

# Work is Criminal for Mississippi Undocumented

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*Editor's Note: The Mississippi bill, SB 2988, requires employers to use an electronic system to verify immigration status, called E-Verify. It will become a felony for an undocumented worker to hold a job. David Bacon is the author of "The Children of NAFTA" (University of California Press, 2004). He sits on the Comprehensive Immigration Reform Committee of the Bay Area Immigrant Rights Coalition.*

JACKSON, MS -- On March 17, Mississippi Governor Hayley Barbour signed into law the farthest-reaching employer sanctions law of any on the books in the U.S.

Employer sanctions is a shorthand name for laws that prohibit employers from hiring immigrants who don't have legal immigration status in the U.S.

That provision was part of the Immigration Reform and Control Act, passed by Congress in 1986, which for the first time in U.S. history required employers to verify the immigration status of employees.

The Mississippi bill, SB 2988, requires employers to use an electronic system to verify immigration status, called E-Verify. That system has only recently been developed by the Department of Homeland Security, and by the department's own admission, is not a complete record. Its accuracy is unknown, but by comparison, the Social Security database of U.S. workers, compiled since the 1930s, contains millions of errors.

The Mississippi bill goes much further, however. Employers are absolved from any liability for hiring undocumented workers so long as they use the E-Verify system. But it will become a felony for an undocumented worker to hold a job. Anyone caught "shall be subject to imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, a fine of not less than one thousand dollars (\$1000) nor more than ten thousand dollars (\$10,000) or both." Anyone charged with the crime of working without papers will not be eligible for bail. The law is set to become effective for large employers on July 1.

In the Jackson Clarion-Ledger, University of Mississippi journalism professor Joe Atkins called the law "a new xenophobia... that threatens once again to lock down the state's borders and resurrect the 'closed society' that once made it the shame of the nation."

According to the Mississippi Immigrant Rights Alliance, the bill got the support of many Democratic state legislators because party leaders "wanted the house to bring out at least one bill dealing with immigration to relieve the political pressure being put on members (i.e. white Democrats), by right-wing forces in their districts. Many Black Caucus

members were persuaded to go along. Unfortunately the bill they brought out was the worst of the six the Mississippi Senate passed."

Passage of the bill was a setback to the political strategy that has shown the most promise of changing the old conservative power structure in the state, the "closed society" described by Professor Atkins. That strategy, building over the last several years, has relied on creating an electoral base of African Americans, immigrants and unions. The new employer sanctions law, according to supporters of that strategy, is intended to drive immigrants out of the state by making it impossible for them to find work.

In Mississippi African American political leaders, and immigrant and labor organizers have cooperated in organizing one of the country's most active immigrant rights coalitions - the Mississippi Immigrant Rights Alliance. They see hope for political transformation in the demographic changes sweeping the south. Beginning before World War 2, Mississippi, like most southern states, began to lose its Black population. Out-migration reached its peak in the 60s, when 66,614 African Americans left between 1965 and 1970, while civil rights activists were murdered, hosed and went to jail. But in the following decades, Midwest industrial jobs began to vanish overseas, the cost of living in northern cities skyrocketed, and the flow began to reverse.

From 1995 to 2000, the state capital, Jackson, gained 3600 Black residents. In the 2000 census, African Americans made up over 36% of Mississippi's 2.8 million residents - no doubt more today. And while immigrants were statistically insignificant two decades ago, today they're over 4.5% of the total, according to news reports.

"Immigrants are always undercounted, but I think they're now about 130,000, and they'll be 10% of the population ten years from now," predicts MIRA Director Bill Chandler.

"We have the chance here to avoid the rivalry that plagues Los Angeles, and build real power," says Chandler. Erik Fleming, a MIRA staff member and former state legislator who recently filed for the Democratic nomination for the Senate seat held by Thad Cochran, believes "we can stop Mississippi from making the same mistakes others have made."

The same calculus can apply across the South, which is now the entry point for a third of all new immigrants to the U.S.

Four decades ago, President Richard Nixon brought its white power structure, threatened by civil rights, into the Republican Party. President Ronald Reagan celebrated that achievement at the Confederate monument at Georgia's Stone Mountain. MIRA-type alliances could transform the region, and change the politics of the country as a whole. SB 2988 is not only intended to stir anti-immigrant sentiment, but to reverse that demographic change and the political transformation it might make possible.

MIRA is the fruit of strategic thinking among a diverse group that reaches from African American workers' centers on catfish farms and immigrant union organizers in chicken

plants to guest workers and contract laborers on the Gulf Coast, and ultimately, into the halls of the state legislature in Jackson.

Activists look back to changes that started when Mississippi passed a law permitting casino development in 1991, bringing the first immigrant construction workers from Florida. Employers in gaming then began to use contractors to supply their growing labor needs. Guest workers, eventually numbering in the thousands, were brought under the H2-B program to fill many of the jobs development created.

Through the 90s more immigrants arrived looking for work. Some guest workers overstayed their visas, while husbands brought wives, cousins and friends from home. Mexicans and Central Americans joined South and Southeast Asians, and began traveling north through the state, getting jobs in rural poultry plants. There they met African Americans, many of whom had fought hard campaigns to organize unions for chicken and catfish workers over the preceding decade.

It was not easy for newcomers to fit in. Their union representatives didn't speak their languages. When workers got pulled over by state troopers they found themselves, not only cited for lacking drivers' licenses, but also often handed over to the Border Patrol. Sometimes their children weren't even allowed to enroll in school.

In the fall of 2000, labor, church and civil rights activists formed an impromptu coalition, and went to the legislature. At their heart was the core of activists who'd organized Mississippi's state workers, and a growing caucus of Black legislators sympathetic to labor. Jim Evans, a former organizer for the National Football League Players Association, helped lead the group on the House side, while Senator Alice Harden, who'd led a state teachers' strike in 1986, organized the vote in the Senate. "We decided that the place to start was trying to get a bill passed allowing everyone to get drivers' licenses, regardless of who they were or where they came from," Evans remembers.

Harden's efforts bore fruit when the drivers' license bill passed the Senate unanimously in 2001. "But they saw us coming in the House, and killed it," Chandler says. Nevertheless, the close fight convinced them that a coalition supporting immigrant rights had a wide potential base of support, and could help change the state's political landscape. In a meeting that November, the Mississippi Immigrant Rights Alliance was born.

To build a grassroots base, MIRA volunteers went into chicken plants to help recruit newly-arrived immigrants into unions. In the casinos, MIRA volunteers worked with UNITE HERE organizers. In Jackson, the coalition got 6 bills passed the following year, stopping schools from requiring Social Security numbers from immigrant parents, and winning in-state tuition for any student who'd spent four years in a Mississippi high school.

Then Katrina hit the Gulf. MIRA fought evictions and the cases of workers cheated by employers, and eventually recovered over a million dollars. MIRA organizer Vicky Cintra and other activists participated in several celebrated cases defending guest

workers, especially in the Signal International shipyard in Pascagoula. "There's still a lot of anti-immigrant sentiment here," Cintra says, "but when people give the police their MIRA ID card they get treated with more respect, because they know their rights and have some support." Laborers Union organizer Frank Curiel says, "In Kentucky, outside of Louisville, Latinos are afraid to go out into the street. In Mississippi it's different."

Not always that different, however. In Laurel and many other Mississippi towns police still set up roadblocks to trap immigrants without licenses. "They take us away in handcuffs and we have to pay over \$1000 to get out of jail and get our cars back," according to chicken plant worker Elisa Reyes. And the way the state's Council of Conservative Citizens demonizes immigrants is reminiscent of the language of its predecessor - the White Citizens Councils: "The CofCC Not only fights for European rights, but also for Confederate Heritage, fights against illegal immigration, Fights against gun control, fights against abortion, fights against gay rights etc. SO JOIN UP!!!" its website urges.

In 2007 the Republican machine introduced twenty-one anti-immigrant bills into the state legislature, including ones to impose state penalties for hiring undocumented workers and English-only requirements on state license and benefit applicants, to prohibit undocumented students at state universities, and to require local police to check immigration status.

MIRA defeated all of them. "The Black Caucus stood behind us every time," Evans says proudly. There are no immigrant or Latino legislators. Without the Caucus all 21 bills would have passed in 2007, and 19 similar bills in 2006.

The 2008 legislative session was different, however. Chandler describes three factions in the party - the Black Caucus at one end, white conservatives hanging on at the other, and "liberals who will do whatever they have to do to get elected" in the middle.

After some Democratic candidates campaigned in 2007 on an anti-immigrant platform, MIRA wrote a letter in protest to Howard Dean, national chair of the Democratic Party. Those tactics, it said, were undermining the only strategy capable of changing the state's politics. "The attacks on Latinos, initiated by Republican Phil Bryant a year and a half ago, and joined by other Republicans, are now being echoed by Democrats like John Arthur Eaves and Jamie Franks," the letter said. State party leaders who "would go along to be accepted, rather than show the courage necessary for positive change... are peddling racist lies against immigrants that violate the core of the party's progressive agenda."

Anti-immigrant campaigning by Democrats was unsuccessful. Conservative Republican Hayley Barbour was returned to the governor's mansion and Phil Bryant was elected lieutenant governor. And in the legislative session that followed, some Democrats began to buckle under pressure from vocal rightwing groups, including the Klan.

During the 2007 elections the Ku Klux Klan held a rally of 500 people in front of the Lee

County court house in Tupelo, wearing white hoods and robes, and carrying signs saying, "Stop the Latino Invasion."

Their presence was so intimidating that Ricky Cummings, a generally progressive Democrat running for re-election to the State House of Representatives, voted for some of the anti-immigrant bills in the legislature. When MIRA leaders challenged him, he told them that Klan-generated calls had "worn out his cell phone."

The Klan's website says "it's time to declare war on these illegal Mexicans .. The racial war is among us, will you fight with us for the future of our race and for our children? Or will you sit on your ass and do nothing? Our blissful ignorance is over. It is time to fight. Time for Mexico and Mexicans to get the hell out!"

The web site has links to the site of the Mississippi Federation for Immigration Reform and Enforcement (the state affiliate of the Federation for American Immigration Reform), directed by Mike Lott, who sat in the state legislature before being defeated in a run for the Democratic nomination for Secretary of State.

After MIRA's Erik Fleming urged Governor Barbour to veto the employer sanctions bill, saying it would be "devastating to our economy and community here in Mississippi," he was then targeted on the MFIRE website.

For those threatened by changing demographics, and the political upsurge they might produce, SB 2988 law is a finger in the dike. The fight to implement it is not over, however, and MIRA has assembled a legal team to challenge its constitutionality in court.