

# Seeking to Understand the Politics Of Immigration in Tennessee

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## ABSTRACT

This article analyzes state legislative politics related to immigration from 2001 to 2011 in Tennessee, a “new destination” for Mexican and other Latino migrants as well as refugees from Africa and the Middle East. Although the Tennessee Immigrant and Refugee Rights Coalition endeavored to influence policy-making, legislators have passed 13 exclusionary laws that increased internal enforcement and criminal penalties for “illegals,” constructed as undeserving, rather than contributing members of society. Also passed were laws restricting “legal” migrants. A small group of white legislators proposed many of the bills. However, half of the senators and one-third of the representatives sponsored at least one bill. Tennessee and other states are setting precedents that will make it difficult to achieve a path to legalization for the “low-skilled” “flexible” workers and their families now living in the United States. Migrants and their allies will need to continue working on shifting the discourse that justifies punitive policies.

**Key words:** immigration policy, immigration rights organization, state legislation, undocumented immigration, Tennessee, Tennessee Immigrant and Refugee Rights Organization

## RESUMEN

Este artículo analiza las políticas legislativas estatales con respecto a la inmigración de 2001 a 2011 en Tennessee, un “nuevo destino” para migrantes mexicanos y otros latinos, así como refugiados de África y el Medio Oriente. A pesar de las actividades de cabildeo por parte de la Coalición por los Derechos de los Refugiados e Inmigrantes de Tennessee, los legisladores han aprobado trece leyes excluyentes que incrementan la ejecución local de las leyes migratorias y las penas criminales para los inmigrantes “ilegales”, concebidos como no merecedores de consideración en lugar de como miembros útiles de la sociedad. También aprobaron leyes restrictivas para los inmigrantes “legales”. Un pequeño grupo de legisladores blancos es el que ha propuesto la mayoría de estas iniciativas de ley, pero la mitad de los senadores y un tercio de los representantes han impulsado cuando menos una iniciativa de este tipo. Tennessee y otros estados están estableciendo precedentes que dificultarán la legalización de los trabajadores poco calificados y sus familias que ahora viven en Estados Unidos. Los inmigrantes y sus aliados tendrán que seguir luchando para cambiar el discurso que ahora justifica las políticas punitivas.

**Palabras clave:** política de inmigración, organización para los derechos de los inmigrantes, legislación estatal, inmigración indocumentada, Coalición por los Derechos de los Refugiados e Inmigrantes de Tennessee

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FOR MOST OF THE TWENTIETH CENTURY, Mexican migration to the United States has been concentrated in the southwestern states. However, during the 1980s and more so during the 1990s and into the 2000s, Mexican and other Latino migrants were increasingly moving to “new destinations,” particularly in the Midwest and the Southeast. These changes have been documented and discussed by a growing literature involving researchers from several social science disciplines (e.g., Murphy, Blanchard, and Hill, eds., 2001; Fink, 2003; Millard, Chapa, Burillo, et al., 2004; Zúñiga and Hernández-León, 2005; Peacock, Watson, and Matthews, eds., 2005; Anrig and Wang, eds., 2006; Smith and Furusest, eds., 2006; Massey, ed., 2008; Singer, Hardwick, and Brettell, eds., 2008; Odem and Lacy, eds., 2009; Ansley and Shefner, eds., 2009; Gill, 2010). Tennessee has been one of those new destinations, not only for Mexicans, Guatemalans, Hondurans, Salvadorans, and other Latinos (including U.S.-born Latinos), but also for refugees from various regions of the world. This article describes the politics that have emerged in Tennessee as a result of this in-migration. Tennessee is one of an increasing number of states whose governments have been passing their own laws designed to include or exclude immigrants (Anrig and Wang, eds., 2006; Odem, 2008; Mohl, 2009; Varsanyi, ed., 2010a). As this article will illustrate, there have been governmental and non-governmental efforts to include immigrants, including a law passed in early 2001 that granted access to driver’s licenses to state residents who could not present a valid social security card. However, since then state legislators have been proposing an increasing number of anti-immigrant bills. The rhetoric used to justify exclusionary proposals focuses on “illegals,” whom as Newton (2008) argues, are constructed as “undeserving” individuals who “broke the law,” even though some of the proposals, such as the English-only propositions, affect “formally” as well as “informally authorized” migrants (Plascencia, 2009).<sup>1</sup>

The analysis in this article is based on my work as a volunteer and an ally of the immigrant rights movement in Tennessee since 2005, which has included helping to organize and participating in meetings, lobbying efforts, “know-your-rights” sessions for immigrants, outreach to U.S.-born residents, and protest marches. Much of that participation has taken place here in Knoxville where I live, but has included

<sup>1</sup> Newton (2008) demonstrated that elected officials frequently used variations of the term “illegal” when debating the proposals and amendments associated with the immigration reform bills passed in 1986 and 1996. Luis Plascencia makes a compelling argument that the use of “undocumented” (although favored by immigrant rights advocates) as well as “illegal” helps reproduce the ideology of “individual responsibility” for unlawful presence and/or visa violations and obscures the role of the state in determining laws, selectively enforcing laws, and granting exceptions to laws (2009: 379, 407, and 409). Hence, he suggests using the terms “informally authorized” and “formally authorized.” In this paper, I will occasionally use his terms, but I also use undocumented or unauthorized without quotes (as is conventional in much of the literature on migration) and “illegal” when quoting the discourse of politicians.

trips to several nearby towns, Nashville, Chattanooga, Atlanta, and Washington, D.C. Hence, the article also discusses the activities of immigrants, their children, and their allies to prevent exclusionary proposals from becoming law and efforts to promote immigration reform at the federal level that recognizes the many contributions of undocumented migrants.

Many researchers have highlighted the importance of migrants' transnational political activities, but those works have tended to focus on participation in local, regional, indigenous, and/or national politics in the migrants' countries of origin and/or labor organizing or religious organizations in the destination countries (e.g., Kearney, 1995; Kearney and Besserer, 2004; Portes and DeWind, 2004; Smith, 2006; Stephen, 2007; Foxen, 2007; Barajas, 2009). In his ethnography about Mexican migrants in San Jose, California, Christian Zolniski (2006) describes their participation in local labor organizing and school board politics. In works about migration to "new destinations," researchers have discussed labor organizing (Stuesse, 2009; Ansley and Lewis, 2011), organizing spaces for religious participation (Griffith, 2008; Odem, 2009), and the politics of participation in local cultural celebrations (Shutika, 2008). When discussing the impact of the 2006 pro-immigrant marches on federal immigration debates, scholars observe that many took place in "new destinations" (e.g., Chavez, 2008). In general, the literature on migration to "new destinations" has described the demographic changes and the anti-immigrant backlash that has resulted in exclusionary policies at the state or local levels. Researchers also note that local marches were held in 2006, and then observe that pro-immigrant advocacy groups are not as well-developed as they are in traditional gateways, or they mention that pro-immigrant groups were attempting to influence state or local policy-makers, without exploring the groups' activities in much detail (e.g., Anrig and Wang, eds., 2006; Singer, Hardwick, and Brettell, eds., 2008; Massey, ed., 2008; Odem and Lacy, eds., 2009; Varsanyi, ed., 2010a). Films such as *Farmingville* and *9500 Liberty* and several recent articles (Brettell, 2008; Price and Singer, 2008; Wilson, Singer, and DeRenzis, 2010; Danielson, 2010) illustrate that pro-immigrant groups have organized to contest anti-immigrant ordinances at the local level. Building on the work of Jamie Winders (2008 and 2009), Barbara Ellen Smith (2009), and Winders and Smith (2010), who have focused on the politics of immigration in Nashville and Memphis, this article will illustrate that, although not always successful, pro-immigrant advocates in Tennessee have been working on contesting anti-immigrant legislation at the state level. Before turning to the politics of immigration in Tennessee, it is important to place those politics within the larger context of global political and economic processes. What follows is a brief overview of the structural factors involved in the shift in migration to new destinations such as Tennessee.

## MIGRATION TO NEW DESTINATIONS IN THE MIDWEST AND THE SOUTHEAST

After the Immigration Reform and Control Act (IRCA) passed in 1986, 3 million undocumented migrants, including 2.3 million Mexicans, were allowed to regularize their status (e.g., Massey and Capoferro, 2008: 28). In the early 1990s, a court case enabled some Guatemalans and Salvadorans to legalize their status by reapplying for political asylum.<sup>2</sup> Hence, these migrants were freer to move out of states like California to other places in the United States to seek employment opportunities, lower costs of living, and safer environments for their children (Millard, Chapa, Burillo, et al., 2004, Brown and Odem, 2011). By the early 1990s California was experiencing an extended recession, a saturated job market, and the anti-immigrant sentiments that resulted in Proposition 187. Thus, some migrants began moving out of California as well as Texas and Florida and became “pioneers” in new areas, who were then followed by other migrants in their networks, including new arrivals from Mexico and Central America who would move directly to the new destinations (Massey and Capoferro, 2008; Leach and Bean, 2008). Some of the pioneers were recruited by employers and some had worked in the Midwest or Southeast as migrant farmworkers and began finding more permanent employment opportunities (Millard, Chapa, Burillo, et al., 2004; Johnson-Webb, 2003; Striffler, 2005; Griffith, 2008; Zúñiga and Hernández-León, 2009; Mohl, 2009; Gill, 2010).

From the 1980s through the 1990s, industrialized farming was expanding, and meatpacking companies in major urban areas in the Midwest like Chicago closed their unionized factories, opening new ones in small towns that were also closer to beef and pork producers (Millard, Chapa, Burillo, et al., 2004; Gouveia, 2006; Fennelly, 2008).<sup>3</sup> Poultry processing was also expanding, particularly in the Southeast (Kandel and Parrado, 2004). In the context of the increasing global mobility of capital and declines in U.S. manufacturing due to outsourcing, towns in the U.S. found themselves competing to attract new businesses that would “create jobs,” and thus also were offering these companies tax incentives to build processing plants in their towns. The newer meat and poultry processing plants were generally not unionized, and had declining working conditions, increased deskilling of jobs, and esca-

<sup>2</sup> The court case determined a bias in political asylum decisions during the early 1980s, when most Guatemalans and Salvadorans fleeing the violence of their civil wars were denied asylum, while it was routinely granted to Nicaraguans fleeing the Sandinistas (i.e., “communism”) (Brown and Odem, 2011: 5).

<sup>3</sup> Katherine Fennelly describes a small town in Minnesota where a meat-packing company closed its plant in the early 1990s after the predominantly Euro-American unionized workforce refused to make wage concessions and re-opened it less than a month later using large numbers of non-unionized immigrant workers (2008: 154, 175).

lating line speeds. Initially these industries often went to large U.S. cities and to Mexico to recruit immigrant labor for these plants (Stull, Broadway, and Griffith, eds., 1995; Grey, 1999; Johnson-Webb, 2003; Striffler, 2005; Fleury-Steiner and Longazel, 2010). As had occurred in traditional destinations, when migration streams began to be established in new destinations, employers could recruit additional labor informally through immigrant networks (Massey, Durand, and Malone, 2002; Massey and Capoferro, 2008).

During the 1990s, job opportunities in general were expanding in southern cities like Atlanta, Charlotte, and Nashville. Professionals in fields like banking were moving to these cities and then wanted to purchase new homes and to hire services such as lawn maintenance, house cleaning, and childcare. The economic expansion in these cities also provided jobs for U.S.-born workers that were more attractive than working in agriculture and food processing. At the same time, it provided opportunities for formally and informally authorized immigrants to work in construction, landscaping, services, and manufacturing (Sassen, 2000 and 2006; Anrig and Wang, eds., 2006; Odem, 2008; Furuseth and Smith, 2010; Winders, 2008; Lacy, 2009; Mohl, 2009; Smith, 2009; Zúñiga and Hernández-León, 2009; Gill, 2010).

Mexicans have had a long history of migrating to work in the United States, which established networks that facilitated subsequent migration (Martínez, 2001; Massey, Durand, and Malone, 2002; Delgado Wise and Márquez Covarrubias, 2009; Stephen, 2007; Barajas, 2009). In addition to wage differentials between Mexico and the United States providing motivation to migrate, scholars have documented the devastating effects that neoliberal economic restructuring has had on Mexico. Privatization, diminished social services, cuts in price supports for basic foods, peso devaluations, the closing of factories that no longer enjoyed protected national markets, and the North American Free Trade Agreement, signed in 1994, which flooded Mexican markets with cheap U.S.-grown corn, meant that working class and middle class Mexicans, indigenous people and mestizos, from rural and urban areas, from new sending states and traditional sending states, were migrating “*al Norte*” in spite of increasing U.S. efforts to “secure the border” (Massey, Durand, and Malone, 2002; Delgado Wise and Márquez Covarrubias, 2009; Portes, 2009). Central Americans have been migrating to the U.S. since the 1960s; however, migration increased substantially during the late 1970s, the 1980s, and into the 1990s when people were fleeing the violence of civil war. By the late 1990s and the 2000s, they were still experiencing lingering violence as well as stagnating economies that offered few opportunities for working class people and even some middle class professionals, and prospective migrants could join social networks that had already been established in the U.S. (Menjívar, 2000; Foxen 2007; Brown and Odem 2011).

The United States government has spent millions of dollars on increased Border Patrol agents, fencing, roads, night-vision goggles, radar equipment, floodlights, vehicles, and helicopters to ensure border enforcement in El Paso-Juárez, San Diego-Tijuana, and other urban areas since the mid-1980s (Dunn, 1996; Nevins, 2010; Slack and Whiteford, 2011). Border enforcement escalated even more after the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) passed in 1996. The U.S. also pressured Mexico to step up its enforcement toward Central American migrants. The combination of labor demand in the U.S. (and minimal enforcement of employer sanctions that were part of the IRCA reforms) and economic difficulties in Mexico and Central America (as well as other countries) meant that the selective border enforcement policies did not “deter” unlawful entries, but shifted unlawful entries toward more remote areas, especially the Sonora Desert leading into Arizona. The net effect has been to increase the use of professional *coyotes* and the involvement of drug traffickers in human trafficking, to increase the financial costs of crossing, and to step up the numbers of injuries, robberies, assaults, rapes, and deaths during the crossings (Massey, Durand, and Malone, 2002; Nevins, 2010; Slack and Whiteford, 2011). Consequently, many migrants who managed to make it across were no longer entering through California (a favored entry point prior to 1986), and were motivated to move to destinations farther from the border region. In addition, in contrast to previous patterns of circular migration, many migrants chose to stay for years rather than returning to visit family and risking the dangerous re-entry. Thus, many decided to bring spouses and children to live with them in the United States (Massey and Capoferro, 2008; Leach and Bean, 2008; Brown and Odem, 2011). Since many migrants are young working-age adults, they also started having children in the United States. By the late 1990s –and even more so during the 2000s– children who were brought over without legal permission when they were young were beginning to graduate from (or drop out of) high school and were facing substantial obstacles in terms of obtaining further education and jobs (Bejarano, 2005).

Given this history, it is not surprising that Arizona has emerged as one of several states proposing contentious anti-immigrant legislation, and that one portion of the reforms being proposed at the federal level, known as the Dream Act, addresses the obstacles faced by undocumented youth. Monica W. Varsanyi and the other researchers who contributed to the edited volume *Taking Local Control: Immigration Policy Activism in U.S. Cities and States* mark the escalation in state and local involvement in immigration enforcement and legislation as beginning to increase after the events of September 11, 2001, and escalating more after the federal government failed to pass immigration reform bills in 2006 and 2007 (2010a: 11). The politics in

Tennessee generally appear to fit this pattern. However, as will be discussed later in the article, a few legislators in Tennessee were proposing exclusionary bills before 2006.

In *Immigration's New Frontiers: Experiences from the Emerging Gateway States*, published in 2006 and edited by Greg Anrig, Jr. and Tova Andrea Wang, the contributors summarize state legislation for Iowa (Mark A. Grey), Minnesota (Katherine Fennelly), and Nebraska (Lourdes Gouveia) in the Midwest and North Carolina (Paula D. McClain) and Georgia (Stephanie Bohon) in the Southeast. Some governors and state legislators in these five states initiated inclusionary policies related to immigrants in the 1990s and early 2000s.<sup>4</sup> Of note were laws in Nebraska that protected workers' rights and offered in-state college tuition to undocumented children who had attended high schools in Nebraska (Gouveia, 2006: 166-167, 183). North Carolina's governor set up a state office and advisory council for Hispanic/Latino affairs in 1998, and in the early 2000s immigrants could use an Individual Taxpayer Identification Number (ITIN) to obtain a driver's license. However, by 2000 some legislators in these states were proposing exclusionary bills. For example, Iowa declared English the official state language in 2002, and North Carolina was moving toward eliminating the ITIN as an option for a driver's license, a bill which passed in July 2006 and went into effect a month later (Grey 2006; McClain, 2006). All five researchers noted a shift toward more exclusionary proposals, although Fennelly (2006) observed that there were fluctuations in Minnesota based on which political party was in control, and Gouveia noted that a network of immigrant organizations, advocacy groups, and community social agencies in Nebraska were serving as "an important counterweight" to the efforts of anti-immigrant groups that were beginning to form in 2006 (2006: 150).

This, then, is the context related to Latino migration to Tennessee. Latinos have been migrating to work and live in increasing numbers in Tennessee since the 1990s. By 2000, they accounted officially for about 2.3 percent of Tennessee's population (Drever, 2006: 20), increasing to 4.6 percent by 2010 (Ansley and Lewis, 2011: 10).<sup>5</sup> According to the U.S. census data for 2000, almost half (48 percent) of the Latinos living in Tennessee were U.S.-born (Drever, 2006: 28).<sup>6</sup> Of those who were foreign-

<sup>4</sup> Bohon indicates that in Georgia, although local governments and institutions began to develop new policies related to immigrants in the late 1990s and a Puerto Rican legislator advocated for but did not obtain more access to driver's licenses, "most state-level policies have only been considered seriously since 2000," and "with very few exceptions, this legislation has been aimed at limiting immigration—particularly unauthorized immigration" (2006: 74, 75, 87-89).

<sup>5</sup> In 2000, there were 124 000 Latinos living in Tennessee. That had increased to 290 000 by 2010. Those numbers include both U.S.- and foreign-born Latinos (Ansley and Lewis, 2011: 10-11).

<sup>6</sup> It is likely that the census undercounted people who were Latinos and/or undocumented (Winders, 2008: 254-255).

born, principal countries of origin included Mexico, Guatemala, Honduras, and El Salvador. This includes migrants from indigenous groups in Mexico (such as Mixtecs and Purépechas) and Guatemala (such as Kanjobals and Mam Mayas).<sup>7</sup> Estimates in 2000 and 2005 (prior to the 2007 economic downturn) were that about half of the foreign-born Latinos were undocumented (Drever, 2006 and 2009; Passel, 2005 and 2006). In keeping with other descriptions of migration to the Southeast, Latinos in Tennessee tend to live in the major urban areas of Memphis, Nashville, Chattanooga, and Knoxville, and in smaller towns that have poultry and other food processing businesses. Other sources of employment include construction, landscaping, warehouse work, hotel housekeeping, restaurant work, house cleaning, and other services (Drever, 2006 and 2009; Winders 2008; Smith, 2009; Ansley and Lewis, 2011). U.S. census population figures for 2000 and 2010 show that every county in Tennessee had some Latinos.<sup>8</sup> By 2010, the numbers of Latinos had increased in almost every county, ranging from 13 in one rural county to 61 117 in Davidson County, where Nashville is located. There were many counties where Latinos constituted 3 percent or less of the population (below the state average of 4.6 percent); some were close to the state average; and some had higher proportions. Davidson County had one of the higher percentages in the state with 9.8 percent. Proportions for counties of the other major urban areas were 5.6 percent for Memphis, 4.5 percent for Chattanooga, and 3.5 percent for Knoxville. Other counties with high percentages of Latinos included 11.3 percent for Bedford County (with a poultry processing plant in Shelbyville), 10.7 percent for Hamblen County (with a poultry processing plant in Morristown), 8 percent for Montgomery County (which has a military base), and 7 percent in Loudon County (with a mushroom business in Lenoir City).<sup>9</sup> At the same time, Tennessee has also become home to a number of refugees. Nashville has large communities of Iraqi Kurds, Somalis, and Sudanese. Knoxville has received refugees from Liberia, Burundi, and Iraq, and other countries. Refugees have settled in Memphis, Shelbyville, and other areas as well.<sup>10</sup> As Winders (2008 and 2009), Smith

<sup>7</sup> This is based on personal observations through interactions with migrants here in the state. In keeping with trends noted in the literature, a number of migrants I have met are from new sending states such as Oaxaca, but some are from traditional sending states like Guanajuato.

<sup>8</sup> <http://www.knoxnews.com/data/tennessee-census-diversity/>.

<sup>9</sup> Using 2000 U.S. census data for towns, Anita Drever identified Shelbyville (14.6 percent or 2 351 Latinos), Morristown (10.4 percent or 2 596 Latinos), Clarksville (home to the military base, 6 percent, or 6 207 Latinos), and Lenoir City (6 percent or 409 Latinos) as being among the 10 towns with the highest relative percentages of Latinos in the state (2006). In 2000 Bedford County had 2 811 Latinos, so most of the Latinos in the county were living in Shelbyville. The same can be said for Morristown and Lenoir City in their respective counties. However, clearly some were living in other areas of the county too.

<sup>10</sup> According to the Migration Policy Institute (2011), the total foreign-born population in Tennessee grew from 1.2 percent in 1990 to 2.8 percent in 2000 and an estimated 4.2 percent in 2009. In 2009 they estimated

(2009) and Winders and Smith (2010) observe, this diversity has complicated the historically established black-white dynamic of racialized work relations and politics in Tennessee.

### **DRIVER'S LICENSES WON AND LOST: A SIGN OF CHANGES IN THE POLITICS OF IMMIGRATION AT THE STATE LEVEL**

In response to this growing number of immigrants and refugees, the Tennessee Immigrant and Refugee Rights Coalition (TIIRC) was formed in 2001. TIIRC was organized as a non-profit organization after a grassroots campaign that successfully convinced the local legislature to pass a law enabling residents of the state who could not present a valid social security card to obtain a driver's license. That was in spring 2001, or, in other words, just before the events of 9/11. TIIRC's mission has been "to empower immigrants and refugees throughout Tennessee to develop a unified voice, defend their rights, and create an atmosphere in which they are recognized as positive contributors to the state" (2011b). Among other things, TIIRC organizes lobbying efforts at the local, state, and federal levels and helped form the Southeast Immigrant Rights Network to facilitate communication and cooperation among immigrant rights groups throughout the region. They also coordinate with various national immigrant rights groups, such as National Immigration Law Center (NILC), the National Immigration Forum, and the National Council of La Raza.

All these groups have been dealing with an anti-immigrant backlash that apparently has been increasing since 2001 (Anrig and Wang, eds., 2006; Singer, Hardwick, and Brettell, eds., 2008; Varsanyi, 2010). In Tennessee during the campaign to obtain access to driver's licenses, pro-immigrant advocates argued that undocumented immigration was an issue that needed to be resolved at the federal level, so in the meantime it made sense for the safety of all Tennesseans to ensure that all people residing in the state could take the driver's examination to prove they knew the rules of the road and thus would have access to licenses and auto insurance.<sup>11</sup> According to Stephanie

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that 46.9 percent were from Latin America (Mexico, Central America, South America, and the Caribbean); 15 percent were from Europe, Canada, Bermuda, Greenland, and St. Pierre and Miquelon; 29.6 percent were from Asia, 7.7 percent from Africa; and 0.7 percent from Oceania. The 2009 figures are in line with the 2010 census figure of 4.6 percent for all Latinos (which includes U.S.-born Latinos). On that basis, one could guess and estimate that in 2010 the foreign-born, plus U.S.-born Latinos, plus U.S.-born children of other immigrants might amount to 10 percent of the total population in Tennessee.

<sup>11</sup> This was the logic of pro-immigrant advocates. I do not have data available to indicate whether legislators who supported the bill agreed with all or part of this logic.

Bohon (2008), Tennessee legislators supported the bill because the state government would benefit financially from the licensing fees. However, since 9/11, federal initiatives (including the reorganization of immigration enforcement under Homeland Security and the passage of the Real ID Act in 2005), neighboring state governments (particularly Georgia), and anti-immigrant voices within the state began calling on state legislators to rescind the law.<sup>12</sup> TIRRC lobbied to retain the law. In 2004, it was reduced to a driver's certificate that had to be renewed every year, but by 2007 that option was eliminated with a bill that took effect in 2008.<sup>13</sup> State senators and representatives from both political parties voted to require that people seeking a driver's license had to present a valid social security card, and a Democratic governor signed the bill into law.

In Knoxville and other areas of Tennessee, public transportation is not well developed. Most people have to drive to get to work or go grocery shopping. Driving without a license in Tennessee is a misdemeanor. If a person has multiple incidents of driving without a license, he or she can be arrested. Police departments who charge immigrants for driving without a license collect substantial fines. In 2007, Tennessee legislators also passed a law authorizing state troopers to be trained as immigration enforcement agents. That same year the Davidson County Sheriff's Office signed a 287(g) agreement with the federal government. As a result, officers in the county jail were certified as immigration officers and could initiate deportation proceedings for anyone arrested. In all, about 8000 immigrants have been deported from Nashville between 2007 and 2011, many of whom were arrested for driving without a license. In 2010, the Knox County sheriff started participating in "Secure Communities," yet another federal enforcement initiative. In addition, while Arizona was passing its stringent enforcement bill, SB1070, which received national attention, several states, including Tennessee, passed bills designed to increase detentions of undocumented immigrants. Tennessee's SB1141 requires all county sheriffs

<sup>12</sup> In her 2008 talk (based on Bohon, Stamps, and Atilas, 2008), Stephanie Bohon said that Georgia legislators did not want undocumented residents of their state to be able to obtain a driver's license in Tennessee. Anecdotally, it appears that some immigrants residing in neighboring states did attempt to obtain driver's licenses in Tennessee during the time they were available.

<sup>13</sup> Paula McClain (2006) notes that in 2004 North Carolina reduced the types of items allowed as proof of identity for a driver's license (as part of a program called Operation Stop Fraud). Immigrants were allowed to present an Individual Taxpayer Identification Number (ITIN) to apply for and renew driver's licenses. In 2006 North Carolina's legislature eliminated that option, and only allowed valid social security cards and visas. McClain adds that at the time Juan Hernandez, the director of the Mexican government's Offices of Mexicans Abroad, was meeting with state governors to encourage them to follow North Carolina's position of accepting the ITIN and Mexican identification cards. She notes that "while a causal link cannot be drawn," there seems to have been a "backlash to this approach" (2006: 20-21). However, we need to recall that the federal government passed the REAL ID Act in 2005, so states were responding to its mandates.

to determine the immigration status of anyone arrested, and to forward that information to Homeland Security's Immigration and Customs Enforcement (ICE). Sheriffs around the state were required to implement this starting January 1, 2011 (without any training from federal officials).

As Michele Waslin explains, 287(g) was set up as part of the provisions of IIRIRA, passed in 1996, as a voluntary program to increase federal collaboration with state and local enforcement.<sup>14</sup> Prior to 2001, very few state or local police had enrolled in the program. A number of police departments argue that participating in immigration enforcement hampers their ability to deal with crimes such as assaults and robberies since undocumented immigrants may be reluctant to report such crimes for fear of deportation. After 9/11, with the increased stress on national security, more state and local police forces began to enroll.<sup>15</sup> Florida signed an agreement in 2002; Alabama signed one in 2003, and by 2006, Georgia, Oklahoma, and North Carolina had passed laws obliging their state police to participate (Waslin, 2010: 102-103).<sup>16</sup> This was the context for the decisions that Tennessee legislators and some sheriff's offices were making. The federal government offers funding (but no officer salaries) for the training and underwrites some of the costs of detentions. However, some police departments are discovering that implementing these programs diverts resources that could have been used in other areas of law enforcement (Waslin, 2010).

As a result of these federal, state, and/or local enforcement initiatives, nationally, more undocumented immigrants were deported in 2010 under the Obama administration than in previous years under Bush. ICE (2011) maintains that they are focusing on "criminals," but it appears that an increasing number of people are being deported after being arrested for driving without a license. In general, immigrant rights advocates have expressed concerns about the increasing "criminalization" of undocumented immigrants. As one example, in 2008 ICE began implementing Operation Streamline in Arizona, which now prosecutes migrants who entered without authorization and have criminal records or previous orders of deportation, and sentences them to jail time ranging from 30 days to 24 months before deporting them

<sup>14</sup> Lina Newton observes that a Republican representative from Iowa (a new destination) was pushing for the IIRIRA amendment that created 287(g) and other forms of collaboration between federal immigration enforcement and state and local police (2008: 112-115).

<sup>15</sup> Michele Waslin also explains that although IIRIRA provisions only allowed data on "previously deported felons" to be entered in the FBI criminal data base, in December 2001 the INS simply informed Congress that they decided to add "absconders," "persons with outstanding orders of deportation, exclusion, or removal" (2010: 101). In other words, they added the names and biometric data of people who were guilty of the civil offense of being unlawfully present. This is another way that the federal government has stepped up internal enforcement efforts aimed at individuals.

<sup>16</sup> Waslin adds that by January 2010, 67 agreements had been signed and 1 075 police and correctional officers trained (2010: 103).

(Slack and Whiteford, 2011: 18). Reporters have shown that the Corrections Corporation of America (CCA), which has its headquarters in Nashville, spent millions of dollars lobbying ICE and other government officials to obtain detention center contracts and to persuade Arizona legislators to pass SB1070 (Sullivan, 2010; Nieto, 2011). In other words, more tax dollars are being spent on internal enforcement, including money being paid to privately run for-profit detention centers. This past spring, TIRRC members picketed CCA's shareholders meeting in Nashville, calling on them to sell their stock in the company (George, 2011).

### ESCALATION OF RESTRICTIVE IMMIGRANT PROPOSALS AND LEGISLATION AT THE STATE LEVEL

In Tennessee, the number of proposals in the state legislature designed to place restrictions on undocumented immigrants or on all immigrants and place requirements on employers, police officers, state employees, and others increased from 20 in 2006 to 44 in 2007 to 66 in 2008.<sup>17</sup> In 2006, one passed, and in 2007, four passed. In 2008, no exclusionary laws were passed, but one bill passed that TIRRC regarded as favorable: a bill proposed by Memphis legislators to prevent racial profiling. The four new laws passed in 2007 eliminated the driver's certificate, authorized state troopers to become certified as federal immigration agents, prohibited the use of individual taxpayer identification numbers (ITINs) for employment, and restated federal I-9 requirements for employers, adding new procedures for suspending state-issued business licenses for non-compliance. At the time these bills were being considered, one legislator told me that the state trooper bill would pass, because the state was going to receive federal funding for it.

<sup>17</sup> These numbers are based on internal documents that TIRRC produced to track the legislation. They represent paired proposals by senators and representatives. Several proposals overlapped in content. If you count the paired proposals separately, then 132 bills were proposed in 2008. Tennessee's legislature operates in two-year cycles, so pending 2007 proposals rolled over, and more were added in 2008. The sessions typically last from January through May. In 2008, of the 66 paired proposals, 19 were intended to create new barriers for state government services and voting or turn state employees into immigration enforcement agents; 12 were intended to turn state and local police into immigration enforcement agents; 13 were aimed at employers of undocumented workers; 3 would have required landlords, car salesman, and other business owners to act as immigration enforcement agents; 3 were designed to confiscate earned benefits and wages of undocumented workers; 7 entailed unequal application or protection of the law for certain immigrants, such as creating misdemeanor crimes for using false work documents; 5 involved discrimination against people with limited English proficiency; and 4 included proposals to redeploy the Tennessee National Guard to the border—yes, they were deployed once before 2008 by a Democratic governor—to study the fiscal impact of illegal immigration on the state, and to create a Tennessee Department of Homeland Security. The proposals aimed at employers and businessmen included fines and confiscation of property.

While Tennessee was considering these bills, in 2006 Georgia legislators passed the Georgia Security and Immigration Compliance Act. This required contractors and subcontractors doing business with the state to ensure workers were authorized to work, denied state-supported benefits including health care to adults who could not prove legal residency, required police to check the legal status of anyone arrested for a felony or driving under the influence, authorized state police to be trained as federal immigration agents, and prohibited employers from claiming a state tax deduction for wages paid to undocumented workers. Mary Odem notes that legislators considered amendments that would have charged a 5-percent tax on money transfers by undocumented immigrants and denied public education to undocumented children, but the bill's supporters did not include these amendments in the final version because they "did not want to threaten the passage and viability of the bill by including unconstitutionally questionable provisions" (2008: 130-132; and Bohon, 2006).

As Odem suggests, it is clear that state legislators introducing exclusionary bills are paying attention to efforts in other states and are drawing on the language from other proposals. For example, the Republican representative from my district in Knoxville proposed a 25-percent tax on all money orders sent out of Tennessee to foreign countries.<sup>18</sup> That bill did not pass. In 2008, a Republican senator and a Democratic representative from Murfreesboro (in Rutherford County, south of Nashville) introduced the Tennessee Taxpayer and Citizen Protection Act, which copied almost verbatim an act that had passed in Oklahoma, and would have required state employees administering services to check credentials, obliged employers to use E-Verify, deemed all undocumented immigrants as flight risks for bond purposes, and denied prenatal care to undocumented mothers, among other provisions. That proposal did not pass either.

It is significant to note that all these proposals preceded Arizona's SB1070, which has received more national and international attention and was even more draconian. So did the legislation that was being considered in other new destinations, such as Iowa, Minnesota, and North Carolina (Grey, 2006; Fennelly, 2006; McClain, 2006). This is not to mention the precedents set by California's Proposition 187 in 1994. Although overturned by the courts, many argue that Prop 187 influenced the cuts in services to legal permanent residents and undocumented immigrants that became part of federal immigration reform, IIRIRA, passed in 1996 (Chavez, 2001; Ono and Sloop, 2002; Newton, 2008).

<sup>18</sup> I am not using the names of the state senators and representatives in an attempt to not reproduce the "cult of personality" that often prevails in U.S. politics. They are public figures, and readers can ascertain who they are from the references provided in the bibliography.

Odem observes that the 2006 Georgia Act was proposed by a Republican state senator from a suburb of Atlanta that had drawn “a growing number of Latino immigrants, attracted by jobs in poultry-processing plants and in the booming construction industry” (2008:130).<sup>19</sup> Nevertheless, we have to recognize that he managed to garner the votes needed to pass the law. The same can be said for the laws that passed in Tennessee. In their regression analyses on municipalities passing immigration-related ordinances, S. Karthick Ramakrishnan and Tom (Tak) Wong found weak effects for correlations with Latino growth, but strong and consistent effects for political parties, with cities in majority-Republican areas more likely to pass ordinances aimed at restricting immigration, while cities in majority-Democratic areas were more likely to pass pro-immigrant ordinances (2010: 87-88).<sup>20</sup>

For politics at the state level in Tennessee, one could say that the Latino and/or refugee population did increase within most of the districts of legislators who introduced exclusionary proposals in 2007 and 2008. However, there were legislators representing districts with similar or higher growth rates who did not make such proposals, though they may have voted for them.<sup>21</sup> The legislators all spend time in Nashville, which has become quite diverse. Alarming from my point of view, half of the senators (18) and one third of the representatives (27) served as co-sponsors of an exclusionary proposal (see table). Most proposed one or two bills, while 10 proposed 5 to 16 bills each. These individuals clearly were choosing to take up the cause of controlling “illegal immigration” and passing English-only laws.

As the table shows, Republicans were more likely to propose exclusionary bills, but Democrats also proposed some. TIRRC maintains a non-partisan stance and lobbies legislators in both parties. They do targeted lobbying when bills are in subcommittees, committees, or up for a vote on the floor. For several years, they have hosted “New American Day on the Hill,” which provides training and transportation for immigrants and allies around the state who come to Nashville to personally speak with senators and representatives.

<sup>19</sup> Fennelly (2006) and McClain (2006) also noted that particular people in Minnesota and North Carolina emerged as strong proponents of exclusionary legislation.

<sup>20</sup> Fennelly notes a partisan divide in Minnesota state politics, with Republicans gaining political power and proposing laws to “curb illegal immigration” (2006: 102-103). Interestingly, Ramakrishnan and Wong also found weak correlations between local politics and state-level politics (2010: 88). Even more significant is that, as of 2007, out of the 26 622 municipalities in their sample, 99.3 percent had not passed any kind of legislation related to immigration, 0.4 percent had passed restrictive ordinances, and 0.3 percent had passed pro-immigrant ordinances.

<sup>21</sup> I was unable to obtain data about how legislators voted on these measures, so for this analysis I am focusing on the people bringing these measures up for consideration.

COMPARISON OF TENNESSEE STATE LEGISLATORS WHO PROPOSED AND DID NOT PROPOSE LEGISLATION TO RESTRICT IMMIGRANTS IN THE 2007 AND 2008 COMBINED SESSIONS								
	Republicans	Democrats	White Males	White Females	Black Males	Black Females	Latino Males	Latina Females
33 Senate								
18 proposed	10	8	14	3	—	1	—	—
15 did not	7	8	11	2	1	1	—	—
99 House								
27 proposed	17	10	23	3	—	—	—	1 (R)
72 did not	29	43	52	4	9	6	1 (R)	—
<b>Source:</b> Tennessee Immigrant and Refugee Rights Coalition internal documents tracking legislation. Legislative record also at <a href="http://www.capitol.tn.gov/">www.capitol.tn.gov/</a> . Demographic information from Tennessee Secretary of State (2005 and 2009) (Tennessee Electric Cooperative Association, 2007)								

Most of the proposals were made by white males or females, but there were white males and females who did not make proposals.<sup>22</sup> With the exception of one black female senator, none of the other black senators or any of the black representatives, who were all Democrats mostly representing districts in Memphis, Nashville, or Chattanooga, made any proposals. Indeed, one of them proposed the bill to help prevent racial profiling that did pass in 2008. One of TIRRC’s goals has been to facilitate black-brown dialogue. Some African-American community leaders are important allies and have given encouraging speeches to TIRRC members and have participated in TIRRC rallies. However, TIRRC recognizes the potential for divisions over job competition and anger over Latino attempts to compete for minority set-aside contracts in Memphis, which have been described by Barbara Smith (2009), and in Winders and Smith (2010).<sup>23</sup> Politically TIRRC has also worked to cultivate the support of sympathetic whites. As Jamie Winders discusses (Winders and Smith, 2010), in one attempt to appeal to “all Tennesseans,” TIRRC put up billboards in Nashville to remind residents to “welcome the immigrant you once were.” As Winders argues, (notwithstanding the diverse photographic images on the billboard) that classic trope evoked the history of European Americans and not African-Americans (not to mention the state’s very small minority of Native Americans). Hence, forming alliances with

<sup>22</sup> In this analysis, I have reproduced the color-based terms to convey the racial dimensions of politics in Tennessee. However, in general I regard the terms Euro-American and African-American as preferable. I also chose to use the term Latinos instead of Hispanics.

<sup>23</sup> In North Carolina Helen B. Marrow (2008) observed efforts at black-brown coalition-building (initiated by black political leaders) as well as tensions between blacks and Latinos.

African-Americans is a work in progress that requires reflecting on history and some taken-for-granted assumptions by immigrants, African-Americans, and white (and other) allies.

As can be seen in the table, there were two Republican Latino representatives (a female and a male). The woman sponsored the bill that passed and authorized Tennessee state troopers to become ICE officers. She is a Republican of Mexican origin and lives in a small town west of Memphis. In her county, the number of Latinos increased from 298 in 2000 to 858 in 2010 (or from 1 percent to 2.2 percent of the total population, which increased by about 10 000). She is a farmer and a retired Marine (Tennessee Secretary of State 2005 and 2009; *Knoxville News Sentinel*, 2011). By 2009 she had been elected as a state senator and went on to co-sponsor another exclusionary bill that passed. Needless to say, TIRRC is disappointed that they could not count on her as an ally. Although the Latino male did not sponsor any bills in 2007 and 2008, eventually he, too, signed on as a co-sponsor for an exclusionary proposal.

As noted earlier, 10 legislators proposed 5 to 16 bills each during 2007 and 2008. All were white males, aged from their late 30s to late 60s. The four senators (three Republicans and one Democrat) and six representatives (four Republicans and two Democrats) were from Collierville (a suburb of Memphis), Old Hickory (a suburb of Nashville), Goodlettsville (located just north of Nashville), Murfreesboro (south of Nashville), Cleveland (near Chattanooga), and Knoxville. By 2010 and 2011, three more (two white males and one white female who call themselves “conservative Republicans”) were prioritizing “illegal immigration control” on their legislative agendas. They are from Murfreesboro, Shelbyville, and Lancaster, a small town east of Nashville.<sup>24</sup>

Percentages for Latinos by 2010 (based on the U.S. census) in these districts varied: 5.6 percent for Shelby County (Memphis); 9.75 percent for Davidson County (Nashville); 6.7 percent for Rutherford County (Murfreesboro); 11.3 percent for Bedford County (Shelbyville); 6.6 percent, 4.1 percent, and 2.3 percent for DeKalb, Macon, and Smith Counties (for the woman from Lancaster); 4.7 percent for Bradley

<sup>24</sup> I did not formally interview the legislators. I have interacted with several while lobbying, including my own representative (who was one of the top 10 proposers in 2007 and 2008). I heard the Latina woman give a non-committal speech to a lobbying group from TIRRC the year that she sponsored the state trooper bill, and witnessed the woman from Lancaster give an angry speech in a committee hearing, but I have not interacted much with the legislators from Memphis, Nashville, Murfreesboro, Shelbyville, Lancaster, and Cleveland, who were among the top proponents of “immigration control,” so their quotes are drawn from their campaign websites or news articles about them. There was not much information available online for a couple of them. The Cleveland senator, for example, was no longer in office by 2011. Demographic and professional information was drawn from the Tennessee Secretary of State (2005 and 2009) and Tennessee Electric Cooperative Association (2007). The same information is also available online at [www.capitol.tn.gov](http://www.capitol.tn.gov).

County (Cleveland); and 3.5 percent for Knox County (Knoxville).<sup>25</sup> Nashville, Murfreesboro, and Shelbyville Counties have refugee communities, which were increasing in size during the 2000s. This area has been the site of several anti-Islamic incidents. These counties (as well as others) saw increases in Latinos and/or refugees during the 1990s and 2000s (as well as increases in whites and blacks). However, these legislators are choosing to assign a negative meaning to that growth. Indeed, the female legislator noted above is part of that growth. She moved (or migrated) to Lancaster in 1992, seeking her dream home in the countryside after a career of touring as a country gospel singer. In general, however, most of the legislators (proposers and non-proposers) were born, raised, and educated in Tennessee.

For several years a Republican senator from Murfreesboro has been taking the lead in efforts to “control illegal immigration” and pass “English-only” laws. In 2011 he also introduced a bill to restrict Muslim religious practices. He proposed 16 bills during the 2007-2008 cycle, including the I-9 and ITIN bills that passed in 2007. In 2008, he was a co-sponsor of the Tennessee Taxpayer and Protection Act, which as mentioned before, copied almost verbatim an act passed in Oklahoma. He also proposed items in this act as separate bills, apparently to ensure that at least some of them would pass (a tactic that worked). In 2003-2004 and again in 2005-2006, he sponsored at least three exclusionary bills, including restrictions on licenses and requiring English for the driver’s license exam.<sup>26</sup> He has insisted that he “will continue to introduce legislation as long as the federal government continues to turn a blind eye.” He sells insurance, was an Eagle Scout, and is a Mason. As is typical of many politicians who have proposed exclusionary laws, in a statement on his campaign website, he states that as a “proud American” he values immigrants, but “all I ask is that they follow our laws and come here legally.” He tells an anecdote about how a police officer chose to give a ticket to a young lady who would dutifully

<sup>25</sup> County population figures based on U.S. census data for 2000 and 2010 recorded on a map posted at <http://www.knoxnews.com/data/tennessee-census-diversity/>. To look at these numbers another way: by 2010 the numbers of Latinos in each of these counties were 52 092 in Shelby County; 61 117 in Davidson County; 17 500 in Rutherford County; 5 083 in Bedford County; a total of 2 575 in DeKalb, Macon and Smith Counties; 4 664 in Bradley County; and 15 012 in Knox County. Based on 2000 census data for cities and towns (rather than counties), in addition to concentration in the major urban areas, Drever (2006) identified ten towns in Tennessee that had percentages of Latinos ranging from 5.2 percent to 22.8 percent. Most of the towns had chicken- or other food-processing businesses. Shelbyville and Collegedale (near Cleveland) were on the list. She did not list any towns for Rutherford County or DeKalb, Macon, and Smith Counties. In 2000, Rutherford County had 5 065 Latinos (2.8 percent) and DeKalb, Macon and Smith Counties had a combined total of 1 182 (2.1 percent).

<sup>26</sup> As another sign of the increase in legislation, in 2007 the Tennessee legislature began listing “immigrants” as a subject category for bill proposals. Prior to 2007 bills were being proposed, but they were categorized under subjects like driver’s licenses, criminal offenses, and employees. For the earlier years, I looked at the legislation that led to the driver’s license law in 2001 and its subsequent elimination. I did not thoroughly check the other categories, but it is possible other proposals related to immigrants were made.

comply with the law and pay her ticket, but then chose not to not give a ticket to an “illegal” driver, because it would not do any good, since “they know they do not have to pay the tickets.” Although this senator was frustrated that “illegals” were not being held accountable for traffic violations because they did not have driver’s licenses that police could use to track them, his solutions were to continue to make sure that they did not have access to driver’s licenses or car tags. He justified continuing to call for “English-only” exams for driver’s licenses, because it would be less costly and would not discriminate against the speakers of 52 different languages in Nashville who did not speak the four languages being offered or the three that might be added. He listed other issues on his website that concerned him, including funding for the arts, and by 2009 had become deputy speaker of the Senate.

This senator co-sponsored five of his proposals with a Democratic representative who was also from Murfreesboro, a man in his 60s who decided not to run for office in 2008. In an article about this decision, he did not discuss these bills, but cited other legislation dealing with crime victims as achievements during his tenure. He was replaced by the “conservative Republican” noted above, who is a business owner, pilot, and farmer. Immigration reform dominates his website, which has a three-minute video, in which he calls on the Tennessee legislature to congratulate Arizona for passing SB1070, because “if we don’t stop illegal immigration at the border, they will just keep coming.” They did pass that decree, and he and other legislators took a trip to Arizona (which they paid for themselves) to personally deliver it to Arizona legislators. In 2011 the senator and this new representative from Murfreesboro co-sponsored Tennessee’s version of an Arizona copycat law. That proposal did not make it out of the Finance Committee, because it was estimated that it would cost the state several million dollars to implement (which they do not have), but it will be up for consideration again in 2012. Meanwhile, these two men along with the senator from Shelbyville and another representative co-sponsored the one portion of the copycat bill that did pass in 2011, which requires all employers in the state to start using E-Verify, a federal computerized system that checks social security numbers put in place after the IIRIRA reforms. IIRIRA made participation optional for employers. Opponents note that it is error-prone, and has caused legal residents to be denied employment.

The representative from Murfreesboro, the senator from Shelbyville, the representative from Lancaster, my own representative –now a senator– from Knoxville, and the representative from Collierville (all Republicans) have reproduced negative stereotypes about “illegals.” In a committee hearing, the representative from Collierville compared immigrants to “rats,” and then in his apology, said that he should have used the term “anchor baby.” My representative also uses “anchor baby,” and

is the one who proposed the 25-percent tax on money orders. In his video, the representative from Murfreesboro reels off statistics about 83 percent of warrants for murder in Phoenix, 40 percent of detentions in Arizona, and 2 000 murders a year being related to “illegal aliens.” He cites the costs of illegal immigration to Arizona at US\$2.4 billion, and portrays the Obama administration as “spiraling out of control” (this part is in black and white, compared to the rest of the video that is in color). In his campaign ad, filmed in a barbershop with several other white males, the senator from Shelbyville argued, “Illegal immigration is costing taxpayers billions of dollars and our families and businesses pay the price. For too long our politicians have protected illegal aliens. It’s time to cut it out, cut out their ability to sneak across the border, cut off their access to our jobs, cut off their ability to get tax-payer funded health care, because if we don’t, they’re never going to stop coming.” The barbershop scissors reinforce his mantra of “cuts.” The color image shown for “our families” is a modestly dressed white couple with one child, which contrasts with black and white photos of a dozen people climbing over a dilapidated fence, five apparently Latino workers raising a house frame, and a waiting room of Latina women and children and one white guy, with a color overlay in one corner of prescription medicine bottles. The representative from Lancaster was angry about the costs of educating “illegal students” in Davidson County –not her district– and the national annual costs of educating illegal immigrants and children born here to illegal immigrants, which add up “to a staggering US\$28.6 billion.”

These legislators (as well as others) subscribe to the ideology that constructs “illegal immigrants” as “undeserving” (Newton, 2008). As yet another example, during TIRRC lobbying in 2011, another white male legislator told me that he was upset that his elderly parents, who had worked hard all their lives and “played by the rules,” had to wait in the emergency room, while the doctors attended the “illegals.” I asked him if that meant that he thought that they did not deserve health care. He claimed that is not what he meant. However, doctors in emergency rooms prioritize patients (all human beings who enter their doors) by the seriousness of their injuries. As Luis Plascencia (2009) argues, several legislators I have met view “illegals” as individuals who chose to “break the law,” and therefore should be punished. My own representative said that he wants to “make their lives so miserable that they will go back where they came from.”

While lobbying, I heard him and others justify their positions by citing statistics, which appear to be derived from Federation for American Immigration Reform (FAIR) and the Center for Immigration Studies (CIS), both explicitly anti-immigrant in their politics. Along with the Minutemen, these organizations have gotten involved in several state and local political struggles. The groups have websites. CIS supplies

“the facts” or “numbers.” FAIR provides funding for ads and billboards and leadership training and “talking points” to local activists. Examples include Iowa after the governor announced his welcoming plan in 2000 (Grey, 2006: 40), Nebraska prior to and during 2006 (Gouveia, 2006: 149-150), and day labor campaigns in La Vista, California in 2006 (Danielson, 2010) and in Farmingville (*Farmingville*, 2004). As Grey and Gouveia point out, often fewer than 100 people show up to anti-immigrant protests, but Danielson and the Farmingville film illustrate how they help provide the logic that justifies punitive policies.

On the other hand, three of the legislators from Tennessee who proposed five or more exclusionary bills in 2007 and 2008 were not stressing this issue on their websites in 2011. A Republican senator from Colliersville, a lawyer, provided information about flood assistance and a slew of bills he was sponsoring that were not related to immigration. He emphasized that he would be focusing on balancing the budget, rather than being distracted by attempts to attack Muslims. There was almost no mention of “illegal immigration” on his website. The same was true for the websites of a Democratic representative from Old Hickory, who sponsored 10 bills in 2007-2008, and a Democratic senator from Goodlettsville, who sponsored five. The Democrat from Old Hickory, a fireman, was stressing flood assistance, attacks on teachers, getting tougher on meth, helping vets, and his decision to oppose calls for a voter ID (an issue pushed by legislators who argue that this will prevent “illegals” from trying to vote). The Democrat from Goodlettsville, a lawyer, portrayed himself reading for a multicultural classroom, obtaining an arts grant, honoring a fallen vet, and calling for more oversight on used mattress sales. Of course, they still may have been voting to support some of the measures proposed by others, but they were not reproducing anti-immigrant rhetoric or imagery on their websites.

I do not know how many legislators in Tennessee subscribe to the ideology that “illegals” are “undeserving.” However, it seems that not many are willing to publicly criticize their peers who are vocally advocating this stance. TIRRC creates handouts, which it distributes to legislators, so they will have information they can use to construct a counter-narrative. However, much work is still to be done in terms of educating legislators. I have yet to hear a strong legislative voice emerge in Tennessee, such as that of Representative Luis Gutiérrez of Illinois (a Puerto Rican), who attempted to reintroduce “comprehensive immigration reform” at the federal level in 2009, and not only sponsored the Dream Act, but was willing to participate in civil disobedience and have himself arrested on the steps of the White House to draw attention to the plight of the undocumented students who could benefit from the bill.

## ENGLISH-ONLY LAWS AND MORE ANTI-IMMIGRANT LEGISLATION IN THE WAKE OF ARIZONA'S SB1070

In 2009, TIRRC secured a commitment from Tennessee's Department of Safety to add Chinese and Arabic as languages for driver exams, which were already available in Spanish, Japanese, and Korean. They also supported a bill, which passed, that authorized funding for English as a Second Language and citizenship classes for adults. That year TIRRC was monitoring 35 anti-immigrant proposals. They worked on stopping bills (proposed by the senator from Cleveland and my representative from Knoxville) that sought to create barriers to attending college for children of undocumented immigrants. Following the example of Georgia, the senator from Shelbyville and the representative from Murfreesboro, introduced a bill to prohibit local governments from enacting sanctuary policies. TIRRC worked on amending the language of that bill to make it less dangerous. TIRRC also participated in processes that helped delay two bills that did end up passing in 2010.

However, that year two more exclusionary bills passed. They were sponsored by the representative from Murfreesboro, the senator from Shelbyville, and two other legislators. One made it a criminal offense for a person to knowingly provide, transfer, or submit to another person false identification for obtaining or maintaining employment. Note that this bill was worded to not include college students who use fake IDs to buy alcohol. The other bill imposed penalties on employers and employees in certain cases involving employees not authorized to work, and gave employers the ability to deny undocumented workers full unemployment benefits.

In 2010, despite ongoing efforts by TIRRC, the Tennessee legislators passed SB1141 requiring all county police officers to determine the immigration status of anyone detained in their jails.<sup>27</sup> They also passed a law allowing employers to require "English only" in the workplace. TIRRC is planning to bring a lawsuit if an employer decides to implement the latter, because it contradicts federal statutes.

Despite the claims of some legislators that all these proposals are only being directed at "illegals," the "English-only" proposals affect all immigrants and residents who do not speak English well or prefer to speak other languages. As already noted, the senator from Murfreesboro was committed to continuing to reintroduce a bill that would require "English-only" for driver's license examinations. Given that undocumented immigrants are no longer eligible to apply for a driver's license, this proposal would only affect lawful permanent residents, people who have tempo-

<sup>27</sup> This was the other bill sponsored by the Latina woman, who by then was a senator. She may only have sponsored two bills, but both passed, and both were designed to increase detentions and deportations.

rary work visas, student visas or tourist visas, and naturalized or native-born citizens. For refugees this adds one more burden to the stressful experience of relocating. Not only are many in the process of learning English, but refugees are expected to be employed within six months of arrival. How are they supposed to get to work if public transportation where they live is not adequate? It is logical that people need to know what a “stop” sign is in order to pass the test, but that is different from having to take the entire test in English. This proposal was debated in 2010 and 2011, but it did not pass. It appears that the main argument that prompts some legislators to vote against “English-only” proposals like this is that it would be bad for business, since Tennessee has several Japanese-owned businesses, just opened a large plant run by Volkswagen, and would like to attract other foreign investors. In Nashville, which as mentioned earlier has large populations of refugees as well as Latino immigrants, TIRRC has also had to lobby intensely to help prevent English-only ordinances at the city level.

In seeking to understand the politics of the “English-only” proposals, one can observe that in “new destinations” like Tennessee, prior to the 1990s, most residents probably were not accustomed to hearing languages other than English being spoken or seeing signs posted in other languages. The U.S. now has federal laws that require hospitals and courts to provide interpreters if needed. Some schools have hired interpreters. Hence, one could argue that taxpayer dollars are being spent to cover this. However, it takes adults a while to learn another language, and in the meantime, it would serve the common good if they could understand health care instructions, legal questions, and matters related to their children’s education.

Although not required by law, many businesses offer bilingual pamphlets and options to hear telephone instructions in Spanish. Clearly they want to attract customers. In Knoxville, the cellular phone pamphlets in Target are bilingual and Wal-Mart offers films in Spanish with no subtitles, music CDs in Spanish, and large packages of tortillas, among other items. One might argue that this adds extra costs for consumers, or perhaps it demonstrates that immigrants have buying power.

Still, I have to wonder: why do people feel they need to restrict language use to English only? I also have to ask: why does hearing other languages in public anger some people? One woman told me that she was standing in line at McDonald’s discussing food options with her husband in Spanish, and the man behind her in line told her that she should go back to her own country. I heard another woman say that she did not like not being able to understand what other people were saying, even though they were people she did not know who were engaged in their own conversations. Historical pressures to speak English are not new. One need only look at the experiences of Native Americans, African-Americans, and Mexican-Americans

where the English language was imposed through physical coercion. In the early 1900s in Iowa, school teachers told my grandmother to stop speaking Norwegian, and my grandfather never learned German, due to the anti-German sentiments of World War I. For me and others, this history evokes understanding for first-generation migrants. However, many white Tennesseans had ancestors who migrated during the 1700s or early 1800s, or their ancestors were English-speaking. Nonetheless, most people have attempted to learn a “foreign” language in school, so they must have some idea of how difficult it is to learn another language. I grew up in multi-lingual and multicultural Hawai’i and in Spanish-speaking Honduras, so I am accustomed to hearing other languages that I do not understand, and I speak Spanish fluently. Furthermore, I know that in Honduras, the Americans who lived there established an English-language school for their children and preferred to speak in English with each other even if they had learned Spanish, not to mention that some never really learned to speak Spanish very well, even after living there for several years. Consequently, I do not understand why some people in Tennessee and elsewhere think they need to legislate this. As Leo Chavez has argued, the language issue is part of a larger set of discourses that construct Latinos (and one could add, Muslims and other immigrants) as a “threat.” He points out that this is ironic given that studies show that Latino immigrants are learning English and that Spanish use has declined rapidly among the second and third generations (2008: 56-60).

In Nashville and other areas of Tennessee, several refugees are Muslims. In 2011, the senator from Murfreesboro decided to propose a law prohibiting observances of Sharia Law. I happened to be up in the legislature on one of the days that over 300 Muslims arrived to talk to legislators to try to prevent this bill from becoming a law. It was an impressive sight. After they protested, the language of the bill was amended to remove references to Islam and restate federal guidelines regarding support of terrorism, but it still passed. In 2011, another bill was proposed to allow cities to decide whether or not to receive refugees. Again, the language was amended after TIRRC and Catholic Charities objected, but it also passed. These proposals came on the heels of calls in Murfreesboro to restrict the building of a mosque in 2010. As mentioned above, other anti-Islamic incidents have occurred in the state. TIRRC is committed to contesting these acts and promoting welcoming attitudes, as illustrated in *Welcome to Shelbyville*, a film shown on PBS television not long after the legislative session ended in 2011.

As Monica Varsanyi (2010) and others have observed, the proposals in Tennessee seem to be a response to the lack of immigration reform at the federal level in 2006 and 2007. That is certainly what the senator from Murfreesboro claimed. However, that claim obscures the fact that U.S. Representative Luis Gutierrez and others intro-

duced legislation that was voted down by members of Congress and/or the Senate, and that the federal legislators have passed bills to increase funding for enforcement. In addition, as noted above, ICE continues to do its job and has stepped up internal enforcement by encouraging state and local governments to participate in programs like 287(g).

As already noted, in 2011 Tennessee became one of several states that had legislators proposing Arizona “copycat” bills, or, in other words, their own forms of “comprehensive immigration reform.” However, as we have seen, similar initiatives were already underway by 2006 in Georgia, Oklahoma, and Tennessee. Furthermore, Tennessee legislators have been passing a series of bills that basically reproduce several of the provisions of these larger acts. The bills often repeat the language of the federal legislation, but add state penalties and criminal charges.

In the summer of 2010, while the small group of legislators made their trip to Arizona, the campaign for state governor was in full swing. During their campaigns, all three Republican candidates and the one Democratic candidate affirmed that they supported passing an Arizona-like bill in Tennessee. Their views were in line with 72 percent of the 625 registered and likely voters across the state polled by telephone in July 2010 (when there had been a lot of media coverage about the Arizona law).<sup>28</sup> In his television ad, Bill Haslam, the Republican candidate who won the election, asserted, “With state unemployment at 10 percent, we’re all paying the price for the federal government’s failure to secure our borders.” Then this rhetoric became a proposal. Indeed, the senator from Murfreesboro has reiterated the same claim about unemployment. In February 2011, he and the representative from Murfreesboro and others announced their proposal for a “comprehensive plan to combat illegal immigration in Tennessee,” which they asserted had been “mandated by 72 percent of Tennesseans.” Their plan was designed to require law enforcement officials and state agencies to determine a person’s lawful status, require all public and private employers to use E-Verify, and prohibit “unlawful aliens” from receiving any benefits (Humphrey, 2011).

In 2004, before the economic downturn that began in 2007, unauthorized immigrants probably only constituted about 2.5 percent of Tennessee’s population, or about 100 000 to 150 000 out of a total population of 5 900 962.<sup>29</sup> Undocumented

<sup>28</sup> The poll was conducted by Mason-Dixon Research and Polling, Inc. for the Tennessee Newspaper Network and WBIR Channel 10 TV station. Results were reported in the *Knoxville News Sentinel* (a member of the Network) July 28, 21010, A1-9, in an article originally written by Chas Sisk for *The Tennessean* (Nashville’s paper, also a member of the Network). Ninety-two percent of Republicans and 46 percent of Democrats favored passing an Arizona-style law in Tennessee.

<sup>29</sup> Undocumented estimate for 2002-2004 by Passel (2005: 14). Total population 2004 estimate at “U.S. Population by State, 1790 to 2009”, Fact Monster, n.d.

immigrants come from several countries, but estimates are that nationally about 57 percent are from Mexico and another 24 percent from other Latin American countries (Passel, 2005: 4). As already noted, the 2010 census indicated that Latinos (U.S.-born and foreign-born) comprised 4.6 percent of the population. At the national level in 2005, undocumented immigrants were estimated to account for 5.4 percent of the total civilian labor force. Estimated averages were higher for low-wage service jobs (10 percent), with rates ranging from 12 percent in food preparation and service, 17 percent in construction, to 19 percent in landscaping and building maintenance (Gomberg-Muñoz, 2011: 37; Passel, 2006). The numbers in Tennessee appear to be lower, but Latinos in general were employed in similar professions (Drever, 2009: 67-72). Tennessee politicians cite the national estimates and claim that stricter enforcement will result in deportations, which would enable 5 percent of the 10 percent of native-born workers in Tennessee who are currently unemployed to obtain jobs. That claim presumes that the downturn in the economy has not also already affected undocumented workers. One has to observe that unemployment among undocumented workers is generally not accounted for within national or state figures, since they do not apply for unemployment benefits. In addition, the politicians are assuming that documented workers who have filed for unemployment benefits during the economic downturn are now prepared to work in the jobs that would be vacated by workers who are deported. Thus, “illegals” serve as convenient scapegoats that help enable some politicians to avoid addressing deeper issues regarding the economic downturn, the restructuring of the U.S. economy that has been going on since the 1960s, and the dismantling of laws that protect workers (Harvey, 1989; Sassen, 2000; Massey, Durand, and Malone, 2002; Massey and Sánchez R., 2010).

Another logic underpinning state-led efforts to restrict illegal immigration is that of “individual responsibility,” which applies to the “illegals,” who should be punished. This logic conveniently sidesteps the roles of U.S. employers and policy makers in creating a system that now defines 5.4 percent of its workforce as “illegal.” As Ruth Gomberg-Muñoz succinctly put it, the current levels of undocumented migration in the U.S. are a result of “uneven global economic development, the establishment of transnational social networks over time, and policies that restrict legal entries to unrealistic levels” (2011: 18).<sup>30</sup> Her last point refers to restrictions on legal entries of low-wage workers.

<sup>30</sup> Gomberg-Muñoz (2011) was summarizing arguments of scholars who have been working on immigration for years, such as Douglas Massey, Jorge Durand, Alejandro Portes, and others.

## TO DREAM OR NOT TO DREAM: TENNESSEE LEGISLATORS AT THE NATIONAL LEVEL

In summer 2001, President George Bush was shaking hands with fellow ranch owner and the president of Mexico, Vicente Fox, and the United States appeared to be on the verge of passing some kind of immigration reform. However, after 9/11, it was relegated to the back burner, while opinions began circulating in the public media linking illegal immigration and the “lack of border security” with the threat of terrorism. In spring 2006, the House of Representatives was considering HR4437, or the Sensenbrenner-King bill. Among other draconian measures, this bill would have made it a felony for people (such as priests and pastors and social workers) to assist immigrants. Consequently, immigrants and their allies took to the streets to protest, and the legislation did not pass. The national press focused on the hundreds of thousands who marched in places like Los Angeles and Chicago, but marches were taking place all over the United States (Chavez, 2008; Gouveia, 2006). This included Tennessee, where 15 000 people marched in Nashville and 300 and then over 800 turned out for two demonstrations in Knoxville. As Leo Chavez observes, conservative pundits were taken aback by the sight of so many immigrants demanding their rights, and they criticized the display of Mexican and Central American flags, even though the marchers were primarily waving U.S. flags (2008: 158).<sup>31</sup> The marchers also carried placards declaring “We Are Not Criminals” and “We Also Pay Taxes,” and chanted, “Sí, se puede,” “Yes, we can.”

Since 2006, not much has been done at the federal level in terms of passing immigration reform, although as just noted attempts were made, and enforcement has continued. In 2007, for example, there was a simultaneous raid on five Pilgrim’s Pride chicken processing plants in Texas, Florida, Arkansas, West Virginia, and Tennessee. Over 100 workers were deported from Chattanooga, many of them Guatemalans. There were also workplace raids in Iowa and North Carolina.

In 2008, immigrants and their allies were optimistic after Barack Obama was elected President, but then felt compelled to remind him of his campaign promises in the spring of 2010. Over 200 000 people from all over the country converged for a march and rally in Washington, D.C., including 10 busloads of people from Tennessee. It was exhilarating for those who participated, but in terms of press coverage it was upstaged by the vote for the health care reform bill. Then, in the 2010 lame-duck

<sup>31</sup> Kent Ono and John Sloop (2002) note that people were similarly dismayed in the 1990s when people of Mexican origin displayed Mexican flags at protests in California against Prop 187. These days one would not see pundits getting upset about the display of Irish symbols at St. Patrick’s Day parades. Likewise, New Yorkers have managed adjusted to the display of Puerto Rican flags during their annual parade.

session, it appeared that at least the Dream Act had a chance of passing. This bill would have permitted undocumented children brought here by their parents before the age of 16, who had completed at least five years of schooling in the United States, to either attend college or join the military and then slowly be able to regularize their status. With Representative Luis Gutiérrez taking the lead, the House of Representatives passed it. Because I contacted him asking for his support, my representative sent me a letter noting that I would be happy that the bill had passed; however he failed to mention that he actually voted no. In the Senate, the bill was tied to a bill proposing to repeal Don't Ask, Don't Tell for gay and lesbian military personnel, which ultimately received more attention from the press. A cloture vote was required. In other words, 61 yes votes were needed. They were five votes short. Both senators from Tennessee voted no. I had contacted them asking for a yes vote. Their standardized letters informed me that rewarding illegal behavior would only encourage more migration and assured me that they were supporting additional efforts to secure the border. In other words, they had voted to spend more tax dollars on border security.

In fact, it was precisely this kind of rhetoric that motivated me to begin attending the meetings of the Tennessee Immigrant and Refugee Rights Coalition in 2005. That summer in a television ad during the primary elections for the U.S. Senate, I heard one of the Republican candidates refer to immigration as "a threat to our very way of life." That phrase was particularly disturbing to me. That candidate eventually lost the primary; however his Republican opponent, Bob Corker, who eventually won the entire election, put out an ad where he was standing next to a barbed wire fence, promising to secure the border. His Democratic opponent, Harold Ford, Jr., was not much better. Although Ford attacked Corker for hiring undocumented migrants to help build apartment complexes in Chattanooga, Ford represented himself as being tough on immigration. Later, I was told by one of Ford's assistants that he chose to do that, because 9 out of 10 calls he was receiving from voters were against illegal immigration.

More recently, John Duncan, who is my U.S. representative, sponsored a bill that would deny citizenship to any child born in the United States with a parent who is undocumented. (And at the state level my representative has proposed bills to make it impossible for undocumented parents to obtain birth certificates.) Many immigrant rights advocates believe that this bill has little chance of passing, because it challenges the birth-right citizenship granted by the 14<sup>th</sup> amendment of the U.S. Constitution. In 2009, his proposal was not getting much political traction and only had one other co-sponsor. However, after Arizona passed SB1070, several representatives and senators added their names as sponsors, including Arizona Senator

John McCain. Perhaps one can attribute this to election-year maneuvering, but it illustrates that those politicians believed that supporting this would motivate more of their constituents to vote for them.<sup>32</sup> This appears to be the logic operating at the state level as well, although one can question this proposition.

## SO WHAT DOES “THE PUBLIC” THINK? ONE SURVEY MAY NOT TELL THE WHOLE STORY

In 2005, on top of hearing immigrants being constructed as a “threat to our very way of life” –which presumably included me– and seeing the border portrayed as a barbed-wire fence when I know that we have been pouring millions of dollars into fences, helicopters, heat sensing technology, and night vision goggles since the mid-1990s, I heard Jay Leno, who had an audience of millions five nights a week, tell a joke about “little Mexicans” running around. For me, that was the last straw. It was evidence that anti-immigrant, anti-Latino and/or anti-Mexican discourse was becoming far too common in the mainstream media.<sup>33</sup> Since then, through TIRRC, I have participated in lobbying (which I had never done before), and I have participated in public forums intended to educate local non-immigrant audiences about undocumented migration. My general impression –and it is just a general impression, or maybe it is my hope– is that the general public in Tennessee may not be as anti-immigrant as the 72 percent in the July 2010 survey noted above implies.

First, we should observe that Tennesseans did elect the officials who have been making the proposals and generating the rhetoric described earlier. However, voting is complex, and people may have had other more salient reasons to vote for those candidates. In addition, some people in the state did not vote for those officials. As mentioned earlier, the July 2010 survey was conducted right after SB1070 was passed in Arizona. In addition, although they may have used random sampling, they only talked to 625 people. Indeed, by February 2011, a statewide poll conducted by Vanderbilt University found that 57 percent of Tennesseans said job creation and the economy were more important than wedge issues like immigration, and less than 4 percent responded that immigration should be the priority (TIRRC, 2011a).

<sup>32</sup> Although this motive may apply to Senator McCain and others, Duncan himself did not have to do much campaigning at all to get reelected, so it is not clear to me why he has proposed this measure. Although I addressed this issue at the same time that I asked him to support the Dream Act, his stock response did not articulate his logic for revoking birth-right citizenship.

<sup>33</sup> In other words, following the work of Pierre Bourdieu (1977), Ana Alonso (1988), and others, this discourse was becoming too unquestioned and normalized. See also Leo Chavez (2008).

Nevertheless, the numbers suggest that TIRRC has more work to do to educate voters and legislators about the “myths” associated with immigrants, which continue to be reproduced in the media. Furthermore, as suggested by the 9 out of 10 calls to Harold Ford’s office, it seems that people who are anti-“illegal immigrant” are vocal when it comes to contacting policy-makers.<sup>34</sup> As with many political issues, there seems to be a silent majority in the middle. TIRRC has initiated a number of campaigns to call, write, and visit legislators over the years, and we are continuing to build up the number of people who are willing to contact their legislators to say that they do not want anti-immigrant laws passed at the state level and that they do want immigration reform at the federal level that will provide a way for the 12 million undocumented immigrant people to regularize their status.

Based on the questions and reactions I have heard at public forums, I have the impression that many Tennesseans (including people who recognize the disparities between salaries in the United States and countries like Mexico and who believe that undocumented immigrants work in jobs that “most Americans do not want”) do not have much knowledge about the current restrictions on legal immigration, the net effects of our immigration policies over the last 30 years, or the long history of labor recruitment and past legal restrictions applied to migrants, particularly to “low-skilled” workers from Mexico. Among other things, that history helped create the transnational social networks that have been documented by many scholars (Massey, Durand, and Malone, 2002). As an academic who has been working on Latin America and Latino issues for some time, it is easy for me to take for granted that people know the history of the U.S.’s role in Latin American politics and the history of discrimination directed at people of Mexican origin and other Latinos. Recently, I heard two comments, both from well-meaning people inclined to support immigrants that reminded me that public education has been and will continue to be an important task for TIRRC. One person asked, “Why do they migrate?” Another learned about our immigration laws as part of a religious retreat, and was surprised to learn about the “empire-like” control that the United States has exerted over Latin America historically.

It also appears that many people are busy with their everyday lives or other political causes and are not always paying attention to what some of their legislators are proposing. This became evident with an exclusionary proposal proposed in 2011 by the representative from Lancaster. She wanted school secretaries to have to ask parents of enrolling children to present social security cards, U.S. birth certificates,

<sup>34</sup> The film *9500 Liberty* suggests that this was the case in Prince William County, Virginia, which proved to be an initial testing ground for the laws passed in Arizona and being considered in Tennessee and in other states. Furthermore, in Prince William County, it turned out that out-of-state activists sent dozens of e-mails to city council members who mistakenly thought those messages were coming from constituents.

or valid visas for the children, and if the parents were unable to produce those documents, they would have to sign an affidavit saying they did not have them. Schools would have been required to track this information and submit reports to the legislature. She claimed that implementing this bill would not cost anything. That might be true for the legislature itself, but it certainly would not have been true for the schools. When this bill was in committee, TIRRC alerted the superintendents, school boards, and educators of the school districts of the representatives on that committee. They wrote letters and made phone calls saying that they did not want this law to be passed, so the committee members asked her to withdraw her proposal. She will no doubt re-propose the bill next year. Meanwhile, a similar bill did pass in Alabama. Georgia and South Carolina also passed a series of exclusionary policies, which probably will confirm for the supporters of punitive approaches to immigration reform that they are on the “right” track.

I witnessed this woman’s angry speech when she withdrew the bill. She began with the claim that “the legal citizens of this state that pay taxes and vote” and “the taxpayers of this state” would not be happy about this. Tennessee does not have a state income tax. The state government is supported by sales taxes, which are collected on everything including food. That means that all residents, regardless of immigration status, are “taxpayers.”

Finally, it is worth noting that in this article I dedicated several pages to outlining the negative discourse that is of concern, because that discourse is influencing policies that are being generated by people in positions of power. However, in so doing, I have not given equal space to examples of more welcoming discourses. As scholars, we probably need to do more to highlight these efforts (as was done by the contributors to Anrig and Wang (2006), and Singer, Hardwick, and Brettel (2008), among others). There are people who are contesting the negative discourse and generating positive images. This includes immigrants themselves as well as U.S.-born people of various racial and ethnic groups.

In Knoxville, this includes everything from guest columns written in the *Knoxville News Sentinel* that question the logic of denying birth-right citizenship and celebrate the contributions of Latino youths (Velásquez, 2011) to the eleventh annual HoLA festival on October 15, 2010, which celebrated Latin American cultures with music, artwork, food, 90 booths, children’s activities, a parade of nations involving local high school bands, and an estimated attendance of 20 000. In addition to this festival, Knoxville also hosts Italian, Greek, German, and Indian festivals. The Turkish Cultural Center has sponsored dinners and cultural exchanges. Churches and soccer leagues help foster cross-cultural understanding. And one should not overlook everyday acts of kindness that are also happening. This could be an immigrant who

saves a man trapped in his flooded car, or a doctor who provides free or low-cost treatment to uninsured immigrants. In addition, right after the Dream Act did not pass, I was surprised to hear one local conservative talk show radio host tell his listeners that after some agonizing and some reflection, he reached the conclusion that the senators should have passed the Dream Act, since young people did not make the decision to migrate.<sup>35</sup> Similarly, at the national level, songs were produced in the wake of SB1070, such as “Are We a Nation?” by Sweet Honey in the Rock or “One Heart, One Beat” by Taboo,<sup>36</sup> and comedians like Stephen Colbert collaborated with labor union activists and challenged his viewers to apply for farmworker jobs. Personally, I hope that the voices calling for changes that address structural inequalities, structural violence, and racism, and calling for peace and harmony will prevail, and I am planning to keep on working toward that goal.

## CONCLUSIONS: CAN IMMIGRANT RIGHTS ADVOCATES “TURN THE TIDE”?

In this article, I have discussed the bills that have been passed or proposed at the state level in Tennessee and the rhetoric used to justify those proposals. Likewise, I have illustrated that the Tennessee Immigrant and Refugee Rights Coalition (and other allies) have been endeavoring to prevent these proposals from becoming law. TIRRC is continuing to build up its membership, and it has had some successes in its lobbying efforts. However, although Tennessee passed an inclusionary law in 2001 allowing immigrants who did not have social security numbers to obtain a driver’s license, since that time at least 13 exclusionary bills have become law, and more proposals are in the pipeline. On the plus side, two inclusionary laws were passed, and the language of some exclusionary bills was successfully amended to make them less harmful.

Exclusionary proposals were made prior to 2006, but the number increased in 2006 and 2007, peaked at 66 in 2008, dropping to 35 in 2009. However, the decrease could reflect the fact that there is less need to make proposals, since several of them have passed. In addition, there continues to be a steady stream of exclusionary proposals. Although 2008 was the year that none passed, four passed the year before, and two or three were passed each year in 2009, 2010, and 2011.

<sup>35</sup> Thanks to a phone call from one of TIRRC’s activists, he invited TIRRC representatives to express their views on the show. Unfortunately, most of the six or seven listeners who called in and were given airtime disagreed with him. Nevertheless, his listeners were exposed to an hour and a half of alternative views.

<sup>36</sup> See bibliography for YouTube links to the songs.

An alarming finding was that even though it appears that a small group of ardent legislators have proposed many of the bills, half of the senators and a third of the representatives proposed at least one bill. That helps explain why so many of these bills have passed. But the real question is: why have they been supporting these bills?

From my standpoint as a supporter of immigrant rights, it is encouraging that only one of the 17 black legislators proposed an exclusionary bill. It is disappointing that the two Latinos, even if they are Republicans, have signed on to and even promoted the exclusionary agenda. It is disturbing to watch as a small group of ardent legislators pushes forward with their mean-spirited agenda. It is discouraging that more whites in the legislature are not questioning the assumptions of the exclusionary bills and not articulating counter-narratives. However, that entails examining their own privileges within the globalized economy. As both Jonathan Inda (2006) and Leo Chavez (2008) argue, although the Tennessee legislators who are actively supporting “controlling illegals” and passing “English-only” bills claim that they are “not racist,” and that they are “only against illegals,” there is an embedded class and racial dimension when it comes to who is included as a full member of the community and who is not, who “deserves” services and who does not, who pays taxes and who does not, who deserves access to legal avenues to migrate and who does not, who is portrayed as an animal and who is not, and who is portrayed in color and who is portrayed in black and white.

In Tennessee, Republicans have been proposing more bills, but so have Democrats. When Obama was elected president, Republicans in Tennessee gained majorities in both the House and Senate. It is significant that several of the proponents of “tough immigration reform” also see themselves as “conservative Republicans.” Despite their own ideology of “less government,” in practice they are quite willing to spend tax dollars on enforcement. Both senators at the federal level are Republicans and have insisted that more enforcement is the way to solve “the problem.” The newly elected Republican governor’s campaign language suggests that he is prepared to sign off on any future exclusionary policies the legislators may pass.

I would argue that another reason this legislation has passed is because the conservative discourse appeals to deeply held ideals, and perhaps at a less conscious level, some deeply rooted fears. Principal among those is the value placed on the “rule of law,” a fundamental ideal within U.S. democracy. At a less conscious level is the desire to retain “control.” Lina Newton (2008) also calls attention to the ways that U.S. politicians have constructed “target groups” that will be affected by proposed legislation. As we have seen, in the discourse of Tennessee’s politicians who have crafted the exclusionary proposals or laws aimed at “controlling illegal immigration” and enforcing “English-only,” there is a difference in the ways that various

groups are constructed: “illegals,” “refugees,” “immigrants,” “employers,” “tax-payers,” “the American worker,” and one implicit contrast, “college students” who use fake IDs but are “just having fun.” With his references to the language groups not benefiting from translating the driver exam, the senator from Murfreesboro was attempting to drive a wedge between “immigrants” and “refugees.” TIRRC has created a space for dialogue between these two groups, particularly since refugees can easily be constructed as “deserving” (unless they are Muslim) while “illegals” are constructed as “undeserving.” It has been uplifting to see Somalis, Sudanese, and Iraqi Kurds marching with Latinos to defend the rights of the undocumented. Furthermore, TIRRC is also committing to fostering dialogue with other groups within the U.S.

In her analysis of the legislative discourse leading up to the passage of IRCA and IIRIRA, Lina Newton (2008) points out that both reforms were initially proposed when unemployment was high in the U.S. Unemployment is now as high (close to 10 percent) as it was when IRCA was first proposed in 1982. She observes that while images of the “undeserving illegal” were prevalent during the congressional debates of the 1980s, some legislators in the Democratic-controlled Congress constructed a counter-narrative of “illegal immigrants” as human beings who were “contributing to their communities” in multiple ways. This construction enabled policy makers to regard them as “deserving” and to consider the policy solution of “granting amnesty.” She notes that a few legislators then even discussed global inequalities.

However, by the 1990s, conservative Republicans led by Newt Gingrich controlled Congress. Their “Contract with America” constructed both welfare mothers (implicitly seen as black, even though some were Latinos or Asians, and most were white) and illegal aliens as “undeserving,” as people who only used services, were not contributing to society, and were costing “the taxpayers” money. Indeed, they insisted that immigrants were only coming to the United States for these services. “Zero-sum” logic was applied to the economy, jobs, and services: someone’s use of a service was a taxpayer’s loss. Hence, the policy solution was to cut services for welfare mothers and for legal and illegal immigrants. Narratives about the federal government being inefficient, “illegals” being criminals, and “the border” being lawless were also stressed. The only counter-narrative Newton found were arguments that the cure might be worse than the disease. So, for example, even lawmakers like Bill Richardson, a Democrat from New Mexico, argued that cutting off services or restricting “illegal students” from education might lead (Latino) young people into (more) crime or gangs.<sup>37</sup> Newton highlights the fact that constructions of positive

<sup>37</sup> Ono and Sloop (2002) go further: they argue that this pro-immigrant narrative, like the anti-immigrant narratives, infantilizes immigrants, and assumes that only paternalistic help from the state can deter them from their natural tendency to become criminals.

contributions of “illegal immigrants” were virtually absent from the congressional debates of the 1990s. I have heard current immigrant rights advocates make similar arguments. Newton’s analysis warns us that narratives like this will not lead to desired policy outcomes.

Most of the narratives identified by Newton were being employed by Tennessee state officials. Furthermore, it appears that the discourse and policies reinforcing the images of “illegal” as “criminal” and the “border” as “lawless” have intensified since the 1990s. As Newton observes, the legislators also employed emotional personal anecdotes to reinforce their policy objectives. Two anecdotes used by the Tennessee legislators (described above) stressed the “unfairness” of being displaced by “illegals” and the idea that “illegals” are evading and undermining “the rule of law.”

In Tennessee the most crucial bills passed were those that eliminated access to driver’s licenses, authorized state troopers to become ICE agents, and mandated local jails to question immigrants about their status. The trend of Tennessee legislation has been toward increasing the number of “criminal” charges at the state level, which serves to reinforce the construction of “illegals” as “criminals” (even though crossing the border without inspection is a federal civil offense). As has been suggested by scholars who have analyzed Prop 187 (Ono and Sloop, 2002; Chavez, 2008; Newton, 2008), these state regulations are setting precedents that are likely to influence future reforms at the federal level.

In addition, if the reforms do provide a path to legalization, but stipulate, as they have in the past, that the person must be of “good moral character,” how will the reforms address these additional “crimes” that are being created by state and local governments? Many immigrants (and especially those who live in small towns or rural areas) have to drive a car to get to work or buy food or obtain health care or go to church. This means that if they are lucky enough to not be deported, they could have several misdemeanors on their records. In addition, policy makers will have to make decisions about the *quid pro quo* in employment practices and policy enforcement that has been operating since IRCA was passed. This informal system has placed all of the responsibility for fake documents on individual workers (or subcontractors), so that the employers can claim that they did not “knowingly” hire undocumented workers, even though many of those employers formally or informally recruited them. The bill that just passed in 2011 increases the penalties for workers who present fake documents, but retains the federal language of “knowingly” hired for the “employers,” i.e., people that the legislators know personally and view as positive contributors to society since they “create jobs.”

In my view, U.S. policy makers need to consider the option of not criminalizing the “workers” or the “employers” (although there are unscrupulous employers). As

pro-immigrant advocates assert, there has been a mismatch between the legal entries allowed and the types of jobs that the economy has been creating since the 1980s. The economy has created “unskilled” or “low-skilled” jobs. Notwithstanding the intentional deskilling of jobs, I would argue that use of the term “unskilled” by social scientists only helps reinforce the narrative that migrant workers and others with lower formal educations are “undeserving.” Will “the public,” and more specifically, policy makers in the U.S. (as well as in Mexico and other countries) acknowledge that the economy needs people who are willing to do manual labor, and that the people who do these jobs have skills and talents and are valuable contributing members of society? In addition, as one of the supporters of TIRRC put it, no matter who does the work, the individuals doing the work are going to have families and are going to use and need basic services, such as driving on the roads, medical care, and education.

Finally, we can observe that attempts were made to introduce immigration reform at the federal level between 2007 and 2011. However, the attempts to obtain a pathway to legalization for all undocumented immigrants or for undocumented children (who have been constructed as “deserving” since they did not make the decision to cross the border) have met with resistance. In fact, conservatives have constructed and continue to construct even the U.S.-born children as “undeserving.”

Meanwhile, enforcement not only has intensified in terms of numbers of people deported, but has shifted away from large workplace raids toward obliging employers to use E-Verify and increased internal enforcement through collaboration with state and local police, all aimed at deporting individual migrants, along with continued efforts to “secure the border.” The result has been enforcement practices that are less visible—whereas workplace raids usually received some media attention—more individualized, and less linked to employment, since arrests are now made while the individual is “driving while brown.” Indeed, proponents of intensified use of E-Verify are hoping that the “flexible labor force” that was needed during the 1990s will decide to self-deport on its own.

The political road ahead will not be easy, but organizations like Tennessee Immigrant and Refugee Rights Coalition are engaged in the struggle. They will need the support of everyday people. They will need to have a strong counter-narrative. And they will need the support of academics, who should continue and increase their efforts to publish their work and give talks or engage in dialogue in venues that are more accessible to non-academic audiences.

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