

LATINA/OS, LOCALITY, AND LAW IN THE RURAL SOUTH

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Legal issues associated with immigration are playing out at multiple scales, from the local to the national. In this era of municipal anti-immigrant ordinances and federal-local cooperation to enforce immigration laws, legal actors at the municipal, county, and state levels have become frontline policymakers and law enforcers in relation to immigrant populations. This essay highlights the recent surge in Latina/o immigration into the rural South and considers how that socio-spatial milieu may influence legal matters at the local level.

Among other issues, the essay discusses the enhanced opportunity for racial profiling in communities where law enforcement officers are more socially integrated with the populations they patrol. It also considers how the static nature of rural communities may fuel bias, whether the communities have historically been ethnically and racially homogeneous or socially and racially defined by a Black-White divide. In assessing these legal issues, the essay considers how rural places in the South construct the Latina/o experience differently from “gateway” cities and states in the West and Southwest United States. In turn, it looks at how the Latina/o migration is remaking these rural places, these “quintessentially ‘American’ spaces.”

While the impact of this demographic shift is ongoing, studies suggest that Latina/os are revitalizing the South economically, as they also reshape the rural socio-cultural milieu. Nevertheless, many of the deep-rooted economic and social problems associated with the region persist, as does distrust between long-time residents and Latina/o newcomers. Just as rural sociologists, demographers, and economists are studying the phenomenon of immigration into the rural South, so it also merits the attention of legal scholars.

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Rural places and small towns are often associated with stability and tradition.¹ Both scholarly analysis and popular thought about rural² America have also typically rested on an assumption of ethnic homogeneity, which has accurately reflected the populations of many rural communities.³ The rural South, long associated with racial segregation between Blacks and

¹ See Fern K. Willits et al., *Persistence of Rural/Urban Differences*, in RURAL SOCIETY IN THE U.S.: ISSUES FOR THE 1980s 70, 73-74 (Don A. Dillman & Daryl J. Hobbs eds. 1982). Willits and her coauthors contrast the tendency of rural areas to retain tradition with urban areas, where the “critical mass” of organizationally and occupationally diverse people produce innovation and change. They write: “Socioculturally, rural areas are characterized by a predominance of personal, face-to-face relationships among similar people and a comparative slowness in altering traditional cultural heritage.” *Id.* at 79; see also Richard Dewey, *The Rural-Urban Continuum: Real but Relatively Unimportant*, 66 AM. J. SOC. 60, 63 (1960) (listing static-dynamic as one way of expressing the rural-urban divide); Lisa R. Pruitt, *Rural Rhetoric*, 39 CONN. L. REV. 159, 169-72 (2006); Cynthia B. Struthers & Janet L. Bokemeier, *Myths and Realities of Raising Children and Creating Family Life in a Rural County*, 21 J. FAM. ISSUES 17 (2000).

² Governments, courts, and social scientists do not share a single definition of “rural.” I use the term here to refer to an inchoate concept of rurality, the general idea of sparsely populated areas, including small towns, and associated cultural aspects. Nevertheless, some studies cited in this paper rely on the U.S. Census Bureau’s rural/urban dichotomy, while others follow the Office of Management and Budget’s metropolitan/non-metropolitan terminology. The U.S. Census Bureau designates as “rural” open territory and towns with populations of 2500 or less. Everything else is urban. The designation is at the municipal level, the lowest or most local government entity. See John Cromartie & Shawn Bucholtz, Econ. Research Serv., U.S. Dep’t of Agric., *Defining the “Rural” in Rural America*, AMBER WAVES, June 2008, at 28, available at <http://www.ers.usda.gov/AmberWaves/June08/PDF/RuralAmerica.pdf> (describing the variety of ways in which the federal government defines “rural”); Econ. Research Serv., U.S. Dep’t of Agric., *Measuring Rurality: What is Rural?* (Mar. 22, 2007), <http://www.ers.usda.gov/Briefing/Rurality/WhatIsRural> (explaining new definitions of urban/rural and metro/nonmetro).

The Office of Management and Budget classification scheme similarly establishes a broad dichotomy between “metropolitan” and “non-metropolitan” (“non-metro”) counties, with a population cut-off of 50,000 for the population cluster and 100,000 for the entire county. See Standards for Defining Metropolitan and Micropolitan Statistical Areas, 65 Fed. Reg. 82,228, 82,235-38 (Dec. 27, 2000), available at <http://georgewbush-whitehouse.archives.gov/omb/fedreg/metroareas122700.pdf>; see also *infra* note 43 and accompanying text (discussing further the “micropolitan” designation).

My general use of the term “rural” in this paper does not distinguish between these two analytical models. Where quoting and discussing studies that follow the metro/non-metro nomenclature, I use that terminology.

³ See generally LAWRENCE C. HAMILTON, ET AL., CARSEY INST., PLACE MATTERS: CHALLENGES AND OPPORTUNITIES IN FOUR RURAL AMERICAS 3, 18 (2008), available at http://www.carseyinstitute.unh.edu/publications/Report_PlaceMatters.pdf; Willits et al., *supra* note 1. For historical perspective on this association, see Dewey, *supra* note 1, at 61 tbl.1 (documenting the widespread association of urban places with heterogeneity).

Whites,⁴ is an exception to this latter assumption,⁵ but even there, some communities have remained almost entirely White.⁶

Recently, however, pockets of the rural South⁷ have experienced a considerable demographic shift.⁸ Census data indicate that the region has attracted significant numbers of Latina/os in the past decade or so,⁹ who are

⁴ I use the term "White" to refer to non-Hispanic Whites.

⁵ See generally CYNTHIA M. DUNCAN, *WORLDS APART: WHY POVERTY PERSISTS IN RURAL AMERICA* (2000) (discussing the entrenched nature of rural poverty in the Mississippi Delta in relation to the Black-White racial divide and comparing that region to Appalachian Kentucky and rural New Hampshire, which are marked by racial homogeneity); RONALD C. WIMBERLEY & LIBBY V. MORRIS, S. RURAL DEV. CTR., *THE REFERENCE BOOK ON REGIONAL WELL-BEING: U.S. REGIONS, THE BLACK BELT, APPALACHIA* (1996) (focusing on 1990 census data revealing that more than half of the Southern population lives in the "Black Belt," an area of the South comprised of 623 counties where the proportion of Blacks in the population is extremely high, as are poverty rates); Bonnie Thornton Dill & Bruce B. Williams, *Race, Gender, and Poverty in the Rural South: African American Single Mothers*, in *RURAL POVERTY IN AMERICA* 97 (Cynthia M. Duncan ed. 1992).

⁶ An example of this is a cluster of several counties in rural Northwest Arkansas. The total population of these counties is currently 128,903, of which 96% is non-Hispanic White and .001% is Black. U.S. CENSUS BUREAU, *AMERICAN FACTFINDER, CENSUS 2000* (2000), <http://factfinder.census.gov> (search "Baxter County, Arkansas," "Boone County, Arkansas," "Carroll County, Arkansas," "Newton County, Arkansas," "Madison County, Arkansas," and "Searcy County, Arkansas") [hereinafter *AMERICAN FACTFINDER 2000*]; see also Inst. for Econ. Advancement, Univ. of Ark. at Little Rock, *Census State Data Center* (Jan. 22, 1998), http://www.aiea.ualr.edu/census/other/RcYr3_1980.html; Nat'l Atlas of the United States, *Map Maker*, <http://www.nationalatlas.gov> (follow the "Map Maker" hyperlink; then select "Arkansas" from the "Zoom to State(s)" menu; then, under the "Basic Maps" menu, select the "Counties" and "County Names" check boxes; then, under the "People" menu, select "Population" and select "Black or African American" from the "Race and Ethnic Population 1980" drop-down menu; then click "Redraw Map") (last visited Mar. 14, 2009) (revealing through population maps based on 1980 census data that Blacks made up less than 2% of the population of each of these counties; further, no Blacks lived in Madison or Searcy counties in 1980). Among these historically homogeneous counties, Carroll County has experienced significant Latina/o growth in recent years. See *infra* notes 19, 135, 175, and accompanying text.

⁷ "The South" refers to Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia in this paper. North Carolina, Tennessee, and Arkansas receive greater attention because the Latina/o populations in these states have been most documented and analyzed to date.

⁸ See Katharine M. Donato et al., *Recent Immigrant Settlement in the Nonmetropolitan United States: Evidence from Internal Census Data*, 72 *RURAL SOC.* 537 (2007); see also KEVIN R. JOHNSON, *OPENING THE FLOODGATES: WHY AMERICA NEEDS TO RETHINK ITS BORDERS AND IMMIGRATION LAWS* 174 (2007) (noting how immigration has recently begun flowing away from states with high foreign-born populations to more rural states).

⁹ Donato et al., *supra* note 8, at 538.

primarily coming to work in the low-wage jobs¹⁰ long associated with the region.¹¹

In fact, Latina/os¹² are the most rapidly growing segment of the U.S. non-metropolitan population.¹³ The number of Latina/os in the non-metro United States increased by 67.3% in the 1990s, more than double the rate of the prior decade.¹⁴ In 2006, almost 3.2 million Latina/os lived in rural

¹⁰ The Latina/o population is often associated with the poultry, meat, and seafood processing industries. See, e.g., WILLIAM KANDEL & JOHN CROMARTIE, U.S. DEP'T OF AGRIC., RURAL DEVELOPMENT RESEARCH REPORT NO. 99, NEW PATTERNS OF HISPANIC SETTLEMENT IN RURAL AMERICA 14 (2004), available at <http://www.ers.usda.gov/publications/rdr99/rdr99.pdf>; Greig Guthey, *Mexican Places in Southern Spaces: Globalization, Work, and Daily Life in and Around the North Georgia Poultry Industry*, in LATINO WORKERS IN THE CONTEMPORARY SOUTH 57 (Arthur D. Murphy et al. eds., 2001); William Kandel & Emilio A. Parrado, *Hispanics in the American South and the Transformation of the Poultry Industry*, in HISPANIC SPACES, LATINO PLACES: COMMUNITY AND CULTURAL DIVERSITY IN CONTEMPORARY AMERICA 255 (Daniel D. Arreola ed., 2004) [hereinafter Kandel & Parrado, *Hispanics in the American South*]. Large numbers also work in landscaping, the forest products industry, and manufacturing. See Marla R. Emery et al., *Migrants, Markets, and the Transformation of Natural Resources Management: Galax Harvesting in Western North Carolina*, in LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE 69 (Heather A. Smith & Owen J. Furuseth eds., 2006) (noting use of Latina/o labor in logging, millwork, tree-planting, and herbicide application).

¹¹ See Harry L. Watson, *Southern History, Southern Future*, in THE AMERICAN SOUTH IN A GLOBAL WORLD 277, 281 (James L. Peacock et al. eds., 2005) (noting the challenges that industrialization posed to Southerners because they had less formal education and fewer non-farm skills; they thus attracted employers who offered unskilled, low-paying jobs; dependent on cheap labor for survival, the employers "tended to support the South's tradition of low taxes, weak public services, poor schools and low wages"); Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 261-62 (explaining that in the 1960s the South was promoted as a competitive location for employers seeking a low-wage, nonunionized workforce); Leif Jensen, Diane K. McLaughlin & Tim Slack, *Rural Poverty: The Persisting Challenge*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY 118, 127 (David L. Brown & Louis E. Swanson eds., 2003) (suggesting that rural places have been underdeveloped intentionally to keep costs, including labor costs, low).

¹² I use the term Latina/o as a default ethnic descriptor, while acknowledging the issues this raises. The U.S. Census Bureau uses the term "Hispanic" as a designation for the same population group. Other studies, such as that on Dalton, Georgia, discussed *infra* at note 21, use more specific terms, like "Mexican." See also Alejandra Okie Holt & Evelyn Mattern, *Making Home: Culture, Ethnicity, and Religion Among Farmworkers in the Southeastern United States*, in THE HUMAN COST OF FOOD: FARMWORKERS' LIVES, LABOR, AND ADVOCACY 22, 26-27 (Charles D. Thompson, Jr. & Melinda F. Wiggins eds., 2002) (discussing generally the different ethnic descriptors and distinguishing Latina/o, Hispanic, and Chicano and discussing use of these terms in various government reports).

¹³ See ROGELIO SAENZ, CARSEY INST., FACT SHEET NO. 10, A PROFILE OF LATINOS IN RURAL AMERICA (2008), available at http://carseyinstitute.unh.edu/publications/FS_RuralLatinos_08.pdf. For a definition of non-metro, see *supra* note 2.

¹⁴ KANDEL & CROMARTIE, *supra* note 10, at 9. Between 1980 and 2000, the Latina/o population in rural and small-town America nearly doubled, from 1.4 million to 2.7 million, which is only about 10% of the entire Latina/o population in the United States. WILLIAM KANDEL, ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., ECONOMIC INFORMATION BULLETIN NO. 8, RURAL HISPANICS AT A GLANCE 1 (2005), available at <http://www.ers.usda.gov/publications/EIB8/eib8.pdf> [hereinafter KANDEL, RURAL HISPANICS]. At 4.2 million, the non-metropolitan Black population still exceeded the non-metropolitan Hispanic population (3.1 million) in 2005. Econ. Research Serv., U.S. Dep't of Agric., Rural Population and Migration: Trend 5—Diversity Increases in Nonmetro America (Feb. 1, 2007), <http://www.ers.usda.gov/Briefing/Population/Diversity.htm>.

America, making up 6.3% of the country's non-metro residents.¹⁵ In short, Latina/os now constitute significant populations in rural regions outside the West and Southwest, the so-called "gateway states" with which they are commonly associated.¹⁶ They are also moving beyond the Midwest, where significant numbers of Latina/os began settling in the 1980s.¹⁷ Between 1990 and 2000, nine of the ten states with the fastest non-metropolitan Latina/o growth rates were in the South,¹⁸ as were six of the ten states with the fastest growing Latina/o populations.¹⁹ Almost 1 million new Latina/os settled in the South between 2000 and 2004,²⁰ not including unauthorized immigrants, who are typically omitted from the Census.²¹

¹⁵ See SAENZ, *supra* note 13, at 1.

¹⁶ The rate of increase in the Latina/o population in the 1980s was 26.7%. Owen J. Furuseth & Heather A. Smith, *From Winn-Dixie to Tiendas: The Remaking of the New South*, in *LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE*, *supra* note 10, at 1, 11 (citing KANDEL & CROMARTIE, *supra* note 10).

¹⁷ The Latina/o migration to Iowa and other Midwest states, primarily to work in meat processing, is well documented by a range of scholars. See, e.g., APPLE PIE AND ENCHILADAS: LATINO NEWCOMERS IN THE RURAL MIDWEST (Ann V. Millard et al. eds., 2004); DEBORAH FINK, CUTTING INTO THE MEATPACKING LINE: WORKERS AND CHANGE IN THE RURAL MIDWEST (1998); Nancy Naples, *Contradictions in Agrarian Ideology: Restructuring Gender, Race-Ethnicity, and Class*, 59 *RURAL SOC.* 110 (1994); see also Monica Davey, *Immigration, and its Politics*, *Shake Rural Iowa*, N.Y. TIMES, Dec. 13, 2007, at A1, available at <http://www.nytimes.com/2007/12/13/us/politics/13voices.html>; *Latinos Surge in Midwest*, *RURAL MIGRATION NEWS*, July 1996, available at http://migration.ucdavis.edu/rmn/more.php?id=126_0_2_0; Lisa R. Pruitt, *Legal Ruralism Blog*, Archive of Posts with Immigration Label, <http://legalruralism.blogspot.com/search/label/immigration> (last visited Apr. 16, 2009).

¹⁸ For the first time in 2000, half of all non-metro Latina/os lived outside the Southwest. In 1980, 65% of the non-metro Latina/o population lived in the Southwest. KANDEL, *RURAL HISPANICS*, *supra* note 14. In 2000, 90% of Latina/os in the United States lived in cities, making them the most urbanized immigrant population in the United States. See Daniel T. Lichter & Kenneth M. Johnson, *Emerging Rural Settlement Patterns and the Geographic Redistribution of America's New Immigrants*, 71 *RURAL SOC.* 109, 110 (2006).

¹⁹ RANDY CAPPS ET AL., WINTHROP ROCKEFELLER FOUND., A PROFILE OF IMMIGRANTS IN ARKANSAS VOLUME 1: IMMIGRANT WORKERS, FAMILIES, AND THEIR CHILDREN 2 (2007), available at http://www.urban.org/uploadedpdf/411441_Arkansas_Vol1.pdf [hereinafter PROFILE VOLUME 1]. Between 1990 and 2000, Arkansas had the fourth-fastest-growing immigrant population in the country, nearly tripling from 25,000 to 74,000. *Id.* In 2000, immigrants in seven Arkansas counties exceeded 6% of the total population (twice the statewide average): Benton, Carroll, Hempstead, Sebastian, Sevier, Washington, and Yell. *Id.* In fact, limited migration into the South also began in the 1980s. See Jim Williamson, *A Detailed Look at Latino Lives in Sevier County*, *TEXARKANA GAZETTE*, Dec. 23, 2007 (referring to Latina/o presence in county for thirty years); Jim Williamson, *Language Course Prepares Hispanics to Work for the American Dream*, *TEXARKANA GAZETTE*, Dec. 23, 2007 (referring to efforts to teach English to Latina/os in Sevier County, which began twenty-five years earlier).

²⁰ Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 256 tbl.13.1 (citing U.S. Census Bureau statistics). The counties with the highest Latina/o population growth rates were concentrated in southeastern North Carolina, northern Alabama and Georgia, and western Arkansas. Furuseth & Smith, *supra* note 16, at 12 (citing KANDEL & CROMARTIE, *supra* note 10). Arkansas had the fastest growing Latina/o population in the country between 2000 and 2004. PROFILE VOLUME 1, *supra* note 19, at ix.

²¹ For instance, the Census pegged the Hispanic population of Dalton, Georgia, at 4581, while the former INS estimated it at almost 40,000. James D. Engstrom, *Industry and Immigration in Dalton, Georgia*, in *LATINO WORKERS IN THE CONTEMPORARY SOUTH*, *supra* note 10, at 44, 49. Another survey estimates that 51% of Arkansas's immigrant population is undocumented. PROFILE VOLUME 1, *supra* note 19, at 12.

These newcomers bring legal issues, many related to immigration laws and their enforcement. They also bring opportunities for discrimination in various sectors, including housing, employment, and the provision of services. This essay seeks to raise awareness of Latina/o migration to the rural South and begins to think about the influence of place—in particular, rural Southern places—on the Latina/o experience. The corollary is to consider how the ethnic and cultural differences represented by the burgeoning Latina/o population are remaking what some are calling the South's Latina/o boomtowns.²²

Part I of this essay sketches briefly the economic and demographic history of the rural South. Part II offers a more detailed look at the recent Latina/o immigration to this region, and Part III discusses what we know of the economic and social consequences of that immigration. Part IV considers the difference that the Southern rural socio-cultural milieu may make at the junctures where immigrant lives encounter law. Part V suggests an agenda for research that implicates not only the sociologists, demographers, and economists who are already studying this migration phenomenon, but also legal scholars and activists who serve these communities.²³

I. A SHORT HISTORY OF THE ECONOMY AND DEMOGRAPHY OF THE RURAL SOUTH

While about 20% of the U.S. population lives in rural areas,²⁴ the South is disproportionately rural, with 40% of the nation's rural residents living in that region.²⁵ Rural areas in the South have long been among the most impoverished in the nation,²⁶ in part due to the lack of industrial infrastruc-

²² See Daniel T. Lichter et al., *National Estimates of Racial Segregation in Rural and Small-Town America*, 44 *DEMOGRAPHY* 563, 566 (2007); Martha Crowley & Daniel T. Lichter, *Social Disorganization in New Latino Destinations?*, 74 *RURAL SOC.* (forthcoming 2009) (manuscript *passim*, on file with author).

²³ Sylvia Lazos Vargas has written about legal issues related to Latina/o immigration into the Midwest. See Sylvia R. Lazos Vargas, *Latina/o-ization of the Midwest: Cambio de Colores (Change of Colors) as Agromaquilas Expand into the Heartland*, 13 *LA RAZA L.J.* 343 (2002).

²⁴ U.S. Census Bureau, GCT-P1. Urban/Rural and Metropolitan/Nonmetropolitan Population: 2000, <http://factfinder.census.gov/home/saff/main.html> (follow the "Decennial Census—get data" hyperlink, then follow the "Geographic Comparison Tables" hyperlink, then follow the "United States—Urban/Rural and Inside/Outside Metropolitan Area" hyperlink) (last visited Apr. 16, 2009).

²⁵ ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., RURAL DEVELOPMENT RESEARCH REPORT No. 100, RURAL POVERTY AT A GLANCE 4 (2004), available at http://www.ers.usda.gov/publications/rdr100/rdr100_lowres.pdf [hereinafter RURAL POVERTY AT A GLANCE].

²⁶ The non-metro South has the greatest prevalence of both poverty and persistent poverty with more than one in six persons living in poverty and more than one in four counties marked by so-called persistent poverty. *Id.* Of the 500 poorest U.S. counties, 459 are rural. HOUS. ASSISTANCE COUNCIL, TAKING STOCK: RURAL PEOPLE, POVERTY, AND HOUSING AT THE TURN OF THE 21ST CENTURY 18-19 (2002), available at <http://ruralhome.org/pubs/hsganalysis/ts2000/index.htm> [hereinafter TAKING STOCK]. Children and people of color represent disproportionate shares of the rural poor. *Id.* at 21-22. Among the non-metro population in 2002, 33% of Blacks, 27% of non-metro Hispanics, and 35% of Native Americans were poor. RU-

ture.²⁷ Farming, once the source of Southern wealth,²⁸ declined in value after the Civil War,²⁹ and the region has straggled economically ever since. Some of the highest and most enduring poverty rates in the nation are in the non-metropolitan South.³⁰ Indeed, among all poor rural persons in the United States, more than one in two reside in the South.³¹

As in other rural places, lack of economic diversification, deficits in human capital,³² and low-wage jobs have been perennial problems in the rural South.³³ Rural residents still face many challenges to their economic

RURAL POVERTY AT A GLANCE, *supra* note 25, at 2; *see also* ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., RURAL INCOME, POVERTY, AND WELFARE: RURAL POVERTY (2004), <http://www.ers.usda.gov/Briefing/IncomePovertyWelfare/HighPoverty> (studying the differences among areas of persistent poverty in the rural South).

²⁷ *See* DAVID D. DANBOM, BORN IN THE COUNTRY: A HISTORY OF RURAL AMERICA 129 (1995). In 1900, the rural South had a population double that of other rural parts of the country. Combined with a lack of year-round industrial work, this led to high poverty. *Id.* The South's proportion of the nation's manufacturing establishments and the value of its manufactures were no higher in 1900 than they had been in 1860. There was some industrial development, but "most desirable, high-wage industries shunned a region where potential workers lacked education and skills and potential consumers were poor." *Id.* at 130; *see also* Gavin Wright, *Cheap Labor and Southern Textiles Before 1880*, 39 J. ECON. HIST. 655 (1979) (discussing reasons for the comparatively slow development of the textile industry in the South as compared to the North).

²⁸ DANBOM, *supra* note 27, at 50-54, 100-08 (discussing the use of slavery by producers of rice and indigo, both very lucrative crops, in South Carolina in the 1700s).

²⁹ *See* DAVID WRIGHT, THE POLITICAL ECONOMY OF THE COTTON SOUTH: HOUSEHOLDS, MARKETS, AND WEALTH IN THE NINETEENTH CENTURY 89 (1978) (noting that before the Civil War, the South was wealthy, prosperous, expanding geographically, and gaining economically at rates comparable to those of other parts of the country).

³⁰ *See* RURAL POVERTY AT A GLANCE, *supra* note 25, at 4.

³¹ *See* 11 RURAL CONDITIONS & TRENDS app. at 102 tbl.9 (2000) (Poverty Rates by Residence, Region, and Selected Characteristics, 1998) (reporting that 53.5% of non-metro residents who live below the poverty line reside in the South).

³² *See, e.g.*, U.S. Census Bureau, R1501. Percent of People 25 Years and Over Who Have Completed High School (Includes Equivalency): 2006, http://factfinder.census.gov/servlet/GRTTable?_bm=&-geo_id=01000US&-box_head_nbr=R1501&-ds_name=ACS_2006_EST_G00_-redoLog=false&-mt_name=ACS_2006_EST_G00_R1502_US30&-format=US-30 (last visited Mar. 13, 2009) (ranking of state populations by percent of high school graduates and showing Southern states near the bottom); *see also* David Barkley et al., *Does Human Capital Affect Rural Economic Growth?: Evidence from the South*, in THE ROLE OF EDUCATION: PROMOTING THE ECONOMICS & SOCIAL VITALITY OF RURAL AMERICA 10 (2005), available at <http://srdc.msstate.edu/publications/ruraleducation.pdf> (discussing the economic effect of educational problems in the rural South).

³³ *See, e.g.*, LORIN D. KUSMIN, ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., ECONOMIC INFORMATION BULLETIN No. 31, RURAL AMERICA AT A GLANCE: 2007 EDITION (2007), available at <http://www.ers.usda.gov/publications/EIB31/eib31.pdf> (discussing recent improvements in rural economies but noting the continued high rates of poverty and some of the causes of the phenomenon); *see also* RURAL POVERTY AT A GLANCE, *supra* note 25 (describing the link between ethnicity and poverty and providing maps showing the highest concentration of areas of persistent poverty in the Southeast); BRUCE J. SCHULMAN, FROM COTTON BELT TO SUNBELT: FEDERAL POLICY, ECONOMIC DEVELOPMENT, AND THE TRANSFORMATION OF THE SOUTH, 1938-1980, at 3-38 (1991) (detailing the problems facing the rural Southern economy at the time of the Great Depression and their historical sources); Leif Jensen et al., *Changing Fortunes: Poverty in Rural America*, in POPULATION CHANGE AND RURAL SOCIETY 131 (William A. Kandel & David A. Brown eds., 2006) (describing the current state of poverty in the rural United States and explaining some of the underlying causes and recent academic studies on issues of rural poverty and development); Peggy J. Ross, *Human Resources in the South:*

self-sufficiency and overall well-being. Among these are inadequate and substandard housing, a dearth of public transportation, and a shortage of child care centers.³⁴

This lack of infrastructure and economic opportunity in the South has prompted several out-migrations from the region. The earliest out-migrations followed the Civil War and World War I, responding not only to economic conditions, but also to segregation.³⁵ Recession during the 1980s hit the rural South especially hard,³⁶ prompting a further exodus.³⁷

Population loss similarly dogged other rural regions across the nation in the latter half of the twentieth century.³⁸ Since the early 1990s, however, rural population loss in some regions has ceased, or even reversed,³⁹ almost solely as a result of a massive influx of Latina/os.⁴⁰ Indeed, the migration of Latina/os maintained the population size of more than 100 non-metro counties between the 1990 and 2000 censuses.⁴¹

Rural Sociology in the 1990s, 7 S. RURAL SOC. 24 (1990) (providing a brief analysis of the economic problems facing the rural South).

³⁴ See generally Lisa R. Pruitt, *Missing the Mark: Welfare Reform and Rural Poverty*, 10 J. GENDER, RACE & JUST. 439 (2007) (offering an extensive discussion of challenges to rural residents' economic self-sufficiency and collecting sources).

³⁵ DANBOM, *supra* note 27, at 130; see also Holt & Mattern, *supra* note 12, at 36 (discussing the effects of this migration on the rural South); Charles D. Thompson, Jr., *Layers of Loss: Migrants, Small Farmers, and Agribusiness*, in THE HUMAN COST OF FOOD: FARMWORKERS' LIVES, LABOR, AND ADVOCACY, *supra* note 12, at 55, 64-65 (discussing the effects of racism on African American farmers after the Civil War and describing how out-migration affected their numbers, essentially destroying minority ownership of farms in the Southeast).

³⁶ More than 10,000 farms went out of business in North Carolina in the 1980s alone. Thompson, *supra* note 35, at 68-69. More families left farming in the 1980s than during the Great Depression. *Id.* at 69.

³⁷ See, e.g., Jessica Rocha & Michael Easterbrook, *Part 3: Rural Areas Adapt To Immigrants*, NEWS & OBSERVER (Raleigh), Feb. 28, 2006, at A1, available at <http://www.newsobserver.com/1155/story/412513.html> (suggesting that Warsaw, North Carolina, lost population in the 1980s for the first time since its 1855 incorporation).

³⁸ See Kenneth M. Johnson, *Unpredictable Directions of Rural Population Growth and Migration*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at 19, 19-20; Donato et al., *supra* note 8, at 539 (noting the chronic problem of rural population loss in the twentieth century); see also HAMILTON ET AL., *supra* note 3, at 26-27 (discussing the problem of population loss in regions with few amenities to attract newcomers).

³⁹ Johnson, *supra* note 38, at 19-20; see also Rocha & Easterbrook, *supra* note 37 (reporting on the population trend reversal in Duplin County, North Carolina).

⁴⁰ See Donato et al., *supra* note 8, at 538-39 (discussing the offset of declines in native population by those foreign-born); Calvin L. Beale, Econ. Research Serv., U.S. Dep't of Agric., *Anatomy of Nonmetro High-Poverty Areas: Common in Plight, Distinctive in Nature*, AMBER WAVES, Feb. 2004, at 20, available at http://www.ers.usda.gov/amberwaves/February04/pdf/features_anatomyofhigh-povertyareas.pdf (discussing Latina/o migrants as population offsets in rural areas, specifically noting that while migration out of the rural South has not stopped, population loss has been slowed or reversed by an influx of new residents, largely low-wage Latina/o workers).

⁴¹ KANDEL, RURAL HISPANICS, *supra* note 14, at 2 ("While almost all nonmetro counties experienced Hispanic population growth, roughly a third of this growth occurred in just 150 counties dominated by low-skill industries."); see also Rogelio Saenz & Cruz C. Torres, *Latinos in Rural America*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at 57; William Kandel & Emilio A. Parrado, *Restructuring of the US Meat Processing Industry and New Hispanic Migrant Destinations*, 31 POPULATION & DEV. REV.

In the South in particular, rural Latina/o populations swelled by more than 200% between 1990 and 2000, increasing as much as 400% in some states.⁴² These increases were often highly concentrated in “micropolitan” areas, regional centers with populations between 10,000 and 50,000 that are located in non-metro counties.⁴³ This localization and the visibility it fosters magnify the migration’s impact in particular places.⁴⁴ The Latina/o population in one North Carolina county, for example, increased tenfold between 1990 and 2000.⁴⁵ Such dramatic increases suggest the extraordinary cultural and social change underway in these communities.⁴⁶ This is particularly so

447, 448 (2005) (“By the end of the 1990s, Hispanic population growth rates in nonmetropolitan counties had exceeded those of metro counties, accounting for over 25 percent of all nonmetropolitan population growth”); William Kandel, Econ. Research Serv., U.S. Dep’t of Agric., *Meat-Processing Firms Attract Hispanic Workers to Rural America*, AMBER WAVES, June 2006, at 10, 14-15, available at <http://www.ers.usda.gov/AmberWaves/June06/pdf/MeatProcessingFeatureJune06.pdf> (discussing the effects of Latina/o migration) [hereinafter Kandel, *Meat-Processing Firms*].

⁴² Between 1990 and 2000, rural Alabama saw its Latina/o population increase from 5198 to 26,155, up 403%. CONSTANCE NEWMAN, ECON. RESEARCH SERV., U.S. DEP’T OF AGRIC., AGRICULTURAL ECONOMIC REPORT NO. 826, IMPACTS OF HISPANIC POPULATION GROWTH ON RURAL WAGES 2 (2003), available at <http://www.ers.usda.gov/publications/aer826/aer826.pdf>. In the same decade, Arkansas’s rural Latina/o population grew by 282%, Georgia’s by 373%, Mississippi’s by 213%, Tennessee’s by 360%, South Carolina’s by 378%, and North Carolina’s by 491%. *Id.*; see Eric C. Jones & Robert E. Rhoades, *Comparative Perspectives on International Migration: Illegals or “Guest Workers” in the American South?*, in *LATINO WORKERS IN THE CONTEMPORARY SOUTH*, *supra* note 10, at 23, 28 (noting that lack of documentation results in census counts representing about half of the probable Latina/o population).

⁴³ The term “micropolitan” differentiates among non-metropolitan counties. Generally, any non-metro area with a population density of 1000 persons per square mile that reaches a population of 10,000, including some commuters, will be considered micropolitan. Econ. Research Serv., U.S. Dep’t of Agric., *Measuring Rurality: What is a Micropolitan Area?* (Oct. 24, 2006), <http://www.ers.usda.gov/Briefing/Rurality/MicropolitanAreas/>.

⁴⁴ Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 257 (noting that in 2000, over a third of the 3.2 million rural Latina/os lived in 109 of 2288 non-metropolitan counties); see also Anita I. Drever, *New Neighbors in Dixie: The Community Impacts of Latino Migration to Tennessee*, in *LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE*, *supra* note 10, at 19 (noting that immigration’s effects are concentrated in a few places and that the “cities” with the largest Latina/o growth were rural).

⁴⁵ See Rebecca Maria Torres et al., *The South’s Silent Bargain: Rural Restructuring, Latino Labor and the Ambiguities of Migrant Experience*, in *LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE*, *supra* note 10, at 37, 40 (reporting increases of 600% or more in over half of the counties in the central coastal plain region, where Latina/os now comprise 6.2% of the population, compared to 4.7% in North Carolina as a whole).

⁴⁶ Among the localities greatly affected by Latina/o immigration is Warsaw, North Carolina, in Duplin County. The Latina/o population in Duplin County increased sevenfold, from 1015 in 1990 to 7426 in 2000; 65% of Latina/os there are Mexican. Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 267. By 2004, Latina/os made up 17.5% of Duplin County’s population, the highest proportion in the state. Rocha & Easterbrook, *supra* note 37. According to a Pew Hispanic Center estimate, about half of North Carolina’s Latina/o immigrants are unauthorized. *Id.*

in light of local racial histories steeped in a Black-White divide⁴⁷ or, alternatively, characterized by remarkable racial and ethnic homogeneity.⁴⁸

II. LATINA/O MIGRATION TO THE RURAL SOUTH

The recent movement of Latina/os to the rural South is unprecedented. While Latina/os have long worked as migrant farm laborers there, as elsewhere,⁴⁹ this recent influx is of a different magnitude and character, not least because it appears mostly permanent.⁵⁰ The vast majority of Latina/o immigrants move to the South for jobs in low-skill,⁵¹ low-wage industries that have either sprung up or rapidly expanded.⁵² While many of these jobs have an extremely high turnover rate,⁵³ newcomers tend to fill the positions quickly.⁵⁴ The constant cycle of employees maintains a relatively consistent size, making the Latina/o community a permanent fixture in town.⁵⁵ This continuous presence distinguishes these immigrants from the migrant Latina/o agricultural workers who are seasonal employees, stay in one area for

⁴⁷ See Furuseth & Smith, *supra* note 16, at 2 (“In a region where social status, economic relations, and public consciousness have been framed by the bi-racial constructs of ‘White’ and ‘Black’, the arrival of a growing number of culturally different and linguistically alien immigrants has had far reaching effects.”).

⁴⁸ See *supra* note 6 and accompanying text.

⁴⁹ See Furuseth & Smith, *supra* note 16, at 1 (noting the use of migrant farm labor in rural Montgomery County, North Carolina); Holt & Mattern, *supra* note 12, at 22, 25-26, 29, 47-51 (discussing the presence of both Latina/o and Hmong farm workers in the Southeast who sometimes displace African American workers).

⁵⁰ See Donato et al., *supra* note 8, at 542 (discussing studies indicating that Latina/o communities are taking root in the South); see also Steve Striffler, *Neither Here nor There: Mexican Immigrant Workers and the Search for Home*, 34 AM. ETHNOLOGIST 674, 675 (2007); Russ Bynum, *Immigration Raids Leave Georgia Town Bereft, Stunned*, SEATTLE TIMES, Sept. 16, 2006, at A1, available at http://seattletimes.nwsourc.com/html/nationworld/2003261371_immigaftermath16.html (reporting on the transition of seasonal farm workers to year-round work in the poultry processing industry); Rocha & Easterbrook, *supra* note 37.

⁵¹ In Arkansas, for example, immigrants held 11% of available low-skilled jobs in 2000, even though they comprised only 3% of the total population. PROFILE VOLUME 1, *supra* note 19, at 21-22, 24 (noting the range of low-skill jobs, especially in manufacturing, that the Latina/os take); see also KANDEL, RURAL HISPANICS, *supra* note 14, at 2 (observing that while almost all non-metro counties experienced Latina/o population growth, roughly a third of this growth occurred in just 150 counties dominated by low-skill industries); Kandel, *Meat-Processing Firms*, *supra* note 41.

⁵² See Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 270 (reporting that despite population inflows, unemployment in Duplin County declined from 8.6% to 5% between 1992 and 2000). In some instances, the choice of locales borders on the absurd. Tar Heel, North Carolina, population seventy, is home to the largest hog-butcher plant in the world, run by Smithfield Foods, which employs 5200 workers. Steven Greenhouse, *Crack-down Upends Slaughterhouse’s Work Force*, N.Y. TIMES, Oct. 12, 2007, at A1, available at <http://www.nytimes.com/2007/10/12/us/12smithfield.html>. Smithfield’s decision to locate the enormous facility in a place with such an apparent labor shortage suggests an expectation that the plant would attract immigrant labor.

⁵³ Kandel, *Meat-Processing Firms*, *supra* note 41, at 14-15 (discussing the effects of Latina/o migration).

⁵⁴ Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 269.

⁵⁵ *Id.* at 268.

only a short time, and generally live outside of established residential areas.⁵⁶ In addition, many employers in the South actively recruit Latina/o workers,⁵⁷ offering amenities to attract and retain them.⁵⁸

The majority of these immigrants are from Mexico,⁵⁹ with smaller numbers coming from Guatemala and other Central American countries.⁶⁰ Many come directly from their country of origin, following relatives or friends.⁶¹ Those coming from gateway cities elsewhere in the United States also often follow pioneer relatives who moved to Southern communities years earlier.⁶² Demographic information indicates that these Latina/os are typically

⁵⁶ *Id.*

⁵⁷ *Id.* at 257; see also Donato et al., *supra* note 8, at 542 (discussing community leaders' positive attitudes towards the immigrants and the economic growth they represent).

⁵⁸ See, e.g., Engstrom, *supra* note 21, at 51-53 (reporting that carpet manufacturers in Dalton, Georgia, invested in a multi-million dollar soccer complex with Mexican workers in mind; they also sponsor Mexican university students to teach at public schools); Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 273-74 (reporting that the primary employers of Latina/os in Duplin County, North Carolina, donated two lots to local Hispanic residents for the purpose of constructing churches, invited the Mexican consul to give a speech, and provided financial assistance to local schools to deal with overcrowding and ESL issues).

⁵⁹ See Karin Rives, *Part 1: Jobs Lure Illegal Immigrants to State*, NEWS & OBSERVER (Raleigh), Feb. 26, 2006, at A1, available at <http://www.newsobserver.com/1155/story/411982.html> (reporting that 70% of the estimated 395,000 unauthorized migrants who made their home in North Carolina in 2004 were Mexican). In Dalton, Georgia, the Latina/o population in 2000 was estimated to be as high as 40,000, of whom 90% were of Mexican origin. Engstrom, *supra* note 21, at 49. The Mexican population in the mid-1980s was just 2000. *Id.* at 48-49.

⁶⁰ Immigrants to Arkansas, on the other hand, include significant numbers from Central America. PROFILE VOLUME 1, *supra* note 19, at 10 (finding 48% of Arkansas immigrants are from Mexico, 19% from other Latin American countries, 18% from Asia, 3% from Africa, and the remainder from Canada and Europe).

⁶¹ See *id.* at 13 (reporting that among immigrants in Arkansas, 65% of those from Mexico have been in the country less than ten years, while the figure for those from Central America was 57%).

⁶² See, e.g., Jim Williamson, *The Answer Lady: Church Secretary a Community Information Broker, Good Listener*, TEXARKANA GAZETTE, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/accnt/2007/12/23/the-answer-lady-24.php> [hereinafter Williamson, *The Answer Lady*].

Some come from U.S. cities and others are transitioning from agricultural work. The migration to the South appears to have been driven by labor saturation in gateway cities such as Los Angeles and recessions in the urban Southwest and other urban centers in the early 1990s. Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 257. It may also reflect a desire to escape urban problems, such as poor schools, gangs, violence, and expenses associated with urban living. *Id.* Active employer recruiting also plays a strong role. *Id.*; see also Steve Striffler, *We're All Mexicans Here: Poultry Processing, Latino Migration, and the Transformation of Class in the South*, in THE AMERICAN SOUTH IN A GLOBAL WORLD, *supra* note 11, at 152, 156 (observing that immigrants from California are attracted to Arkansas, which they view as the "promised land" because of the low cost of living and the steady work, at eight dollars an hour, at Tyson Foods; such jobs represent upward mobility for them); Jim Williamson, *Hispanic Rancher Realizes Dreams in Phases*, TEXARKANA GAZETTE, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/localnews/2007/12/23/hispanic-rancher-realizes-dreams-in-phas-100.php> [hereinafter Williamson, *Rancher*]; Jim Williamson, *Radio Station Helps Bridge Language Barrier*, TEXARKANA GAZETTE, Dec. 22, 2007, available at <http://www.texarkanagazette.com/news/accnt/2007/12/22/radio-station-helps-bridge-language-barr-56.php> [hereinafter Williamson, *Radio*].

younger,⁶³ less educated,⁶⁴ and less proficient in English than their urban counterparts.⁶⁵ They also have typically lived in the United States for shorter periods of time,⁶⁶ and include more men than women.⁶⁷

While many of these immigrants leave their families behind, some evidence suggests that, in recent years, more immigrants are coming to America with their families. The low cost of living in rural areas may allow families to stay together.⁶⁸ Also, the difficulties and dangers associated with moving back and forth across the border may motivate migration as a family unit.⁶⁹

These newcomers present different assimilation challenges and may have greater needs for social services than Latina/os in urban areas.⁷⁰ This is especially unfortunate considering rural communities' typical lack of comprehensive social service infrastructure,⁷¹ which is particularly unlikely to

The amnesty provisions of the Immigration Reform and Control Act of 1986 (IRCA) may also have fostered the current influx of Latina/os into the rural South. See Furuseh & Smith, *supra* note 16, at 5-6. IRCA created a class of former migrant workers who, through amnesty, had new geographic mobility. *Id.*

⁶³ The new arrivals are predominantly males aged twenty to twenty-nine. Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 271-72. Children under the age of ten make up the other largest demographic group, with smaller numbers in older age groups. William A. Kandel & Emilio A. Parrado, *Hispanic Population Growth and Public School Response in Two New South Immigrant Destinations*, in *LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE*, *supra* note 10, at 111, 115 [hereinafter Kandel & Parrado, *Public School Response*]; see also Emily Berry, *Hispanic Kid Count Soars*, *CHATTANOOGA TIMES FREE PRESS*, July 25, 2007, at 1 (reporting a 58% increase in the population of Hispanic children in Georgia between 2000 and 2005 and a 49% increase in Tennessee for the same period).

⁶⁴ See SAENZ, *supra* note 13, at 1. In 2006, only 55% of non-metro Latina/os aged twenty-five and older had graduated from high school, and only 7% had received a bachelor's degree. *Id.* Compare this to the rates of non-metro Whites at 83% and 18%, and non-metro Blacks at 68% and 8%, respectively. *Id.*

⁶⁵ See Donato et al., *supra* note 8, at 548, 550-51; Furuseh & Smith, *supra* note 16, at 12.

⁶⁶ See Furuseh & Smith, *supra* note 16, at 12.

⁶⁷ For Duplin County, North Carolina, for example, the ratios of men per 100 women, based on race or ethnicity, was 95 for Whites, 84 for Blacks, and 156 for Latina/os in 2000. For the United States as a whole, the Latina/o population ratio is 105 to 100. Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 271.

⁶⁸ Striffler, *supra* note 50, at 675-76 (suggesting that many immigrants to Arkansas were able to bring their families with them because of the low cost of living).

⁶⁹ More immigrants are apparently bringing their families to the United States because of difficulties and dangers associated with moving back and forth across the border. See Jennifer M. Chacón, *Loving Across Borders: Immigration Law and the Limits of Loving*, 2007 *Wis. L. REV.* 345.

⁷⁰ A recurring theme of newspaper coverage of the Latina/o population of Sevier County, Arkansas, for example, is the difficulty that Latinas have assimilating; depression is common among this population. See, e.g., Jim Williamson, *Advocate of the People: Public Defender Keeps an Eye on the Development of Xenophobia in Sevier County*, *TEXARKANA GAZETTE*, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/localnews/2007/12/23/advocate-of-the-people-89.php> [hereinafter, Williamson, *Advocate*]; Jim Williamson, *She Catches Miracles: Midwife Answers the Call at All Hours, Coaxing Little Ones into the World*, *TEXARKANA GAZETTE*, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/accnt/2007/12/23/she-catches-miracles-23.php>; Williamson, *The Answer Lady*, *supra* note 62.

⁷¹ See Pruitt, *supra* note 34, at 452-69 (documenting the lack of social services in rural communities). Michelle Wilde Anderson has written about the lack of capacity of county governments to provide for residents' needs, asserting that cities provide a critical additional layer of services. Michelle Wilde Anderson, *Cities Inside Out: Race, Poverty, and Exclusion*

serve non-English speakers.⁷² Further, the transportation challenges associated with rural living are likely to impede rural Latina/os from gaining access to the few available services, just as they similarly frustrate long-time rural residents.⁷³

at the *Urban Fringe*, 55 UCLA L. REV. 1095, 1139-45 (2008); see also Donato et al., *supra* note 8, at 538 (noting lack of experience and infrastructure in rural counties for assisting foreign-born newcomers). Donato suggests that the strain immigrants place on local institutions in rural areas may be considerable and that children in these households may lack “cultural competencies and economic resources necessary” for success and that many of the immigrants may also lack “community networks and social capital critical for social and economic mobility.” *Id.* at 554; see also KANDEL & CROMARTIE, *supra* note 10, at 32 (noting that many rural communities are unprepared for large numbers of Latina/o immigrants seeking inexpensive housing and requiring unique social services); Barry L. Locke & Jim Winship, *Social Work in Rural America: Lessons from the Past and Trends for the Future*, in RURAL SOCIAL WORK PRACTICE 3, 13-14, 18-20 (Nancy Lohmann & Roger A. Lohmann eds., 2005); Andrew I. Schoenholtz, *Newcomers in Rural America: Hispanic Immigrants in Rogers, Arkansas*, in BEYOND THE GATEWAY: IMMIGRANTS IN A CHANGING AMERICA 213 (Elzbieta Gozdziaik & Susan F. Martin eds., 2005) (describing the difficulties of integrating Latina/o immigrants in Rogers, Arkansas, home to a Tyson poultry processing plant).

⁷² See Brad Branam, *Hispanic Influx Puts Demands on Mayors: New Minority Populations Lead to Change*, ARK. DEMOCRAT-GAZETTE, Sept. 8, 2002, at B1 (noting that while small cities such as De Queen and Rogers, Arkansas, can afford to hire bilingual employees, smaller towns like Berryville and Green Forest rely on bilingual Latina/os in the community for translation). The Mexican consul in Little Rock holds a weekly, Spanish-language, call-in radio program to answer questions such as how to open a bank account or apply for a birth certificate. See Michelle Bradford, *Radio Call-in Program Aids Region's Mexicans*, ARK. DEMOCRAT-GAZETTE, Aug. 18, 2008, at 7; see also ALLISON B. ANFINSON & DANETTE BUSKOVICK, CTR. FOR REDUCING RURAL VIOLENCE, *RURAL VIOLENCE: AN ASSESSMENT OF CRIME & VIOLENCE TRENDS*, ch. 10 at 1-2 (2007) (noting challenges associated with serving Latina domestic violence survivors in rural areas with few resources, including Spanish-language services). Crowley and Lichter note that the absence of Spanish-language health services may violate Title VI of the Civil Rights Act of 1994, which mandates linguistically appropriate treatment. Crowley & Lichter, *supra* note 22 (manuscript at 13). But see Debra Henzey, *Chatham County's First Human Relations Director, Esther Coleman, Begins Job*, CHATHAM JOURNAL, Jan. 7, 2008, available at <http://www.chathamjournal.com/weekly/news/government/coleman-new-hr-director-80107.shtml> (describing how Chatham County, North Carolina, has created a new position aimed at promoting better relationships between different groups of residents and at encouraging non-discrimination practices); *Growing Latino Population Redefines Small Town* (NPR radio broadcast Oct. 11, 2008), available at <http://www.npr.org/templates/story/story.php?storyId=95619192> (noting how one code enforcement officer for Siler City, North Carolina, voluntarily brings his Spanish-speaking friend with him on immigrant home visits in order to reduce conflict and misunderstanding); *Siler City's First Latino Helps Cops Communicate* (WNCN-NBC television broadcast Feb. 28, 2008) (discussing how the Siler City Police Department has enlisted the voluntary help of a Spanish-speaking citizen to assist them in conducting interviews of suspects and to translate when those needing police assistance do not speak English).

⁷³ See Lazos Vargas, *supra* note 23, at 362-64 (identifying access to driver's licenses as a key issue for Latina/os in rural America); Lisa R. Pruitt, *Toward a Feminist Theory of the Rural*, 2007 UTAH L. REV. 421, 433-34 (discussing the legal relevance of transportation challenges associated with rural living).

III. ECONOMIC AND SOCIAL CONSEQUENCES OF THE LATINA/O IMMIGRATION

The consequences of this demographic shift in the South are still unfolding. Among the most obvious consequences are workplace changes. Others include economic and social effects on the broader community, as well as both a clashing and accommodation of cultural differences.

A. *Changes to the Workplace*

The widespread employment of Latina/os is altering power structures in the workplaces of the rural South.⁷⁴ Latina/o workers often fill jobs not desirable to the native population,⁷⁵ who thus generally do not compete with the newcomers. Work within the industries drawing immigrants is often racially segregated, with Latina/os holding the most menial jobs, while Whites and Blacks hold managerial positions.⁷⁶ Evidence thus suggests that growth of the industries drawing the Latina/o workforce is creating better jobs for native workers.⁷⁷

⁷⁴ Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 264-65, 269-70; Crowley & Lichter, *supra* note 22, (manuscript at 7) (collecting sources).

⁷⁵ See Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 262 (describing the hazardous and unattractive nature of the working conditions associated with poultry processing); see also Suzi Parker, *Finger-Lickin' Bad: How Poultry Producers Are Ravaging the Rural South*, *GRIST*, Feb. 21, 2006, <http://www.grist.org/article/parker1> (detailing the myriad health hazards and dangers associated with poultry processing plants); cf. JOHNSON, *supra* note 8, at 133-37 (noting that entire industries, like agriculture, meat and poultry processing, construction, and the hotel and restaurant business, rely on low-cost immigrant labor to remain competitive). But see Laurel, *Miss., Mulls Immigration Raid Aftermath* (NPR radio broadcast Sept. 23, 2008), available at <http://www.npr.org/templates/story/story.php?storyId=94953534> (noting that hundreds of Laurel, Mississippi, residents sought jobs at an electronics plant there after federal agents arrested 595 undocumented workers).

⁷⁶ See Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 269-70 (reporting that these patterns are based somewhat on English proficiency and education level).

⁷⁷ See ROGER MARTINEZ, CTR. FOR LATINO POLICY RESEARCH, UNIV. OF CAL., BERKELEY, *DISPELLING THE JOB COMPETITION MYTH: AN ANALYSIS OF UNDOCUMENTED IMMIGRANTS' IMPACT ON U.S. WORKERS* 1-2, 10-16 (1994), available at <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1029&context=issc/clpr> (discussing theories of economic impact of Latina/o immigrants on local job markets, specifically displacement, segmentation and "ladder" theory, as well as the potentially complementary relationship between immigrants and native workers as growth of the former creates better jobs for native workers; discussing evidence that immigration has the effect of increasing wages for African Americans, U.S.-born Hispanic males, and native born women); see also SHERYL SKAGGS ET AL., *LATINO/A EMPLOYMENT GROWTH IN NORTH CAROLINA: ETHNIC DISPLACEMENT OR REPLACEMENT?* 5-6 (2000) (describing the ladder theory at work in the North Carolina meat processing industry); CONSORTIUM FOR LATINO IMMIGRATION STUDIES, UNIV. OF S.C., *THE ECONOMIC AND SOCIAL IMPLICATIONS OF THE GROWING LATINO POPULATION IN SOUTH CAROLINA*, at vi (2007), available at <http://www.sph.sc.edu/cli/documents/CMARep0809.pdf> (noting, for example, that despite the growing Latina/o presence, full-time employment of Black workers in the automotive sector increased by 63% between 2000 and 2005 and highlighting the much lower average wages of Latina/os in South Carolina as compared to those of the state's average worker); Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 270 (describing the management positions created by the expansion in the poultry processing industry); Carolyn Hsu, *Dispers-*

Nevertheless, residents may perceive greater competition for jobs,⁷⁸ perhaps because some jobs have moved overseas,⁷⁹ which fuels distrust, even animus.⁸⁰ In addition, some evidence suggests downward pressure on wages.⁸¹ The South has long been associated with right-to-work laws and anti-union sentiment.⁸² The presence of Latina/o workers has generally not aided the labor cause.⁸³ Employers sometimes use racial and ethnic tensions

ing Black-Latino Tensions in the Rural South (2007) (unpublished manuscript, on file with author) (describing the misconceptions about Latina/os displacing African American workers and concluding that Latina/os sustained many Southern economies in the 1990s, creating better jobs for African Americans in states such as North Carolina). *But see* NEWMAN, *supra* note 42, at 20 (concluding that Latina/o population growth in the rural South depresses wages for workers with a high school diploma); Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 264 (noting the lack of clarity with respect to whether Latina/os are replacing or complementing existing White and African American workers in the poultry processing industry).

⁷⁸ See Davey, *supra* note 17 (noting the observations of a resident of Storm Lake, Iowa, who perceived that immigrants were displacing native whites in the local job market); Rocha & Easterbrook, *supra* note 37 (noting an observation from a lifelong resident and farm worker from Warsaw, North Carolina, that “the work force at the local McDonald’s has shifted from a majority of Black teenagers to a majority of Hispanic adults” in the past year). Competition may also exist among those at the lowest end of the economic ladder. See NICOLÁS C. VACA, *THE PRESUMED ALLIANCE: THE UNSPOKEN CONFLICT BETWEEN LATINOS AND BLACKS AND WHAT IT MEANS FOR AMERICA* 1-2 (2004); see also *Growing Latino Population Redefines Small Town*, *supra* note 72 (interviewing a Black man in Siler City, North Carolina, who complains that Latina/o immigrant workers are like “roaches,” taking jobs from Blacks and Whites).

⁷⁹ See Kim Cobb, *As the Government Struggles to Enforce Our Town Immigration Laws, a Farmer Asks Little About the Latino Workers Who Pick His Crop Near Morristown, Tenn.*, HOUSTON CHRON., Oct. 25, 2006, at A1 (describing the employment of Latina/os outside Morristown, Tennessee, in jobs that natives do not want and had not filled for some time prior to the Latina/o influx; suggesting that anger about immigration is more a reflection of anger at factories for moving overseas).

⁸⁰ This distrust may be greater among long-time rural residents who are working class than among “elites,” with the latter more likely to see the positive consequences of immigration. See Crowley & Lichter, *supra* note 22 (manuscript at 9-10) (collecting sources).

⁸¹ See CONSORTIUM FOR LATINO IMMIGRATION STUDIES, *supra* note 77, at vi (2007) (reporting falling wages); JOHN D. KASARDA & JAMES H. JOHNSON, JR., FRANK HAWKINS INST. OF PRIVATE ENTER., UNIV. OF N.C. AT CHAPEL HILL, *THE ECONOMIC IMPACT OF THE HISPANIC POPULATION OF THE STATE OF NORTH CAROLINA* 34 (2006), available at http://www.ime.gov.mx/investigaciones/2006/estudios/migracion/economic_impact_hispanic_population_north_carolina.pdf (finding that Latina/o work for below-market wages depresses North Carolina private sector payrolls by \$1.9 billion annually; lower costs are often passed onto consumers as lower prices); George J. Borjas, *The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market*, 118 Q.J. ECON. 1335, 1368 (2003) (finding that wages for low-skilled workers were depressed by 9% between 1980 and 2000). *But see* David Card, *Is the New Immigration Really So Bad?*, 115 ECON. J. F300, F321 (2005), (concluding that wages of low-skill natives are “not much affected” by the increase in labor supply attributable to immigration).

⁸² See, e.g., MORRISTOWN: IN THE AIR AND SUN (Appalshop Films 2007) (Anne Lewis documentary depicting the unionization of a poultry processing plant in Morristown, Tennessee, which involved bringing Latina/o workers into the union).

⁸³ See *After Immigration Raid, Locals Line Up for Jobs* (NPR radio broadcast Aug. 28, 2008) (describing how discord between labor unions and non-union immigrants working overtime led to an immigration raid and the arrest of 595 undocumented workers); Dale Short, *Mexico in the Heart of Dixie: Impact of an Influx of Immigrants*, UAB MAG., Summer 2001, available at <http://main.uab.edu/show.asp?durki=41202> (discussing challenges to unionizing Mexican workers in light of the history of Mexican labor unions and observing that unions in

to deter workers from organizing.⁸⁴ Fear of deportation and a general distrust of unions⁸⁵ suggest that Latina/o workforces are unlikely to achieve better working conditions than native workers or other migrants doing the same or similar jobs.⁸⁶

B. *Economic and Social Effects on the Broader Community*

Economic and social repercussions of this immigration are also evident beyond the workplace. While immigration is a matter of national law and policy, local governments tend to bear the economic burdens associated with it. Municipal and county governments typically manage and fund local health, education, and law enforcement services, which are implicated by the population influx.⁸⁷

Public schools are among the institutions that have been forced to adapt—sometimes very quickly—to rising enrollment associated with young

the South are weaker than they were a decade earlier). High turnover rates are another challenge to unionization. Poultry worker turnover is still around 70%, and some employers have responded by providing incentives to those who stay longer. *Id.*; see also Refugio I. Rochin, *Rural Latinos: Evolving Conditions and Issues*, in *THE CHANGING AMERICAN COUNTRYSIDE* 286, 293-94 (Emery N. Castle ed., 1995) (discussing the history of farm labor unions; noting that some of the first farm labor strikes in the twentieth century were organized by Mexicans).

⁸⁴ See Marion Crain & Ken Matheny, *Labor's Identity Crisis*, 89 CAL. L. REV. 1767, 1825-30 (2001) (describing how racial tensions have undermined Black and Latina/o workers' attempts to unionize); see also Kirk Semple, *An Influx of Muslim Somalis Unsettles Latino Meatpackers*, N.Y. TIMES, Oct. 16, 2008, at A1 (discussing tensions between White and Latina/o workers on the one hand and recently arrived Somali workers on the other, as employers consider special accommodations linked to the Somalis' Muslim faith).

⁸⁵ See Short, *supra* note 83 (quoting Judith King, associate professor of business and director of the University of Alabama at Birmingham's Center for Labor Education and Research); MORRISTOWN: IN THE AIR AND SUN, *supra* note 82; see also Kathleen M. Murphy, *Heading South: Why Mexicans and Mexican-Americans in Brownsville, Texas, Cross the Border into Mexico*, in *LATINO WORKERS IN THE CONTEMPORARY SOUTH*, *supra* note 10, at 114, 121-22 (discussing how fear of deportation increased in the 1990s with the tightening of the United States-Mexico border and stating that some scholars suggest that border tightening was intended to discipline Mexicans into working hard and accepting low wages, rather than to restrict illegal immigration); Laurel, Miss., *Mulls Immigration Raid Aftermath*, *supra* note 75 (interviewing an immigrant worker who refuses to join the local union because she feels it threatens her and attempts to coerce her into membership).

⁸⁶ See Kim Cobb, *As Factory Jobs Leave and Latino Immigrants Arrive in Morristown, Tenn., the Leader of a Dying Labor Union Sees Hope in a Slaughterhouse*, HOUSTON CHRON., Oct. 24, 2006, at A1 (describing the increase in unionized labor, which can be seen as a social benefit).

⁸⁷ See Rick Su, *A Localist Reading of Local Immigration Regulations*, 86 N.C. L. REV. 1619 (2008) (arguing that city- and county-based anti-immigration regulations are a product of the federal-state-local structure of American government, which allocates to local government responsibilities, resources, and regulatory control over services that are more impacted by immigration); see also Cristina M. Rodríguez, *The Significance of the Local in Immigration Regulation*, 106 MICH. L. REV. 567, 567-74 (2008) (arguing that while controlling the flow of immigration is a function of national government, state and local controls are necessary to integrate immigrants and to manage the human and social consequences of immigration); Juliet P. Stumpf, *States of Confusion: The Rise of State and Local Power over Immigration*, 86 N.C. L. REV. 1557, 1584-86 (2008) (discussing how the federal government has increased the role that states and local governments may play in immigration issues because the strain that immigration may place on social welfare resources is historically a state concern).

immigrant families.⁸⁸ A decade or so earlier, the influx of Latina/os into the Midwest helped keep open and even improve schools that were previously in danger of consolidation or closure.⁸⁹ In the South, however, the presence of Latina/o children in public schools has strained budgets.⁹⁰ The varying consequences between the two regions are likely due to differences in funding formulas. Local property and sales tax revenue often accounts for a large portion of school funding in Southern states.⁹¹ Incidental increases in per-pupil state and federal funding cannot fully offset rapid influxes of immi-

⁸⁸ See KENNETH M. JOHNSON & DANIEL T. LICHTER, CARSEY INST., POLICY BRIEF NO. 8, POPULATION GROWTH IN NEW HISPANIC DESTINATIONS 2-3 (2008) available at <http://carsey.institute.unh.edu/publications/PB-HispanicPopulation08.pdf> (attributing part of the explosion of Latina/o populations in rural communities to immigration and migration, while attributing the other part to “natural increase,” which is births exceeding deaths).

⁸⁹ See Stephanie Simon, *Latinos Take Root in Midwest*, L.A. TIMES, Oct. 24, 2002, at A1 (discussing the positive impacts of migration on Denison, Iowa, where state funding for each new student more than covers the cost of bilingual education for immigrants’ children and even funds art, sports, and music programs).

⁹⁰ Kandel & Parrado, *Public School Response*, *supra* note 63, at 111-12 (observing that “public schools comprise a sizable portion of local tax expenditures,” and that immigrant newcomers, if they need ESL training, have a significant impact on districts with small populations and limited fiscal and skilled personnel); see also Crowley & Lichter, *supra* note 22 (manuscript at 28 & tb.3) (emphasizing the budget strain created by students with limited English skills); Drever, *supra* note 44, at 30 (noting that Tennessee schools are consistently ranked in the bottom 20% nationally, and that rural schools have even higher dropout rates and lower teacher pay levels than the state as a whole; meanwhile, the nationwide Latina/o dropout rate is also very high, at 29.9%). Five percent of students in Arkansas public schools in 2000 were children of immigrants. PROFILE VOLUME 1, *supra* note 19, at 56 (noting that 31% were foreign-born, meaning they often speak little or no English and are therefore more costly to educate).

Some schools in Duplin County, North Carolina, have become 50% Latina/o in just a few years. This has led to schoolroom overcrowding and an increased need for ESL classes. Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 272. This influx can involve significant costs for these school districts. See Marti Maguire, *Part 2: Schools Bear Burden of Immigration*, NEWS & OBSERVER (Raleigh), Feb. 27, 2006, at A1, available at <http://www.newsobserver.com/1155/story/412207.html> (estimating that educating children of unauthorized migrants cost North Carolina \$210 million in 2004, whereas a decade earlier, the cost was under \$10 million). The influx of immigrant children in Duplin County required the school system to hire twenty ESL teachers. Rocha & Easterbrook, *supra* note 37. The district has the highest Latina/o enrollment in the state, at 23.2%, and receives more than \$1 million annually from the state to pay for instructors along with training and resources. *Id.* Aging school buildings are unable to accommodate the burgeoning enrollment. *Id.*

⁹¹ See *Lake View Sch. Dist. No. 25 v. Huckabee*, 91 S.W.3d 472, 480-83 (Ark. 2002) (describing the Arkansas public education funding system; finding, in 2001, the state’s public schools received 30% of their revenue from local funds, 60% from state funds, and 10% from federal funds); *Hoke County Bd. of Educ. v. State*, No. 95CVS1158, 2000 WL 1639686, at *39-*57 (N.C. Super. Oct. 12, 2000) (describing North Carolina’s public education funding system; finding, in 1999, North Carolina public schools received 23% of their revenue from local funds, 69% from state funds, and 7.8% from federal funds), *aff’d in part, rev’d in part*, 599 S.E.2d 365 (N.C. 2004); *Tenn. Small Sch. Sys. v. McWherter*, 851 S.W.2d 139, 143-48 (Tenn. 1993) (describing Tennessee public education funding system; finding in 1993, Tennessee public schools received 45% of their revenue from state funds, 45% from local funds, and 10% from federal funds).

grant students into the South unless the immigrants also contribute to the local tax base.⁹²

Health care costs associated with the newcomers, who are rarely insured,⁹³ also tap government resources.⁹⁴ Latina/os who are ineligible for Medicaid or other public coverage often depend on hospital emergency rooms for care.⁹⁵ The annual cost to government for health care services for Latina/os in North Carolina, for example, was estimated at \$300 million.⁹⁶

Meanwhile, however, host communities are seeing economic benefits as revenues for once-failing businesses rise⁹⁷ and merchants adapt to the needs and tastes of their changing clientele.⁹⁸ A recent study of Latina/o boomtowns in the South revealed that declines in poverty and unemployment, along with increases in median home values, were greatest in counties with high levels of immigration.⁹⁹ Further, the proportion of residents receiving public assistance was lowest in high Latina/o immigration counties.¹⁰⁰ A 2007 North Carolina study yielded similar findings,¹⁰¹ among them

⁹² See *infra* notes 106-09 and accompanying text (explaining why Latina/os often shop outside the non-metro counties where they reside).

⁹³ See PROFILE VOLUME 1, *supra* note 19, at 6 (stating that, in 1998, nonelderly immigrants nationwide were more than twice as likely as non-immigrants to be uninsured).

⁹⁴ See Crowley & Lichter, *supra* note 22 (manuscript at 27-28) (observing mixed evidence of strains on health care delivery including rapid declines in the rate of beds per 1000 residents in counties with high Latina/o growth); Berry, *supra* note 63 (reporting that the influx of Latina/o and immigrant children has increased demand for Spanish-language health and social services for immigrant children and parents); Michael Easterbrook & Jean P. Fisher, *Part 4: Health Care Costly for Immigrants*, NEWS & OBSERVER (Raleigh), Mar. 1, 2006, at A1, available at <http://www.newsobserver.com/1155/story/412836.html>. While Medicaid pays for care of unauthorized immigrants when medical conditions jeopardize their health or lives, a somewhat conflicting federal law requires hospitals to examine anyone who shows up at an emergency room, regardless of legal status. *Id.* However, if an uninsured immigrant receives emergency care that Medicaid does not cover, the care is uncompensated. *Id.*

⁹⁵ PROFILE VOLUME 1, *supra* note 19, at 6. The estimated total cost to government for health care services for immigrants in Arkansas in 2004 was almost \$37 million. JOHN D. KASARDA ET AL., WINTHROP ROCKEFELLER FOUND., A PROFILE OF IMMIGRANTS IN ARKANSAS VOLUME 2: IMPACTS ON THE ARKANSAS ECONOMY 8 (2007), available at http://www.urban.org/uploadedpdf/411441_Arkansas_Vol2.pdf [hereinafter PROFILE VOLUME 2].

⁹⁶ KASARDA & JOHNSON, *supra* note 81, at 31.

⁹⁷ See Kim Cobb, *A Blending of Cultures Is Novel and Challenging in One of the Last Regions of the Nation to Feel the Latino Immigration Wave*, HOUSTON CHRON., Oct. 26, 2006, at A1 (describing the buying power of newcomers and the increase in sales for local businesses); Rocha & Easterbrook, *supra* note 37 (discussing the boom to local businesses in Warsaw County, North Carolina).

⁹⁸ See Crowley & Lichter, *supra* note 22 (manuscript at 24-27) (discussing the mixed economic indicators regarding the impact of Latina/os on rural communities and small cities); see also Schoenholtz, *supra* note 71, at 227 (reporting that local bank hired bilingual staff to serve new clientele); Rocha & Easterbrook, *supra* note 37 (offering several anecdotes). *But see* PROFILE VOLUME 2, *supra* note 95, at 17 (concluding that local businesses in Arkansas have only partially tapped the spending power of immigrants because they do not offer the goods and services that immigrants want).

⁹⁹ Crowley & Lichter, *supra* note 22 (manuscript at 24-27) (reporting that increases in retail sales were slower in high-Latina/o growth counties than in other non-metropolitan counties).

¹⁰⁰ *Id.*

¹⁰¹ See KASARDA & JOHNSON, *supra* note 81, at 25-26 (estimating that remittances, savings, and interest payments reduce local Latina/o buying power by 20%).

that Latina/o buying power exceeded their costs in a number of non-metro counties.¹⁰² Some \$9 billion in Latina/o purchases and taxes paid led to the creation of 89,600 jobs.¹⁰³ In Duplin County, North Carolina, for example, the unemployment rate declined from 8.6% to 5% between 1992 and 2000, in spite of population growth.¹⁰⁴

On its face, then, the cost to local governments seems very burdensome. But when balanced against the economic contribution of the Latina/o population to the state of North Carolina, the total net cost for health care, K-12 education, and corrections was only \$102 per Latina/o.¹⁰⁵

Rural locales may not receive the full economic benefit of this immigration, however, if they lack sufficient goods and services to meet Latina/o demands. Such deficiencies prompt the newcomers to shop in neighboring metropolitan counties where a wider range of goods and services are available.¹⁰⁶ An example of this is evident in Texarkana, Arkansas, where a regional credit union opened a branch catering to Latina/o clients in Vero's Latino Store.¹⁰⁷ But the Texarkana location of the store and the branch bank within is odd because Texarkana's population is only 1.8% Latina/o, and the Latina/o population in surrounding Miller County is only 1.6%.¹⁰⁸ Yet the population of neighboring, non-metropolitan Sevier County is almost 20% Latina/o, and Latina/os comprise nearly 40% of the population of De Queen, its county seat.¹⁰⁹ In short, Miller County enjoys much of the economic benefit associated with Sevier County's Latina/o population, even as the latter bears the costs.

¹⁰² *Id.* at 33. The report found that Latina/os, legal and unauthorized, cost state taxpayers \$817 million in 2004, with education and health care constituting the greatest expenses. *Id.* Meanwhile, Latina/os generated \$756 million in tax revenue. *Id.* The average cost to the state budget was \$102 per Latina/o resident. *Id.*

¹⁰³ *Id.* at 26.

¹⁰⁴ Kandel & Parrado, *Hispanics in the American South*, *supra* note 10, at 270. In Arkansas, undocumented men have a higher employment rate (81%) than do native-born men (77%), whereas undocumented women are employed at a lower rate (38%) than native-born women (65%). PROFILE VOLUME 1, *supra* note 19, at 21-22; see also E. Alan Long, *Two Charged with Concealing Aliens Own Berryville Restaurant*, CARROLL COUNTY NEWS, June 3, 2008, available at <http://www.carrollconews.com/story/1433828.html> (reporting the arrest of two Latina/o business operators charged with concealing illegal aliens by providing them employment at three taquerías in northwest Arkansas).

¹⁰⁵ KASARDA & JOHNSON, *supra* note 81, at 33.

¹⁰⁶ *Id.* at 35; Williamson, *Rancher*, *supra* note 62 (reporting that immigrant who came to Sevier County, Arkansas, in 1980 had as his first commercial venture a store to supply food products to the Latina/o community).

¹⁰⁷ See Aaron Brand, *Branching Out: Credit Union Opens New Site at Vero's Latino Store*, TEXARKANA GAZETTE, Nov. 8, 2007, available at <http://www.texarkanagazette.com/news/localnews/2007/11/08/branching-out-72.php>.

¹⁰⁸ See AMERICAN FACTFINDER 2000, *supra* note 6 (search "Texarkana, Arkansas" and "Miller County, Arkansas" and then select "2000").

¹⁰⁹ See *id.* (search "Sevier County, Arkansas" and "De Queen, Arkansas").

C. Culture Clashes and Accommodation

Long-time rural residents may feel, however, that immigration has an impact on more than economic well-being. They may perceive the immigrant newcomers as a cultural threat, which creates conflict.¹¹⁰ While “otherness” in the rural context is under-theorized in the United States,¹¹¹ scholars in other countries have given it greater consideration. British rural geographer Paul Cloke has written, for example, that “idyllic cultures of rurality . . . signify key facets of what rural life should be like,” thereby “construct[ing] as ‘appropriate’ or ‘inappropriate’” certain uses of space.¹¹²

This sense of spatial propriety is certainly reflected in the rural South, where differing notions of public and private space are a recurring theme in both scholarly literature and media reports about Latina/o immigration to the region. Long-time rural residents complain, for example, that Latina/os congregate in large groups outdoors, in their yards, or in public recreational areas, often playing loud music.¹¹³ They also report being disturbed by the Latina/o practice of slaughtering animals in their yards, even within city limits.¹¹⁴ Yet these practices do not differ much from traditional uses of space by other rural residents, for example, barbecues, hanging in their yard the carcass of a field-dressed deer killed in a hunt, or killing a chicken for din-

¹¹⁰ See Lazos Vargas, *supra* note 23, at 356-60; Op-Ed., *Texarkana and the Surrounding Areas of Southwest Arkansas and Northeast Texas Have Seen an Explosion in Immigration from Mexico and Other Latin American Nations over the Past Several Years*, TEXARKANA GAZETTE, June 10, 2007, available at <http://www.texarkanagazette.com/news/opinions/2007/06/10/opinions1.php> (arguing for criminal penalties for those who employ illegal immigrants); see also *Growing Latino Population Redefines Small Town*, *supra* note 72, (interviewing Siler City, North Carolina, soccer mom who described how immigrant families “all sit on one side and [Whites] all sit on the other” because none of the immigrant families speak English). *But see* Torres et al., *supra* note 45, at 59 (reporting a high level of acceptance of new Latina/os in rural North Carolina, perhaps attributable to self-interest by those “who realize that the population boom has limited the effects of the agrarian economic downturn”).

¹¹¹ *But see* COUNTRY BOYS: MASCULINITY AND RURAL LIFE (Hugh Campbell, Michael Mayerfield Bell & Margaret Finney eds., 2006) (including a chapter on gay men in the country).

¹¹² Paul Cloke, *Rurality and Racialized Others: Out of Place in the Countryside?*, in THE HANDBOOK OF RURAL STUDIES 379, 384 (Paul Cloke et al. eds., 2006) (citing TIM CRESWELL, IN PLACE/OUT OF PLACE: GEOGRAPHY, IDEOLOGY, AND TRANSGRESSION (1996)); see also CONTESTED COUNTRYSIDE CULTURES: OTHERNESS, MARGINALISATION AND RURALITY (Paul Cloke & Jo Little eds., 1997) (collecting essays on topics ranging from ethnicity in rural Britain to lesbian separatist communities in the United States).

¹¹³ See, e.g., Emery et al., *supra* note 10, at 69 (“[E]xtended families from Mexico and Central America seek picnic areas where many people can spend a day preparing food and socializing, a need not met by the typical arrangement of individual picnic tables disbursed throughout a recreation site.”); Ron Graber, *From Ameca to America: Learning the Language – After Moving from Mexico to California to Carthage, Topete Learns English Language*, CARTHAGE PRESS (Missouri), Aug. 15, 2002 (noting that Latina/os tend to socialize outside in the evenings); Rocha & Easterbrook, *supra* note 37 (North Carolina city mayor quoted as saying that Latinos are seen “sitting outside with their shirts off drinking beer, and that creates an unsightly situation”).

¹¹⁴ See Schoenholtz, *supra* note 71, at 220; see also *infra* notes 151-53 and accompanying text (discussing local regulation banning fowl within city limits in Green Forest, Arkansas).

ner.¹¹⁵ These latter practices tend to be associated with old-timers in more remote, less populous places and are less common in the larger towns and micropolitan areas where Latina/os often live. Nevertheless, similarities between the practices of long-time rural residents and Latina/o newcomers suggest that the former may be intolerant based on the identity of the latter, rather than on their habits.

Further, cultural difference may be more conspicuous in rural places because of the residential proximity of the Latina/o newcomers to native residents.¹¹⁶ Unlike migrant agricultural workers who typically live outside of cities and are thus easily ignored, Latina/o immigrants are usually residentially diffused throughout the small Southern cities where they live.¹¹⁷ This lack of spatial concentration of Latina/os within these Southern towns and small cities may be due to a lack of zoning regulation, which leads to the dispersal of lower cost housing.¹¹⁸ Latina/os may thus be concentrated in certain counties and small cities, but they tend not to form spatially bounded enclaves within those counties and cities.¹¹⁹

Further, spatial diffusion of Latina/os does not necessarily make them less visible within rural communities. As is true in many places in the United States, the presence of Latina/os is apparent because of differences in language and physical appearance.¹²⁰ But Latina/os migrating to non-metro areas may be more highly visible based on the rural setting. Their neighbors may be even more aware of their presence because of the lack of anonymity

¹¹⁵ See Branan, *supra* note 72.

¹¹⁶ *Id.* (noting that in rural De Queen, Arkansas, longtime residents became upset when Latina/os new to the white-picket-fenced neighborhood painted their homes pink and other bright colors). De Queen is in Sevier County, Arkansas, and has a population of 5765. AMERICAN FACTFINDER 2000, *supra* note 6 (search “De Queen, Arkansas”). Nearly 40% of De Queen’s residents are Latina/os and only 6% of the population is African American. *Id.* Sevier County has a total population of 15,757, of which 19.7% are Latina/os and 4.9% are African American. *Id.* (search “Sevier County, Arkansas”); see also *Growing Latino Population Redefines Small Town*, *supra* note 72 (interviewing one resident of Siler City, North Carolina, who describes how she is bothered by the number of immigrant families and children speaking Spanish that she now sees at the pediatrician’s office, which makes her feel like a minority in her own community).

¹¹⁷ Drever, *supra* note 44, at 22 (“[Unlike patterns of housing segregation by ethnicity prominent in the American West, Latinos in Tennessee] are scattered throughout . . . cities – generally in hotels or blocks of apartments, or in single family homes in older, blue collar neighborhoods. The location of Latino businesses mimics the pattern of residential de-concentration. Hispanic businesses tend to be dispersed throughout cities like Morristown, often clustered two or three to an aging mini-mall.”); see also Lichter et al., *supra* note 22, at 577-78 (reporting that racial residential segregation in rural places increases with growing percentage of minority population). *But see* Engstrom, *supra* note 21, at 50 (suggesting that Latina/o immigrants in Dalton, Georgia, settled in particular neighborhoods).

¹¹⁸ Drever, *supra* note 44, at 22.

¹¹⁹ See Lichter & Johnson, *supra* note 18; Lichter et al., *supra* note 22, at 567, 570 (finding substantially more segregation and population concentration among Blacks than among Native Americans or Latina/os within non-metro places).

¹²⁰ See generally Daniel C. Vock, *Police Join Feds to Tackle Immigration*, STATELINE.ORG, Nov. 27, 2007, <http://www.stateline.org/live/details/story?contentId=259949> (“I don’t see how states and localities can enforce immigration law without engaging in racial profiling. The people they ask to prove their immigration status . . . are the people who look or sound foreign.” (quoting Joan Friedland of the National Immigration Law Center)).

that marks rural communities.¹²¹ Rural and small-town residents are accustomed to being familiar with their neighbors, to knowing everyone in the community.¹²² Further, because rural communities in the South are often populated by families who have lived there for several generations,¹²³ nativism can be a powerful force. This means that long-time residents tend to distrust newcomers,¹²⁴ ethnic differences aside.¹²⁵

On the other hand, the high density of acquaintanceship in rural places could facilitate cross-cultural understanding as the Anglo (old-timers) and Latina/o (newcomers) communities are brought together around shared schools, civic institutions,¹²⁶ and perhaps even social gatherings. An example of such an exchange can be seen in rural Green Forest, Arkansas, where a third of the population is Latina/o.¹²⁷ Local businesses there have a tradition of sponsoring an annual Cinco de Mayo celebration in the town center.¹²⁸ In non-metropolitan De Queen, Arkansas, which was almost 40%

¹²¹ See Lazos Vargas, *supra* note 23, at 344-45; Anthony E. Mucchetti, *Driving While Brown: A Proposal for Ending Racial Profiling in Emerging Latino Communities*, 8 HARV. LATINO L. REV. 1 (2005); see also Pruitt, *supra* note 73, at 478-82 (discussing the legal relevance of rural lack of anonymity).

¹²² See Robert M. Moore III, *Introduction*, in *THE HIDDEN AMERICA: SOCIAL PROBLEMS IN RURAL AMERICA FOR THE TWENTY-FIRST CENTURY*, at 13, 16 (Robert M. Moore III ed., 2001) (sparseness of population tends to produce "high density of acquaintanceship" (quoting Cornelia Butler Flora & Jan L. Flora, *Entrepreneurial Social Infrastructure: A Necessary Ingredient*, 528 ANNALS AM. ACAD. POL. & SOC. SCI. 48, 52 (1993))); see also Deborah O. Erwin, *An Ethnographic Description of Latino Immigration in Rural Arkansas: Intergroup Relations and Utilization of Healthcare Services*, 19 S. RURAL SOC. 46, 59-60 (2003).

¹²³ See Terry Marsden et al., *Introduction: Questions of Rurality*, in *RURAL RESTRUCTURING: GLOBAL PROCESSES AND THEIR RESPONSES* 1, 1 (Terry Marsden et al. eds., 1990) (discussing rurality's long-time association with "internal solidarity, kinship ties, generational continuity and traditional face-to-face society"); Struthers & Bokemeier, *supra* note 1, at 35, 42 (noting that respondents lived in rural area "because they had always lived [t]here" and had family there; observing the recurring theme among respondents that "place matters" and that place defines family life, patterns of inequality, and social opportunities); Ann R. Tickamyer & Debra A. Henderson, *Rural Women: New Roles for the New Century?*, in *CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY*, *supra* note 11, at 109, 112-14 (emphasizing that residents of three different rural regions have "deep-seated local affiliations and loyalties" to their rural communities; finding that unwillingness to leave their rural homes in spite of greater opportunities in urban areas was due to familial ties and "a commitment" to the "land and the lifestyle").

¹²⁴ See Crowley & Lichter, *supra* note 22 (manuscript at 12, 29); Donato et al., *supra* note 8, at 538 (noting rural resistance to immigrants because of cultural differences).

¹²⁵ See SONYA SALAMON, *NEWCOMERS TO OLD TOWNS* (2003) (discussing changes in rural communities brought about by new populations moving in, such as upscale urbanites and people of other ethnic backgrounds); Erwin, *supra* note 122, at 59 (focusing on "outsider" status apart from race or ethnicity).

¹²⁶ Latina/os may not come together with the host community in places other than the workplace and in schools. One study of North Carolina found that a lack of Latina/o political and civic organizations leaves little opportunity for "organization, advocacy, political mobilization, activism, or community development on the part of Latinos." Torres et al., *supra* note 45, at 59. *But see* Jim Williamson, *Bolstering the Economy: Chamber, College to Join Effort to Equip Hispanic Leaders for Growth*, *TEXARKANA GAZETTE*, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/accent/2007/12/23/bolstering-the-economy-48.php>.

¹²⁷ AMERICAN FACTFINDER 2000, *supra* note 6 (search "Green Forest, Arkansas").

¹²⁸ Virginia Wietecha, *Cinco de Mayo Is Saturday in Veteran's Park*, *CARROLL COUNTY NEWS*, May 2, 2007, available at <http://www.carrollnews.com/story/1390664.html> (detailing

Latina/o in the 2000 Census,¹²⁹ the city's mayor assembled a race relations task force charged with making recommendations to "make one community out of many."¹³⁰ The De Queen park director reports that "soccer is being used as a communication tool," with children in the program "split nearly 50-50 between Hispanics and Anglos."¹³¹

The close spatial proximity may also foster joint business enterprises. In Sevier County, Arkansas, an immigrant from Mexico proposed a joint venture with a radio station owner.¹³² The station was Spanish language full-time just two years later.¹³³ As program director and sales manager, the immigrant stated, "The main thing I do is to inform people. The point is to try to get people to spend money and shop locally. It's good for the county and the cities. . . . So much has changed in this region. Most Anglo businesses have opened their doors to Latinos."¹³⁴

Despite such bridge-building and social inroads, Latina/os in the rural South have not established much political clout within their host communities.¹³⁵ While Latina/os are actively involved in local and state government

the sixth annual Cinco de Mayo festival in rural Green Forest, Arkansas). The manager of a hardware store sponsoring the celebration stated, "We would like to see both cultures in Green Forest come out and have a good time." *Id.*

¹²⁹ AMERICAN FACTFINDER 2000, *supra* note 6 (search "De Queen, Arkansas").

¹³⁰ See Branan, *supra* note 72 (discussing De Queen mayor Chad Gallagher's efforts to improve race relations in his city, the county seat of Sevier County, Arkansas, which included constructing a \$1.5 million center for cultural awareness). Some initiatives have come from the private sector. See Ashley Gardner, *Latino Club to Offer First Cultural Awareness Event*, TEXARKANA GAZETTE, Aug. 13, 2008, available at <http://www.texarkanagazette.com/news/localnews/2008/08/13/latino-club-to-offer-first-cultural-awar-12.php> (publicizing upcoming event to "bring awareness to the Texarkana community and . . . to celebrate Mexican Independence Day"); Wietecha, *supra* note 128; Jim Williamson, *Our Town: El Pueblo Wants to Construct Cultural Bridges*, TEXARKANA GAZETTE, Dec. 23, 2007, available at <http://www.texarkanagazette.com/news/localnews/2007/12/23/our-town-72.php>.

¹³¹ Jim Williamson, *Pursuing the Promise: A Detailed Look at Latino Lives in Sevier County*, TEXARKANA GAZETTE, Dec 23, 2007, available at <http://www.texarkanagazette.com/news/localnews/2007/12/23/pursuing-the-promise-10.php> (reporting on a De Queen/Sevier County Chamber of Commerce-sponsored leadership institute in which Latinos are also participating) [hereinafter Williamson, *Pursuing the Promise*]; cf. *Growing Latino Population Redefines Small Town*, *supra* note 72 (discussing how the creation of a soccer league in Siler City, North Carolina, has failed to connect the communities, as the Whites sit on one side of the field and the Latina/os sit on the other side).

¹³² Williamson, *Radio*, *supra* note 62.

¹³³ *Id.*

¹³⁴ *Id.* (noting that banks have been particularly receptive to Latina/o clients); see also Schoenholtz, *supra* note 71, at 219 (describing a collaboration between a Tyson poultry processing plant and a local bank to provide seminars on the benefits of using banks and other services, which led to a decrease in turnover rates at the plant and increased the bank's business); Williamson, *Pursuing the Promise*, *supra* note 131; *CCN to Launch El Observador for Area's Hispanic Community*, CARROLL COUNTY NEWS, July 7, 2004, available at <http://www.carrollconews.com/story/1387474.html> (announcing the launch of a Spanish language monthly to be distributed free, with the *Carroll County News* publisher stating that the Latina/o community "deserves its own newspaper, delivered in the language which is still spoken in its homes").

¹³⁵ See Van Jensen, *Hispanics Slow to Take Active Part in Politics*, ARK. DEMOCRAT-GAZETTE, June 12, 2005, at 1 (finding only one Latina/o holding elected office in Arkansas in a survey of political organizations, government agencies, and all seventy-five county clerks offices; also noting that only 1% of those who voted in Arkansas in 2004 were Latina/os, al-

in the West and Southwest, Latina/os are conspicuously absent from the Southern political stage.¹³⁶ According to a 2007 survey, only fourteen Latina/os held elected office in four Southern states combined.¹³⁷ In sharp contrast, 4344 held office in California, Texas, Arizona, and New Mexico.¹³⁸ This lack of political integration might be explained by the relatively low numbers of Latina/os—particularly those eligible to vote—among the wider population.¹³⁹ It might also be explained by the newcomer status of the vast majority of immigrants.¹⁴⁰ In the counties and towns where Latina/os represent a critical mass, however, their lack of political power may reflect ethnic bias and resentment.¹⁴¹ The closed and static character of the rural South may thus partially explain this lack of political integration.

Other aspects of rural culture may also influence the experiences of migrating Latina/os and their host communities. Because rural families often reside in the same community for many generations,¹⁴² social hierarchies in these communities are often grounded as much or more in one's status as a member of a native family than in typical indicators of socioeconomic class, such as wealth and education level.¹⁴³ We do not yet know

though this group comprises 14% of the general population). *But see* Virginia Wietecha, *Quiet Gathering of Hispanics Ends with Signing of Petition by 87*, CARROLL COUNTY NEWS, April 27, 2006, available at <http://www.carrollconews.com/story/1389511.html> (reporting peaceful demonstration by more than 100 Latina/o residents in the city square of Green Forest, Arkansas, who signed a petition requesting Arkansas politicians to “fix an old and broken immigration system,” and noting that the non-Latino mayor led the demonstrators in the pledge of allegiance while they “proudly” waved American flags).

¹³⁶ See NAT'L ASS'N OF LATINO ELECTED AND APPOINTED OFFICIALS, A PROFILE OF LATINO ELECTED OFFICIALS IN THE UNITED STATES AND THEIR PROGRESS SINCE 1996 (2007), available at <http://www.naleo.org/downloads/NALEOFactSheet07.pdf>.

¹³⁷ *Id.* at 4 (reporting the following numbers of Latina/o elected officials in Southern states: Georgia (8), Kentucky (2), South Carolina (1), Virginia (3)).

¹³⁸ *Id.* (reporting the following numbers: Arizona (354), California (1163), New Mexico (657), and Texas (2170)). In the northeast, New Jersey reported 103 and New York reported 64. *Id.* The only Midwestern states for which figures were given were Illinois with 97, Wisconsin with 11, and Michigan with 16. *Id.*

¹³⁹ See Julia Preston, *Immigration Cools as Campaign Issue*, N.Y. TIMES, Oct. 29, 2008, at A20 (featuring graphic showing that, in 2006, only 1% of North Carolina voters were Latina/o and only 2% of Virginia voters were Latina/o); see also Jensen, *supra* note 135.

¹⁴⁰ See Williamson, *Rancher*, *supra* note 62 (describing Arkansas Governor Mike Huckabee's appointment of a Latino rancher to the state's agricultural board in 2005; the same rancher had served on the community college board just a decade after moving to Sevier County).

¹⁴¹ See Marti Maguire, *Ethnic Bias Alleged After Rezoning Was Rejected*, NEWS & OBSERVER (Raleigh), Oct. 10, 2008, at B1, available at <http://www.newsobserver.com/news/johnston/story/1249659.html> (discussing how commissioners of Johnston County, North Carolina, are facing a lawsuit after refusing to allow a nonprofit group to build a low-cost health clinic which would service a large number of local Latina/o immigrants).

¹⁴² See Lisa R. Pruitt, *Gender, Geography & Rural Justice*, 23 BERKELEY J. GENDER L. & JUST. 338, 355 n.88 (2008) (collecting sources); see also *Growing Latino Population Redefines Small Town*, *supra* note 72 (noting that in the rural South, both Black families and White families often have lived in a community for several generations; interviewing Black residents of Siler City, North Carolina, a largely White rural community, who express resentment toward the Latina/o immigrant population for “stepp[ing] into a place that [Blacks] still haven't arrived in”).

¹⁴³ See Katherine MacTavish & Sonya Salamon, *What Do Rural Families Look Like Today?*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at

how Latina/os will fit into or alter such nativist social hierarchies—or into rural social systems that have historically respected hard work and downplayed material wealth, values that are also associated with Latina/o cultures.¹⁴⁴

IV. LEGAL ISSUES

Local governments in the non-metro South, like those across the nation,¹⁴⁵ have sought to manage their communities' changing ethnic composition through various political and legal measures.¹⁴⁶ Considering the economic and cultural tensions that have arisen, it is not surprising that some

73, 78 (suggesting that family reputation as a source of rural social hierarchy and social control changes when "mobile urbanites" move into rural places); Sonya Salamon, *From Hometown to Nontown: Rural Community Effects of Suburbanization*, 68 RURAL SOC. 1, 11 (2003) (same, though suggesting that Southern communities may be more hierarchical than those in other regions). Others have suggested change in the social hierarchies among rural youth when Latina/os arrive. See Daniel T. Lichter, Vincent J. Roscigno & Dennis J. Condran, *Rural Children and Youth at Risk*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at 97, 105.

¹⁴⁴ See, e.g., Lourdes Gouveia & Donald D. Stull, *Dances with Cows: Beefpacking's Impact on Garden City, Kansas, and Lexington, Nebraska*, in ANY WAY YOU CUT IT: MEAT PROCESSING AND SMALL-TOWN AMERICA 85 (Donald D. Stull et al. eds., 1995) (observing that strong work ethic and family values are associated with both groups); Jim Williamson, *Advocate*, *supra* note 70 (quoting the observations of a public defender who works with many Latina/o clients).

¹⁴⁵ See Michael A. Olivas, *Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement*, 2007 U. CHI. LEGAL F. 27, 32-33, 55 & n.100 (demonstrating that sub-federal assumptions of immigration power lead to prejudicial local and state laws, such as a Georgia statute banning preachers from proselytizing in Spanish). Hazleton, Pennsylvania's now well-known ordinance making it illegal for unauthorized immigrants to work and rent homes in the city was voided by a federal judge because the ordinance interfered with federal law, which regulates immigration issues, and for violating the due process rights of employers, landlords, and immigrants. *Lozano v. City of Hazleton*, 496 F. Supp. 2d 477 (M.D. Pa. 2007); see Julia Preston, *Judge Voids Ordinances on Illegal Immigrants*, N.Y. TIMES, July 27, 2007, at A14. After a series of rulings along these lines, federal judges in Missouri, Arizona, and Oklahoma have upheld local and state anti-immigrant laws. Julia Preston, *In Reversal, Courts Uphold Local Immigration Laws*, N.Y. TIMES, Feb. 10, 2008, at A22; see also Rigel C. Oliveri, *Between a Rock and a Hard Place: Landlords, Latinos, Anti-Illegal Immigrant Ordinances, and Housing Discrimination*, 62 VAND. L. REV. 55 (2009) (arguing that Congress should preempt local anti-immigrant housing ordinances because, given that proof of legal status is not always possible, landlords will be forced to decline housing to potential tenants in violation of the Fair Housing Act by discriminating against those who simply appear ethnic or foreign); Deborah M. Weissman, *Between Principles and Practice: The Need for Certified Court Interpreters in North Carolina*, 78 N.C. L. REV. 1899, 1935 (2000) (noting that in North Carolina, despite general protection from federal and state law, Latina/os face higher rents and uninhabitable conditions because of discrimination by private landlords).

¹⁴⁶ See Branan, *supra* note 72 (detailing measures taken by mayors in rural Arkansas to accommodate and manage the rapidly changing ethnic makeup of their communities resulting from an influx of Latina/o migration); see also Su, *supra* note 87, at 1659-60 (noting that in Catawba County, North Carolina, local anti-immigration sentiment successfully drove a local anti-bond campaign that defeated an \$80 million school construction program; just five months later, residents staged a protest against immigration, citing crowded schools).

Southern municipalities have adopted anti-immigrant ordinances.¹⁴⁷ An informal survey in 2007 revealed nineteen anti-immigration municipal ordinances in effect throughout the South, with many more pending.¹⁴⁸ Most were in metropolitan areas,¹⁴⁹ but some originate in smaller cities and non-metro counties.¹⁵⁰

Several political events in non-metro counties with high Latina/o growth are illustrative. In Green Forest, Arkansas, where one-third of the town's 2717 residents are Latina/o,¹⁵¹ White residents complained about Latina/os keeping chickens in their yards.¹⁵² Ultimately, voters passed a general ban on keeping fowl within the city limits in a special election in 2002.¹⁵³ Only 254 of the town's 1134 registered voters cast ballots in that election; only one voter was Latina/o.¹⁵⁴ In Sevier County, in the Southwest corner of Arkansas, the Quorum Court, the county's governing body, passed a resolution that encouraged all residents to learn English.¹⁵⁵ One-fifth of

¹⁴⁷ See Barbara Barrett, *Response to Illegal Immigrants Varies Widely*, CHATTANOOGA TIMES FREE PRESS, Sept. 16, 2007, at A9 (reporting that numerous anti-immigration municipal ordinances and 1400 state-level immigration bills have been introduced by local and state officials frustrated by federal immigration policy).

¹⁴⁸ FAIR IMMIGRATION REFORM MOVEMENT, CTR. FOR CMTY. CHANGE, DATABASE OF RECENT LOCAL ORDINANCES ON IMMIGRATION (2007), available at <http://www.stateimmigrationlaws.com/NR/rdonlyres/edqegfctoziye73tdxebiaqdlvx3xos45xv36g3qwlojvflxhllcdocxqziubd6ftzcmhsshns5bedvbbiy2jtcmmf/FAIRImmigrationLocalChart.pdf>.

¹⁴⁹ For example, Davidson County, North Carolina, passed an English-only ordinance in 2006. *Id.* That same year, Pickens County, South Carolina, passed an ordinance forbidding the county from doing business with companies that hire undocumented workers. *Id.* Both Springdale and Rogers, Arkansas, have considered anti-immigration ordinances. *Id.*

¹⁵⁰ The micropolitan communities of Pelham and Northport, Alabama, for example, passed ordinances limiting occupancy of a bedroom to two adults in 2007. *Id.* In 2007, Lawrenceville, Georgia, passed an ordinance requiring that contractors verify workers' immigration status as a prerequisite to getting county contracts. *Id.* Landis, North Carolina, passed an English-only ordinance in 2006. *Id.* Other communities have considered such ordinances. Greenwood, Arkansas, tabled an ordinance in 2007 that would have required businesses applying for business permits to sign affidavits stating that they do not knowingly employ illegal workers. *Id.*; see also Mai Thi Nguyen, *Anti-Immigration Ordinances in NC: Ramifications for Local Governance and Planning*, 32 CAROLINA PLANNING 36, 37-38 (2007) (detailing anti-immigrant ordinances in various North Carolina municipalities and counties); Stumpf, *supra* note 87, at 1560 n.9 (describing a number of state, metropolitan, and rural government ordinances attempting to curb immigrant rights).

¹⁵¹ Green Forest is in Carroll County, Arkansas, which has a population of 25,357. See AMERICAN FACTFINDER 2000, *supra* note 6 (search "Green Forest, Arkansas" and "Carroll County, Arkansas").

¹⁵² See Michelle Bradford, *Green Forest Vote Outlaws Fowl Within City Limits 254, Few Hispanics Go to Polls*, ARK. DEMOCRAT-GAZETTE, Feb. 20, 2002, at B1; see also Branan, *supra* note 72 (noting that Whites engage in practices similar to those about which they complain regarding the Latina/o community, including dressing deer and keeping chickens outside their homes).

¹⁵³ See Bradford, *supra* note 152.

¹⁵⁴ *Id.*

¹⁵⁵ See Jim Williamson, *Sevier County Judge Tells Citizens to Learn English*, TEXARKANA GAZETTE, Apr. 10, 2007, available at http://www.texarkanagazette.com/news/localnews/2007/04/10/sevier_county_judge_tells_citizens_to_learn_english.php. The resolution stated:

All citizens of Sevier County are strongly urged to avail themselves of the American Dream through their duties as U.S. residents. Failure of any resident to participate in

Sevier County's residents are Latina/o, with many concentrated in the county seat, De Queen, which is almost 40% Latina/o.¹⁵⁶

Local intolerance for the perceived burden of Latina/o populations is also reflected in harsher, more consequential resolutions like the one passed in Lincoln County, North Carolina, in 2007.¹⁵⁷ That document, titled "Resolution to Adopt Policies and Provide Staff Direction Relating to Illegal Residents in Lincoln County," directed county staff to make several operational changes aimed expressly at the denial of county services to Latina/o newcomers—even if it also meant denial of services to long-time residents. These changes included cessation of funding for any local programs that "illegal residents" might use, reduction in county expenditures on federal or state programs that might be serving illegal residents, and discontinuation of any county contracts with businesses employing illegal residents.¹⁵⁸

the full range of opportunities available because of lack of basic education, and knowledge of basic language skills, causes social as well as economic problems for all our citizens. We encourage all of our citizens to acquire and use sufficient communication skills to enable them to communicate with employees, government officials, emergency personnel and others who might be called upon to provide services or information to them.

Sevier County, Ark., Resolution 2007-1 (April 9, 2007). The ordinance had been tabled at the prior meeting, at which arguments about it erupted. One comment at that meeting was from a Latino resident who asked that the term "Latino" rather than "Hispanic" be used. See Jim Williamson, *No Comprendre?: Sevier County Failing to Learn the Language of Cooperation*, TEXARKANA GAZETTE, March 13, 2007, available at http://www.texarkanagazette.com/news/localnews/2007/03/13/no_comprendre.php.

A Quorum Court resolution is not a law and does not become an ordinance. It is "defined as the adoption of a formal statement of policy by a quorum court, the subject matter of which would not properly constitute an ordinance. A resolution may be used whenever the quorum court wishes merely to express an opinion as to some matter of county affairs, and a resolution shall not serve to compel any executive action." ARK. CODE ANN. § 14-14-904(j) (2008). Resolutions may be amended and repealed only by resolutions. ARK. CODE ANN. § 14-14-904(m) (2008).

¹⁵⁶ See AMERICAN FACTFINDER 2000, *supra* note 6 (search "Sevier County, Arkansas" and "De Queen, Arkansas").

¹⁵⁷ Lincoln County, N.C., Resolution to Adopt Policies and Provide Staff Direction Relating to Illegal Residents in Lincoln County (June 18, 2007), available at <http://www.lincolncounty.org/DocumentView.asp?DID=327>.

¹⁵⁸ *Id.* paras. 1-3. The resolution also included these harsh statements, which reflect the unfavorable attitudes that long-time residents have of Latina/o newcomers:

WHEREAS, North Carolina is home to some 300,000 illegal aliens, costing the State approximately \$250 million per year for education, health care, and social services, all paid for by the taxpaying citizens of the State; and

. . . .

WHEREAS, the influx of illegals contributes to overcrowding in school classrooms, public parks, and recreational facilities; depletion of affordable housing, which was already in short supply for lower income citizens; havoc and death on our highways; increases in the crime rate due to lack of comprehension of the English language and inability to read and follow established laws; and lack of social and personal health care standards; and

WHEREAS, the increased illegal population is drastically affecting the availability of jobs and rapidly creating a negative impact on the budget of our State

Id. pmbl.

In addition, the Lincoln County resolution further requested the sheriff to “diligently battle the ever-increasing criminal element which is growing daily with the influx of illegal residents” and allowed the sheriff to partner with federal agents to monitor the status of immigrants in order to deport those without proper documentation.¹⁵⁹

Indeed, as in Lincoln County, a number of Southern states, counties, and municipalities are cooperating with federal immigration officials. Many such entities do so by joining the Immigration and Customs Enforcement (ICE) 287(g) program.¹⁶⁰ This federal program authorizes state and local police officers to enforce immigration laws during the course of their normal duties and following lawful arrests.¹⁶¹ In 2008, thirty-seven of the sixty-three state and local agencies participating in the 287(g) program were in the South.¹⁶² Arkansas and North Carolina were home to twelve participating agencies, while the gateway states of California and Texas had only seven combined.¹⁶³ Southern interest in the program has not waned. Eighteen of twenty-nine agencies that joined the program in 2008 were in the South.¹⁶⁴

Critics of the 287(g) program believe that authorizing local police officers to enforce immigration laws encourages racial profiling.¹⁶⁵ Participation in the program has become a charged political issue in several communities, drawing the attention of both local media and national Latina/o policy advocates.¹⁶⁶ The program was an especially sensitive issue in Rogers, Arkansas, for example, where the local police department has a his-

¹⁵⁹ *Id.* paras. 4-5.

¹⁶⁰ See Immigration and Nationality Act § 287(g), 8 U.S.C. § 1357(g) (2006).

¹⁶¹ U.S. Immigration and Customs Enforcement, U.S. Dep’t of Homeland Sec., Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act (Sept. 6, 2007), <http://www.ice.gov/pi/news/factsheets/070906factsheet287gprover.htm>; see also Nguyen, *supra* note 150, at 43 (discussing how Mecklenburg County Sheriff’s Department in North Carolina became the state’s first agency to participate in the 287(g) program); Stumpf, *supra* note 87, at 1597 & n.214 (stating that three North Carolina counties have accepted the federal invitation to join the 287(g) program since September 11, 2001).

¹⁶² U.S. Immigration and Customs Enforcement, U.S. Dep’t of Homeland Sec., 287(g) Partners (Aug. 18, 2008), http://www.ice.gov/partners/287g/Section287_g.htm.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ See Rodríguez, *supra* note 87, at 635 (suggesting the possibility of racial profiling of Latina/os rises substantially with state and local involvement); Carrie L. Arnold, Note, *Racial Profiling in Immigration Enforcement: State and Local Agreements to Enforce Federal Immigration Law*, 49 ARIZ. L. REV. 113, 141 (2007); see also Nguyen, *supra* note 150, at 43 (arguing that the 287(g) program could cause local law enforcement to begin judging individuals’ immigration status based on how they look, resulting in racial profiling).

¹⁶⁶ See Seth Blomeley, *Beebe: Immigration Pact Won’t Be Burden*, ARK. DEMOCRAT-GAZETTE, Apr. 9, 2008, at 11; Damien Cave, *Local Officials Adopt New, Harder Tactics on Illegal Immigrants*, N.Y. TIMES, June 9, 2008, at A1, available at <http://www.nytimes.com/2008/06/09/us/09panhandle.html>; John Henley Jr., *Immigration Memorandums in Hand*, MORNING NEWS (Ark.), Sept. 26, 2007, available at <http://www.nwaonline.net/articles/2007/09/26/news/092707rz287g.txt>; Jason Wiest, *Immigrant Advocate Says Initiative Fosters Racism*, MORNING NEWS (Ark.), May 22, 2008, available at <http://www.nwaonline.net/articles/2008/05/22/news/052308lrlllegalimmig.txt>; Vock, *supra* note 120.

tory of racial profiling.¹⁶⁷ Although no official charges of such activity have been brought against 287(g)-designated officers,¹⁶⁸ the probability of such illegal behavior seems amplified in small towns and non-metro counties, where local enforcement officials are more socially integrated with residents.¹⁶⁹

V. AN AGENDA FOR RESEARCH

Demographic, cultural, and economic changes associated with Latina/o immigrants are profoundly affecting the rural South, particularly in the localities where Latina/os are most heavily concentrated.¹⁷⁰ In a range of ways, these newcomers are re-making these rural places,¹⁷¹ these “quintessentially ‘American’ spaces.”¹⁷² First and foremost, the migration is preventing many rural communities from simply shriveling up and disappearing.¹⁷³ It is countering the graying of the rural South¹⁷⁴ and bringing new life. The newcom-

¹⁶⁷ Mark Minton, *Rogers Task Force Revives Fears of Bias*, ARK. DEMOCRAT-GAZETTE, Jan. 15, 2008, at 10. In 2001, the Mexican American Legal Defense and Educational Fund (MALDEF) brought a class action lawsuit on behalf of Latina/os who believed they were targeted by Rogers police officers because of their ethnicity. Henley, *supra* note 166. The parties settled the lawsuit in 2003 and the city agreed to take measures to ensure that Latina/os are treated fairly. *Id.* MALDEF representatives believed that participating in the 287(g) program violated the spirit of this settlement, which provided in part that the Rogers Police Department would “not use race, national origin, citizenship, religion, [or] ethnicity . . . for the purpose of initiating law enforcement action” See Minton, *supra*.

¹⁶⁸ See Arnold, *supra* note 165, at 141; see also Scott F. Davis, *Halt Sought in Local Efforts to Enforce Immigration Laws*, NORTHWEST ARK. TIMES, April 6, 2008, available at <http://www.nwanews.com/nwat/news/63873/>.

¹⁶⁹ See Susan F. Grossman et al., *Rural Versus Urban Victims of Violence: The Interplay of Race and Region*, 20 J. FAM. VIOLENCE 71, 72 (2005); NEIL WEBSDALE, RURAL WOMAN BATTERING AND THE JUSTICE SYSTEM: AN ETHNOGRAPHY 84 (1998); RALPH A. WEISHEIT, DAVID N. FALCONE & L. EDWARD WELLS, CRIME AND POLICING IN RURAL AND SMALL-TOWN AMERICA 130 (3d ed. 2006).

¹⁷⁰ Whether immigration will produce regional economic benefits, as well as local ones, is debatable. See Crowley & Lichter, *supra* note 22; Donato et al., *supra* note 8, at 553-54.

¹⁷¹ Donato et al., *supra* note 8, at 538 (noting that one reason for rural communities to welcome young migrants is that they “reinvigorate social and economic institutions”).

¹⁷² Striffler, *supra* note 50, at 677; see also Pruitt, *supra* note 1, at 161-68.

¹⁷³ See Davey, *supra* note 17 (reporting comments of long-time resident of Storm Lake, Iowa, who expressed gratitude that her town had been saved by the immigrant influx); see also JOHNSON & LICHTER, *supra* note 88, at 3 (discussing how a growing population of young Latina/os “is critical to the future of many rural areas,” which have a large population of aging Whites and often report more deaths and births); Alex Davis, *Hispanic Population on the Rise*, COURIER-JOURNAL (Louisville), Aug. 10, 2007, at 1D (“If we do not accept immigrants coming into the country, we will become a nation with population decline.” (quoting Ron Crouch, director of the Kentucky State Data Center)).

¹⁷⁴ “On average, nonmetro non-Hispanic Whites were about 14 years older than nonmetro Hispanics in 2005. Over 20 percent of non-Hispanic Whites are age 60 or older, versus less than 10 percent of Hispanics. Higher birth rates contribute to larger under-20 cohorts for Blacks, Native Americans, and Hispanics, compared with non-Hispanic Whites.” Carol A. Jones, William Kandel & Timothy Parker, Econ. Research Serv., U.S. Dep’t of Agric., *Population Dynamics Are Changing the Profile of Rural Areas*, AMBER WAVES, April 2007, at 30, 35, available at <http://www.ers.usda.gov/AmberWaves/April07/PDF/Population.pdf>; see also

ers are also changing social dynamics and hierarchies in places which were either previously ethnically and racially homogeneous,¹⁷⁵ or had historically been home only to Blacks and Whites.¹⁷⁶ Finally, this Latina/o presence is drawing rural communities into the immigration debate,¹⁷⁷ not least because some non-metro employers rely heavily upon Latina/o workforces.¹⁷⁸

The economic and social implications of this migration enhance our need to understand how the Latina/o experience in rural America may be different from that in the urban settings that have implicitly or explicitly attracted the greatest scholarly attention.¹⁷⁹ Many questions related to this demographic trend deserve exploration. Among them is how the immigrants and their rural hosts will adapt. Will Latina/o identities be constructed differently in rural places than in urban ones? How will they be shaped, for example, by rural perceptions of virtue and vice? And how will the resistance to change that is associated with rural communities influence Latina/o experiences?¹⁸⁰ The corollary to these queries is to consider the impact of the Latina/o influx on the rural host communities.¹⁸¹ How will these places

KANDEL, RURAL HISPANICS, *supra* note 14, at 3 (compiling in a graph U.S. Census data that compares Hispanic and Non-Hispanic White age distribution in rural America).

¹⁷⁵ Berryville, Arkansas, in the northwest corner of the state, is such a place. In the 2000 Census, its population of 4433 was almost 20% Latina/o, while the Hispanic population in all of Carroll County was just under 10%. AMERICAN FACTFINDER 2000, *supra* note 6 (search "Berryville, Arkansas" and "Carroll County, Arkansas" and select "2000"). The smaller city of Green Forest, population 2717, was over 30% Hispanic. *Id.* (search "Green Forest, Arkansas"). This area's primary industry is poultry processing. In the 1990 Census, Carroll County's Hispanic population was 194, just over 1% of the total population of 18,654. *Id.* (under "Decennial Census," select the "get data" hyperlink; then select the "1990 Census" tab; then select the "Quick Tables" hyperlink; then select "Carroll County, Arkansas" from the drop down menus and select the "Show Result" hyperlink; then select the appropriate tables from the menu and select the "Show Result" hyperlink). The Census reported six Blacks that year in Carroll County, and a total of 238 persons who were not white and not Hispanic. *Id.* In the 1980 census, Carroll County had 110 persons of "Spanish origin" and four Black persons out of a total population of 16,203. See BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 1980 CENSUS OF POPULATION: GENERAL POPULATION CHARACTERISTICS: ARKANSAS 5-116 (tbl.44 (1982), available at http://www2.census.gov/prod2/decennial/documents/1980a_arABC-03.pdf).

¹⁷⁶ Duplin County, North Carolina, is an example. Cf. *supra* note 5 and accompanying text.

¹⁷⁷ See, e.g., Susan Saulny, *Hundreds Are Arrested in U.S. Sweep of Meat Plant*, N.Y. TIMES, May 13, 2008, at A13; Editorial, *The Shame of Postville, Iowa*, N.Y. TIMES, July 13, 2008, at 11; Lisa R. Pruitt, Legal Ruralism Blog: Another ICE Raid in Rural America (May 13, 2008, 22:30 PDT), <http://legalruralism.blogspot.com/2008/05/another-ice-raid-in-rural-america.html> (referring to a number of 2008 raids in non-metropolitan counties).

¹⁷⁸ See Davey, *supra* note 17; Greenhouse, *supra* note 52.

¹⁷⁹ See, e.g., Lichter & Johnson, *supra* note 18, at 110; Martha Menchaca, *Chicano-Mexican Cultural Assimilation and Anglo-Saxon Cultural Dominance*, 11 HISP. J. BEHAV. SCI. 203 (1989); Katherine Porter, *Going Broke the Hard Way: The Economics of Rural Failure*, 2005 WIS. L. REV. 969, 970 (observing an urban bias in legal scholarship and law).

¹⁸⁰ See, e.g., Naples, *supra* note 17; Willits et al., *supra* note 1 (noting that a lack of privacy in rural communities influences individual decision-making and reinforces traditional thought and behavior patterns).

¹⁸¹ See Ann V. Millard & Jorge Chapa, *Aquí in the Midwest*, in APPLE PIE & ENCHILADAS: LATINO NEWCOMERS IN THE RURAL MIDWEST, *supra* note 17, at 1, 2-3 (noting that new populations challenge long-time residents' assumptions about rurality); see also Sergio Chávez,

be reconstituted by the difference these newcomers represent? Finally, what role will law play in all of this?

The manner in which rural places are reconstituted seems likely to differ between communities that have long been home to both Blacks and Whites¹⁸² and those marked by racial and ethnic homogeneity. Construction of Latina/os as “other” may differ in the two types of communities. Further, those constructions may or may not differ from the constructions of White and/or Black newcomers, who are also social outsiders in these rural communities.¹⁸³ In both varieties of Southern places, though, the Latina/o influence is likely to differ from that experienced in gateway cities and states.

The reasons for these differences are grounded in both rural and Southern characteristics, only some of which I have suggested. Sociologists and other scholars have, for example, identified rural spatiality as a factor that can aggravate disadvantages associated with race, ethnicity, class, and other markers of identity.¹⁸⁴ In this vein, I noted earlier how two aspects of rural spatiality, the dearth of services (Spanish-language services in particular) and a lack of anonymity, might create particular hardships for Latina/os in the rural South. They may also enhance opportunities for discrimination.¹⁸⁵

On the other hand, these and other difficulties posed by spatial isolation and other socio-spatial characteristics of rural places may be somewhat ame-

Community, Ethnicity, and Class in a Changing Rural California Town, 70 RURAL SOC. 314 (2005) (challenging agrarian notions of community that excluded the forms of community constructed by Latina/o newcomers in California’s Central Valley).

¹⁸² See Kandel & Parrado, *Public School Response*, *supra* note 63, at 112 (“The well-established Black-White racial dichotomy of much of the southeastern U.S. creates a very different context of reception relative to the more diverse racial composition prevalent in much of the traditional receiving areas.”); Lazos Vargas, *supra* note 23, at 355 (noting the importance of the receiving community’s receptiveness to immigration as a factor that facilitates the incorporation of immigrants there); see also Rochelle L. Dalla & Shirley L. Baugher, *Immigration and the Rural Midwest*, in *THE HIDDEN AMERICA: SOCIAL PROBLEMS IN RURAL AMERICA FOR THE TWENTY-FIRST CENTURY*, *supra* note 122, at 219, 219-20, 225-31.

¹⁸³ See generally SALAMON, *supra* note 125, at 162 (discussing the divide between old-timers and newcomers in rural places); MacTavish & Salamon, *supra* note 143, at 78 (implying a newcomer/old-timer dichotomy, with each group representing different values); Naples, *supra* note 17, at 131-33 (discussing the “outsider” status of single mothers, welfare recipients, and racial-ethnic minorities).

¹⁸⁴ See Gerald W. Creed & Barbara Ching, *Introduction: Recognizing Rusticity: Identity and the Power of Place*, in *KNOWING YOUR PLACE: RURAL IDENTITY AND CULTURAL HIERARCHY* 1, 22 (Barbara Ching & Gerald W. Creed eds., 1997); Lisa R. Pruitt, *Place Matters: Domestic Violence and Rural Difference*, 23 WISC. J.L. GENDER & SOC’Y 347 (2008); Tickamyer & Henderson, *supra* note 123, at 114-15; Ann R. Tickamyer, *Space Matters! Spatial Inequality in Future Sociology*, 29 CONTEMP. SOC. 805, 806-07, 809 (2000).

Various aspects of geography—of space and place—enable and/or disable groups within the socio-spatial containers that constitute places. See Janet E. Kodras & John Paul Jones III, *The State, Social Policy, and Geography*, in *GEOGRAPHIC DIMENSIONS OF UNITED STATES SOCIAL POLICY* 17, 24-25, 31 (Janet E. Kodras & John Paul Jones III eds., 1990) (discussing the relationship between social phenomenon and spatial phenomenon and asserting that “space is not simply a container of social processes but an active shaper of them”).

¹⁸⁵ See *supra* notes 141-47 and accompanying text; see also Nguyen, *supra* note 150, at 39 (discussing how recently passed English-only ordinances can “penalize” non-English speakers, preventing them from participating in city planning and resulting in an “inequitable distribution of resources and services”).

liorated within rural Latina/o communities. This is so even though the immigrant communities are not spatially bounded within the small towns and micropolitan areas where they settle.¹⁸⁶ That is, the mere concentration of Latina/os in particular places—if not in particular neighborhoods within those places—may create a critical mass, which fosters solidarity.¹⁸⁷ This seems analogous to the solidarity and kinship among long-time rural residents, which have reportedly mitigated some of the structural disadvantages endemic to rural living.¹⁸⁸ These and other differences between rural and urban spatiality represent an invitation to consider how Latina/os will be empowered or disempowered, assimilated or segregated, in the rural context.

Just as social, spatial, cultural, and legal consequences of this migration are as yet not fully known, neither are its long-term economic consequences. Immigration is providing some short-term economic gains in the South, but if job markets constrict, eliminating the very jobs that attracted the newcomers, the rural communities may be back where they started. Indeed, they may be worse off due to greater competition for a smaller pool of jobs in the context of undiversified economies with surplus unskilled labor.

Rural Latina/os may suffer as a consequence of both their visibility and their invisibility. On the one hand, Latina/os are likely to be highly visible locally. Their darker skin and their different language make them more obviously different—a more apparent “other”—in the context of communities that are not racially and ethnically diverse and which have long been characterized by static populations with multigenerational links to the place. Latina/os thus stand out by virtue of skin color, language, and their status as newcomers. This, along with the “involuntary intimacy”¹⁸⁹ that marks rural communities, makes Latina/os easier targets—or at least more obvious ones—for racial profiling and other forms of discrimination. Finally, rural residents’ resistance to change, their lack of past experience with ethnic difference, and their fear that they are economically threatened may motivate more local lawmaking that will serve to make life more difficult for Latina/os and aim to drive them away.¹⁹⁰

From a national perspective, on the other hand, rural Latina/os may suffer as a consequence of their relative *invisibility*. The lack of attention

¹⁸⁶ See *supra* notes 116-19 and accompanying text.

¹⁸⁷ See, e.g., Striffler, *supra* note 50, at 674-75 (suggesting that immigrant Latina/os join other Latina/os who have gone before them and assessed the opportunities in a given locale).

¹⁸⁸ See Naples, *supra* note 17; Pruitt, *supra* note 142 (discussing rural networks and the informal economy).

¹⁸⁹ Louis E. Swanson & David L. Brown, *Conclusion: Challenges Become Opportunities: Trends and Policies Shaping the Future*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at 397, 401.

¹⁹⁰ See Nguyen, *supra* note 150, at 45 (discussing how immigrants will most likely flee jurisdictions with anti-immigrant ordinances and move to areas that are more receptive to immigrants, causing “fragmentation and parochialism among local governments, resulting in benefits for some jurisdictions and costs to others”).

that rural America attracts¹⁹¹ in our increasingly urbanized nation¹⁹² and world¹⁹³ will also shape their experiences. Poverty, for example, has long afflicted a greater percentage of rural residents than urban ones,¹⁹⁴ but it has also been largely out of sight and therefore overlooked by national law and policymakers.¹⁹⁵ Indeed, rural places have become, in recent decades, repositories of that which broader society wants out of sight and out of mind.¹⁹⁶

This invisibility may portend a lack of attention to rural immigrants. Their poverty and hardship are likely to be as obscured as those of their native hosts. Even if long-time rural residents are getting better jobs and enjoying other economic benefits as a result of the Latina/o influx, the so-called Latina/o boomtowns are hardly flourishing. Residents of Duplin County, North Carolina, for example, where the Latina/o population rose over 600% between 1990 and 2000, remain poor.¹⁹⁷ The 2003 median per

¹⁹¹ See Porter, *supra* note 179, at 970; Pruitt, *supra* note 142, at 355 n.88 (collecting sources). Nationally, our farm policy is tantamount to our rural policy. See William W. Falk & Linda M. Lobao, *Who Benefits from Economic Restructuring?: Lessons from the Past, Challenges for the Future*, in CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY, *supra* note 11, at 152, 160 (citing Ray Marshall, *Rural Policy in the New Century*, 24 INT'L REGIONAL SCI. REV. 59 (2001)).

¹⁹² BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 1990 CPH-2-1, 1990 CENSUS OF POPULATION AND HOUSING: POPULATION AND HOUSING UNIT COUNTS: UNITED STATES 5 tbl.4 (1993), available at <http://www.census.gov/prod/cen1990/cph2/cph-2-1-1.pdf> (reporting an increase in U.S. urban populations and a corresponding decrease in the percentage of people living in rural areas since 1820). In 2000, 79% of the United States population resided in urban areas. Fed. Highway Admin., U.S. Dep't of Transp., U.S. Population Living in Urban vs. Rural Areas (Feb. 9, 2004), <http://www.fhwa.dot.gov/planning/census/cps2k.htm>.

¹⁹³ See Celia W. Dugger, *U.N. Predicts Urban Population Explosion*, N.Y. TIMES, June 28, 2007, at A6, available at <http://www.nytimes.com/2007/06/28/world/28population.html> (predicting that by 2008, 3.3 billion people, over half the world's population, will be living in cities and that by 2030, the number will near 5 billion).

¹⁹⁴ See Leif Jensen, *At the Razor's Edge: Building Hope for America's Rural Poor*, RURAL REALITIES, 2006, at 1, 2-3, available at <http://www.ruralsociology.org/pubs/RuralRealities/RuralRealities1-1.pdf>.

¹⁹⁵ See, e.g., MARK D. PARTRIDGE & DAN S. RICKMAN, THE GEOGRAPHY OF AMERICAN POVERTY: IS THERE A NEED FOR PLACE-BASED POLICIES? 12-14 (2006) (discussing how broad, national welfare reform efforts that are not tailored to specific places may fail to eliminate poverty in rural areas because of the unique challenges these areas face in terms of remoteness and isolation); THE HIDDEN AMERICA: SOCIAL PROBLEMS IN RURAL AMERICA FOR THE TWENTY-FIRST CENTURY, *supra* note 122 (suggesting with its title the obscure character of rural social problems); Porter, *supra* note 179.

¹⁹⁶ Examples of this are found in the rural prison-building boom and in the use of rural areas for hazardous waste dumps. See Linda Lobao, *Continuity and Change in Place Stratification: Spatial Inequality and Middle-Range Territorial Units*, 69 RURAL SOC. 1, 21-25 (2004) (arguing for attention to how rural and urban areas intersect and noting how rural areas are taking on functions discarded by cities); Ralph A. Weisheit & Joseph F. Donnermeyer, *Change and Continuity in Crime in Rural America*, in 1 CRIMINAL JUSTICE 2000: THE NATURE OF CRIME: CONTINUITY AND CHANGE 309, 333-34 (2000), available at http://www.ncjrs.org/criminal_justice2000/vol_1/02g.pdf; see also Fernanda Santos, *Plan to Close Prisons Stirs Anxiety in Towns that Depend on Them*, N.Y. TIMES, Jan. 27, 2008, at A25, available at <http://www.nytimes.com/2008/01/27/nyregion/27prison.html>; Katie Zezima, *Its Mill Days Gone (and Not Coming Back), a Small Town Tries Plans B and C*, N.Y. TIMES, Sept. 2, 2007, § 1, at 16, available at <http://www.nytimes.com/2007/09/02/us/02berlin.html>.

¹⁹⁷ Rocha & Easterbrook, *supra* note 37; see also *supra* note 46.

capita income of the county's residents was \$20,827, leaving it eighty-eighth among the state's 100 counties.¹⁹⁸ The 2000 median home value was \$63,422, eighty-seventh in the state.¹⁹⁹ The county's property tax rate, however, is among the state's highest, at seventy-seven cents per \$100 assessed.²⁰⁰ Jobs lost due to two recent plant closings have not been replaced.²⁰¹ In a similar vein, working conditions in many of the industries that employ these immigrants, such as poultry and meat processing, are deplorable.²⁰² Consigning to rural places this distasteful work—along with the immigrants willing to do it—gets both out of sight, literally and attitudinally.

While the Latina/o immigration is improving the economic lot of some long-time rural residents in the South, Latina/o-izing the underclass is surely no solution to the region's persistent rural poverty.²⁰³ While immigration law and policy presently attract a great deal of attention,²⁰⁴ linking those issues to rural economies seems unlikely to yield solutions that will significantly benefit either old-timers or newcomers in the rural South. In sum, rural invisibility is likely to disserve Latina/o interests, just as it generally disservices long-time rural residents.

¹⁹⁸ Rocha & Easterbrook, *supra* note 37.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² See Striffler, *supra* note 62, at 152-65 (describing in detail the demanding poultry processing-line work at a Tyson Foods plant in Springdale, Arkansas); Torres et al., *supra* note 45, at 62.

²⁰³ See Jorge H. Atilas & Stephanie A. Bohon, *Camas Calientes: Housing Adjustments and Barriers to Social and Economic Adaptation Among Georgia's Rural Latinos*, 19 S. RURAL SOC. 97 (2003); Lichter, Roscigno & Condron, *supra* note 143, at 105 (reporting that between 1989 and 1997, only 12 of the 100 poorest non-metropolitan counties experienced increased child poverty, and most had a large Latina/o population); James Mikesell, Econ. Research Serv., U.S. Dep't of Agric., *One in Four Nonmetro Households Are Housing Stressed*, AMBER WAVES, Nov. 2004, at 11, available at http://www.ers.usda.gov/amberwaves/november04/pdf/findings_ruralamerica.pdf (discussing the effects of the high cost of housing relative to income and identifying the Southeast and Latina/os there as some of the most likely victims); Leslie A. Whitener, Econ. Research Serv., U.S. Dep't of Agric., *Housing Poverty in Rural Areas Greater for Racial and Ethnic Minorities*, RURAL AMERICA, May 2000, at 2, available at <http://www.ers.usda.gov/publications/ruralamerica/ra152/ra152c.pdf> (indicating a greater prevalence of poverty in housing of nonmetro minorities).

²⁰⁴ See generally Greg K. Venbrux, Comment, *Devolution or Evolution? The Increasing Role of the State in Immigration Law Enforcement*, 11 UCLA J. INT'L L. & FOREIGN AFF. 307, 308 (2006) (discussing the emergence of immigration reform as a widely addressed topic in the wake of post-September 11, 2001 national security concerns); Clarence Page, Op-Ed., *The Candidates Meet at the Borders: Fresh Possibility for Comprehensive Immigration Reform in this Year's Presidential Field*, GRAND RAPIDS PRESS, Feb. 5, 2008, at A6 (analyzing various U.S. presidential candidates' views on immigration, "the hottest of the hot-button issues" in 2008); Marc Santora, *Immigration: From Talking Point to Sore Point*, N.Y. TIMES, Nov. 1, 2007, at A1 (reporting on then-Senator Hillary Clinton's equivocal stance on immigration and criticism aimed at her attempt to court voters on both sides of the issue).

One thing is clear: the rural South is home to a new group of pioneer immigrants who, by all indications, are there to stay.²⁰⁵ I began with the observation that rural communities are often associated with stability, tradition, and homogeneity. Rural communities are also often associated with family, religion, and a strong work ethic.²⁰⁶ Interestingly, Latina/os as a group tend to share these latter associations.²⁰⁷ Recognizing such commonalities could better enable the two populations to forge productive alliances to make a brighter future for all in the rural South.

Geographer Linda McDowell has observed how our “notion of locality or place itself” has become more sophisticated as a consequence of understanding that globalizing forces reconstruct rather than destroy localities.²⁰⁸ She writes:

[S]ocio-spatial practices . . . define places and these practices result in overlapping and intersecting places with multiple and changing boundaries, constituted and maintained by social relations of power and exclusion. Places are made through power relations which construct the rules which define boundaries. These boundaries are both social and spatial – they define who belongs to a place and who may be excluded²⁰⁹

What is happening in the South’s Latina/o boomtowns reflects McDowell’s point. As socio-spatial norms and boundaries are renegotiated, as power shifts, as exclusion evolves into inclusion, communities are remade, and a new South emerges.

²⁰⁵ See Donato et al., *supra* note 8, at 541-42, 554 (noting that once Mexican immigrants settle in a non-metro area, they are unlikely to move to a metro area).

²⁰⁶ Common associations with the word “rural” include traditional values, family, and religion. Rural America evoked positive associations for 84% of respondents to a 2004 survey. See W.K. KELLOGG FOUND., PERCEPTIONS OF RURAL AMERICA 6-8 (2001), available at <http://www.wkcf.org/pubs/FoodRur/Pub2973.pdf> (discussing the “overwhelmingly positive view of the people, the values, and the culture of rural America”); Pruitt, *supra* note 1, at 168-71.

²⁰⁷ See *supra* note 144.

²⁰⁸ LINDA MCDOWELL, GENDER, IDENTITY AND PLACE 3 (1999).

²⁰⁹ *Id.* at 4.

