National Journal

10-01-2005

Special Report - The Enchanted Land

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Dalton, Ga. -- Politicians in Atlanta are not, generally speaking, given to casting an envious eye toward their counterparts in Birmingham. But when illegal immigration is the subject, political habits seem to jump out the window. And so one day in early August, a Georgia state senator named Chip Rogers, a gray-templed Republican from the northwest corner of the state, asked his colleagues on the state Legislature's immigration task force why so many illegal immigrants were settling in Georgia, and not in neighboring Alabama.

"Jobs," his colleagues said, laughing.

A frustrated Rogers replied, "They have to build houses in Alabama, too." They also have to pluck chickens, pave roads, clean hotels -- in short, do all the jobs that Georgians do. Only, Alabamans seem to be doing them mostly without the help of illegal Hispanic immigrant laborers. Rogers, the co-chair of the task force, has spent a lot of time thinking about why, exactly, his state has between 228,000 and 358,000 illegal immigrants, or 10 times as many as Alabama does. So far, he's found more exasperation than explanation.

"They're embarrassed to go home and tell anyone they're living in Alabama," retorted his co-chair and fellow Republican, state Rep. John Lunsford.

"The reason they're coming here is the same reason you're living here," said a district attorney in a seersucker suit. "Why would you live anywhere else?" Rogers and Lunsford had invited law enforcement officials from the Atlanta metro region to attend the task force's meeting, and uniformed cops and suited D.A.s lined the walls of the small conference room.

But if the assembled guests and lawmakers couldn't blame anyone for wishing to live in their fair state, neither were they cheerful about the consequences of attracting so many illegal residents: Document mills are everywhere, they said, churning out the fake papers that people need to work and drive. Hispanic gangs from California and Mexico

are moving in. Citizens are calling up sheriffs and asking why they're not out arresting "the illegals." (The sheriffs say they wouldn't have the jail space to even begin to do that.)

The biggest issue, the enforcement crowd seemed to agree, is forged papers. How do you book someone if you can't even get a real name? "Five years ago, we had very few Hispanics" in jail, one sheriff said. "This morning, 6 percent of my population are not only illegals -- half of 'em, we don't know who they are."

A state legislator piped up, "If someone is here without identification, aren't they an illegal immigrant by definition, and isn't the cheapest solution to get them out of the country?" The lawmaker then turned to Kevin Smith, the U.S. Immigration and Customs Enforcement agent who oversees investigations in Georgia. Smith had been pretty quiet up to this point. He knew he wasn't on particularly friendly turf. Immigration is the province of the federal government, not the states, and most folks in Georgia who think about the topic tend to think that the presence of 350,000 illegal residents in their state might indicate that the feds are falling down on the job. "What good will it do us to turn illegals over to you?" the legislator asked Smith.

Smith nodded his head, smiled, and talked about the resources devoted to moving immigrants who are violent felons, sexual predators, and gang members quickly out of the country.

"Let's cut to the chase," the legislator said. "Can we be sure if we turn illegals over to the feds, they will be shipped out of the country?"

Smith stopped smiling. "No," he replied.

The legislator sighed in disgust.

"So what do we do?" asked a district attorney. "We can't deport 'em. The jails are full -- do we just let them back on the streets?"

"Close the borders," suggested a woman from the Cobb County sheriff's office.

"We are the Georgia Legislature. We can't close the borders," Rogers said wearily.

Rule of Law

Over the past decade, as the nation's illegal population climbed from 5 million to 11 million people, the apparent inability of the Georgia Legislature, or even Congress, to close the borders has given rise to

more than a few malcontents. As Rogers's meeting wound down, he introduced Donald Arnold King, who calls himself "D.A." for short. King, who looks every ounce the dapper gentleman in his sleek grey suit and his goatee, is neither law enforcer nor lawmaker. He's the proverbial thorn in the side of both -- a citizen activist. King has several theories about what's wrong with the current immigration system, and one is that U.S. Immigration and Customs Enforcement isn't doing its job. Specifically, ICE's Atlanta bureau has yet to arrest and deport even one of the innumerable unlawful residents of Georgia whose presence King has called to its attention over the past few years.

"I think the reason we are in this room is that the federal government has refused to enforce existing laws," he told the task force. "There was a lot said today about 'criminal activity' -- as if someone entering the country illegally, with an illegal Social Security number, were not criminal as well."

Last year, for example, King wrote ICE's Smith a letter about a planned rally at the state Capitol to drum up support for granting driver's licenses to illegal aliens. He wanted to make sure Immigration knew about the "publicly announced gathering of admitted illegal aliens and [other] people, some of whom are elected government officials, that have made it known that they will be assisting, transporting, and encouraging these illegal aliens. All of these actions are in violation of federal law." He helpfully added a citation to the law in question: Title 8, Sections 1324 and 1325.

Smith did not show up at the rally to arrest anyone, but King didn't hold it against him. "Everyone knew that the corrupt and pandering Hispanic-vote-hungry authorities in Washington were not going to allow him to fulfill his sworn duty: to apprehend illegal aliens," King wrote afterward.

King says he doesn't take a position on legal immigration, though he's of the opinion that the country has far too many people as it is. He got into the anti-illegal-immigration business by chance. In 1997, a Mexican family moved in across the street from his Marietta home. He says he was excited to see them at first, but that they rapidly turned into the neighbors from hell, with 20 people living in the pink-and-lime-green house, throwing late-night parties featuring loud music, outdoor urination, and guests who fled into the woods when police arrived to investigate complaints about the noise. Finally, King says, it occurred to him that some of the people jumping out the window at the sight of the police might be in the country illegally, so he called the Immigration and Naturalization Service, the precursor to Immigration and Customs Enforcement, to report them.

The INS never showed, but nowhere does hope spring so eternal as in America. King began using his second-hand computer to search the Web for information on illegal immigration. He started a group called the American Resistance Foundation to fight illegal immigration and then, earlier this year, he also founded the Dustin Inman Society, named for a 16-year-old boy killed in an accident with a car driven by an illegal alien. King began calling the INS and then its successor, ICE, to report illegal aliens; he organized protests; and he wrote columns and op-eds on his old computer. Eventually, he quit his job as an insurance agent to devote himself to the cause, working out of his spare bedroom.

"Illegal immigration is organized crime," he told *National Journal*, citing the tax, employment, and Social Security laws violated by illegal immigrants and by their employers. King, whose grandfather was a Detroit beat cop during Prohibition, says he was raised with a deep respect for the rule of law. He wonders why more people aren't as angry as he is.

Civil Rights

In 1996, the last time Congress tangled with an immigration bill, only a handful of states -- California, Florida, New York, and Texas -- were wrestling with the implications of large populations of undocumented aliens. Today, with illegal immigration actually outpacing the legal version over the past few years, the unlawful newcomers have, like their lawful counterparts, spread throughout the country. According to a June 2005 study by the Pew Hispanic Center, nine states -- Colorado, Georgia, Illinois, Maryland, Massachusetts, New Jersey, North Carolina, Virginia, and Washington -- all have between 200,000 and 400,000 illegal immigrants, more than half of them from Mexico, living within their borders. (Arizona, California, Florida, New York, and Texas each have more than 500,000 illegals.) And the fastest-growing Hispanic population -- its growth driven primarily by immigrants, both legal and not -- is not in the Southwest, according to another Pew study, but in the Southeast.

Incorporating the newcomers has been a challenge for these states and their residents, and the Mexican American Legal Defense and Education Fund opened a regional office in Atlanta a few years back to guard Latinos' civil rights and to help state and local governments learn how to deal with their new immigrant populations. The organization's office is a few blocks from the Georgia Capitol, on the 10th floor of a building with finicky elevators. There's no love lost between the civil-rights group and King, who denounces MALDEF as "race-based" and one of the "divisive enemies of America." He has

taken to staging protests outside the group's annual awards dinner.

Tisha Tillman, MALDEF's regional counsel, has her own concerns about the rule of law, based on the violations her clients have shared with her since her office opened in 2002. Her list goes like this: Stopping drivers for being Latino and asking them for proof of residency -- illegal. English-language-only workplace rules and discrimination against workers on the basis of national origin -- violates Title VII of the Civil Rights Act of 1964. Election Day challenges to voters with Hispanic surnames -- violates the Voting Rights Act. Beating day laborers with pipes, as some kids were doing in Cherokee County -- extremely illegal.

Tillman, the soft-spoken daughter of migrant farmworkers who settled in Iowa, has had no shortage of cases in the past three years. "A lot of communities here have never had to deal with an immigrant community before," she said. "If there was a Latino presence prior to the large influx, it was minimal."

She sees the legal/illegal divide mostly as a matter of supply and demand. There's an enormous demand for immigrants willing to work in low-wage jobs, as evidenced by the millions of people so employed, but the U.S. government issues very few immigrant visas -- only 10,000 each year --

for such workers. On the flip side, low-income immigrants -- meat packers, housekeepers, construction workers -- are virtually assured of finding jobs in the U.S. that pay far more than poverty-level wages in their home countries, but they don't have any way of getting to those jobs legally. As a result, they come illegal and stay illegal, and it's up to local communities to figure out what to do. The reason those communities are struggling, Tillman says, is that the federal government hasn't come up with workable immigration laws. "Congress has a constitutional mandate to address our broken immigration system," she says. "Because it hasn't done so, states and municipalities are taking steps on their own."

The Magic Carpet

Five years ago, St. Joseph's Catholic parish here in Dalton, which is about 90 miles north of Atlanta, outgrew its 200-seat church downtown and moved out to a bucolic 19-acre campus, where the courtyard looks down upon a glistening reservoir that curves around the surrounding hills. Even here, though, the soft-yellow sanctuary fills so rapidly for the 11:30 a.m. Spanish-language Mass on Sundays that worshipers arriving after 11:15 must pick their way over to the parish hall to attend the service by way of television. In both the sanctuary and the

hall, children are everywhere, nestling in their parent's laps, crawling quietly down the aisles, waiting anxiously to be blessed and dismissed for Sunday school.

In the past 15 years, Dalton has undergone one of the most remarkable transformations in Georgia. Between the 1990 and 2000 censuses, some 10,000 Hispanics moved to town, changing Dalton's population from 22,000 people, 83 percent of whom were white, to 28,000 people, 40 percent of whom were Hispanic. Now, even that number is probably too low: Illegal immigrants, estimated at a third to a half or more of the area's Latinos, are, by and large, mistrustful of government requests to record their presence. A lot of people in Dalton think that if everybody were counted, Hispanics would be a majority.

People have been finding their way to this patch of land, an arcadian spot where the rolling foothills of the Appalachian Mountains begin, for some 2,000 years. It's been home to the Woodlands Indians, the Creek Nation, and then the Cherokees, who called it their "Enchanted Land" -- at least until they were forced out and onto the westward Trail of Tears to make way for the white settlers.

For the thousands who have come here in recent years, though, mostly from rural Mexico, the primary lure has been jobs in the carpet mills. Dalton produces about half of the world's carpeting. Tens of thousands of people work at melting down tiny, oil-based pellets and drawing the liquid out into slender threads before immersing them in dye and weaving them into carpets. The mills run 24 hours a day, and the local papers have plenty of want ads: "Immediate openings for Tufting Manager and Lead Fixers on first and second shift." Pay starts at $10 an hour, with benefits, and the only requirement is work papers, either genuine or well forged.

"Do we have illegals working here? Yeah," said Louis Fordham, the human-resources director for one of the mills, J&J, which has a workforce that is about 15 percent Latino. "Did they present valid identification? Yeah." In 1986, Congress made it illegal to knowingly hire illegal aliens. As near as anyone can tell, the law didn't have much effect, either on employers or on the job prospects of hopeful migrants. It did, however, balloon the fake-ID market. Just about everybody working in Dalton has a Social Security number -- some genuine, some fictional, some stolen.

People like Fordham are in a tough spot: On the one hand, he's responsible for making sure the company doesn't discriminate against its Latino workers. On the other hand, he says, he's in a "heap of trouble" when a worker has been using a stolen ID and the owner of

the ID finds out about it and gives Fordham a call. The HR director has had to deal with half a dozen cases of identity theft in the past year, most of them sparked when the IRS tells the proper owner of the Social Security number that they've been drawing a paycheck from a company they've never heard of. J&J fires workers found to be using fake IDs, though Fordham points out that it's a very small number. Many of his employees are trying to work legally through the immigration system, he says, but it's complicated, and the journeys to and from the Immigration office in Atlanta are long. Sometimes the process works: One of his employees just got her citizenship papers. Sometimes it doesn't: Another longtime associate had to depart when her visa expired before she could get it renewed.

When the Latinos started arriving, Fordham said, some locals were of the opinion that the newcomers were taking away jobs. That opinion is still out there, he says, but it's a hard argument to make. "When I look at companies like Mohawk, Shaw, or J&J, which can't fill their jobs fast enough, I don't see how anybody can argue that anybody has taken a job away from anybody."

Shifting Attitudes

Back in 1990, when only a couple of thousand Hispanics were making their homes in the county, Kermit McManus, then the acting district attorney in Dalton, tried to prosecute 50 illegal immigrants for using forged papers to get jobs in a local mill. At the request of the INS, he hauled the offenders in front of a grand jury, where, to his surprise, he had a devil of a time getting an indictment. Why, the jurors wanted to know, was he taking up their time to mess with people who were keeping their heads down and working hard?

By the end of the decade, with Spanish-language signs popping up in strip malls, and taquerias nestling comfortably beside gas stations, some residents adopted a more ambivalent tone toward the newcomers. In the late 1990s, citizens started calling McManus, who was by then the district attorney, to ask him why he wasn't doing something about all the illegals in town.

There wasn't much he could do. When he's got an illegal alien sitting in jail, he calls Immigration officers to ask if they care to come pick him up. Most of the time, they don't. Latinos now constitute a little more than a fourth of his caseload. Most of them get booked for driving offenses: no license, no insurance, driving under the influence, and the like. The city of Dalton doesn't have a bus system. It's hard to get around town without a car, and hard to get a license if you're not legal. The area is starting to see a few Hispanic gangs form, McManus says, but they're poorly organized and given more to quiet posturing than to

wreaking havoc.

He doesn't get many of those calls from citizens anymore -- the calls asking what he's going to do about the illegals. He thinks it's because the community understands that there's not much he, or anyone, can do. "There is nothing that is going to make the Hispanics quit coming to Dalton," McManus said. "We have the jobs, and as long as the jobs are here, people are going to come. That's just a rule of law, almost a natural rule of law."

But 10,000 newcomers don't just melt into a town of 28,000. The additional children from growing Hispanic families, for instance, makes schooling a bigger job, even if no second language is involved. Town leaders, guided by a feisty but charming 81-year-old local lawyer and former Democratic congressman named Erwin Mitchell, staved off an education meltdown by importing teachers from the University of Monterey in Mexico to help Spanish-speaking kids and parents alike. Later, the town built a school, one of four new ones in the past six years, and dedicated it to getting incoming fourth- through 12th-graders through remedial and English classes before they head into the regular school system.

While the schools were adjusting to the new students, though, some longtime Dalton residents were having second thoughts about the schools. The enrollment statistics for the city schools are telling: From 1990 to 2004, the number of Latino students surged from a handful to 3,950, out of a total enrollment of 6,162. At the same time, the number of white students dropped from 3,100 to 1,500. The declining birthrate among Dalton's white population explains some of that decrease, but so does surging enrollment in the surrounding Whitfield County schools and two new private Christian academies nearby, and the two buses full of mostly white students now making a daily 30-mile trek north to private prep schools in Chattanooga, Tenn.

"Nobody wants to be the last middle-class family in the system," said Ken Ellinger, a political science professor at Dalton State College. "It's not about race; it's about class." He's got three kids in the Dalton public schools, and he's been watching the transformation of his town with awe. Carpet money bankrolls the town's property taxes, as it does most things in Dalton, so the cost of building new schools for the burgeoning population didn't prompt much heartburn. The huge influx of working-class kids with limited English abilities and erratic education backgrounds, on the other hand, did. No matter how hard the Latino students work in the classroom, Dalton's mostly white middle-class parents worry, understandably, that their children are getting

short-changed.

What Enforcement?

"Immigration saved this town," said Charles Kuck, an Atlanta-based immigration attorney, talking about Dalton. "There wouldn't be a carpet industry here without it." Earlier this year, Kuck opened a Dalton satellite office, a quiet, three-room suite atop the yellow Landmark Building downtown. He works there one day a week, dashing off notes on his BlackBerry as he drives up I-75 from Atlanta. (His assistant early on decided that she would drive a separate car.)

Kuck, a jovial Republican, moonlights as a vice president of the American Immigration Lawyers Association, and he's fascinated with the recent transformation of the immigration issue into a hot potato. It's been in a slow cooker for a decade, he says: A large influx of working-class immigrants, legal or not, is expensive for a local government to deal with. Immigrants bring immediate costs for hospitals, schools, recreation, and public-safety systems, without necessarily bringing the property-tax revenue to cover those costs. Those pressures have been percolating in local communities and states across the country, but a few months ago they finally exploded, thanks, Kuck thinks, to the patriotic-sounding "Minuteman" name that Southwestern U.S. border groups adopted this year.

But, as he sees it, the dysfunction of the nation's immigration policies goes far beyond problems on the border. Between Citizenship and Immigration Services backlogs, processing delays, and limited visas, it's getting harder and harder for people to move to this country legally. Kuck says he's starting to tell highly skilled clients that they're looking at a five-to-eight-year wait for a green card. For low-wage immigrants, like most of the ones who make their way to Dalton's carpet mills, getting a green card increasingly seems to depend on falling into a lucky loophole. Having a family member who applied for you to enter before 2001, say, or marrying a U.S. citizen, or scoring one of the 10,000 immigrant visas available for unskilled workers each year. Even someone who just wants to come to the United States for a seasonal job, without plans to move here permanently, has to hope for one of just 66,000 such visas available each year. This year's supply ran out on January 4. "If we are not going to have laws that work," Kuck contends, "we are not going to solve the illegal-immigration problem."

At the same time, he points out, we're not exactly enforcing the laws we've got. When Congress made it illegal to knowingly hire an illegal alien in 1986, it unintentionally boosted the underground industry of forged work papers and faked identities. Since then, though, the

government has made almost no effort to suppress that industry or to police the employers who accept its products. A small pilot program run by U.S. Citizenship and Immigration Services helps companies verify that job applicants are eligible to work in the States, but participation is both voluntary and minimal. The number of ICE agents assigned to sniffing out employers who hire illegal aliens has actually fallen in recent years. An August 2005 report by the Government Accountability Office found that the ICE staffers assigned to workplace enforcement nationwide had declined from the equivalent of 240 agents working full-time in 1999 to just 90 in 2003.

Earlier this year, four Dalton workers filed a class-action racketeering suit against one of the big mills, Mohawk, claiming the company had depressed their wages by conspiring to bring in illegal workers. Mohawk, they alleged, had accepted obviously faked driver's licenses and allowed people to work at the company under successive false names.

The case hasn't gone to trial yet, and both sides declined to discuss specifics. Kuck, who testified in a similar case in California, called this and other such immigration racketeering cases in recent years "the private enforcement of what Immigration should have been doing the last 15 years but has not."

A Growing Kinship

Dr. Pablo Perez sounds like a proud father when he talks about how the Hispanic community has grown and been woven into the threads of Dalton. It's no longer just young men working at the mills. It now includes women, children, doctors, real estate agents, restaurateurs, and lawyers. Latinos have soccer leagues, annual festivals, health fairs, music, and food. "In the beginning, my patients were young male people, and they were saving money to bring their wives and kids," he said softly. At 9 p.m. he has just closed his clinic, located in a former funeral home, and he's preparing to go the hospital for rounds. He's clearly tired, but the fatigue doesn't shake his gentle bedside voice. "Now, I am glad to see, they are parents. They have families. There are more elderly people."

Perez moved to Dalton in 1999, mostly, he says, to avoid going home to his native Peru. He was on the verge of finishing his residency in Brooklyn, and his visa was about to expire. He saw a newspaper article about Dalton's Hispanic community, made a few calls, and then happily turned most of his savings -- $5,000 -- over to an immigration lawyer who helped him stay in the country under a program for doctors who agree to work in underserved areas. Then, he was the only Latino doctor in town. Today, he runs one of four Latino clinics, and since his

clinic has the town's only endocrinologist, he's seeing an increasing number of non-Hispanic patients as well.

Many of Perez's patients, though, are in the country illegally. They survive, but it's hard. Recently he had a 25-year-old patient with testicular cancer that had metastasized to his brain. The local hospital didn't have the equipment to treat the young man, and the nearest place that did, in Texas, wouldn't accept the referral because he was in the country illegally and had no health insurance. Without treatment, though, he would die, and Perez had taken the Hippocratic Oath. Eventually, the doctor sent the young man to Texas anyway. "I don't know if I'm breaking a law, but I don't have a choice," he said quietly. "I told him to go to the emergency room. Once he's in the emergency room, I know he will get into the system."

The illegal immigrants that Perez treats aren't at ease, despite their growing numbers. They can't get legal driver's licenses, they have a hard time opening bank accounts or getting medical care, they're scared of deportation, and many are working under false identities. "They know they are breaking the laws," he said. "At the same time, they don't know what to do, because they are living here 10, 15 years, and their kids are American kids."

He understands how they feel: He, too, is living in Dalton because he wanted to live and work in America.