'alien', which promotes an image of otherness that many believe is an obstruction to an unbiased discussion of policy issues. Nevertheless, there is some use of the term *alien* in government documents, including but not limited to the text of the Immigration Reform and Control Act of 1986 (Library of Congress, 1986). In fact, the Immigration and Nationality Act of 1952, which though modified in its current application, is still the main statute governing federal immigration law, utilizes the term 'alien', defined as "any person not a citizen or national of the United States" (United States Citizenship and Immigration Services). The INA further defines an immigrant to include all 'aliens' not within a subset of non-resident 'aliens', such as students residing in the United States for the purpose of attending school and diplomatic personnel, including another distinction stating that 'aliens' who are in the United States for on a permanent basis are immigrants, regardless of their legal status, according to "Act 101-Definitions" for the INA, provided by United States Citizenship and Immigrations Services.

To avoid the implied negative connotations of "alien" while accommodating for its use in the context of legislation and other governmental practices and procedures, I will use quotations, as in the passage above. In my own discussion and analysis, the less contentious term *immigrant* will be used, following the appropriate modifier to designate legal status.

Visitors to the United States from other countries who are in the country as tourists fall within the technical categorization of 'alien', but since this classification has no bearing on the discussion of immigration policy (unless such a person were to violate

the terms of his or her temporary legal admission to the country, at which point he or she would become an undocumented immigrant), I find no need to include a corrective definition.

• *Illegal/Undocumented*

The Associated Press Stylebook, which serves as the main style and usage guide for newspapers and magazines throughout the United States, suggests the use of phrase 'illegal immigrant' to describe "those who have entered the country illegally" (Goldstein, 2006). The AP Stylebook entry for 'illegal immigrant' specifically advocates its use, rather than 'illegal alien' or 'undocumented worker'. Though it is certainly against the law for a person to enter the United States, pro-immigrant advocates argue that it is inaccurate and provocative to designate a person as being 'illegal' in and of himself or herself. Thusly, I will refer to the act of entering or being in the United States without apposite credentials as *illegal* immigration. Those who have violated the letter of the law and are in the United States illegally are referred to in this work as *undocumented* persons/workers/immigrants.

Conversely, according to Adversity.Net, a non-profit organization that was founded in 1997 to support the 'victims of reverse discrimination', *undocumented immigrant* is "designed to deliberately gloss over the fact that such individuals have broken [federal] laws" ("Definitions: Alien, Immigrant, Illegal Alien, Undocumented Immigrant", 2002). This group is probably not alone in having this critique. Nevertheless, the connotations of terms such as 'illegal' and 'alien' are potent enough to warrant caution. I have concluded that the combination of *immigrant*, with the modifiers

of *legal* or *undocumented* to specify authorized status in the United States is the most appropriate, nonaligned of usages available.

• *Latino/Hispanic*

The official use of the term *Hispanic* by the American government originates from the 1970 U.S. Census, in which the Census Bureau endeavored to identify Hispanics by the use of the following criteria: people who self-identify Spanish descent or origin; people with Spanish heritage by birth location or family name; Spanish speakers and people from a Spanish-speaking household (Gibson and Jung, 2002). Conversely, the term *Latino* typically denotes a person who is from or has cultural origins in Latin America, which encompasses areas that were colonized by the countries of the Iberian Peninsula, including Spain and Portugal. Countries with inhabitants who do not speak Spanish as the predominant idiom, such as Brazil, are excluded from the standard definition of Hispanic Americas (see Appendix, Figure 1: Map of the Hispanic World).

Though this distinction between *Hispanic* and *Latino* may not seem minute to some scholars, the Office of Management and Budget, under the Executive Office of the President, changed the categorization of "Hispanic" to "Hispanic or Latino." The decision to use these two terms jointly was motivated by the regional uses of Hispanic, which was employed more frequently in the eastern sections of the United States, and Latino, which was used more commonly in the west (Office of Management and Budget, 1997). In 2003, the U.S. Census Bureau further clarified that *Hispanic* is not a racial classification, as "people who are Hispanic may be of any race. People in each race group

may be either Hispanic or Not Hispanic. Each person has two attributes, their race (or races) and whether or not they are Hispanic" (United States Census Bureau, 2003).

Though the U.S. government will use the terms Hispanic and Latino in tandem, I choose to use Latino. Despite varying cultural and social preferences for one word or the other, I find Latino to be the most neutral, descriptive term to use in the context of discourse of public policy.

Riding America's Immigration Wave

"We have got to do something with this question of immigration."

-Minnesota Senator Cushman K. Davis , in 1894 (Zeidel, 2004, p. 7)

The United States is a nation of immigrants, from a historical and contemporary perspective. In fact, net international migration in the U.S. adds one person every 31 seconds to the total population, which is evidence of the fact that the United States accepts more legal immigrants as permanent residents than the rest of the world combined ("U.S. population hits 300 million", 2006). Even so, this is also a nation that seems to crave debate on immigration policy. Nearly every new immigrant group throughout American history has received at least some derisory attention from nativists. Depending on the power of the supporters of each set of new immigrants, the legislative and enforcement policies that were advocated and enacted during these periods could be hostile or friendly to the newcomers. For example, these political struggles resulted in the creation of laws that excluded Asians from 1882 to 1917 and the national origin quota systems in the 1920s that disfavored southern and eastern Europeans, in addition to Asians, yet these debates also resulted in more evenhanded immigration categories in

1965 and a limited amnesty program for undocumented immigrants in 1986 (Hing, 2006, p. 1).

This historical push and pull of public policy in the United States between restrictive and progressive has bearing on the current status of immigration system. Accordingly, a brief chronology of U.S. immigration legislation and other key state actions is included below.

- 1790: Congress establishes two-year residency requirement for naturalization (Rubin and Melnick, 2007, p. 256). The Naturalization Act of 1790 limited the granting of U.S. citizenship to free white persons (Glenn, 2006, p. 293).
- 1882: The Chinese Exclusion Act prohibits Chinese laborers from entering the United States and denies naturalization of the Chinese in America. The law stands for ten years (Rubin and Melnick, 2007, p. 256).
- 1891: The Immigration Act of 1891 provides the first comprehensive set of immigration laws for the United States and directed the Immigration Bureau to deport "unlawful aliens" (Smith and Edmonston, 1997, p. 24).
- 1921: The Emergency Quota Act sets an annual immigration ceiling of about 350,000. New nationality quotas are established, limiting admissions to three percent of each nationality in the census of 1910 (Miller, 2003). The law was intended to restrict the flow of immigrants arriving from eastern and southern Europe (Rubin and Melnick, 2007, p. 258).
- 1924: The Immigration Act of 1924, also known as the Johnson-Reed Act, reduces the annual immigration cap to 165,000. The revised quota lowers the admissions rate to two-percent of number of people from a country

that was represented in the U.S. Census of 1890 (Trevor, 1924). Nearly all Asians are denied entry, due to this act (Rubin and Melnick, 2007, p. 258).

•1924: Congress creates the Border Patrol (Rubin and Melnick, 2007, p. 258).

•1952: The Immigration and Nationality Act, also known as the McCarran-Walter Act, permits immigration from South and East Asia, but with limits of only one hundred immigrants per country (Rubin and Melnick, 2007, p. 261). This law also set a quota for immigrants with skills needed in the United States (Smith and Edmonston, 1997, p. 24).

•1954: Through Operation Wetback, the U.S. Immigration and Naturalization Service repatriates undocumented Mexican immigrants from the southwest region (Koestler).

•1965: The Immigration and Nationality Act repeals the national-origin quota system that was established in 1924 (Rubin and Melnick, 2007, p. 263). It also establishes a visa system for family unification and for skills of seven categories and creates a quota for immigration from the Western Hemisphere for the first time, while setting a country limit for the Eastern Hemisphere of 20,000 immigrants (Smith and Edmonston, 1997, p. 24).

•1986: Signed by President Reagan and known also as the Simpson-Mazzoli Act, the Immigration Reform and Control Act (IRCA) declares amnesty for all undocumented immigrants who can prove continuous U.S. residence since January 1, 1982 (Rubin and Melnick, 2007, p. 264). The act also increases border enforcement and starts employer actions for knowingly hiring undocumented workers (Smith and Edmonston, 1997, p. 25).

•1991: The North American Free Trade Agreement or NAFTA is enacted. The Mexico-U.S. border sees a massive increase in population, as *maquiladoras* or assembly plants are built in the region (Rubin and Melnick, 2007, p. 265).

•1994: Operation Gatekeeper is announced and enacted, including the erection of a large wall along the border with Mexico, in San Diego (Goerman, 2006, p. 29).

•1996: The Illegal Immigration Reform and Immigrant Responsibility Act expands restrictions for legal immigrants seeking access to welfare benefits (Smith and Edmonston, 1997, p. 25). This act also makes it possible for U.S. Border Patrol to refuse entry to or to deport immigrants without a guarantee of legal process (Rubin and Melnick, 2007, p. 265).

•2005: The REAL ID Act places more restrictions on political asylum and imposes federal restrictions on what forms of documentation can be used to garner a state-issued driver's license (National Conference of State Legislatures, 2005).

The growth of undocumented immigrants in this country has taken place in the historical context of policies that have, in recent years, become increasingly restrictive, particularly for Latino immigrants. Yet, in March 2004, the estimated number of undocumented Mexican immigrants totaled 5.9 million. This subset makes up the largest proportion of undocumented persons in the United States and is the largest contributor to undocumented Latino immigration in Tennessee (See Appendix, Figure 5: Census 2000: Hispanic/Latino Population Breakdown for Tennessee) On average, the Mexican population living in America has grown by about half a million people a year over the past decade, with unauthorized migrants accounting for about eighty to eighty-five

percent of this increase (Passel, 2005). Note that the size and characteristics of the undocumented population are determined through the standard practice of subtracting the estimated legal-immigrant population from the total foreign-born population and treating the residual as a source of data on the unauthorized migrant population; this methodology is necessary because neither the U.S. Census Bureau nor any other government agency counts the unauthorized migrant population in their data collection (Passel, Van Hook, and Bean, 2004).

Perhaps the explanation for the disparity between the preventive legislation and regulations that would restrict illegal immigration and the proliferation of the undocumented population lies within the U.S. government's pursuit of contradictory policies for North American integration. While the federal government has pushed for commercial assimilation through the North American Free Trade Agreement, it has conversely sought to curb the flow of laborers attempting to cross the U.S.-Mexico border (Massey, 2005).

Methods and Motivation for Illegal Immigration

Although undocumented immigrants are often thought to be a homogenous amalgamation, there are three distinct ways in which a person can immigrate illegally. First, a person could stay beyond the sanctioned time period for his or her legal visit to the United States. Another way is to violate the terms of legal entry, as in a tourist taking a job. Perhaps the most openly discussed method for becoming an undocumented immigrant is to enter the country illegally, without the proper inspection or documentation or at some location other than a legal point of admission (Smith and

Edmonston, 1997, p. 21). A little more than half of the unauthorized immigrant population entered the United States illegally, according to a May 2006 report from the Pew Hispanic Center. The share of Mexican legal visitors who overstay is 1.7%, which is lower than for Central American, at 3.2%, or South American nationalities, at 2.4%, because "it easier for Mexicans to make illegal entries and harder for them to get visitor visas" (Pew Hispanic Center, 2006). However, the March 2005 Current Population Survey and Department of Homeland Security reports indicate that this was the case for only a small portion of the unauthorized immigrant populace, between 250,000 and 500,000. Some Mexicans who live near the border entered the United States legally from Mexico using a Border Crossing Card, a document that allows short visits limited to the border region, and then violated the terms of entry (Pew Hispanic Center, 2006).

The next line of inquiry is how these prohibited entrances occur. According to the Pew Hispanic Center's study, "Modes of Entry for the Unauthorized Migrant Population," some undocumented immigrants evaded customs and immigration inspectors at ports of entry by hiding in vehicles such as cargo trucks. Others trekked through the Arizona desert, waded across the Rio Grande or otherwise eluded the U.S. Border Patrol which has jurisdiction over all the land areas away from the ports of entry on the borders with Mexico and Canada (Pew Hispanic Center, 2006). Policy changes that have heightened border enforcement have had the effect of pushing the flows of illegal immigration into more remote regions along the U.S.-Mexico border, and as a result, the death rate at the border has tripled, while the rate of apprehension of undocumented immigrants at the boundary has taken a dramatic fall (Massey, 2005).

The risks incurred by immigrants attempting to cross the border illegally are certainly palpable. According to the U.S. Border Patrol, 1,954 people died crossing the United States-Mexico border between the years 1998-2004. Deaths due to exposure to extreme environmental conditions, resulting in hypothermia, dehydration, or heat stroke, have risen sharply since the mid-1990s, due to the redirection of migration paths to more treacherous terrain, following the enhancement of border enforcement (Eschbach, Hagan, and Rodriguez, 2001, p. 3). Nature is not the only peril jeopardizing the lives and well-being of undocumented persons attempting the journey across the U.S.-Mexico border. In 2006, the number of immigrants killed in traffic accidents during illegal crossing was about 50. In a single accident on August 7, 2006, nine migrants perished in a crash in the Yuma district, when the driver of a Chevrolet Suburban lost control after crossing a Border Patrol spike strip at a high speed; there were 21 Mexican immigrants in that vehicle (Dobyns, 2006).

Despite the obvious perils presented by entering the United States illegally, undocumented immigrants are still willing to make the trek, for economic, political, and personal reasons. A long-held explanation for the motive for much of the illegal immigration to the U.S. has been that people cannot find work in their country of origin. Yet, according to a 2005 study by the Pew Hispanic Center, only 5% of 4,836 Mexican immigrants in seven major U.S. cities who had been in the U.S. for two years were unemployed before they crossed the border. The lure is the higher paying jobs opportunities; though the undocumented Mexican immigrants receive only a median income of $300 a week in the United States, the average weekly earnings in their country

of origin are only $100-$120 (Illegal migrants had jobs back in Mexico, survey finds, 2005).

Another impetus for illegal immigration is the desire to escape civil war or subjugation in one's country of origin; though not as prevalent as the economic motive, a sizeable portion of the Latino immigrant community in the United States has fled such strife in their native countries. For example, El Salvador sends more people per capita to the United States than any other nation (Snyder, 2007). The migration of Salvadorans from their country was due primarily to the civil war in which the Salvadoran government forces worked with death squads to murder and suppress suspected leftists. From 1980 to 1982, at the height of persecution, an average of 800 bodies were found each month. More than half of the refugees of the civil war immigrated to the United States--between 500,000 and one million (Castellano). A notable Colombian subset of the Latino immigrant population likewise consists of people who fled Colombia as a result of decades of armed violence. In fact, approximately one of every ten Colombians is now living abroad (Bérubé, 2005). Colombia is the fourth largest contributor to the undocumented resident population of the United States, due to the spurring force of political instability in that country (Office of Policy and Planning for the U.S. Immigration and Naturalization Service, p. 9).

Further motivation for illegal immigration is the desire to be reunited with family members or loved ones. In 2005, 6,460 underage illegal immigrants from Central America were detained in the United States while traveling without their parents and were sent to government shelters, a thirty-five percent increase from 2004. Many of these youths were trying to reach family members in the United States. Although, some

were drawn to cross the border illegally by the higher wages that also attract adults (Aizenman, 2006). Another subset of immigrants who are facing little legal recourse for entering the United States are binational, same sex couples. Although gay marriage is recognized in a few states, it is not recognized under federal law, which leads to couples having to decide between leaving the United States to avoid immigration hassles, having one partner in the country illegally, or spending time apart as "love exiles" (Delfín, 2007). The number of undocumented immigrants that are in the United States due to restrictions on legal acknowledgment of same sex unions is probably quite small; in fact, the results of the 2000 U.S. Census found that six percent of the reported 594,391 same sexpartnerships included one US citizen and a non-citizen. Nevertheless, for the purpose of the examination of social justice, it is noteworthy.

Tennessee as a New Immigration Frontier

In recent years, there has been a dramatic increase in Latino migration to and settlement in nontraditional areas in the United States (Massey, Durand, and Malone, 2002). Beginning in the 1980s, a number of new states in the Midwest and Southeast began to experience a boom in their Hispanic populations (Goerman, 2006, p. 2). These states include: Alabama; Arkansas; Georgia; Indiana; Iowa; Minnesota; Missouri; Nebraska; North Carolina; South Carolina; South Dakota; Tennessee, and Virginia (See Appendix, Figure 7: Percentage change in Hispanic population for new destination states, 1990 to 2000). Due to the recent occurrence of the Latino immigrant population growth in new destination states, "there has been little extensive academic study to date on the living conditions and experiences of Latino immigrants in these areas" (Goerman, 2006,

p. 2), much less the examination of public policy and government interaction with this expanding demographic of the populace.

The Century Foundation, a non-profit public policy research institution, commissioned research into the experiences of five states that are experiencing new wave Latino immigration: North Carolina, Iowa, Georgia, Minnesota, and Nebraska. Though each of these states has a certain degree of variation, such as the home countries of the immigrant populations, local economic factors, and the current state political atmosphere, there were three prevailing themes between all five case studies:

1) First, all of the states began their approach to the arrival of the new immigrant community with an attitude that was open to alterations, sometimes even welcoming the immigrants and encouraging more of them to come to their state, to boost their economies;

2) Next, each of the states in the case studies became increasingly ambivalent toward the immigrants in their borders over time, eventually taking on more aggressive policies that hindered the immigrants from being accepted into the mainstream culture;

3) Most poignantly, none of the states in the case studies succeeded in creating effective solutions to the key public policy difficulties presented by immigration, particularly undocumented immigration (Anrig and Wang, 2006, p.2).

Tennessee could certainly fall into this pattern of behavior established by the state case studies from the Century Foundation's probe of new destination immigration states. According to the U.S. Census Bureau, the percentage growth in the Hispanic population of Tennessee was 278.2% between 1990 and 2000 (See Appendix, Figure 7: Percentage change in Hispanic population for new destination states, 1990 to 2000). Despite this

exponential growth, the pattern of Latino migration in Tennessee has a limited concentration, meaning that most towns have been largely by-passed. Notably, the large, metropolitan areas are absent from a list of Tennessean cities with the highest percentage of Latinos, whereas an assortment of small and medium-sized towns have been greatly affected by the migration wave (Drever, 2006, pp. 20-22). This high concentration of the new Latino immigrant population in towns like Bells and Morristown solidly supports an economic hypothesis for why Latino immigrants are choosing to come to Tennessee; almost all of the places for the most rapid expansion of the Latino community are also centers for agriculture, labor-intensive manufacturing, and food processing. In the last ten years, demand for U.S. poultry products, both domestically and abroad, has grown swiftly, to the point of exhausting the minute labor force of the small towns where the processing plants are located (Drever, 2006, p. 22). This wave of Latino immigration was courted, in a way, as a means of filling the labor void in the food processing industry (Guthey, 2001).

Having discussed the motivations behind the movement of Latino immigration to new destination states and, specifically, why Latino immigrants are choosing to come to Tennessee, this essay will next analyze the conditions of daily life of the Latino immigrant in Tennessee, the experience of living and working as an undocumented person, the groups that are in support of or against the expansion of the rights of the immigrants, and the ability of the Latino immigrant community to unify as a socio-political force against injurious legislation at all levels of government.

Latino Community in the Cultural Climate of Tennessee

"I don't think I could base my will to struggle on cold economics or some political doctrine. I don't think that there would be enough to sustain me. For me, the base must be faith."

-*César Chávez* (Espinosa, Elizondo, and Miranda, 2005, p. 3)

The question of how a person acquires American citizenship has a complex response which, when denuded of the intimidating rhetoric and lengthy process, can be outlined as three basic ways. The most common manner in which a person becomes an American citizen is to simply be born in the United States, following the Anglo-American custom of *jus soli* or 'right of the soil.' The right of birthright citizenship is protected by the citizenship clause of the Fourteenth Amendment, which provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside" (Schuck, 2007, pp. 44-45). The second path to U.S. citizenship is naturalization, which confers almost all of the rights of citizenship, including the right to vote and greater access to public programs (Smith and Edmonston, 1997, pp. 378-379). In order to naturalize, a legal permanent resident must have resided in the United States for five years, while maintaining that legal status. He or she must also demonstrate the ability to speak, read, and write English, command a basic knowledge of American government and history, and be of good moral character (Schuck, 2007, p. 45). The third route to obtaining U.S. citizenship is available to naturalized citizens who wish to sponsor immediate family members for immigration without a numerical cap (Smith and Edmonston, 1997, p. 379).

For those seeking entrance to the United States to pursue employment opportunities, the demand for labor in America does not always equal the number of visas that are available. For example, legal immigration fell by thirty-four percent between 2002 and 2003, a drop that was not due to a lethargic market, but rather, because of the tighter government control on entrance to the United States that was prompted by the terrorist attacks of September 11, 2001 (Kaushal, Reimers, and Reimers, 2007, pp. 179-180). There is clearly an economic call for undocumented migrant workers in the United States. According to the March 2005 Current Population Survey, unauthorized workers accounted for about 4.9% of the civilian labor force, or about 7.2 million workers out of a labor force of 148 million, and in some industries, the presence of undocumented workers is a much larger percentage. For example, the unauthorized laborers represent 21% of the workers in private household industries, and they make up between 12% and 14% of all the workers in food processing, farming, furniture manufacturing, construction, textiles, and food services (Passel, 2006).

The demand for undocumented immigrants in the American work force is evident, therefore, the realities of the supply should not be surprising. Illegal immigration will occur as people seize these economic opportunities, but what cultural and socio-political issues will the Latino immigrants face in the United States, in the South, in Tennessee?

The Reality of Being an Immigrant

The variables that are perhaps most crucial in analyzing the Latino population in Tennessee and determining whether they are at an advantage or disadvantage for having

chosen to come to this state are language ability, education, income, and the age and gender distribution of the Latino population.

In Tennessee, as in many new destination immigration states, the share of recent immigrants is significantly higher than in states or regions that are traditional areas for Latino immigration, like California or New York. According to data from the U.S. Census, twenty-percent of all Latinos in the United States were living along or near the nation's borders prior to 1995; in Tennessee, the proportion of recent migrants entering into the population is twice that and is ten percent higher than the numbers for the South, as a region (Drever, 2006, p. 28). These 'new-arrival' immigrants generally have limited English skills and come from low-income backgrounds (Anrig and Wang, 2006, p. 1). Although Latino movement to southern cities garners more mainstream attention, much of the Hispanic immigrant population is settling in the small towns of the regional South (Furuseth and Smith, 2006, p. 11). According the U.S. Census Bureau, among the ten states that have the fast growing non-metropolitan Hispanic population from 1990 to 2000, seven of those were Southern states. Tennessee ranked fourth (Furuseth and Smith, 2006, p. 12). As the new Latino immigrants make their homes in the towns of the Tennessean countryside, situated around centers of food processing and other forms of industry that have a demand for undocumented workers, the demography of these small towns undergoes "tectonic shifts" (Drever, 2006, p. 22). These shifts create one area where Latino immigrants may find themselves at a disadvantage, versus their demographic counterparts in other regions of the United States, because these intermediate-sized towns in rural areas do not have experience for providing services to a growing Latino immigrant population that includes documented and undocumented

persons. The need for English as a Second Language teachers, as well as legal and health officials who speak Spanish is apparent in the small, rural Tennessee towns, which were already struggling to provide basic services.

The new Latino population is hardly sitting complacently in the cultural and economic environment of Tennessee. Latino immigrants who are recent arrivals in Tennessee from the country of origin are more likely to be attached to Mexican and/or Central American foods, which has spawned the proliferation of the *tiendas* and *tacquerias*. Rising to meet the demand for these goods results in storefronts that are more reminiscent of a restaurant or shop in Mexico, and distinct cultural markers like the signs for a *tienda* add to the color and diversity of the Southern small towns of Tennessee (Drever, 2006, p. 29).

One area where the new Latino immigrant community of Tennessee is certainly at a disadvantage is in education. For 2005-2006, Tennessee schools were ranked forty-first in the nation, and though the state's school systems jumped up eleven rankings to be in thirtieth place for 2006-2007 (Quitno, 2007), the areas of greatest concern for the Tennessee school system, the rural areas, are where some of the larger pockets of Latino immigrants reside. Rural schools have higher drop out rates and lower teacher pay levels than the state as a whole, which compounds the worrisome fact that the nationwide Latino drop out rate is already 29.9 %, according to the U.S. Department of Education in 2000 (Drever, 2006, p. 30). The children of the new Latino immigrants will face a difficult entry into the work force when they reach adulthood, because they will have grown up in a different environment that will probably lead them to be drawn more towards the career expectations of their Americans cohorts and not just their parents

(Chinchilla, Hamilton, and Loucky, 1993, p. 65). It is unlikely that the children of Latino immigrants in Tennessee will be satisfied with the pay levels and the difficult work environment of the food processing industry and the other labor fields that are dominated by undocumented Latino laborers (Drever, 2006, p. 31). However, the likelihood that these Latino children will have the opportunity to pursue a post-secondary education is minute; immigrants of Hispanic origin are the least likely to have taken the SAT or to receive high scores on the test, out of the immigrant groups who perform well academically, because the schools they must attend do not adequately prepare them to apply for college (Suárez-Orozco, C. and Suárez-Orozco, 2007, p. 250).

Though most Latinos have chosen to settle in the two largest cities of Tennessee, the areas experiencing the largest proportional change are the small and medium-size towns that are centers for labor-intensive industry or food processing. In comparing the human capital of the Latino immigrants living in Tennessee with that of their peers throughout the South and the United States, one can see that the Latinos in Tennessee are not significantly disadvantaged, even in the area of net earnings, despite the sharp influx of Latinos migrating to this state in 2005 (Drever, 2006, p. 33). Though the Latino community and particularly its undocumented members are still having to experience public policy fluctuations as local and state governments adjust to the changing demographics and political pressures, there is still ample room for hope that the cultural, political, and economic topography of Tennessee will provide an environment for the Latino immigrant community to grow into their American dream.

Grassroots Organizations, Friends and Foes

In the tradition of American pluralism, when a contentioss public policy issue to be contemplated and disputed, people will often organize in order to promote their interests. In addition to the societal and cultural impediments that Latino immigrants face in migrating to the United States, and from there, to new destination states like Tennessee, there is a plethora of opposition groups that are promoting ideas and policies that are, in many cases, counter to the interests of the Latino immigrant community and its allies. Though there are many forms and categories of interest groups, from institutions like corporate entities that can be for or against immigrant interests to the Chambers of Commerce, I have chosen to focus on member-based citizen groups. Some of these grassroots 'foe' organizations that are within that criterion include:

• The Minuteman Project

In the spring of 2005, California Governor Arnold Schwarzenegger praised the Minutemen Project on a radio show, declaring that the group, which bills itself as a form of 'Neighborhood Watch' for the U.S.-Mexico border, had "done a terrific job" and that the "federal government is not doing their job" (Gorman, 2005). The Minuteman Project ended its armed patrols in Arizona the week before Schwarzenegger's comments, deemed their operation successful, taking credit for a dip in illegal immigration through border-crossing into the United States. Despite the fact that there are approximately 1,700 agents of the Border Patrol assigned to the 66 miles from the coast to the Imperial County line, Minuteman Project co-founder Jim Gilchrist insisted that there were still areas uncovered (Gorman, 2005).

During April 2005, trucks with large state and American flags flying above lined the fence separating the United States and Mexico. Some Minutemen carried handguns, while others wore night-vision goggles. The Minutemen claimed that their project resulted in the detention of nearly 350 immigrants along the 23 miles of the Arizona border where the group patrolled, taking credit for the dip in illegal immigration to the United States during the period of their watch. Yet, Border Patrol officials said the decrease in crossings was more likely the result of the Minutemen's presence in addition to other factors, such as the intense media attention on both sides of the U.S.-Mexico border (Gorman, 2005).

The Minuteman Project has drawn criticism from an array of opponents, ranging from prominent political officials to university students to organizations like the American Civil Liberties Union. One incident in particular drew the ire of the ACLU. On April 6, 2005, Border Patrol agents called in deputies from the Cochise County Sheriff's office to report that an immigrant was detained by three men, who had identified themselves as Minuteman volunteers. The men physically restrained the twenty-six year-old Mexican man, forcing him to hold a shirt that read "Bryan Barton caught an illegal alien, and all I got was this T-shirt," while his picture was taken and he was videotaped ("ACLU of Arizona Denounces Unlawful Imprisonment of Immigrant by Minuteman Volunteer", 2005).

The Minuteman Project leadership is now under scrutiny by advisory board members who are claiming that they have control of the organization, initiating a takeover with allegations of 'gross mismanagement' on the part of James Gilchrist, the group's chairman, and others. Rev. Marvin Stewart said Minuteman Project leaders have

not been able to account for $400,000 of the $750,000 that a direct-mail company helped raise last year for the organization, so he was now assuming control of the group. Gilchrist, Minuteman Project founder, has vowed a court fight to oust them (Seper, 2007). As of now, there is no indication as to how the looming litigation will affect the activities of the Minuteman Project.

Regardless of their chances to maintain organizational momentum, the volunteer movement that began with the Minuteman Project on the U.S.-Mexico border in Arizona has spread to Appalachia. As of July 2005, there were at least 40 anti-immigration groups that popped up nationally, inspired by this one organization (Mansfield, 2005).

• Friends of the Border Patrol (FOBP)

Founded by Andy Ramirez, the grandson of a Mexican immigrant, in August 2004, Friends of the Border Patrol is a non-profit corporation with the principle purpose of helping to "educate the public about the duties and responsibilities of immigration law enforcement agents and how they can assist such agents through trained observation and reporting actionable information" (Frequent Questions for Friends of the Border Patrol). Energized by the praise the Minuteman Project received from high profile elected officials like Governor Schwarzenegger, Friends of the Border Patrol initiated a Border Watch program for the border near San Diego for the summer of 2005. Volunteers with FOBP were instructed to not confront people crossing the border illegally, but rather, to report their location to the Border Patrol (Gorman, 2005).

• The Tennessee Minutemen

Though they have no direct affiliation with the Minutemen Project, the Tennessee Minutemen share a similar goal in wanting to address what they perceive as a lack of adequate law enforcement to prevent illegal immigration and the residence of undocumented persons in the state of Tennessee. The Tennessee Minutemen, which planned rallies in Memphis and Nashville and reputedly heard from at least 120 potential members statewide as of July 2005, insisted that its members were neither vigilantes or racists (Mansfield, 2005). However, the combative charges made at the Morristown meetings, such as a call for the children of illegal immigrants to be kicked out of public schools, had caused the group to meet with outright opposition from Latino advocacy organizations throughout East Tennessee (Mitchell, 2005).

• Tennesseans for Responsible Immigration Policies (TnRIP)

Founded in 2001, Tennesseans for Responsible Immigration Policies is the leading anti-immigration group in Tennessee (Moser, 2006). This non-profit, non-partisan coalition group opposes federal immigration policies that will 'force mass U.S. population growth' and depress wages of 'vulnerable' workers. According to TnRIP website (http://www.tnrip.org/index.html), the group's mission statement includes a manifesto for their vision of immigration reform. Examples of the convictions of TnRIP include: all 'illegal aliens' should be deported, excluding the spouses of U.S. citizens; all 'illegal aliens' should be left without all public services, excepting emergency medical care, and children born in the United States to parents who are 'illegal aliens' should be denied automatic U.S. citizenship.

Those are just a few, concise examples of the anti-immigration or 'foe' groups that exist in the United States today. Nevertheless, the Latino immigrant community has an abundance of ally organizations and movements that are committed to promoting social justice and the well-being of all persons, whether they are legal or undocumented residents. Some examples of 'friend' groups and movements include:

• The "sanctuary movement"

In the 1980s, faith-based organizations, in conjunction with more than 200 churches and synagogues across the United States combined their efforts to provide refuge to tens of thousands of political refugees from Guatemala, El Salvador, and Nicaragua. These immigrants seeking sanctuary crossed the U.S.-Mexico border illegally. Looking at themselves as a contemporary Underground Railroad, the leaders of the sanctuary movement provided support to these undocumented immigrants in direct violation of the federal government (García, 2005, pp. 159-163). These activists took Latino refugees into their homes, assisted them in their travels, hid them and helped them find work (Castellano). There is a possibility of a resurgence of the sanctuary movement, with the appearance since the 1990s of humanitarian and religious organizations like Humane Borders, which assists border crossers by providing them with sealed gallons of water (García, 2005, p. 170).

• American Families United

American Families United is a non-profit organization that focuses on helping U.S. citizens who are married to undocumented immigrants through lobbying efforts to ensure that American immigration laws protect and preserve families. The organization

is now in talks with policymakers to help resolve the issue of families divided by nationality and citizenship (Love unites them, 2006). According to the organizational website for American Families United (http://www.americanfamiliesunited.org/), the group is working with Morrison Public Affairs Group to approach several Congressmen and Senators with proposed amendments that would help their members and many Americans facing similar situations. Select proposals from American Families United include: to lower barriers to legal immigration for immediate family members of U.S. citizens; to enforce accountability within the immigration process, to prevent government errors from causing further separation of loved ones; and to improve availability of waivers of inadmissibility for spouses of U.S. citizens.

•Tennessee Immigrant and Refugee Rights Coalition (TIRRC)

Founded in January 2001, the Tennessee Immigrant and Refugee Rights Coalition is a statewide, immigrant and refugee-led alliance whose mission is to empower immigrants and refugees throughout the state of Tennessee to develop a unified voice, defend their rights, and foster a social and cultural environment in which immigrants and refugees are viewed as positive contributors to the state. Coalition members include organizations and persons representing ethnic groups from countries across Latin America, Africa, Asia, the Middle East and Europe.

TIRRC joins with other organizations at the local, state, and national level to promote the social justice issues that are critical to the advancement of the security of the immigrant community. For example, on April 5, 2007, TIRRC joined with the Rights Working group, a national coalition of more than 250 community-based policy

organizations, in Night of 1,000 Conversations. The event was a series of gatherings of people across the nation in small groups to discuss due process and the need for comprehensive immigration reform ("Night of 1,000 Conversations", 2007). TIRRC also organizes lobbying ventures to the Tennessee political delegation in Washington, D.C. and to Tennessee state legislators in Nashville ("Tennessee New American Day on the Hill is March 27", 2007).

2006: Triumph and Set-back for Immigration Reform

For the Latino immigrant community and its allies, the year of 2006 presented a time of tribulation with legislative bodies at the national level and in the state and local governments of Tennessee. However, despite these frustrations and the creation of more impediments to reaching the goal of comprehensive immigration reform at the federal level, 2006 also provided undocumented immigrants with the opportunity to test their ability to unite their voices in protest, and the result garnered national attention.

The instigation of the mass discontent was the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, a proposed piece of legislation in the House of Representatives that would increase the punishments for taking part in illegal immigration and would reclassify unauthorized immigrants and anyone who assists them in entering or residing in the United States as felons. Other samples of the provisions in the bill as passed by the House include: requiring up to 700 miles of fence to be added to the locations along the U.S.-Mexico border with the highest number of illegal entries; ordering that the Department of Homeland Security conduct a study to determine the potential effectiveness of fencing on the U.S. Canada border; increasing penalties for aggravated felonies and various frauds, including marriage fraud and document fraud;

and mandating that employers verify workers' legal status through electronic means, to be phased in over several years (H.R.4437, 2006).

On March 29, 2006, a multitude of about 5,000 immigrant protesters marched from the Coliseum to the state Capitol in Nashville, to demonstrate their disgust for H.R..4437 (Rodgers, 2006). Following the success of that march, the Tennessee Immigrant and Refugee Rights Coalition to organize rallies in Knoxville, Nashville and Memphis on April 10, 2006, the day that the national turnout for protests against legislation that would be detrimental to the immigrant community peaked, with over a hundred events occurring from coast to coast (Immigrants regroup, resume protests after bill stalls, 2006).

The Comprehensive Immigration Reform Act was introduced on April 7, 2006 in the U.S. Senate as S.2611; in its provisions for a path to citizenship, this bill was in sharp contrast to the overly stringent modifications advocated in H.R.4437. Through the process proposed in S.2611, an undocumented immigrant who had been in the country for more than five years could apply for citizenship by paying fines and back taxes (S.2611, 2006). The legislation met with praise from many organizations that represent the immigrant populace, such as the National Immigration Forum. When S. 2611 passed the Senate vote on May 25, 2006, Frank Sharry, the Executive Director of the pro-immigrant advocacy organization, issued a statement on behalf of The Forum, praising the bill as "a historic bipartisan breakthrough in the Senate in favor of comprehensive immigration reform" (Sharry, 2006). Though this bill passed the Senate with amendments, it never became law. Nevertheless, S. 2611 is significant, because it

emerged immediately following the series of protests and rallies, led by the U.S. immigrant community and allies.

The immigrant and advocate protests continued at the local and national level throughout the spring of 2006. May 1, 2006 was a nation-wide protest, dubbed "A Day Without Immigrants." Those who disagree with more stringent restrictions on immigration, including immigrants themselves, were asked to boycott all aspects of commerce, from going to school and to work, as a means of demonstrating the impact immigrants have on the U.S. economy. Chicago had one of the largest turnouts for the protest on the Day Without Immigrants, with about 300,000 supporters joining in the march downtown. It is, perhaps, questionable what the extent of the impact of the walkouts and protests had on the economy, because the turnout nationwide was lower than what event organizers had expected. Furthermore, those partaking in the protests were likely to buy extra food and supplies before or after the May 1, and absent employees returned to their jobs the day after A Day Without Immigrants with extra work awaiting them ("Hundreds of thousands march for immigrant rights," 2006).

Concerns, Quandaries and Mentality of Tennessee Residents

"Sadly, I've gotten to where I can look at a row of houses now and say, 'They're legal--they're illegal.' Simply because the ones that are legal tend to have that pride of place. The illegals? They don't give a rat's hind end about fitting in or being a US citizen. They're here because they want money, and that's it. They brought their chickens-in-the-yard culture over here with them. You see ten cars parked in the front yard, where you used to see flower beds."

- *Theresa Harmon, co-founder of Tennesseans for Responsible Immigration Policies* (Moser, 2006)

Misunderstanding and antipathy between new-comer populations and native-born Americans often occur when the two groups have had few opportunities to interact in the past. Hamblen County, Tennessee might be an ideal testing ground for the truth of this proposition. Within a ten-year span, the Latino population of Hamblen County jumped to represent six percent of the county's total residents. Many white working-class residents were already disgruntled about the loss of local jobs to outsourcing to other countries, causing them to view the entry of Latinos laborers into the community work force a further encroachment on their ability to earn a living. Nevertheless, not all long-term residents of Hamblen County had a negative view of the growing Latino immigrant population. In January 2002, the Morristown-based chapter of the Ku Klux Klan planned a rally to protest the 'flood of non-whites into their communities'. While the Ku Klux Klan event attracted a little more than 50 attendees, the counterdemonstrations that were organized by the NAACP and other groups drew crowds of between eight hundred and one thousand people (Hing, 2006, pp. 173-174).

The reaction of native born residents of Tennessee to the arrival of Latino immigrants is certainly not homogeneous, yet there are certain misconceptions about immigrants that permeate and obscure the dialogue on this matter and impede the work of seeking just, comprehensive reforms to the U.S. immigration system and to public policies that provide basic services for immigrants.

Conceptualization of the Latino Community

Anti-immigrant sentiments have begun to build in the United States, a result of the rise of illegal immigration and the perceived cost to legal residents to fund the social services that undocumented immigrants need (Frazier and Reisinger, 2006, p. 271). To illuminate some of these inaccurate conceptualizations, I will hereby present and discuss them below. A number of these myths and stereotypes can be heard repeatedly in the discourse that has accompanied the rise in anti-immigrant feeling:

The U.S. immigration issues can be solved by putting more law enforcement officials on the U.S.-Mexico border.

The United States government has, for the past two decades, pursued contradictory foreign policies. On one hand, they have opened up for the economic integration of North America through the implementation of NAFTA, while on the other hand, they have tried to unilaterally curtail the influx of undocumented laborers across the U.S.-Mexico border. These policies have only added to the complicated issues of illegal immigration. The increased border enforcement at traditional and less dangerous crossings has only forced those trying to cross the border illegally to press into the more remote regions along the border, which has caused a decreased apprehension rate, despite the added enforcement. The result is that the cost to the U.S. taxpayer to make one arrest at the border increased from $300 in 1992 to $1,700 in 2002, an increase of 467% over that ten year period (Massey, 2005).

Latinos immigrants who are in the United States illegally pay no taxes, and then they pillage the social services systems for free, unearned benefits.

According to a 2002 report from the Bureau of Economics and Business Research at the University of Florida, immigrants in the United States actually pay in more in taxes than what they receive in government services each year. Unfortunately, these excess funds paid by immigrants flow to the federal government rather than to the local and state governments that bear a significant portion of the cost of services provided for immigrants (Frazier and Reisinger, 2006, p. 273). In Tennessee, the sales and property taxes fund state programs and services, for the most part, and everyone pays these taxes.

Undocumented Latino workers live in fear of deportation. They rarely seek social services or file income tax returns, because they are wary of being discovered, detained, and/or deported. Typically, the exceptions are emergency medical care and primary education, which are services that are too essential to forgo (Frazier and Reisinger, 2006, p. 273).

Latino immigrants do not want to learn English.

According to the U.S. Census in 2000, only ten-percent of the U.S. native-born Spanish speakers cannot speak English well at all. However, the number for foreign-born Spanish speakers in the United States who have poor or non-existent English language abilities is much higher, at about forty-eight percent. According to the Pew Hispanic Center (2000), seventy-two percent of foreign-born Hispanics are Spanish language dominant, whereas another twenty-four percent are bilingual. Within the next generation, if the language-dominance figures hold true, the Spanish dominant category will disappear entirely (Frazier and Reisinger, 2006, p. 274). There is a push from the Latino

immigrant community and from their allies for public policy reforms that would provide more funding for English as a second language (ESL) programs.

Latino immigrants are lazy, and they have come to the United States to live on 'handouts' from the government.

The desire to secure work is a highly moving force for the demographic of Latino immigrants. In fact, economic motivations- the search for higher paying jobs and earning a better quality of life, are among the most common reasons for a person to immigrate to the United States. The more recent Latino Labor Report from the Pew Hispanic Center tracked the key labor market indicators for Hispanics and non-Hispanics from the first quarter of the 2003 fiscal year and the first quarter of 2004. This Pew report presents evidence that strong increases in Latino employment are playing a crucial role in the revitalization of the U.S. labor market, even though some labor force indicators, such as the unemployment rate, have yet to return to where they were before the 2001 recession (Frazier and Reisinger, 2006, p. 271).

Undocumented immigrants account for about 6 million people in the U.S. labor force. The labor force participation rate of undocumented male immigrants is approximately 96 percent, a ratio that exceeds that of male, legal immigrants or male, U.S. citizens. Undocumented women are significantly less likely to be in the labor force, but this absence is because proportionately more undocumented women are of childbearing age, and for a variety of socio-economic and cultural reasons, undocumented women are more likely to have children and remain at home than their U.S. citizen counterparts (Frazier and Reisinger, 2006, p. 272).

Undocumented immigrants just aren't willing to play by the rules and wait for their turn to enter the United States legally.

According to the Pew Hispanic Center, there are approximately 485,000 new, low-skill, unauthorized migrants who come to the United States each year to work in the available jobs. However, the U.S. immigration system as it currently stands only allows for the issuance of 5,000 for low-skilled foreigners seeking year-round work. On July 26, 2005, Tamar Jacoby, a senior fellow with the Manhattan Institute, testified before the U.S. Senate Committee on the Judiciary, presented the following example for why this disparity between available visas and the labor force demand is a social injustice:

> "A Mexican without family in the U.S. who wants to do something other than farm work has virtually no legal way to enter the country. And even a man with family here must wait from 6 to 22 years for a visa, depending on what kind of relatives he has and what their legal status is" (Jacoby, 2005).

Ejecting illegal immigrants from the U.S. labor force would generate higher wages for legal workers.

Economists say that expelling undocumented immigrants from the workplace would mean higher wages for legal workers, but the effects would only be short term. In fact, some members in the construction profession, one of the industries that would be readily affected by such a drop in its available labor force, are concerned that removing undocumented workers would drive up home prices, driving down profits below ten percent of the value of new homes in June 2006 (McCombs, 2006).

"We don't come to take jobs that they already have," said Jorge Quintanilla, an undocumented insulation installer, in Spanish in an interview with the *Arizona Daily Star*. "We don't come to substitute, either. We just come to fill a hole that the demand of the United States economy requires."

Overall, barring considerable immigration-induced economies or diseconomies of scale, the most probable magnitude of the effect of immigration on the economy are moderate for those who would benefit from immigration, for those who would be impacted negatively by immigration, and for the Gross Domestic Product. In fact, the domestic economic gain due to immigration for the United States might run $1 billion to $10 billion a year. In the context of the vastness of the U.S. economy, this amount may not seem sizable, but in absolute terms, it is a significant positive gain (Smith and Edmonston, 1997, p.153). There is considerable disagreement about what impact immigrants have on the economy and what the effects would be of their expulsion. Nevertheless, the distinct possibility that the removal of immigrant workers from the United States could have such a detrimental effect on the U.S. economy is worth considering.

Undocumented immigrants are criminals.

Unlawful presence in the United States is a civil violation, not technically a crime. The U.S. House of Representatives voted on the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 in December 2005 to designate all undocumented immigrants as "aggravated felons" (H.R.4437, 2005). This bill never became law, but if it had, it would clearly have had an adverse effect on undocumented

immigrants who are, as a demographic, predominantly law-biding, other than being an undocumented person. In actuality, immigrants represent the lowest rates of imprisonment for criminal convictions in American society (Rumbaut, Gonzales, Komaie, and Morgan, 2006). According to data from the U.S. Census Bureau, the population of foreign-born persons in Tennessee increased by 267% from 1990 to 2004. Yet as indicated by data from the Tennessee Bureau of Investigation, the overall crime rate has, in fact, decreased, and the rate of violent crime has lessened by more than 5%.

Immigration in the Media

The Associated Press Stylebook promulgating the use of the phrase 'illegal immigrant' is only one example of how the media, both in broadcast and in print, have the ability to frame the dissemination of information about immigration and to influence the debate on immigration policy reform. In contemporary society, Americans are saturated with visual images, from television, to billboards, magazines, and movies. Messages also travel quickly, crossing regional and cultural frontiers with ease, permeating the consciousness of millions of U.S. residents. In deference to the important role that various forms of media have in framing policy discussions and shaping public perception, this section of the probe into the perceptions that current residents have of Latino immigrants will discuss how the ways in which the long-term citizens absorb information about the emergent undocumented immigrant population.

Between 1990 and 2000, Nashville experienced phenomenal growth in its Latino communities. The trend began with a domestic migration of single, young, Mexican males, coming from the cities of California and Texas in search of jobs in construction

and landscaping, and this movement developed rapidly into an international migration with persons arriving from countries of origin through Latin America. Shortly after, employers from Nashville in the service sector realized that the Latino community presented a new workforce for fast-food restaurants, landscaping businesses, and other low income employment sectors (Winders, 2006, p. 169-176).

As Nashville went through its rapid social transformations during the late 1990s, the newspaper coverage of Latino immigration and the changing communities of Nashville began to capture the manner in which the native born residents of Tennessee were adjusting to the rapid alteration of the area, in a way that economic reports or U.S. Census data would fail to satisfy. Beginning in 1995, the first articles about Latinos to break into the headlines of *The Tennessean*, the coverage of the Hispanic community in Nashville were not particularly positive; in fact, the one of the initial articles from this period focused on an 'illegal worker crackdown', and the article itself was not placed prominently in the layout of the newspaper, having been relegated to page 4B (Winders, 2006, p. 176).

By 1997, the coverage of the Latino community that appeared in *The Tennessean* accurately depicted the escalating tension between Nashville's Metro Council, which was calling regularly for 'crackdowns on illegal aliens' in articles that appeared in the foremost sections of the newsprint, typically on page 1B (Winders, 2006, p. 177). The use of phrases like 'illegal alien,' in such a visible medium as the front pages of the newspaper in this major city captures the building friction between the long-term residents of Nashville and the growing Latino immigrant population, through the new millennium.

In the early months of 2007, there was resurgence in the appearance of the social attitudes long-term residents bear regarding the Latino immigrant community. Metro Councilman Eric Crafton sponsored legislation that would require Metro government to communicate in English except when federal law or 'public health, safety or welfare' requires otherwise, and though the council approved the measure by vote, Mayor Bill Purcell vetoed the measure, saying it was unnecessary and would make Nashville 'less safe, less friendly and less successful' (Cass, 2007). The veto sparked a great deal of commentary in Nashville and beyond. In contrast to the Metro Council's attempts to 'crack down' on 'illegal aliens,' the long-term residents of Nashville responded to the veto of Crafton's "English first" proposal, which was far more neutral in language than the vote taken by the Metro Council a decade earlier, with a wave of opinion pieces and editorials that supported Mayor Purcell's decision. Several of these submissions openly supported the Latino immigrant community in Nashville.

In the span of a little more than a decade, the Latino immigration population has blossomed in and around the city of Nashville. Meanwhile, the language used in the city's main newspaper has changed from writing contentious phrases like 'illegal alien' to serving as a forum for current Nashville residents to openly praise governmental action that does not restrict or limit the rights to basic services and government functions. *The Tennessean*, from 1995 to today, can function as a barometer to gauge the social attitudes of Tennessee residents toward the Latino immigrant community.

Though reading the newspaper articles from a well-known Tennessee periodical to gain a clearer perspective of how the press handles the issues presented by Latino migration, there is ultimately very little that a journalist or an editor can do, on his or her

own, to affect public policy. However, there was another presence in the media which, in fall 2006, presented images of the Latino immigrant community in a distinct context, in order to convey a deliberate message to the legal residents of Tennessee. During the 2006 Midterm Election, U.S. Congressman Harold Ford, Jr. and former Mayor of Chattanooga Bob Corker were both vying for the seat in the U.S. Senate that would be empty upon Republican Senator Bill Frist's retirement. The campaign would be marked with salvos and constant, personal disputes between the two candidates (Sher, 2007). In the wake of the advertisements from each candidate and his supporting organizations that punctuated the media, Ford and Corker left a legacy of depictions of immigration policy that will resonate with voters (and with the undocumented community), years after Rep. Ford conceded to Corker.

First, consider immigration policy and its position in the national debate for the 2006 mid-term elections. Though the immigration issue has relative importance, in the context of a campaign, the differences between the Republican and the Democrat stances verge on being negligible compared to other key issues. According to survey results from the Pew Research Center for the People and the Press conducted in March 2006, approximately half of Republicans, Democrats, and independents favored harsher employer sanctions to reduce illegal immigration. About the same percent of Republicans as Democrats also stated that undocumented immigrants should be returned to their countries of origin. Certainly, there are partisan and ideological distinctions between the two major parties; in a margin of 54% to 40%, Republicans are more likely than Democrats to think that today's immigrants resist change (Escobar, 2007, pp. 34-35).

Republicans and Democrats are more likely to be distinctly divided on issues like abortion or the war in Iraq, and since immigration is a less partisan policy matter, it is difficult to incorporate a clear, definitive campaign message with it as a central topic. Despite this precarious nature of a political platform that ties into immigration reform, Rep. Ford and Corker seemed to find a common battleground in attempts to impeach the other's stance on the issue. An ad for Corker accused his Democratic opponent of sending mixed messages on immigration. The television spot, which aired statewide, featured an announcer who ridiculed Ford for claiming that he supported "the toughest legislation against illegal immigration" (Davis, 2006), despite the fact that he voted against House amendments to have the military help with border patrol and an amendment to increase the punishment for illegal immigrants caught moving drugs across the border. The Corker campaign simultaneously released an ad with Corker discussing his position on immigration, his stance against amnesty, and calling for a new immigration policy "that reflects America's values" (Davis, 2006). Ford was also quoted criticizing Corker for not commenting on the 1988 raid on his company's construction site in an article in the *Chattanooga Times Free Press*, saying "no amount of money can hide the fact that he hired illegal immigrants" (Davis, 2006).

Immigration political ads appeared on television, radio, and on the Internet during the campaign season preceding the 2006 midterm election, yet the Ford ad striking back at Corker presents imagery and language that is verging on the offensive, especially coming from a Democratic candidate (Moscoso, 2006). Rep. Ford attacked Corker for owning a construction company that used a subcontractor that was raided by federal immigration officers and found to have four 'illegal' immigrant employees. In the

advertisement, which airs statewide, Ford is walking in a construction site as he talks to the camera, following a scene in which two Latino actors, depicting undocumented workers, step over a barbed wire fence, symbolically immigrating to the United States illegally (See Appendix, Figure 8: Image of illegal immigration in political ad from 2006 Tennessee U.S. Senate Election).

Included below is an unofficial transcript of Rep. Ford's immigration political ad, which can be viewed online at The Ford Report (http://haroldfordjr2006.blogspot.com/):

Announcer: Bob Corker likes to talk tough about illegal immigration and how he made over 200 million in construction. What Bob Corker doesn't tell you is when he was building these apartments, the INS raided his work site, found illegals working there, and arrested them. He looked the other way for cheap labor, and we're paying the price.

Rep. Ford: I'm Harold Ford, Jr., and to get control on our borders, we've got to get tough on illegals. Let's also get tough on employers who break the law. Bob Corker disagrees, and that's why I approve this message.

When the announcer reads the line "he [Corker] looked the other way for cheap labor", the image visible on the screen is of two Latino men, in tattered clothing, stepping over the fence and easily entering the United States as "cheap labor." Yet, as has been established, entering the United States illegally is often an arduous journey that can result in death. The Ford ad is also contentious because it furthers the impression that undocumented workers are somehow having an adverse effect on the economy or that

they are passing the 'price' of being in the United States and using public services to the taxpayer; again, this is a fallacy.

The Ford ad that targets Corker and promotes these stereotypes and misconceptions is especially interesting when compared to another ad that the Republican National Committee ran against Rep. Ford. This televised advertisement featured people in pseudo man-on-the-street interviews, in which they criticized Ford and his stance on national security. Controversy erupted over one of the people featured- an eye-catching, blonde white woman in a revealing shirt who claimed that she had met Ford at a Playboy party. The commercial ended with the woman looking into the camera and, in a coquettish voice and with a wink, said "Harold, call me" (Toner, 2006).

Critics across the nation asserted that the ad was a clear effort to play to racial stereotypes and fears, and the GOP pulled the ad after running it for less than a week (Toner, 2006). Yet, the racial stereotypes of 'illegals' and stirring the xenophobic fears of undocumented workers somehow coming with a 'cost' for legal residents in the Ford ad went largely unnoticed, save for perhaps the immigrant community and its allies.

Future of Public Policy and the Latino Community in Tennessee

"Overall however, there is good reason to be optimistic regarding the future for 'the new neighbors' and the communities to which they are migrating in Tennessee...not only because Latinos in Tennessee have levels of human capital comparable to the nation as a whole, but also because migration is a selective process- it is those with the most ambition who leave the security of home to pursue a new life elsewhere."

(Drever, 2006, p. 34).

In May 2006, following the nationwide protests over H.R.4437 and the division between the Republicans and Democrats, the reform bills stalled in Congress ("Hundreds of thousands march for immigrant rights," 2006). As Congress remains deadlocked over comprehensive immigration reform, state and local governments are left to fend for themselves in answering the problems posed by the growing immigrant population.

I will now highlight legislation that is currently being discussed in the Tennessee General Assembly, with a particular focus on the bills that would, if enacted, have a detrimental effect on the Latino immigrant community. Then I will conclude my research report with my recommendations for what public policy measures should be taken to more adequately address the issue of illegal immigration, in a way that would better preserve the basic rights of undocumented immigrants while protecting the interests of legal residents.

Proposed Ordinances and Legislation

Individual states lack the power and resources to make comprehensive immigration system reforms, because, clearly, immigration is a national issue that cannot be adequately addressed at the state level. Tennessee, as a new destination immigration state, has followed the pattern of the other states that were included in the case studies from The Century Foundation publication, Immigration's New Frontiers: Experiences from Gateway States. The job market attracted a wave of Latino immigrants to Tennessee, encouraged by employers in need of laborers to fill their vacancies in low-income jobs encouraged. Now the state is in the process of adopting a more combative

stance and attempting to enact policies that would "discourage the acceptance [of immigrants] into mainstream society" (Anrig and Wang, 2006, p. 2).

The following pieces of legislation in the Tennessee General Assembly fall into the categorization of 'combative policies' that would negatively affect the Latino immigrant community and its allies. The full texts for each of these bills are found on the Tennessee General Assembly website (http://www.legislature.state.tn.us/).

•SB 886 by Ketron/HB 0366 by Rowland

The law as it now stands authorizes the Department of Safety to issue a certificate for driving to persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay. This bill calls for the elimination of the issuance of certificates of driving, allowing issuance of a one-year driver license to persons whose presence in the United States has been authorized by the federal government.

•SB 576 by Burks/HB 1216 by Fincher

This bill creates a plethora of provisions regarding immigration. It requires public employers to register and to verify information of all new employees, shifting the responsibility of the federal government to enforce immigration policies to individual state employees.

• SB 193 by Burchett/HB 600 by Turner M.

The principle elements of this bill create a series of criminal offenses regarding transporting immigrants. It prohibits the transportation of 'illegal aliens' into the state of Tennessee, imposes a fine of $1,000 for such violation, and requires that money received from such fines be applied to the costs associated with deportation of such 'illegal aliens'.

• SB 1343 by Haynes/HB 70 by Turner M.

This bill prohibits persons engaged in the purchase, sale, or rental in real estate or business opportunity from doing business with individuals who have illegally entered the United States. If this bill is enacted, a real estate professional who rents, purchases, or sells property to an undocumented immigrant could have his or her real estate-related license revoked, and the Department of Revenue could order county clerks and city tax collectors to revoke that person's existing business license. This bill, if enacted as law, would place an undue burden on real estate professionals, to familiarize themselves with the intricate categories of legal and unauthorized status in the United States.

• SB 252 by Haynes/HB 66 by Turner

This bill makes a Class B misdemeanor offense of an illegal alien knowingly receiving compensation for working in this state, unless granted an exemption by the U.S. Department of Labor. It also specifies that any money derived from such unlawful employment is subject to the criminal forfeiture provisions. There are clear concerns that this bill would present for the immigrant community to be further exploited by unprincipled employers who would subject unauthorized workers to a hostile or unsafe

work environment, knowing that if they resist, the wages that they have earned could be forfeited.

Conclusion and Recommendations

The swell of the Latino immigrant population has presented an assortment of positive economic and cultural influences, as well as the consequence of difficult policy questions. Tennessee, which has emerged as one of the new destination states for Latino immigration, is now faced with trying to provide adequate public services for legal residents and undocumented persons, without knowing when or if the federal government will enact comprehensive reforms that will adequately repair the U.S. immigration system.

Though such a stance will certainly draw criticism from some legal residents and constituents, I recommend that state government officials, as well as policymakers at the local level, allow the federal government to make the ample and necessary changes to the immigration system, rather than enacting various individual pieces of legislation that will only further complicate the policy questions at hand, in addition to creating negative externalities that will affect legal residents, like real estate professionals who would have to learn how to determine and enforce another person's authorized status in the United States. In 2006, following the protests against restrictive immigration reform and as legislation at the state-level was making its way to the General Assembly, Gov. Phil Bredesen remarked, "I think our federal government's got to step up and deal with the issue" (Rodgers, 2006), and I agree.

In my opinion, critics who decry waiting for the federal government to end the partisan deadlock in Congress as something that is far from being an actuality are being needlessly pessimistic. There is already a bi-partisan, comprehensive immigration reform bill that has been presented in U.S. Congress. Representative Jeff Flake (R-AZ) and Representative Luis Gutierrez (D-IL) are sponsoring the Security through Regularized Immigration and Vibrant Economy (STRIVE) Act. Though the STRIVE Act does include provisions for increasing border enforcement personnel, it also includes fundamental principles that would address some of the larger issues within the immigration system. Some of these areas of reform would include: the creation of a new worker program which would provide immigrants in that program (and their spouses and children) with an opportunity to apply for conditional permanent residency and eventual citizenship; an increase in the resources of the immigration court system; a mandate that the United States cooperate with Mexico to address border security, drug trafficking and human trafficking; and inclusion of Title VI, the Development, Relief and Education for Alien Minors (DREAM) Act, a bipartisan bill that would provide a path to legal status for individuals who were brought to the United States illegally as children years ago who have stayed in school and maintained good behavior (H.R.1645, 2007).

Americans are impatient for government action to be taken, to move toward a resolution of the pressures presented by immigration. While the STRIVE Act makes its way through the House Judiciary Subcommittee on Immigration, I recommend that the policy makers of Tennessee suspend the discussion of piecemeal legislation that, at the state level, will only convolute the path to definitive, federal immigration policies. Public officials, legal residents and undocumented persons from across Tennessee are not left

without recourse; they can urge the Tennessee Congressional delegation in Washington, D.C. to move forward on immigration reform by supporting the STRIVE Act, before it hits the floor of the House of Representatives.

Immigration has been a topic of debate in the United States for over two hundred years now, and it will continue to be a policy topic that causes discussion and disagreement for years to come. In Tennessee, the influx of new immigrants, particularly of Latinos, over the last twenty years has had a dramatic impact on the state's social and cultural environment. Medium-sized towns, like Morristown, have seen significant, proportional jumps in the size of their Latino population. At times, the initial arrival of Latino immigrants into these small towns that historically had few to no Latino residents may have been met with skepticism and a wave of nativism. However, there appears to be a gradual move towards the acceptance of Latino immigrants into mainstream society. Legal and undocumented residents should be wary of many of the pieces of state legislation that are attempting to address immigration issues in Tennessee. Other new destination immigration states have capitulated to the pressure of adopting combative attitudes and polices regarding immigrants, yet none of these states has yet to create public policies that adequately addressed the issues of immigration for their state.

Comprehensive reform for the U.S. immigration system is needed, and it must occur at the federal level.

Appendix

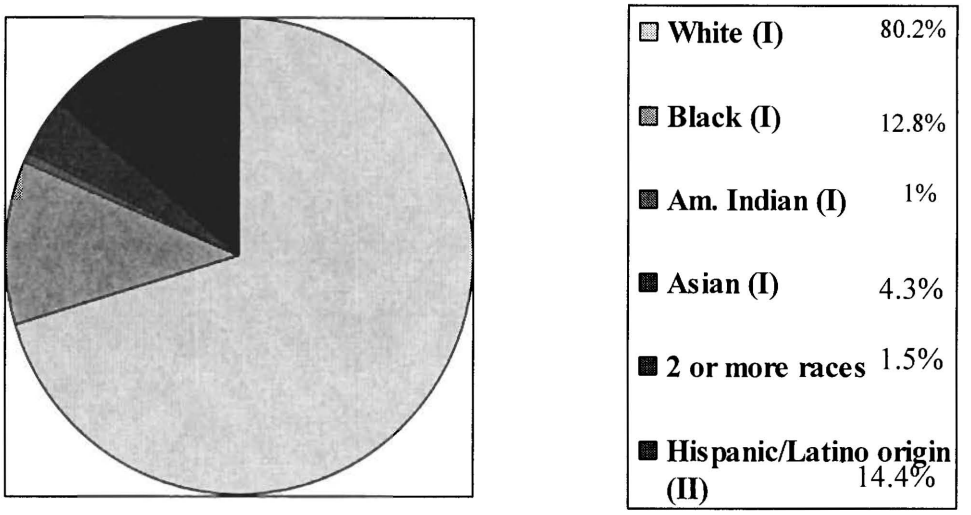
Maps, Tables and Charts

Figure 1: Map of Hispanic World



Original map from http://www.answers.com/topic/hispanic

Figure 2: US Population At-a-Glance, 2005



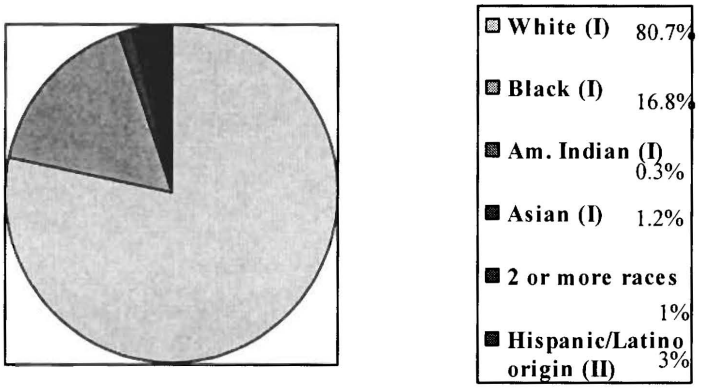
Notes:
I. Includes data from persons only reporting one race.
II. Hispanics/Latinos may be of any race and are also included in other applicable racial categories.
Data from U.S, Census Bureau

Figure 3: Estimates for Size and Characteristics of Undocumented Population in the United States

Country	Number of persons	Percentage of undocumented immigrant population
Mexico	6,840,000	56%
Latin and Central America	3,000,000	25%
Asia	1,080,000	9%
Europe and Canada	720,000	6%
Other	480,000	4%

This table uses data from the March 2004 Current Population Survey, conducted by the U.S. Census Bureau and the Department of Labor. (Passel, 2005).

Figure 4: Tennessee Population At-a-Glance, 2005



Notes:

I. Includes data from persons only reporting one race.
II. Hispanics/Latinos may be of any race and are also included in other applicable racial categories.

Data from U.S. Census Bureau: http://quickfacts.census.gov/qfd/states/47000.html

Figure 5: Census 2000: Hispanic/Latino Population Breakdown for Tennessee

HISPANIC OR LATINO AND RACE		
Total population	**5,689,283**	**100.0**
Hispanic or Latino (of any race)	123,838	2.2
Mexican	77,372	1.4
Puerto Rican	10,303	0.2
Cuban	3,695	0.1
Other Hispanic or Latino	32,468	0.6

Data from U.S. Census Bureau:
http://factfinder.census.gov/servlet/QTTable?_bm=n&_lang=en&qr_name=DEC_2000_SF1_U_DP1&ds_name=DEC_2000_SF1_U&geo_id=04000US47

Figure 6: Percentage change in Hispanic population for Southern states, 1990-1998

State	Percentage change in Hispanic population
Alabama	73%
Florida	42%
Georgia	102%
Kentucky	48%
Louisiana	25%
Mississippi	42%
North Carolina	110%
South Carolina	63%
Tennessee	***90%***
Virginia	56%
West Virginia	21%

Data from U.S. Census Bureau, (Pressley, 2000).

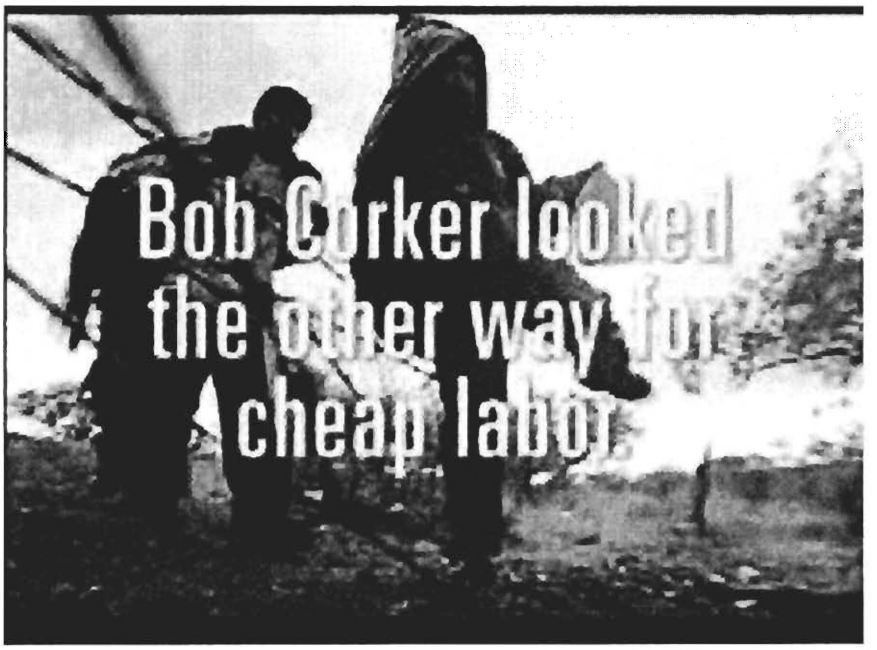
Figure 7: Percentage change in Hispanic population for new destination states, 1990 to 2000

State	Hispanic Population from 1990 Census	Hispanic Population from 2000 Census	Percentage change from 1990 to 2000
Alabama	24,629	75,830	207.9%
Arkansas	19,876	86,866	337%
Georgia	108,922	435,227	299.6%
Indiana	98,788	214,536	117.2%
Iowa	32,647	82,473	152.6%
Minnesota	53,884	143,382	166.1%
Missouri	61,702	118,592	92.2%
Nebraska	36,969	94,425	155.4%
North Carolina	76,726	378,963	393.9%
South Carolina	30,551	95,076	211.2%
South Dakota	5,252	10,903	107.6%
Tennessee	32,741	123,838	278.2%
Virginia	160,288	329,540	105.6%

Data from US Census Bureau:
http://www.census.gov/population/www/documentation/twps0075/tab01.pdf

Notes for table in Figure 7:
-For Census 2000, housing unit population and group quarters population are included.
-For Census 1990, housing unit population only.
-1990 totals do not include Puerto Rico because race and Hispanic Origin questions were first added to the Puerto Rican census form in Census 2000.

Figure 8: Image of illegal immigration in political ad from 2006 Tennessee U.S. Senate Election



-This advertisement was approved by Harold Ford, Jr. and was paid for by Harold Ford, Jr. for Tennessee and the Tennessee Democratic Party.

-Source: fordfortennessee.com/

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