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 front-line 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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Latina/os, Locality, and Law in the Rural South

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

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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 et al. eds. 1982). Willits and her co-authors 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. OF 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 2,500 or less. Everything else is urban. The designation is at the municipal level, the lowest or most local government entity. See John Cromartie and Shawn Bucholtz, Econ. Res. Serv., U.S. Dep’t of Agric., Defining the “Rural” in Rural America, 6 AMBER WAVES, June 2008, available at http://www.ers.usda.gov/AmberWaves/Jun08/PDF/RuralAmerica.pdf (describing the variety of ways in which the federal government defines “rural”); Econ. Res. Serv., U.S. Dep’t of Agric. Briefing Room, 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. Office of Management and Budget: Standards for Defining Metropolitan and Micropolitan Statistical Areas (February 12, 2008), available at http://georgewbush-whitehouse.archives.gov/omb/fedreg/metroareas122700.pdf. See 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.

long associated with racial segregation between Blacks and Whites, is an exception to this latter assumption but even there, some communities have remained almost entirely White.

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

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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); LIBBY V. MORRIS & RONALD C. WIMBERLEY, THE REFERENCE BOOK ON REGIONAL WELL-BEING: U.S. REGIONS, THE BLACK BELT, APPALACHIA, (Southern Rural Dev. Ctr., Miss.) (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 97-109 (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 percent is non-Hispanic White and .001 percent is Black. UNITED STATES CENSUS BUREAU, AMERICAN FACT FINDER, CENSUS 2000 (2000), available at 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 FACT FINDER 2000]. See also Institute for Economic Advancement, Census State Data Center at http://www.aiea.ualr.edu/census/other/ReYr3_1980.html. National Atlas of the United States, http://www.nationalatlas.gov/ (follow the “Map Maker” link; 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 Hispanic 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 Katherine M. Donato et al., Recent Immigrant Settlement in the Nonmetropolitan United States: Evidence from Internal Census Data, 72 RURAL SOC. 537, 537-59 (2007). See also KEVIN R. JOHNSON, OPENING THE FLOODGATES, WHY AMERICA NEEDS TO RETHINK ITS BORDERS AND IMMIGRATION LAWS 174 (N.Y. Univ. Press 2007) (noting how immigration has recently begun flowing away from states with high foreign-born populations to more rural states).
9 Donato, supra note 8, at 537-59.
primarily coming to work in the low-wage jobs 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 numbers of Latina/os in the United States increased by 67.3% in the 1990s, more than double the rate of the prior decade.14


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 124, 127 (David L. Brown et al. eds., 2003) (suggesting that rural places have been underdeveloped intentionally to keep costs, including labor, 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 59, use the term “Mexican.” See also Alejandro Oktie Holt & Sister 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 26-27 (Charles D. Thompson, Jr. et al. 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).


14 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, Rural Hispanics at a Glance, U.S. DEP’T OF AGRICULTURE ECONOMIC RESEARCH SERVICE (2005), available at
In 2006, almost 3.2 million Latina/os lived in rural America, making up 6.3% of the country’s non-metro residents.\textsuperscript{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.\textsuperscript{16} They are also moving beyond the Midwest, where significant numbers of Latina/os began settling in the 1980s.\textsuperscript{17} Between 1990 and 2000, nine of the ten states with the fastest non-metropolitan Latina/o growth rates were in the South,\textsuperscript{18} as were six of the ten states with the fastest growing Latina/o populations.\textsuperscript{19} Almost 1 million

\textsuperscript{15} See Saenz, supra note 13, at 1.


new Latina/os settled in the South between 2000 and 2004,\textsuperscript{20} not including
unauthorized immigrants, who are typically omitted from the census.\textsuperscript{21}

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 Latino boomtowns.\textsuperscript{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

\textsuperscript{20}Kandel & Parrado, \textit{Hispanics in the American South}, supra note 10, at 255, 256 Table 13-1
(citing U.S. Census Bureau, 1990, 2000). The counties with the highest Latina/o population
growth rates were concentrated in southeastern North Carolina, northern Alabama and Georgia,
and western Arkansas. \textit{Latinos in the New South}, supra note 10, at 11 (citing U.S. DEP’T OF
AGRICULTURE report, Kandel & Cromartie (2004)). Arkansas had the fastest growing Latina/o

\textsuperscript{21}For instance, the census pegged the Hispanic population of Dalton, Georgia, at 4,581, while the
former INS estimated it at almost 40,000. James D. Engstrom, \textit{Industry and Immigration in
Dalton, Georgia}, in \textit{Latino Workers in the Contemporary South}, supra note 10, at 44-56.
Another survey estimates that 51% of Arkansas’s immigrant population is undocumented.
\textit{Profile Volume 1}, supra note 19.

\textsuperscript{22}See Daniel Lichter et al., \textit{National Estimates of Racial Segregation in Rural and Small-Town
America}, 44 \textit{Demography} 563, 566 (2007); Martha Crowley & Daniel T. Lichter, \textit{Social
Disorganization in New Latino Destinations?}, RURAL SOC. (forthcoming 2009) (abstract, passim
in manuscript).
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.\footnote{Sylvia Lazos Vargas has written about legal issues related to Latina/o immigration into the Midwest. \textit{See} Sylvia R. Lazos Vargas, \textit{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).}

\section{A Short History of the Economy and Demography of the Rural South}

While about 20\% of the U.S. population lives in rural areas,\footnote{Census Bureau, GCT-P1 Urban/Rural and Metropolitan/Nonmetropolitan Population: 2000, \texttt{http://factfinder.census.gov/home/saff/main.html?_lang=en} (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).} the South is disproportionately rural, with 40\% of the nation’s rural residents living in that region.\footnote{U.S. DEP’T OF AGRICULTURE, \textit{RURAL POVERTY AT A GLANCE, RURAL DEVELOPMENT RESEARCH REPORT NUMBER 100} (2004), \textit{available at} \texttt{http://www.ers.usda.gov/publications/rdr100/rdrr100_lowres.pdf} [hereinafter \textit{RURAL POVERTY AT A GLANCE}].} Rural areas in the South have long been among the most impoverished in the nation,\footnote{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. \textit{Id.} Of the 500 poorest U.S. counties, 459 are rural. \textit{Housing Assistance Council, Taking Stock: Rural People, Poverty, and Housing at the Turn of the 21st Century} 18-19 (2002), \textit{available at} \texttt{http://ruralhome.org/pubs/hsganalysis/ts2000/index.htm} [hereinafter \textit{TAKING STOCK}]. Children and people of color represent disproportionate shares of the rural poor. \textit{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. \textit{RURAL POVERTY AT A GLANCE, supra} note 25, at 2. \textit{See also} Economic Research Service, U.S. DEP’T OF AGRICULTURE, \textit{RURAL INCOME, POVERTY, AND WELFARE: RURAL POVERTY 1} (2004), \texttt{http://www.ers.usda.gov/Briefing/IncomePovertyWelfare/HighPoverty} (studying the differences among areas of persistent poverty in the rural South).} in part due to the lack of industrial infrastructure.\footnote{See David D. Danbom, \textit{Born in the Country: A History of Rural America} 129 (1995). In 1900, 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. \textit{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.” \textit{Id.} at 130. \textit{See also} Gavin Wright, \textit{Cheap Labor and Southern Textiles before 1880}, 39 THE J. OF \textit{ECON. HISTORY} 655-80 (1979) (discussing reasons for the comparatively slow development of the textile industry in the South as compared to the North).} Farming, once
the source of Southern wealth,28 declined in value after the Civil War,29 and the region has straggled economically ever since. The non-metropolitan South has the highest and most enduring poverty rates in the nation,30 with more than one in two persons living in impoverished conditions.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 self-

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28 DANBOM, supra note 27, at 50-54, 100-108 (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.
33 See, e.g., Lorin D. Kusmin, U.S. DEPARTMENT OF AGRICULTURE ECONOMIC RESEARCH SERVICE, ECONOMIC INFORMATION BULLETIN NUMBER 31 (2007), http://www.ers.usda.gov/publications/eib31/eib31.htm (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); Leif Jensen et al., Changing Fortunes: Poverty in Rural America, in POPULATION CHANGE AND RURAL SOCIETY 131-54 (William Kandel et al. 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, U.S. DEP’T OF AGRICULTURE ECONOMIC RESEARCH SERVICE, Human Resources in the South: Rural Sociology in the 1990s, 7 SO. RURAL SOCIOLOGY 24 (1990) (providing a brief analysis of the economic problems facing the rural South); BRUCE J. SHULMAN, COTTON BELT TO SUNBELT: FEDERAL POLICY, ECONOMIC DEVELOPMENT AND THE TRANSFORMATION OF THE SOUTH 1938-1980, 3-38 (1980) (detailing the problems facing the rural southern economy at the time of the Great Depression and its historical sources).
sufficiency and overall well-being. Among these are inadequate and substandard housing, a dearth of public transportation, and a shortage of child care centers.\textsuperscript{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.\textsuperscript{35} Recession during the 1980s hit the rural South especially hard,\textsuperscript{36} prompting a further exodus.\textsuperscript{37}

Population loss similarly dogged other rural regions across the nation in the latter half of the 20\textsuperscript{th} century.\textsuperscript{38} Since the early 1990s, however, rural population loss in some regions has ceased, even reversed\textsuperscript{39} almost solely as a result of a massive influx of Latina/os.\textsuperscript{40} Indeed, the migration of Latina/os

\begin{footnotesize}
\begin{enumerate}
\item DANBOM, supra note 27 at 130. \textit{See also} Holt & Mattern, supra note 12, at 22-52, 36 (discussing the effects of this migration on the rural South); Thompson, supra note 12, at 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).
\item More than 10,000 farms went out of business in North Carolina in the 1980s alone. Thompson, supra note 12, at 68-69. More families left farming in the 1980s than during the Great Depression. \textit{Id.} at 69.
\item See Kenneth M. Johnson, \textit{Unpredictable Directions of Rural Population Growth and Migration}, 19, 19-20 in \textit{CHALLENGES FOR RURAL AMERICA IN THE 21\textsuperscript{st} CENTURY} (David L. Brown & Louis E. Swanson eds. 2003); Donato, supra note 8, at 539 (noting the chronic problem of rural population loss in the 20\textsuperscript{th} century); \textit{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).
\item Johnson, supra note 38, at 19-20; \textit{see also} Rocha & Easterbrook, supra note 37, at 1 (reporting on the population trend reversal in Duplin County, North Carolina).
\item See Donato, supra note 8, at 538-39 (discussing offset of declines in native population by those foreign-born); Calvin L. Beale, \textit{Anatomy of Nonmetro High-Poverty Areas: Common in Plight, Distinctive in Nature, in AMBER WAVES: THE ECONOMICS OF FOOD, FARMING, NATURAL RESOURCES AND RURAL AMERICA} (2004), http://www.ers.usda.gov/AmberWaves/February04/Features/Anatomy.htm (discussing Latino migrants as population “offsets” in rural areas, specifically noting that while migration out of the
\end{enumerate}
\end{footnotesize}
maintained the population size of more than 100 non-metro counties between the 1990 and 2000 censes.\textsuperscript{41}

In the South in particular, Latina/o populations swelled by more than 200% between 1990 and 2000, increasing as much as 400% in some states.\textsuperscript{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.\textsuperscript{43} This localization and the visibility it fosters magnify the migration’s impact in particular places.\textsuperscript{44} The Latina/o population in one North Carolina rural South has not stopped, population loss has been slowed or reversed by an influx of new residents, largely low-wage Hispanic workers).


\textsuperscript{42} Between 1990 and 2000, rural Alabama saw its Latina/o population increase from 5,000 to 26,000, up 403%. In the same decade, Arkansas’ Latina/o population grew by 282%, Georgia’s by 373%, Mississippi’s by 213%, Tennessee’s by 360%, South Carolina’s by 378%, North Carolinas by 491%. CONSTANCE NEWMAN, IMPACTS OF HISPANIC POPULATION GROWTH ON RURAL WAGES (UNITED STATES DEP’T OF AGRICULTURE AGRICULTURAL ECONOMIC REPORT NO. 826, (2003), http://www.ers.usda.gov/publications/aer826/aer826.pdf. \textit{See} Eric C. Jones & Robert E. Rhoades, \textit{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 lack of documentation results in census counts representing about half of the probable Hispanic population).

\textsuperscript{43} The term “micropolitan” differentiates among nonmetropolitan counties. Generally, any non-metro area with a population density of 1,000 persons per square mile that reaches a population of 10,000, including some commuters, will be considered micropolitan. U.S. DEP’T OF AGRICULTURE ECONOMIC RESEARCH SERVICE, MEASURING RURALITY: WHAT IS RURAL? (March 22, 2007), http://www.ers.usda.gov/Briefing/Rurality/WhatsRural/index.htm#cluster (follow “micropolitan areas” hyperlink)

\textsuperscript{44} Kandel & Parrado, \textit{Hispanics in the American South, supra} note 10, at 255-257 (noting that in 2000, over a third of the 3.2 million rural Hispanics lived in 109 of 2,288 non-metropolitan counties). \textit{See also} Anita I. Drever, \textit{New Neighbors In Dixie: The Community Impacts of Latino Migration to Tennessee, in LATINOS IN THE NEW SOUTH, supra} note 10, at 19-37 (noting that
county, for example, increased ten-fold between 1990 and 2000.\textsuperscript{45} Such dramatic increases suggest the extraordinary cultural and social change underway in these communities.\textsuperscript{46} This is particularly so in light of local racial histories steeped in a Black-White divide\textsuperscript{47} or, alternatively, characterized by remarkable racial and ethnic homogeneity.\textsuperscript{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,\textsuperscript{49} this recent influx is of a different magnitude and character, not least because it appears mostly permanent.\textsuperscript{50} The vast majority of Latina/o immigrants move to

\textsuperscript{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*, supra note 10, at 37-40 (reporting increases of 600% or more in over half of the counties in the central plains region, where Hispanics now comprise 6.2 % of the population, compared to 4.7% in North Carolina as a whole).

\textsuperscript{46} Among the localities greatly affected by Latina/o immigration is Warsaw, North Carolina, in Duplin County. The Latino population in Duplin County increased seven fold, from 1,015 in 1990 to 7,426 in 2000; 65% of immigrants there are Mexican. Kandel & Parrado, *Hispanics in the American South*, supra note 10, at 255, 267. In 2004, Latina/os made up 17.5% of Duplin County's population, the highest proportion in the state. According to a Pew Hispanic Center estimate, about half of North Carolina's Hispanic immigrants are unauthorized. Rocha & Easterbrook, *supra* note 37, at 1.

\textsuperscript{47} See Furuseth & Smith, *supra* note 16, at 2 (noting the “far-reaching effects” of the arrival of “culturally different and linguistically alien immigrants” in a region where “social status, economic relations, and public consciousness have been framed by the biracial constructs of ‘White’ and ‘Black’”).

\textsuperscript{48} See *supra* note 6.

\textsuperscript{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, 25-6, 29, 47-51 (discussing the presence of both Latino and Hmong farm workers in the Southeast who sometimes displace African American workers).

the South for jobs in low-skill, low-wage industries that have either sprung up or rapidly expanded. While many of these jobs have an extremely high turnover rate, newcomers tend to fill the positions quickly. The constant cycle of employees maintains a relatively consistent size, making the Latina/o community a permanent fixture in town. This continuous presence distinguishes these immigrants from the migrant Latina/o agricultural workers who are seasonal employees, stay in one area for only a short time, and generally live outside of established residential areas. In addition, many employers in the South actively recruit Latina/o workers, offering amenities to attract and retain them.

51 In Arkansas, for example, immigrants held 11% of available low-skilled jobs in 2000, even though they comprised only 3 percent 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 (observing that while almost all non-metro counties experienced Hispanic 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 255, 70 (reporting that despite population inflows, unemployment in Duplin County declined from 8.6 to 5.0 percent between 1992 and 2000). In some instances, the choice of locales borders on the absurd. Tar Heel, North Carolina, population 70, is home to the largest hog-butcher plant in the world, which employs 5,200 workers. Steven Greenhouse, Crackdown Upends Slaughterhouse's Work Force, N.Y. TIMES, Oct. 12, 2007, available at http://www.nytimes.com/2007/10/12/us/12smithfield.html?_r=1&hp=&adxnnl=1&oref=slogin&adxnnlx=1197642008-NsfeY1zSAPgIhkmFWczGzg. 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 (discussing the effects of Latina/o migration).
54 Kandel & Parrado, Hispanics in the American South, supra note 10, at 269.
55 Id. at 268.
56 Id.
57 Kandel & Parrado, Hispanics in the American South, supra note 10, at 255, 257. See also Donato, supra note 8, at 542 (discussing community leaders’ positive attitudes towards the immigrants and the economic growth they represent).
58 See, e.g., Guthey, supra note 10, at 45, 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, 274 (reporting that the primary employers of Latinos 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).
The majority of immigrants are from Mexico, with smaller numbers coming from Guatemala and other Central American countries. Many come directly from their country of origin, following relatives or friends. Those coming from gateway cities elsewhere in the U.S. also often follow pioneer relatives who moved to Southern communities years earlier. Demographic information indicates that these Latina/os are typically younger, less educated,  

59 Karin Rives, Part 1: Jobs Lure Illegal Immigrants To State in Illegal Immigration – Who Profits, Who Pays, RALEIGH NEWS & OBSERVER, Feb. 26, 2006, available at http://www.newobserver.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 is estimated to be as high as 40,000, of whom 90% are of Mexican origin. Engstrom, supra note 21, at 44-56. The Mexican population in 1980 was just 2,000. 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 Latin America, 18% from Asia, 3% from Africa, and the remainder from Canada and Europe). 

61 Id. at 13 (reporting that among immigrants in Arkansas, 65% of those from Mexico have been in the country less than 10 years, while the figure for those from Central America was 57%). 

62 See, e.g., Jim Williamson, Church secretary a community information broker, good listener, TEXARKANA GAZETTE, Dec. 23, 2007 [hereinafter Williamson, Church secretary]. 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. It may also reflect a desire to escape urban problems, such as poor schools, gangs, violence and expenses associated with urban living. Active employer recruiting also plays a strong role. Kandel & Parrado, Hispanics in the American South, supra note 10, at 255, 257. See also Steve Striffler, We’re All Mexican Here, in THE AMERICAN SOUTH IN A GLOBAL WORLD 152, 156 (James L. Peacock et al. eds., 2005) (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 $8/hour, at Tyson Foods; such jobs represent upward mobility for them). See also, e.g., Jim Williamson, Hispanic rancher realizes dreams in phases, TEXARKANA GAZETTE, Dec. 23, 2007 [hereinafter Williamson, Rancher]; Jim Williamson, Radio station helps bridge language barrier, TEXARKANA GAZETTE, Dec. 2322, 2007 [hereinafter Williamson, Radio]. 

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 Furuseth & Smith, supra note 16, at 5-6. IRCA created a class of former migrant workers who, through amnesty, had new geographic mobility. Id. 

and less proficient in English than their urban counterparts.\textsuperscript{65} They also have typically lived in the U.S. for shorter periods of time,\textsuperscript{66} and include more men than women.\textsuperscript{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.\textsuperscript{68} Also, the difficulties and dangers associated with moving back and forth across the border may motivate migration as a family unit.\textsuperscript{69}

These newcomers present different assimilation challenges and may have greater needs for social services than Latina/os in urban areas.\textsuperscript{70} This is especially unfortunate considering rural communities’ typical lack of comprehensive social service infrastructure,\textsuperscript{71} which is particularly unlikely to serve non-English (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).

\textsuperscript{64} See Saenz, \textit{supra} note 13, at 1. In 2006, only 55 percent of metro Latino/s age 25 and older had graduated from high school, and only 7 percent had received a bachelor’s degree. Compare to whites at 83 percent and 18 percent, and Blacks at 68 percent and 8 percent, respectively. \textit{Id.}

\textsuperscript{65} Donato, \textit{supra} note 8, at 541, 554; see Furuseth & Smith, \textit{supra} note 16, at 12.

\textsuperscript{66} See Furuseth & Smith, \textit{supra} note 16, at 12.

\textsuperscript{67} For Duplin County, North Carolina, for example, the ratios of men per 100 women, based on race or ethnicity, was 95 white, 84 Black and 156 Hispanic in 2000. For the U.S. as a whole the Hispanic population ratio is 105 to 100. Kandel & Parrado, \textit{Hispanics in the American South, supra} note 10, at 255, 271.

\textsuperscript{68} Striffler, \textit{Neither here nor there, 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).

\textsuperscript{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. \textit{See} Jennifer M. Chacón, \textit{Loving Across Borders: Immigration Law and the Limits of Loving, 2007 Wis. L. REV.} 345 (2007).

\textsuperscript{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. \textit{See, e.g.}, Jim Williamson, \textit{Midwife answers the call at all hours, coaxing little ones into the world, TEXARKANA GAZETTE, Dec. 23, 2007; Jim Williamson, Public defender keeps an eye on the development of xenophobia in Sevier County, TEXARKANA GAZETTE, Dec. 23, 2007; Williamson, Church secretary, \textit{supra} note 62.}

\textsuperscript{71} \textit{See} Pruitt, \textit{Missing the Mark, supra} note 34 (documenting the lack of social services in rural communities). Michelle Wilde Anderson has written about the lack of capacity of county
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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 at the Urban Fringe, 55 UCLA L. REV. 1095, 1139-45 (2008). See also Donato, supra note 8, at 538 (noting lack of experience and infrastructure for assisting foreign-born newcomers), at 554 (suggesting 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 they may also lack community networks and social capital “critical for social and economic mobility”); Barry J. Locke & Jim Winship, Social Work in Rural America, Lessons from the Past and Trends for the Future, RURAL SOCIAL WORK PRACTICE 1, 1 (Nancy Lohmann & Roger A. Lohmann eds. 2005); Kandel & Cromartie, supra note 10, at 32 (noting that many rural communities are unprepared for large numbers of Hispanic immigrants seeking inexpensive housing and requiring unique social services); Andrew Schoenholtz, Newcomers in Rural America: Hispanic Immigrants in Rogers, Arkansas, in BEYOND THE GATEWAY: IMMIGRANTS IN A CHANGING AMERICA 213-38 (Elzbieta Gozdziak et al. eds., 2005) (describing the difficulties of integrating Latina/o immigrants in Rogers, Arkansas, home to a Tyson poultry processing plant).

See Brad Branan, Hispanic influx puts demands on mayors: New minority populations lead to change, ARKANSAS 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. See also Allison B. Anfinson & Danette Buskovick, RURAL VIOLENCE: AN ASSESSMENT OF CRIME & VIOLENCE TRENDS FOR THE CENTER FOR REDUCING RURAL VIOLENCE, CHAPTER 10, 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, at manuscript 13. But see John Biewen & Tennessee Watson, Growing Latino Population Redefines Small Town (NPR Radio Broadcast Oct. 11, 2008) (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); 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 has created a new position aimed at promoting better relationships between different groups of residents and at encouraging non-discrimination practices); Eric Watson, Siler City’s Fist Latino Helps Cops Communicate (NBC News Broadcast Feb. 28, 2008) available at http://www.nbc17.com/mediatnc/ncn/search.aspx-.content-articles-NCN-2008-02-26-0003.html (discussing how 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).

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. Latinos workers often fill jobs not desirable to the native population, who thus generally do not compete with the newcomers. Work within the industries drawing the immigrants is often racially segregated, with Latina/os holding the most menial jobs, while Whites and Blacks hold managerial positions. Evidence thus suggests that growth of the industries drawing the Latina/o workforce is creating better jobs for native workers.

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74 Kandel & Parrado, Hispanics in the American South, supra note 10, at 264-65, 269-70; Crowley & Lichter, supra note 22, at 7 (manuscript page) (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: ENVIRONMENTAL NEWS & COMMENTARY (2006), http://www.grist.org/news/maindish/2006/02/21/parker/ (detailing the myriad health hazards and dangers associated with poultry processing plants). See also 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 Claudio Sanchez, Laurel, Miss., Mulls Immigration Raid Aftermath (NPR Radio Broadcast Sept. 23, 2008) (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, UNIV. OF CALIFORNIA, BERKELEY INSTITUTE FOR THE STUDY OF SOCIAL CHANGE, CENTER FOR LATINO POLICY RESEARCH, POLICY REPORTS AND RESEARCH BRIEFS: 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 Latino 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 Carolyn Hsu, Dispersing Black-
Nevertheless, residents may perceive greater competition for jobs,\textsuperscript{78} perhaps because some jobs have moved overseas,\textsuperscript{79} which fuels distrust, even animus.\textsuperscript{80} In addition, some evidence suggests downward pressure on wages.\textsuperscript{81}

\textit{Latino Tensions in the Rural South} 17-19 (2007) (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); Sheryl Skaggs et al., \textit{LATINO/A EMPLOYMENT GROWTH IN NORTH CAROLINA: ETHNIC DISPLACEMENT OR REPLACEMENT?} 5-6 (2000), \textit{available at} http://sasw.chass.ncsu.edu/jeff/latinos/latino.htm (describing the ladder theory at work in the North Carolina meat processing industry); Kandel & Parrado, \textit{Hispanics in the American South}, supra note 10, at 270 (describing the management positions created by the expansion in the poultry processing industry); \textit{THE ECONOMIC AND SOCIAL IMPLICATIONS OF THE GROWING LATINO POPULATION IN SOUTH CAROLINA} at vi (2007), \textit{available at} http://www.sph.sc.edu/cli/documents/CMAReport0809.pdf (noting, for example, that despite the growing Latino presence, full-time employment of Black workers increased by 63\% between 2000 and 2005 and highlighting the much lower average wage of Latina/os in South Carolina as compared to the state’s average worker). \textit{But see} Kandel & Parrado, \textit{Hispanics in the American South}, supra note 10, at 255, 264 (noting the lack of clarity with respect to whether Hispanics are replacing or complementing existing White and African American workers in the poultry processing industry); Newman, supra note 42, at 20 (concluding that Hispanic population growth in the rural South depresses wages for workers with a high school degree).

\textsuperscript{78} See Rocha & Easterbrook, \textit{supra} note 37, at 3 (quoting a lifelong resident and farm worker from Warsaw, North Carolina observing 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); Davey, \textit{supra} note 17 (quoting a resident of Storm Lake, Iowa who perceived that immigrants were displacing native whites in the local job market). Competition may also exist among those at the lowest end of the economic ladder. \textit{See} Nicolas C. Vaca, \textit{The Presumed Alliance: The Unspoken Conflict Between Latinos and Blacks and What It Means for America 1} (2004). \textit{See also} Biewen & Watson, \textit{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).

\textsuperscript{79} See Kim Cobb, \textit{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).

\textsuperscript{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. \textit{See} Crowley & Lichter, \textit{supra} note 22, at manuscript 9-10 (collecting sources)

The South has long been associated with right-to-work laws and anti-union sentiment. The presence of Latina/o workers has generally not aided the labor cause. Employers sometimes use racial and ethnic tensions to deter workers from organizing. Fear of deportation and a general distrust of unions suggest that Latina/o workforces are unlikely to achieve better working conditions than those of native workers or other migrants doing the same or similar jobs.

B. Economic and Social Effects on the Broader Community

(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? 24-25 (2005), www.philadelphiafed.org/econ/conf/immigration/card.pdf (concluding that wages of low-skill natives are “not much affected” by the increase in labor supply attributable to immigration).

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

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 21 UAB MAG. 2, 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 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 20th century were organized by Mexicans).

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, A Somali Influence Unsettles Latino Meatpackers, N.Y. TIMES (Oct. 15, 2008) (discussing tensions between White and Latino workers on the one hand and recently arrived Somali workers on the other as employers consider special accommodations linked to the Somalis’ Muslim faith).

See Short, supra note 83 (quoting Judith King, associate professor of business and director of CLEAR); 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 121-22 (Univ. of Georgia Press 2001) (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). Sanchez, 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).

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).
Economic and social repercussions of the 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.\footnote{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 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 Policy, 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).}

Public schools are among the institutions that have been forced to adapt—sometimes very quickly—to rising enrollment associated with the young immigrant families.\footnote{88 See KENNETH M. JOHNSON & DANIEL T. LICHTER, CAREY INSTITUTE, POPULATION GROWTH IN NEW HISPANIC DESTINATIONS 2-3 (2008) available at http://careyinstitute.unh.edu/publications/PB-HispanicPopulation08.pdf (attributing part of the explosion of Latino populations in rural communities to immigration and migration, while attributing the other part to “natural increase,” which is births exceeding deaths).} 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.\footnote{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).} In the South, however, Latina/o children’s presence in public schools has strained budgets.\footnote{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, at manuscript 28 and}
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.\textsuperscript{91} Incidental increases in per pupil state and federal funding cannot fully offset rapid influxes of immigrant students into the South unless the immigrants also contribute to the local tax base.\textsuperscript{92}

Health care costs associated with the newcomers, who are rarely insured,\textsuperscript{93} also tap government resources.\textsuperscript{94} Latina/os who are ineligible for Medicaid or

Table 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 drop out 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% Hispanic 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 in Illegal Immigration – Who Profits, Who Pays, RALEIGH NEWS & OBSERVER, Feb. 27, 2006, available at http://www.newsobserver.com/1155/story/412207.html (estimating that educating children of unauthorized migrants cost North Carolina $210 million annually 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 20 ESL teachers. Rocha & Easterbrook, supra note 37, at 2. The district has the highest Hispanic 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.\textsuperscript{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, 2000 WL 1639686, 39-57 (N.C. 2000), aff’d in part, rev’d in part, 599 S.E.2d 365 (N.C. 2004) (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); 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% the federal funds).\textsuperscript{92} See infra notes 106-09 and accompanying text (explaining why Latina/os often shop outside the non-metro counties where they reside).

\textsuperscript{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).

\textsuperscript{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 Latino growth). Berry, supra note 63 (reporting that the influx of Hispanic and immigrant children has increased demand for Spanish-language health and social services for
other public coverage often depend on hospital emergency rooms for care.\textsuperscript{95} The annual cost to government for health care services for Latina/os in North Carolina, for example, was estimated at $300 million.\textsuperscript{96}

Meanwhile, however, host communities are seeing economic benefits as revenues for once-failing businesses rise,\textsuperscript{97} and merchants are adapting to the needs and tastes of their changing clientele.\textsuperscript{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.\textsuperscript{99} Further, the proportion of residents receiving public assistance was lowest in high Latina/o immigration counties.\textsuperscript{100} A 2007 North immigrant children and parents); Michael Easterbrook & Jean P. Fisher, \textit{Part 4: Health Care Costly For Immigrants in Illegal Immigration – Who Profits, Who Pays, THE NEWS & OBSERVER}, Mar. 1, 2006, 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. However, if an uninsured immigrant receives emergency care that Medicaid does not cover, the care is uncompensated. \textit{Id.}

\textsuperscript{95} \textit{PROFILE VOLUME 1, supra} note 19 at 6. The estimated total cost to government for health care services for immigrants in Arkansas is almost $37 million. \textit{JOHN D. KASARDA ET AL., A PROFILE OF IMMIGRANTS IN ARKANSAS VOLUME 2: IMPACTS ON THE ARKANSAS ECONOMY} 8 (2007), available at http://www.urban.org/url.cfm?ID=411441 [hereinafter \textit{PROFILE VOLUME 2}].

\textsuperscript{96} \textit{KASARDA & JOHNSON, supra} note 81, at 31.

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

\textsuperscript{98} See Crowley & Lichter, \textit{supra} note 22, manuscript at 24-27 (discussing the mixed economic indicators regarding the impact of Latina/os on rural communities and small cities). \textit{See also} Rocha & Easterbrook, \textit{supra} note 37 (offering several anecdotes); Schoenholtz, \textit{supra} note 71, at 227 (reporting that local bank hired bilingual staff to serve new clientele). \textit{But see} \textit{PROFILE VOLUME 2, supra} note 95 (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.)

\textsuperscript{99} Crowley & Lichter, \textit{supra} note 22, manuscript at 24-27 (reporting that increases in retail sales were slower in high-Latino growth counties than in other non-metropolitan counties).

\textsuperscript{100} \textit{Id.}
Carolina study yielded similar findings,\textsuperscript{101} among them that Latina/o buying power exceeded their cost in a number of non-metro counties.\textsuperscript{102} Some $9 billion in Latina/o purchases and taxes paid led to the creation of 89,600 jobs.\textsuperscript{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.\textsuperscript{104}

On its face, then, the cost to local governments seems very burdensome. But when balanced against the economic contribution of the Latina/os 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.\textsuperscript{105}

Rural locales may not receive the full economic benefit of the 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.\textsuperscript{106}

An example of this is evident in Texarkana, Arkansas, where a regional credit

\textsuperscript{101} See KASARDA & JOHNSON, supra note 81, at 25-26 (estimating that remittances, savings and interest payments reduce local Hispanic buying power by 20\%).

\textsuperscript{102} KASARDA & JOHNSON, supra note 81, at 33. The report found that Hispanics, legal and unauthorized, cost state taxpayers $817 million in 2004, with education and health care constituting the greatest expenses. Meanwhile, Hispanics generated $756 million in tax revenue. The average cost to the state budget was $102 per Hispanic resident. \textit{Id.}

\textsuperscript{103} \textit{Id.} at 26.

\textsuperscript{104} Kandel & Parrado, \textit{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\%). \textit{PROFILE VOLUME I, supra} note 19, at 21-22. \textit{See also} E. Alan Long, \textit{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 Latino business operators charged with concealing illegal aliens by providing them employment at three taquerías in northwest Arkansas).

\textsuperscript{105} KASARDA & JOHNSON, supra note 81, at 34.

\textsuperscript{106} KASARDA & JOHNSON, supra note 81, at 35; Jim Williamson, \textit{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).
union opened a branch catering to Latina/o clients in Vero’s Latino Store. 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%. Yet the population of neighboring, nonmetropolitan Sevier County is almost 20% Latina/o, and Latina/os comprise 40% of the population of De Queen, its county seat. 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.

C. Culture Clashes and Accommodation

Long-time rural residents may feel, however, that immigration places have an impact on more economic well-being. They may perceive the immigrant newcomers as a cultural threat, which creates conflict. While “otherness” in the rural context is under-theorized in the United States, scholars in other countries have given it greater consideration. British rural geographer Paul Cloke has written, for example, that “idyllistic cultures of rurality… signify key facets of

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107 See Aaron Brand, Credit union opens new site at Vero’s Latino Store, TEXARKANA GAZETTE, Nov. 11, 2007.
108 See AMERICAN FACT FINDER 2000, supra note 6 (search “Texarkana, Arkansas” and “Miller County, Arkansas”).
109 See id. (search “Sevier County, Arkansas” and “De Queen, Arkansas”).
110 See Lazos Vargas, supra note 23, at 356-60; Opinion, 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 (arguing for criminal penalties for those who employ illegal immigrants). See also Biewen & Watson, supra note 72, available at http://www.npr.org/templates/story/story.php?storyId=95619192 (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 Mayerfeld Bell, Margaret Finney eds., Pennsylvania State University 2006) (including a chapter on gay men in the country).
what rural life should be like, thereby constructing as appropriate or inappropriate
certain uses of space.”

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.

They also report being disturbed by the Latina/o practice of
slaughtering animals in their yards, “even within city limits.”

Yet these
practices do not differ much from traditional uses of space by other rural
residents, e.g., barbecues, hanging in their yard the carcass of a field-dressed deer
killed in a hunt, or killing a chicken for dinner.

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


113 See, e.g., Rocha & Easterbrook, supra note 37, at 1 (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”); Emery et al., supra note 10, at 69 (reporting that “extended 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, Aug. 15, 2002 (noting that Latina/os tend to socialize outside in the evenings).

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

115 See Branan, supra note 72.

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. 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. 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. 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.

116 Id. (noting that in rural De Queen, Arkansas, longtime residents became upset when Latina/os new to the neighborhood painted their traditionally white picket fences pink and other bright colors). De Queen is in Sevier County, Arkansas and has a population of 5,765. AMERICAN FACT FINDER 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 4.1% are African-American. Id. (search “Sevier County, Arkansas”). See also Biewen & Watson, 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 the minority in her own community).

117 Drever, supra note 44, at 22 (noting that unlike housing segregation by ethnicity, which is 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., Racial Segregation, supra note 22, at 577-78 (reporting that racial residential segregation in rural places increases with growing percentage of minority population). But see Guthey, supra note 10, at 51 (suggesting that Latina/o immigrants in Dalton, Georgia settled in particular neighborhoods).

118 Drever, supra note 44.

119 See Lichter & Johnson, supra note 18; Lichter et al., Racial Segregation, supra note 22, at 567, 570 (finding substantially more segregation and population concentration among blacks than among Native Americans or Hispanics within non-metro places).
Further, spatial diffusion of Latina/os does not necessarily make them less visible within rural communities. As is true in many places in the U.S., the presence of Latina/os is apparent because of the differences in language and physical appearance. 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 that marks rural communities. Rural and small-town residents are accustomed to being familiar with their neighbors, to knowing everyone in the community. Further, because rural communities in the South are often populated by families who have lived there for several generations, nativism can be a powerful force. This means that long-time residents tend to distrust newcomers, ethnic differences aside.

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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 (quoting Joan Friedland of the National Immigration Law Center commenting, “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”).


123 See Ann Tickamyer & Debra Henderson, Rural Women: New Roles for the New Century?, in CHALLENGES, 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 lifestyle”); Struthers & Bokemeier, supra note 1, at 35, 42 (noting that respondents lived in rural area “because they had always lived there” 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); Terry Marsden et al., Introduction: Questions of Rurality, in RURAL RESTRUCTURING, GLOBAL PROCESSES AND THEIR RESPONSES 1-20, 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”).

124 See Crowley & Lichter, supra note 22, manuscript at 12 (collecting sources), 29; Donato, supra note 8, at 538 (noting rural resistance to immigrants because of cultural differences).
On the other hand, the high density of acquaintanceship in rural places could facilitate cross-cultural understanding as the Anglo (old-timers) and Latino (newcomers) communities are brought together around shared schools, civic institutions, 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. Local businesses there have a seven-year tradition of sponsoring an annual Cinco de Mayo celebration in the town center. In non-metropolitan De Queen, Arkansas, which was almost 40% Latina/o in the 2000 Census, the city’s mayor assembled a race relations task force charged with making recommendations to “make one community out of many.” The De Queen park director reports that “soccer is being used as a communication tool,”

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125 See Sonya Salamon, Newcomers to Old Towns (The University of Chicago Press 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 Latino political and civic organization 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, Chamber, college to join effort to equip Hispanic leaders for growth, Texarkana Gazette, Dec. 23, 2007.

127 American Fact Finder 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.carrollconews.com/story/1390664.html (detailing the 6th annual Cinco de Mayo festival in rural Green Forest, Arkansas and quoting the manager of a sponsoring hardware store who stated, “We would like to see both cultures in Green Forest come out and have a good time.”).

129 American Fact Finder 2000, supra note 6 (search “De Queen, Arkansas”).

where children in the program are “split nearly 50-50 between Hispanics and Anglos.”

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. The station was Spanish language full-time just two years later. As program director and sales manager, the immigrant states, “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.”

Despite such bridge-building and social inroads, Latina/os in the rural South have not established much political clout within their host communities.

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131 Jim Williamson, Pursuing the promise: A detailed look at lives in Sevier County, TEXARKANA GAZETTE, Dec 23, 2007 (reporting on a DeQueen/Sevier County Chamber of Commerce-sponsored leadership institute in which Latinos are also participating); Williamson, Pursuing the promise. Cf. Biewen & Watson, 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 (describing a collaboration between 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 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, ARKANSAS DEMOCRAT-GAZETTE, June 12, 2005, front section (finding only one Latina/o holding elected office in Arkansas in a survey of political organizations, government agencies, and all 75 county clerks offices; also noting the only 1% of those who voted in Arkansas in 2004 were Latina/os, although 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
While Latina/os are actively involved in local and state government in the West and Southwest, Latina/os are conspicuously absent from the Southern political stage. According to a 2007 survey, only 22 Latina/os held elected office in nine Southern states combined. In sharp contrast, 4,344 held office in California, Texas, Arizona, and New Mexico. 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. It might also be explained by the newcomer status of the vast majority of immigrants. In the counties and towns where Latina/os represent a critical mass, however, their lack of political power may reflect ethnic bias and resentment. The closed and static character of the rural South may thus partially explain this lack of political integration.

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”; noting the non-Hispanic mayor led the demonstrators in the pledge of allegiance, while they “proudly” waved American flags).


Id. at 4 (reporting the following numbers of Latina/o elected officials in Southern states in 2007: Arkansas (1), Alabama (0), Georgia (8), Kentucky (2), Louisiana (3), Mississippi (0), North Carolina (4), South Carolina (1), Tennessee (2), Virginia (2)).

Id. at 4 (reporting the following numbers: Arizona (354), California (1,163), New Mexico (657), and Texas (2,170)). In the northeast, New Jersey reported 103, and New York reported 64. The only Midwestern states for which figures were given were Illinois with 97, Wisconsin with 11, and Michigan with 16. Id.

See Julia Preston, Immigration Cools as Campaign Issue, N.Y.TIMES, Oct. 29, 2008, at A20 (reporting that only 1% of North Carolina voters are Latina/o and only 2% of Virginia voters are); Jensen, supra note 135.

See Williamson, Rancher, supra note 62 (describing Governor Mike Huckabee’s appointment of 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).

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 as in typical indicators of socio-economic class, such as wealth and education level.143 We do not yet know 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 culture.144

IV. Legal Issues

142 See Lisa R. Pruitt, Gender, Geography and Rural Justice, 23 BERKELEY J. GENDER, L. & JUST 338 (2008) (collecting sources). See also Biewen & Watson, 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 21ST CENTURY (David L. Brown & Louis E. Swanson eds. 2003) at 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 Lichter et al., Rural Children and Youth at Risk, in CHALLENGES FOR RURAL AMERICA IN THE 21ST CENTURY 97, 105 (David L. Brown & Louis E. Swanson eds., 2003).

144 See, e.g., Lourdes Gouveia & Donald Stull, Dancing with Cows: Beefpacking’s Impact on Garden City, Kansas, and Lexington, Nebraska, in ANY WAY YOU CUT IT: MEAT PROCESSING AND SMALL-TOWN AMERICA 17-18 (Donald D. Stull et al. eds., 1995) (observing that strong work ethic and family values are associated with both groups); Jim Williamson, Public defender keeps an eye on development of xenophobia in Sevier County, TEXARKANA GAZETTE, Dec. 23, 2007 (quoting the observations of a public defender who works with many Latina/o clients).
Local governments in the non-metro South, like those across the nation, have sought to manage their communities’ changing ethnic composition with various political and legal measures. Considering the economic and cultural tensions that have arisen, it is not surprising that some Southern municipalities have adopted anti-immigrant ordinances. An informal survey in 2007 revealed 19 anti-immigration municipal ordinances in effect throughout the South, with many more pending. Most were in metropolitan areas, but some originate in smaller cities and non-metro counties.

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146 See Branan, supra note 72 (detailing measures taken by mayors in rural Arkansas to accommodate and manage rapidly changing ethnic makeup of their communities resulting from influx of Latina/os migration); see also Su, supra note 87, at 31-32 (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 5-months later, residents staged a protest against immigration, citing high unemployment and crowded schools).

147 See Barbara Barrett, *Response to illegal immigrants varies widely*, CHATTANOOGA TIMES FREE PRESS, Sept. 16, 2007 (reporting that numerous anti-immigration municipal ordinance and 1,400 state-level immigration bills have been introduced by local and state officials frustrated by federal immigration policy).

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 2,717 residents are Latina/o, White residents complained about Latina/os keeping chickens in their yards. Ultimately, voters passed a general ban on keeping fowl within the city limits in a special election in 2002. Only 254 of the town’s 1,134 registered voters cast ballots in that election; only one voter was Latina/o. 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. Twenty percent of Sevier County’s residents are Latina/o, with many concentrated in the county seat, De Queen, which is almost 40% Latina/o.

149 For example, Cobb County, Georgia, which encompasses the city of Marietta, passed a maximum occupancy ordinance in 2007. Id. Davidson County, North Carolina passed an English-only ordinance in 2006. Id. In 2006, Pickens County, South Carolina passed an ordinance forbidding the city to do business with companies that hire undocumented works. Id. Both Springdale and Rogers, Arkansas have considered anti-immigration ordinances. Id. 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. 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 unlawfully 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).

150 Green Forest is in Carroll County, Arkansas, which has a population of 25,357. See AMERICAN FACT FINDER 2000, supra note 6 (search “Green Forest, Arkansas” and “Carroll County, Arkansas”).

151 See Michelle Bradford, Green Forest vote outlaws fowl within city, ARKANSAS DEMOCRAT-GAZETTE, Feb. 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).

152 See Bradford, supra note 152.

153 Id.

154 Id.

155 See Jim Williamson, Sevier County judge tells citizens to learn English, TEXARKANA GAZETTE, March 13, 2007. 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 the full range of opportunities available because of lack of basic
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.\textsuperscript{157} That document, titled “Resolution to Adopt Policies and Provide 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.\textsuperscript{158} In addition, the Lincoln County resolution further requested the

\begin{itemize}
\item 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.
\end{itemize}

Resolution 2007-1, Sevier County Quorum Court, passed April 10, 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, Sevier County failing to learn the language of cooperation, \textsc{Texarkana Gazette}, March 13, 2007.

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." \textsc{Ark Code Ann.} 14-14-904(j). Resolutions may be amended and repealed only by resolutions. \textit{Id.}

\textsuperscript{158} \textit{See American Fact Finder} 2000, \textit{supra} note 6 (search “Sevier County, Arkansas” and “De Queen, Arkansas”).

\textsuperscript{157} Lincoln County, N.C., Resolution to Adopt Policies and Provide Staff Direction Relating to Illegal Residents in Lincoln County (Jun. 18, 2007) available at http://www.lincolncounty.org/PdfFiles/Ordinances/illegalResidents.pdf.

\textsuperscript{158} \textit{Id.} at 2. The resolution also included these harsh statements, which reflect the unfavorable attitudes that long-time residents have of Latina/o newcomers:

\begin{quote}
"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 taxing citizens of the State;
\end{quote}
Sheriff to “diligently battle the ever-increasing criminal element that is growing daily with influx of illegal immigrants” and allowed the Sheriff to partner with federal agents to monitor the status of immigrants to deport those without proper documentation.\footnote{Id. at 1.}

Indeed, as in Lincoln County, a number of Southern states, counties, and municipalities have joined the Immigration and Customs Enforcement (ICE) 287(g) program.\footnote{Id. at 2.} This federal program authorizes state and local police officers to enforce immigration laws during the course of their normal duties and following lawful arrests.\footnote{See IMMIGRATION AND NATIONALITY ACT § 287(g), 8 U.S.C. § 1357(g) (Lexis 2008).} In 2008, 33 of the 55 state and local agencies participating in the 287(g) program were in the South.\footnote{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 1597-98 (stating that three North Carolina counties have accepted the federal invitation to join the 287(g) program since September 11, 2001).} Arkansas and North Carolina were home to twelve participating agencies, while the gateway states of California and Texas had only four combined.\footnote{U.S Immigration and Customs Enforcement, Partners (April 28, 2008) [hereinafter Partners], available at http://www.ice.gov/partners/287g/Section287_g.htm.} Southern interest in the program

“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 . . .

\footnote{Id.}
has not waned. In 2008, thirteen of twenty agencies that joined the program were in the South.\footnote{Id.}

Critics of the 287(g) program believe that authorizing local police officers to enforce immigration law encourages racial profiling.\footnote{See Carrie L. Arnold, Racial Profiling in Immigration Enforcement: State and Local Agreements to Enforce Federal Immigration, 49 ARIZ. L. REV. 113, 141 (2007); Rodríguez, supra note 87, at 625 (2008) (suggesting the possibility of racial profiling of Latinos rises substantially with state and local involvement). 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).} Participation in 287(g) has become a charged political issue in several communities, drawing the attention of both local media and national Latina/o policy advocates.\footnote{See John Henley Jr., Immigration Memorandums in Hand (Arkansas town joins illegal immigration fight), THE MORNING NEWS, Sept. 27, 2007, available at http://www.nwaonline.net/articles/2007/09/26/news/092707rz287g.txt; Daniel C. Vock. Police join feds to tackle immigration, STATELINE.ORG, Nov. 27, 2007, available at http://www.stateline.org/live/details/story?contentId=259949; Seth Blomeley, Immigration pact won’t be a burden, ARKANSAS DEMOCRAT-GAZETTE, April 9, 2008; Damien Cave, States Take New Tack on Illegal Immigration, NEW YORK TIMES, June 9, 2008, available at http://www.nytimes.com/2008/06/09/us/09panhandle.html?n=Top/Reference/Times%20Topics/Sub jects/Identity%20Fraud&_r=1&oref=slogin&pagewanted=all; Jason Wiest, Immigrant advocate says initiative fostering racism in Arkansas, ARKANSAS NEWS BUREAU, May 23, 2008, available at http://www.arkansasnews.com/archive/2008/05/23/News/346330.html.} The program was an especially sensitive issue in Rogers, Arkansas, for example, where the local police department has a history of racial profiling.\footnote{Mark Milton, Rogers task force revives fear of bias, ARKANSAS DEMOCRAT-GAZETTE, Jan. 15, 2008. In 2003, the Mexican American Legal Defense and Education 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. The parties settled the lawsuit in 2003, and the city agreed to take measures to ensure that Latina/os are treated fairly. See Henley, supra note 166. MALDEF representatives believed that participating in the 287(g) program violates the spirit of this settlement, which provided in part that Rogers Police Department would “not use race, national origin, citizenship, religion, ethnicity ... for the purpose of initiating law enforcement action.” Id. See Arnold, supra note 165, at 141. See also Scott F. Davis, Halt sought in local efforts to enforce immigration laws, NORTHWEST ARKANSAS TIMES, April 6, 2008, available at http://www.nwanews.com/nwat/news/63873/.} Although no official charges of such activity have been brought against 287(g)-designated officers,\footnote{See Arnold, supra note 165, at 141. See also Scott F. Davis, Halt sought in local efforts to enforce immigration laws, NORTHWEST ARKANSAS TIMES, April 6, 2008, available at http://www.nwanews.com/nwat/news/63873/.} 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.\textsuperscript{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 concentrated.\textsuperscript{170} In a range of ways, these newcomers are re-making these rural places,\textsuperscript{171} these “quintessentially ‘American’ spaces.”\textsuperscript{172} First and foremost, the migration is preventing many rural communities from simply shriveling up and disappearing.\textsuperscript{173} It is countering the graying of the rural South\textsuperscript{174} and bringing new life. The newcomers are also changing social dynamics and hierarchies in places which were either previously ethnically and racially

\begin{footnotesize}
\begin{enumerate}
\item Whether the immigration will produce regional economic benefits, as well as local ones, is debatable. See Donato, supra note 8, at 553-54; Crowley & Lichter, supra note 22.
\item Donato, supra note 8, at 538 (noting that one reason for rural communities to welcome young migrants is that they “reinvigorate social and economic institutions”).
\item Striffler, Neither here nor there, supra note 50, at 677; see also Pruitt, Rural Rhetoric, supra note 1, at Part I.
\item 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, \textit{The Courier-Journal}, Aug. 10, 2007, at 1D (quoting Ron Crouch, director of Kentucky State Data Center, as stating, “if we don’t accept immigrants coming into the country, we will become a nation with population decline”).
\item “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, \textit{Population Dynamics Are Changing the Profile of Rural Areas: An influx of retirees and ethnic populations brings both challenges and benefits to small-town America}, in \textit{Amber Waves: The Economics of Food, Farming, Natural Resources and Rural America} (2007), http://www.ers.usda.gov/AmberWaves/April07/Features/Population.htm. See also Kandel, Rural Hispanics, supra note 14, at 8 (compiling in a graph U.S. Census data that compares Hispanic and Non-Hispanic White age distribution in rural America).
\end{enumerate}
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homogeneous, or had historically been home only to Blacks and Whites.

Finally, this Latina/o presence is drawing rural communities into the immigration debate, not least because some non-metro employers rely heavily upon Latina/o workforces.

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. 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

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175 Berryville, Arkansas, in the northwest corner of the state, is such a place. In the 2000 census, its population of 4,433 was almost 20% Hispanic, while the Hispanic Population in all of Carroll County was just under 10%. The smaller city of Green Forest, population 2,717, is now 30% Hispanic. AMERICAN FACT FINDER 2000, supra note 6 (search “Berryville, Arkansas” and “Green Forest, Arkansas”). This area’s primary industry is poultry processing. In the 1990 Census, Carroll County’s Hispanic population was 194, less than 1% of the total population of 18,654. The census reported six Blacks that year, and a total of 238 persons who were not white and not Hispanic. U.S. CENSUS BUREAU, AMERICAN FACT FINDER (1990). In the 1980 census, Carroll County had 109 persons of “Spanish origin” out of a total population of 16,026, of whom five were Black. See Census State Data Center, supra note 6.

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


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

179 See, e.g., 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); Lichter & Johnson, supra note 18, at 110; Martha Menchaca, Chicano-Mexican Cultural Assimilation and Anglo-Saxon Cultural Dominance, 11 HISP. J. OF BEHAVIORAL SCIENCE 203 (1989).
communities influence Latina/o experiences? The corollary to these queries is to consider the impact of the Latina/o influx on the rural host communities. How will these places 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 Whites 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. 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

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180 See, e.g., 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); Naples, supra note 17.

181 See Ann V. Millard & Jorge Chapa, Aqui in the Midwest, in APPLE PIE & ENCHILADAS: LATINO NEWCOMERS IN THE RURAL MIDWEST 1, 2-3 (Ann V. Millard & Jorge Chapa eds., 2004) (noting that new populations challenge long-time residents’ assumptions about rurality); Sergio Chávez, Community, Ethnicity and Class in a Changing Rural California Town, 70 RURAL SOC. 315 (2005) (challenging agrarian notions of community, which excluded the forms of community constructed by Hispanic newcomers in California’s Central Valley).

182 See Kandel & Parrado, Public School Response, supra note 63, at 112 (observing that 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, supra note 122, at 219-20, 225-31.

183 See generally SALAMON, supra note 125, at 162 (discussing the divide between old timers and newcomers in rural places); Naples, supra note 17, at 131-33 (discussing the “outsider” status of single mothers, welfare recipients, and racial-ethnic minorities); MacTavish & Salamon, supra note 143, at 73, 78 (implying a newcomer/old-timer dichotomy, with each group representing different values).
scholars have, for example, identified rural spatiality as a factor that can aggravate
disadvantages associated with race, ethnicity, class, and other markers of
identity.\textsuperscript{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.\textsuperscript{185}

On the other hand, these and other difficulties posed by spatial isolation
and other socio-spatial characteristics of rural places may be somewhat
ameliorated 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.\textsuperscript{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.\textsuperscript{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

\textsuperscript{184} See Gerald W. Creed & Barbara Ching, \textit{Recognizing Rusticity: Identity and the Power of Place,}
\textit{Introduction} to \textit{Knowing Your Place: Rural Identity and Cultural Hierarchy} 1, 22

\textsuperscript{185} See \textit{supra} notes 141-47 and accompanying text. \textit{See also} Nguyen, \textit{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”).

\textsuperscript{186} See \textit{supra} notes 116-19 and accompanying text.

\textsuperscript{187} See, e.g., Striffler, \textit{Neither here nor there, 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).
living. These and other differences between rural and urban spatiality represent an invitation to consider how Latina/os will be empowered or disempowered, assimilate or segregate, 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 multi-generational 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” 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

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188 See Naples, supra note 17; Pruitt, Gender, Geography, supra note 142 (discussing rural networks and the informal economy).
experience with ethic difference, and their fear that they are economically under threat may motivate more local law-making that will serve to make life more difficult for Latina/os and aim to drive them away.\footnote{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”).}

From a national perspective, on the other hand, rural Latina/os may suffer as a consequence of their relative invisibility. The lack of attention that rural America attracts\footnote{191 See Porter, supra note 179; Pruitt, Gender, Geography and Rural Justice, supra note 142 (collecting sources). Nationally, our farm policy is tantamount to our rural policy. See William Falk & Linda Lobao, Who Benefits from Economic Restructuring? Lessons From the Past, Challenges for the Future, in CHALLENGES FOR RURAL AMERICA IN THE 21ST CENTURY, 152, 160 (David L. Brown & Louis E. Swanson eds. 2003) (citing Ray Marshall, Rural Policy in the New Century, 24 INT’L REGIONAL SCIENCE REV 59 (2001)).} in our increasingly urbanized nation\footnote{192 UNITED STATES CENSUS BUREAU, 1990 CENSUS OF POPULATION AND HOUSING: UNITED STATES, available at www.census.gov/population/censusdata/table-4.pdf (reporting an increase in U.S. urban populations and a corresponding decrease in rural populations since 1820). In 2000, 79 percent of the United States’ population resided in urban areas. See AMERICAN FACT FINDER 2000, supra note 6.} and world\footnote{193 See Celia W. Dugger, U.N. Predicts Urban Population Explosion, N.Y. TIMES, June 28, 2007, available at 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).} will also shape their experiences. Poverty, for example, has long afflicted a greater percentage of rural residents than urban ones,\footnote{194 See Leif Jensen, At the Razor’s Edge: Building Hope for America’s Rural Poor, 1 RURAL REALITIES 1 (2006), available at http://www.ruralsociology.org/pubs/RuralRealities/RuralRealities1-1.pdf.} but it has also been largely out of sight and therefore overlooked by national law and policy makers.\footnote{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, supra note 122 (suggesting with its title the obscure character of rural social problems); Porter, supra note 179.} Indeed, rural

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 600% between 1990 and 2000, remain poor.\footnote{Rocha & Easterbrook, \textit{supra} note 37.} The 2003 median per capita income of the county’s residents was $20,827, leaving it 88th among the state's 100 counties.\footnote{\textit{Id.}} The 2000 median home value was $63,422, 87th in the state. The county’s property tax rate, however, is among the state’s highest, at $.77 per $100 assessed. Jobs lost due to two recent plant closings have not been replaced.\footnote{\textit{Id.}} In a similar vein, working conditions in many of the industries that employ these immigrants, such as poultry and meat processing, are deplorable.\footnote{See Torres et al., \textit{supra} note 45, at 62; Striffler, \textit{We’re All Mexican Here}, \textit{supra} note 62, at 152-65 (describing in detail the demanding poultry processing line work at a Tyson Foods plant in Springdale, Arkansas).} 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 there is surely no solution to the region’s persistent rural poverty. While immigration law and policy presently attract a great deal of attention, 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 disserves long-time rural residents.

One thing is clear: the rural South is home to a new group of pioneer immigrants who, by all indications, are there to stay. I began with the observation that rural communities are often associated with stability, tradition,

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203 See Donato, supra note 8, at 541, 554 (noting that once Mexican immigrants settle in a non-metro area, they are unlikely to move to a metro area).
and homogeneity. Rural communities are also often associated with family, religion, and a strong work ethic. Interestingly, Latina/os as a group tend to share these latter associations. 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. She writes:

>Socio-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 excluded ...

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.

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204 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 (2004), available at http://www.wkkf.org/pubs/FoodRur/Pub2973.pdf (discussing the “overwhelmingly positive view of the people, the values, and the culture of rural America”); Pruitt, Rural Rhetoric, supra note 1, 168-71.

205 See supra note 144.