

# In Alabama, strict immigration law sows discord

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BIRMINGHAM, Alabama (Reuters) - Alabama tomato farmer Darryl Copeland looked out over his seedlings and fretted about this year's harvest.

He was afraid his seasonal migrant workforce might not return for the summer picking season, opting to stay away rather than risk running afoul of Alabama's stringent immigration law. The crew he awaits is picking the Florida harvest.

"I had to cut back my planting not knowing if the labor is going to be available," said Copeland, 47, who planted just two-thirds of his 30 acres on the far side of Straight Mountain in northeastern Blount County.

"I don't know what we're going to do if they run every illegal out of here. It's going to be hard to stay in business."

Fellow Blount County tomato farmer Tim Battles planted just 12 of his 25 acres because of uncertainties engendered by the law.

"I've got \$160,000, \$170,000 in my crop," he said. "Let's say (immigration enforcement officers) come in July and haul everyone off. I lose it all. What they're doing down in Montgomery (the state capital) is governing us out of a job."

Modeled after Arizona's controversial 2010 immigration law, Alabama's statute and others also passed last year - in Georgia, Indiana, South Carolina and Utah - require state and local law enforcement officers to verify the immigration status of those they suspect of being in the country illegally.

Now, Alabama is finding out whether it can live without undocumented immigrants, estimated to number 120,000 in 2010, who flocked to this southern state only in recent decades. They've been working in border states for several generations.

More states are considering their own laws but first want to see how the U.S. Supreme Court rules on provisions of the Arizona law, a judgment expected before the end of June. Based on questions posed by justices during oral arguments heard on April 25, some analysts expect the Roberts court to uphold much of the Arizona law, potentially inviting other states to follow.

A federal appeals court has said it will await the Supreme Court's Arizona ruling before deciding whether to strike down any aspects of the Alabama law, also known as House Bill 56.

Alabama's law requires state officials to be more vigilant about suspected illegal immigrants, denying them public services. Approved last June by the Republican-held legislature and signed by Republican Governor Robert Bentley, the law took effect in September, though sections were put on hold by the federal courts.

"Without question, Alabama's H.B. 56 is the most comprehensive anti-illegal immigration state law ever drafted," said Kris Kobach, the Kansas secretary of state and intellectual author of both the Arizona and Alabama laws, who has consulted with 10 other states on immigration legislation. "It includes just about everything a state can do to discourage illegal immigration."

Kobach, an informal adviser to presumed Republican presidential candidate Mitt Romney, is a proponent of "self-deportation," creating conditions so unwelcome that undocumented immigrants leave voluntarily.

By that measure the Alabama law has succeeded, driving tens of thousands of illegal immigrants from the state, according to data gleaned from labor surveys and supported anecdotally by employers, politicians and immigrants themselves.

At the same time, employers have so far escaped sanctions. One section assigns escalating penalties for employers caught hiring undocumented workers, ranging from a three-year probation for the offending company to a permanent suspension of all business licenses in the state. Officials report virtually no instances where such sanctions have been enforced.

"This law is scapegoating the vulnerable population. Cracking down on those people is a lot easier than going after businesses," said Mary Bauer, legal director for the Southern Poverty Law Center. "I don't see how we can see it as anything other than a civil rights crisis."

#### WHAT AFFECTED WORKERS SAY

At Gordo's Market in a Birmingham strip mall, Mexican day laborers tell of compatriots who fled after the law was approved, either to another U.S. state or back to Mexico.

"Those with families left," said Abel Trevino, 30, from San Luis Potosi. "They were afraid they were going to get deported and split up."

Proponents of the law boast that with U.S. citizens and legal immigrants taking jobs vacated by illegal immigrants, Alabama's unemployment rate fell from 9.3 percent in June when the bill passed to 7.2 percent in April. That compares with national figures of 9.3 percent and 7.7 percent, respectively, with Alabama outperforming the national rate by a full percentage point or more in January, February and March.

Not everyone agrees the law has helped employment.

"The fall in the unemployment rate is merely because of the shrinking labor force and not because this law helped anything," said Samuel Addy, a University of Alabama economist. A cost-benefit analysis he published in January said the law could cost the state between \$2.3

billion and \$10.8 billion in annual gross domestic product, based on estimates that between 40,000 and 80,000 undocumented workers would flee.

"Most immigration researchers find a net (economic) benefit as a whole for the nation" when migrants are allowed to work, Addy said.

Each immigrant represents an additional consumer. Some experts, however, say illegal immigrants, just like low-earning U.S. citizens, are a net drain on public finances, largely from the cost of educating their children.

Immigration from Mexico has slowed since the U.S. economy fell into recession at the end of 2007. The estimated population of unauthorized Mexicans living in the United States dropped from 7 million in 2007 to 6.1 million in 2011, said Jeffrey Passel, a senior demographer at the Pew Hispanic Center.

From 2005 to 2010, he said, as many Mexicans returned home as came to the United States.

"Part of what people are responding to in states like Alabama, Georgia and Arizona is the rapid growth of the undocumented population from the late '90s to 2007, but by the time the response occurred the phenomenon seems to have been over," Passel said.

#### HELP WANTED

Albertville, Alabama, is home to 25,000 people and half a dozen chicken-processing plants that drew undocumented immigrants to low-wage jobs. The plants run three shifts a day: two to process the chickens and one to clean up after the slaughter.

Once the law passed, illegal workers left the Alabama poultry industry, and U.S. citizens filled those jobs.

As one consequence, Albertville's sales tax revenue increased 9.3 percent from October to April, an increase Mayor Lindsey Lyons attributed to citizens taking those jobs and spending their money locally rather than sending it over the border.

Poultry processors, including Tyson Foods Inc, for the most part declined to discuss the impact of the Alabama law. Only Georgia-based Wayne Farms LLC talked publicly.

"We had to replace about 130 employees (of a 900-employee workforce) at our Albertville plant," said Wayne Farms spokesman Frank Singleton. "We can't say for sure that was because of the Alabama law, but the inference certainly was there that we can assume the people left because of their concern about the law. It definitely had a chilling effect on the migrant community."

To attract the new employees, Wayne Farms offered "a little above the prevailing minimum wage" of \$7.25 an hour, Singleton said.

"When Wayne Farms had a job fair not long after the bill was signed, there were 250 people standing in line," Lyons said. "The poultry industry has hired a lot more whites and blacks that are glad to have the work."

## RESPONDING TO CRITICS

Some, citing Alabama's racist past, see in the Alabama law evidence of bigotry, an argument Governor Robert Bentley rejected.

"As Christians, we are taught to obey the law. There is nothing unkind or unjust about asking people to obey the law," Bentley said in an email to Reuters.

"What took place in the civil rights era was a series of unlawful actions against lawful residents. It was a shameful chapter in our state's history. The immigration issue of today is entirely different. The government is not persecuting people."

Bentley supported removing a section of the law that has been temporarily blocked by the courts: one requiring schools to determine whether students and their parents are legal residents.

Lawmakers led by the main sponsor of H.B. 56, state Senator Scott Beason, voted on May 18 to preserve that provision and added one requiring law enforcement to publish online the photographs and any criminal charges against undocumented immigrants brought to court.

Fifty-four percent of Alabama voters approved of the law compared with 35 percent opposed, according to a February poll by Anzalone Liszt Research.

"We're not talking about a hard-hearted policy," Beason told Reuters in his legislative office in Montgomery. "It's a trespassing issue. Federal law, properly enforced, would be sufficient. If we close the border and enforce the law, states wouldn't have to pass these kinds of laws. It's an issue nationally, and Alabama just had the courage to deal with it."

Farmers simply shake their heads.

Jerry Spencer is founder and chief executive of Grow Alabama, a farm advocacy group that also runs a for-profit business helping farmers market their crops. When farmers complained the law left them short of labor, he spent \$3,000 of his own money, he said, on a 30-day experiment to take unemployed workers from Birmingham to tomato farms an hour away.

"It was pretty disastrous. The people that we took were not prepared for the level of arduous work involved. And the farmers were not prepared to teach them what to do," Spencer said.

In a state where one in five jobs is supported by agriculture, other farming advocates seek greater access to seasonal workers on temporary visas, saying the current system is too costly for all but the largest farms, requiring the employer to provide transportation and housing.

"Over the last two generations (of Americans), we just don't have anybody that can do that work, that backbreaking work," said Brett Hall, Alabama's deputy agriculture commissioner.

#### NOT JUST FARM LABOR

Building contractors, among others who have long depended on undocumented workers, complain the law has also had the effect of driving out legal employees. Families and work crews tend to stick together, so if one or two lack papers, the entire group leaves together.

"My counterparts around the country are saying, 'thanks for sending workers our way,'" said Henry Hagood, chief executive of AGC Alabama, an association of contractors.

"The Republicans took over the Senate and the House, our so-called friends," Hagood said. "From a business point of view, it's a terrible piece of legislation. It's just mean-spirited."

Across Alabama's border to the west, Mississippi considered its own immigration law. The bill passed the state House this spring but died in a Senate committee.

"We saw what was happening in Alabama," said Mississippi state Representative Preston Sullivan, chairman of the state Agriculture Committee, "and we didn't want that happening here."

<http://www.reuters.com/article/2012/05/30/us-usa-immigration-alabama-idUSBRE84T16P20120530>