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¿“Estado de Oro” o “Jaula de Oro”?¹ Undocumented Mexican Immigrant Workers, the Driver’s License, and Subnational Illegalization in California²

Working Paper

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Scholarship on the efforts of undocumented immigrants for recognition in receiving countries focuses on national legal identity. Yet the restoration of access to a driver’s license has emerged as a key struggle of undocumented immigrants across the US. What does the driver’s license represent to Mexican immigrants? What may we learn about changes in the enforcement of immigration laws from the driver’s license struggle? I outline the history of driver’s license legislation and enforcement in California based on participant observation, interviews and document collection at the California state legislature and Southeast Los Angeles conducted between 1999 and 2001. I focus on the imposition of new requirements to prove legal residency and provide a valid social security number to obtain a California drivers’ license during the immigration restriction movement of the early 1990s, and subsequent changes in the enforcement environment made possible by information technologies. As the lives of immigrants are increasingly regulated through anti-terrorist activities of the Department of Homeland Security, undocumented Mexican immigrant workers are also policed by local law enforcement through the monitoring of drivers. Through the story of the Ramirez family, we see how unlicensed immigrant drivers and immigrant communities are caught in a web of laws, fines, and deepening criminalization that impacts the safety of all Californians on the roads.

I cannot celebrate spaces of nonexistence. Even if those spaces are in some ways subversive, even if their boundaries are permeable, and even if they are sometimes irrelevant to individuals’ everyday lives, nonexistence can be deadly. Legal nonexistence can mean being detained and deported, perhaps to life-threatening conditions. It can mean working for low wages in a sweatshop or being unemployed. It can mean the denial of medical care, food, social services, education and public housing. And it can mean an erasure of rights and personhood..... (Coutin: 46)

I met Mr. and Mrs. Ramirez³ at the Huntington Park courthouse in Southeast LA along with their attorney, two of their children, and Mrs. Ramirez’ sister. Mr. Ramirez holds his infant close to his chest

¹ Translation: “Golden State” or “Golden Cage.” These Spanish words were used in 1999 by a Mexican immigrant farmworker to describe California in a dictated letter about the need for a driver’s license addressed to Assemblymember Gil Cedillo. They allude to a popular song of the group *Los Tigres del Norte* about the trials of the undocumented Mexican immigrant in the US.

² Haley Hinda Seif is a 2003 Dissertation Fellow with the University of California Institute for Labor and Employment. Her research was conducted with the support of the University of California Pacific Rim Research Program, UC Mexus, the Center for US-Mexican Studies at UC San Diego and the UC Davis Chicana/Latina Research Center. Seif is solely responsible for the content of this paper, which may not reflect the opinions of these funders. Special thanks to Roger Rouse, Julie and her CCIS writing group—Bianet, Travis, Rob and Belén.

and rocks him protectively as if he fears a long separation. His wife, who is also his English language advocate, tells me the story that led to his arrest and threat of deportation. He was driving the family in the car one afternoon. When they were pulled over by a police officer, the car was impounded because her husband didn't have a driver's license. The police officer said, "Get the kids out of the car or I'll get them out for you!"

Much of the academic and policy literature on the efforts of undocumented immigrants for recognition in receiving countries has focused on the need for a national legal identity through refugee or permanent resident status (Chock; Coutin; Hagan). Yet access to a driver's license has emerged as a key struggle of undocumented immigrants in the contemporary United States. What does the driver's license represent to California's Latinos and Mexican immigrants such as Mr. and Mrs. Ramirez and their children? What may we learn about changes in the enforcement of immigration laws from the contemporary driver's license struggle? Understanding the driver's license entails a shift in focus from formal juridico-legal definitions to the daily practices, expressed needs and beliefs of immigrants, employers and government entities.

In an era of economic globalization, large sectors of the U.S. manufacturing and service economy have moved overseas or underground to remain competitive. The latter are reliant upon low-paid, undocumented labor, and many undocumented immigrants are able to find employment despite their unauthorized status. Employers are rarely held responsible for their use of these employees. Yet undocumented Mexican and Central American immigrant workers, an increasing proportion of whom come from indigenous communities that have been devastated by economic globalization, have been targeted by political activists. With the imposition of new driver's license regulations during the Proposition 187 era, these immigrants are increasingly vulnerable to arrest and deportation outside of the workplace when they inhabit the localized, public space of streets and highways. The importance of a driver's license is heightened as a revolution in information

³ pseudonym. Details of the Ramirez family have been changed to protect their confidentiality.

technologies has transformed the ability of the state to enforce its laws against undocumented immigrants, including the computerized verification of identification and driver's license privileges.

To shed light on the meaning of the driver's license and the impact of its denial for California's immigrant communities, I outline the history of driver's license legislation and enforcement in California based on participant observation, interviews and document collection conducted at the California state legislature and Assembly District 50 in Southeast Los Angeles over twelve months between 1999 and September 2001. I focus on the imposition of requirements to prove legal residency and provide a valid social security number to obtain a California drivers' license during the immigration restriction movement of the early 1990s. This is followed by a look at the changing enforcement environment made possible by new information technologies. Through examining the formidable transportation culture of Southeast Los Angeles, we better understand the impact of drivers' license restrictions on an immigrant community in California. As immigration status is increasingly regulated by through the anti-terrorist activities of the US Department of Homeland Security, it is also policed by local law enforcement through the monitoring of drivers. Interspersed in this piece is the story of the Ramirez family of Southeast Los Angeles. With no legal access to a driver's license, they are caught in a web of laws, fines, and deepening criminalization. Although California's Governor Gray Davis signed a bill to reverse driver's license restrictions by immigration status in September 2003, a campaign led by the proponents of Proposition 187 and the California Republican Assembly called "Save Our License" (with a homepage that declares "Stop the Illegals") threatens to overturn the new law. This would be accomplished by qualifying a voter referendum for the March 2004 ballot through the use of paid and volunteer signature gatherers (Rojas). It is critical that we examine the driver's license issue and the impact of its use to enforce federal immigration law upon California communities through history and facts.

The California Driver's License: A Brief History

The importance of the automobile to California's mobility and culture has been widely heralded, and is reflected in the ninety-year history of California's Department of Motor Vehicles (DMV) as presented in the Department's website. "The automobile... was to have a more profound and greater impact upon the state than any other single invention. It would eventually intrude into all California life causing deep and lasting changes" (California DMV a). Parallel to the spread of car culture has been the gradual systematization of driving privileges through the issuance of the drivers' license. A year after the department was established in 1915, a license was legally required in order to drive a car (California DMV b). By 1948, the processing of vehicle registration documents was converted from a manual to cardpunch system. Photos appeared on driver's licenses by 1958. A steep acceleration in technological advances commenced with the full computerization of driver's license records in 1970. By 1982, thumbprints were mandated for driver's license applications (Ibid). Until 1992, people could obtain a license if they passed the appropriate tests and provided their true name, age, sex, and residential address in California. The DMV also issued state ID cards to non-drivers based on physical residence in the state.

During the recession of the early 1990s, restriction of the driver's license was proposed at the California state legislature as one of many measures aimed at diminishing the lives of California's undocumented immigrants. This had little to do with highway safety, the primary mission of the DMV. Rather, it was part of a political strategy to extend the enforcement of immigration laws to the subnational level. By denying access to California state driver's licenses and ID cards, immigration restriction activists and state legislators hoped to end the use of the license by "illegal aliens" as a "breeder document" to access jobs, bank accounts, housing, and other daily necessities in the state. Legislators also believed that the denial of driver's license access would restrict the physical mobility of undocumented immigrants, keeping them off the roads and out of California. In

an era when overtly racist and anti-immigrant rhetoric was politically suspect, legislators primarily argued for these changes on the economic grounds that undocumented immigrants were taking jobs and using public services paid by citizens. Furthermore, in an anti-immigrant political environment fueled by economic recession related to globalization, legislators of the Democratic Party hoped that by targeting undocumented immigrants, they could spare documented immigrants including those with lawful resident status (green cards) from scapegoating and punitive political action. Legislation was proposed and easily passed that further cornered California's undocumented immigrant workers of color in a "golden cage" where their physical and economic mobility was restricted and criminalized at the subnational in addition to the national level.

During this period, two bills became law that limited access to the driver's license. In 1992, applicants were required to furnish social security numbers to help the state "track individuals who owe money, owe child support, or owe taxes" (AB 1463 History and Past Requirements). This bill was primarily intended to deploy new computer capabilities to catch "deadbeat dads" and others who owed the government revenue. However, immigrant communities and advocates soon realized that they would shoulder the primary burden of the new requirement. A year later, Senate Bill (SB) 976 was proposed to require proof of lawful presence in the United States in order to receive a California driver's license. This bill was authored by two Democrats, Senator Alquist of San Jose and Assemblymember Caldera, an ambitious Mexican American politician who represented the immigrant hub of downtown Los Angeles including Pico Union and Koreatown. The bill would require that all drivers' licenses issued after July 1, 1995 "bear a notice clarifying that the license does not establish eligibility for employment, voter registration or public benefits" (Office of Senate Floor Analyses SB 976). Upon passage, it became a misdemeanor to knowingly assist someone in getting a license whose presence is unauthorized in the US. Not only would applicants need to present immigration documents-- the bill required the DMV to authenticate all social security numbers and

immigration documents through checks with the federal Social Security Administration and the Immigration and Naturalization Service. The federal government would be asked to reimburse these costs on an annual basis, since the state was assuming the federal mission of immigration enforcement. As of this writing, the federal government has never assumed responsibility for these costs.

After his arrest, Mr. Ramirez faced criminal charges for applying for a drivers' license with false identification at Huntington Park Courthouse. Like much of the infrastructure in Southeast LA, the operations in the white, mission-style building have swelled beyond the available space. Down the block from the area high school, its bustling green patch of a courtyard serves as a soccer court in a district starved for parks despite signs that proclaim in English that such games are prohibited. One judge converted a bathroom into a courtroom to try and relieve the shortage of space for hearings (Marosi). The arrest of immigrants related to driver's license infractions further stretches thin the resources of the courts.

Mrs. Ramirez tells me that her husband was the victim of racial profiling when he was pulled over. Justice functions in a way that's very unjust. The police are very racist. Because they didn't stop him for nothing. They stopped him for the color of his skin. They thought he was a cholo or something. They impounded the car for two months.'

At the time, the bill was opposed by the DMV because of its high cost of implementation. According to a legislative analyst, the DMV believed it “might not be appropriate... to assume the function of enforcing federal immigration laws, nor for the state to use its own resources to enforce these laws.” Other bill opponents feared that the law would lead to rampant national origin discrimination, and that it would “force residents in California, who ... are unable to obtain the required documents, to break the law” (Office of Senate Floor Analyses SB 60). This law would also place a heavy burden on law enforcement and the court system, and make the roads less safe with a proliferation of untested and unlicensed drivers. The analyst recorded that there were significant

doubts that the bill would succeed in its purpose, to keep “illegal” immigrants off the roads and out of jobs (Ibid).

Despite these objections, the bill received strong bipartisan support from legislators and was enacted into law the following year. As previously stated, many elected officials who were sympathetic to the plight of the Mexican immigrant at the time tried to draw a line between the “legal” and the “illegal” immigrant, supporting some legislation that restricted the rights of the undocumented and the criminal immigrant in the hopes that law-abiding documented immigrants would not be targeted at a time of widespread scapegoating of the Mexican immigrant for California’s economic and social problems. Fifty-five assemblymembers voted “aye” for the bill.⁴ Then assemblymember Richard Polanco, the chair of a small and fragmented Latino Legislative Caucus and the driving force behind emerging Latino power within the legislature, was one of fifteen assemblymembers who voted against the bill. Other Caucus assemblymembers members who opposed the bill were Martha Escutia of Southeast Los Angeles and Hilda Solis. Senator Chuck Calderon was one of two lone voices to register their opposition on the senate floor.⁵

The Technological Revolution and Document Verification

The “SAVE” Program

Mr. Ramirez was arrested at the DMV when he applied for a driver’s license. After an immediate check with a federal government database, it was quickly determined that he was using false identification. The California Highway Patrol was called and arrested Mr. Ramirez. His attorney hopes that the judge will classify this as a minor offense, requiring Ramirez to pay a fine and perform community service. Or he may go to jail and face possible deportation as he is released.

This intensified state surveillance of identification documents was not possible before the consolidation of the “informational society” in the 1990s, “a specific form of social organization in

⁴ The Assembly vote was Ayes 57; Noes 15; absent, abstain or not voting 7 (Assembly Votes 9/9/93).

⁵ The Senate vote was Ayes 24; Noes 2; absent, abstain or not voting 11 (Senate Votes 9/11/93).

which information generation, processing, and transmission become the fundamental sources of productivity and power, because of new technological conditions emerging in this historical period” (Castells 21). At the time of these legislative changes, a revolution in information technologies was brewing in California’s Silicon Valley, 150 miles away from the state capitol, which would reverberate throughout the state and in many parts of the world. These leaps in technology would be gradually incorporated into the state DMV’s practices toward the challenging task of enforcing these two laws. These technological changes have been at least as important as legislative changes in the restriction of driver’s license access, enabling the state to enforce the laws through an increased capacity to track residents and verify identification with the social security administration and federal immigration authorities.

After passage of SB 976, The Department developed regulations for verifying an applicant’s immigration status with the Immigration and Naturalization Service (INS). It contracted use of the “Systematic Alien Verification for Entitlements” or (SAVE) program, an electronic intergovernmental information system provided by the INS to verify the immigration status of aliens applying for government benefits. This system was developed from an IRCA (Immigration Reform and Control Act) mandate to enable federal entitlement employees to electronically access 60 million immigration records and thereby reduce “welfare fraud.” The acronym of the computer program, which echoes the popular name of Proposition 187, the “Save Our State” initiative, suggests the goals of saving taxpayers from providing services to “illegal aliens” and, more generally, saving the United States from them.

As of 2003, the DMV employed fifty-seven full-time workers to administer the SAVE program at a cost of \$3.4 million per year (Office of Senate Floor Analyses; 8/28/03). While alien verification through the SAVE program is required for various federal agencies, the California DMV is one of a growing list of offices that conduct these verifications on a voluntary basis at a cost of

approximately three to twenty-three cents per instance. This electronic hookup is installed in each California DMV office, and allows workers to plug in INS form numbers and names and retrieve verification as to whether the individual's presence in the United States is legally authorized. This system is far from foolproof; when a document cannot be immediately verified through the SAVE program, applicants may experience long delays. Next, the DMV sends a copy to the central headquarters in Sacramento for secondary or manual verification. From the headquarters, bundled copies of failed documents are forwarded to the INS. According to the Department of Motor Vehicles, the error rate on the SAVE program is approximately 40 percent (Ibid). The vast majority of unverified documents are valid yet have not been entered into the federal electronic system. Errors are most frequent for people with recent visa or immigration activity such as transnational businessmen, reflecting the fact that transnational migration is too massive to accurately track in a timely manner.

Phase two: Social Security Verification

Unlike immigration documents held by only a fraction of California's driver's license applicants, all applicants must have social security numbers. The recent legal mandate to verify all social security numbers has been slow due to the enormity of this task. In 1999, a DMV representative explained, "We are not verifying the validity of social security numbers that we are collecting. We had initially started to do that-- required everyone to bring in their social security cards for verification. It literally brought our field offices to a screeching halt." One year later, the state acquired the technology to enforce this law. In October 2000, the state installed a new program to verify social security numbers for both new licenses and renewals through the Social Security Administration in Washington, D.C. (Ballesteros-Coronel and Meza). Verifications of the social security numbers of new applicants were particularly aggressive at the beginning of the program in the immigrant communities of Orange County and the city of Bell Gardens in Southeast LA. In

Orange County, a Social Security employee fed fifty to one hundred social security numbers into a laptop computer daily. The approximately five daily applicants whose numbers were deemed fraudulent were arrested or given criminal citations “on the spot” (Kindy: 4/19/01). The Social Security employee’s presence at the Orange County DMV offices was discontinued six months later because of allegations by Hermandad Mexicana Nacional, a community-based immigrant worker organization that has actively organized against driver’s license restrictions, that Latinos were being unfairly targeted.

Technological Enforcement: Gradual and Individualized

The most draconian effects of new capabilities to monitor social security numbers were highly visible and subject to successful counter-organization in the previous instance. However, a 1995 court ruling subjected all who *renew* their driver’s license to social security number verification. These renewals are bureaucratically processed away from the public gaze in the central DMV office in Sacramento. Notices are mailed out to those whose information does not match database results. As with the SAVE program, many of these no-match letters are generated by processing errors. In Orange County, more than eleven percent of license applications and renewals were initially rejected in 2000 (Kindy b). The National Council of La Raza (NCLR) points out that “innocent mistakes, such as the misspelling of ‘unusual’ names, transposing given names, and inconsistent entry of multiple surnames, disproportionately affect ethnic minorities” (Waslin: 11).

The social security provisions also withdraw license access from long-term, undocumented immigrant workers who challenge stereotypes of the undocumented as transient, unstable, and marginal to their US communities. Since California state driver’s licenses must be renewed every five years, undocumented California residents who obtained a driver’s license prior to the enactment of these verification systems in the mid-1990s are faced with the expiration of their driving privileges. Since the driver’s license expires on one’s birth date, these cancellations occur in a staggered,

individualized, and bureaucratic manner that is difficult to organize against collectively. Nativio Lopez, co-director of Hermandad Mexicana Nacional, describes the impact of these laws on immigrant communities:

We all thought that [the 1992 and 1994 laws] would immediately have an impact on the population that we serve. And it did. But because of technology being what it is, and the backwardness still of the Department of Motor Vehicles, they did not have the technology in place to secure the verification of all the individuals that had obtained their driver's license prior to 1992 and prior to 1994. So the implementation of the law has really had a staggered effect, and the impact has been felt in a staggered way. So as a person's license expires, they go in to renew it—boom! They're caught into the snare of the DMV because they can't provide a social security number nor a proof of legal residency. (Interview, June 2001)

The continuing impact of identity verification for driver's license applications and renewals on immigrant communities was described by a reporter for LA's largest Spanish language newspaper, *La Opinión*. "The wound does not seem to scab and the memory of this decision continues here, hurting like an infected sore" (Vega).

Bicycles and Big Rigs: Immigrant (Im)mobility in Southeast LA

We are only a few miles from downtown Los Angeles, but have entered a world invisible to its culture pundits, the "empty quarter" of its tourist guides. This is LA's old blue-collar heartland—the Southeast industrial district. (Davis b: 60).

A look at the working class cities of Southeast Los Angeles beyond the recognized location of LA "culture" suggests the daily hardships posed by driver's license restrictions on immigrant communities across the state. This region, which borders historically African American South Central LA, consists of three parts: 1) the exclusively industrial cities of Vernon and City of Commerce; 2) two suburban cities, Huntington Park and South Gate, that combine bustling downtowns, industrial and residential land use, and 3) the mostly residential and poor cities of Bell Gardens, Cudahy, Maywood, Bell. These latter cities have almost no industry and a lack of visible business centers (Davis: 68). Large factories including Bethlehem and US Steel and Alcoa were initially built in this region because of their proximity to the Alameda Corridor leading to the Port of

Long Beach. Thus, it was built around ready transportation, and an economic reliance upon 18-wheelers shuttling back and forth to the port persists to this day.

Through the 1960s, this community was dominated by European American immigrants from the United States South and the Midwest and their children, and racially segregated through restrictive covenant. With African American demands for school desegregation in nearby South Central LA, the African American Watts uprisings, and economic restructuring that shut down the large unionized plants including Firestone and General Motors that dominated Southeast LA's economy in the 1960s, most European American inhabitants left the region in the 1970s and 80s (Nicolaidis). The empty plants were gradually filled with a sweatshop economy of minimum wage apparel, furniture makers, food distributors and toxic waste storage and processing that is highly dependent upon the labor of undocumented Mexican immigrants.

By 2000, the district was over 96 percent Latino (US Census Bureau). Today, Southeast LA is a place of seeming contradictions. Spanish is the *lingua franca* and businesses such as *clínicas*, money transfer and income tax agencies openly cater to the specific needs of the undocumented through signs and advertisements. A very high poverty rate is matched by a high employment rate since many of the families are working poor. A surfeit of Mexico-style *clínicas*, often with signs that just have symbols, such as a parent holding the hand of a child, or a heart and a cross, are geared toward uninsured and illiterate or Spanish-speaking residents who pay cash for urgent services and medication. Primary schools and neat, small single-family homes displaying the *Virgen de Guadalupe* are located mere blocks from industrial buildings. Despite the low-rise residential landscape with many single-family homes, Southeast LA is one of the most densely populated areas in the country, and its city of Maywood is the most crowded west of the Mississippi (US Census Bureau). Many houses have multiple mailboxes nailed precariously to the molding around the doors, suggesting the

families who share homes and live in garages and tool sheds that may lack windows, bathrooms, kitchens, and electricity (Nicolaides).

After their car was initially confiscated, the Ramirez family was afraid to travel by automobile without a license. They tried to live their lives without a car. We had to take one of the kids to the doctor, and it's very hard for me. And for him to get to work—it was very difficult. He was taking at least two hours to go to work [by public transportation.] Because if he was going to go walking, he would never make it at the time he was supposed to.'

A constant stream of big rigs wend their way from factories to four freeways through residential and industrial cities. For a pedestrian or bicycle rider, the main streets feel endless—at a quarter mile long, they are obviously designed for four-plus-wheel transit. The trolleys that once transported shoppers to Huntington Park's Pacific Boulevard are long shut down, and a “dilapidated” and irregular bus system serves the Mexican immigrants of its suburban communities (Sterngold). As the militant Bus Riders Union struggles to spread affordable and regular public transportation across the decentralized sprawl of the greater LA region, a large portion of the Metropolitan Transit Authority's (MTA) budget is funneled into a costly light rail construction serving a relatively small, wealthy group of commuters.

Because of the cost of buying and maintaining a car, the inaccessibility of a driver's license, the irregular work hours of many residents, and the inadequacy of public transportation, immigrant Southeast LA has become a bicycle-dependant region without bicycle lanes or other measures to protect riders. “This issue of the driver's license has made us into cyclists,” says Felipe Aguirre, community and labor organizer for Maywood's Comité Pro-Uno (Interview). In the city of Davis where I pursue my doctoral degree, the most bike-friendly community in the US prominently displays an 1890s style high-wheeler as the city symbol and has carved wide bike lanes from its roadsides. In Southeast LA, mostly male Mexican immigrant cyclists can be seen perched

precariously beside 18-wheelers on the edge of roads as they pedal to janitorial and restaurant work all hours of the day and night. Unhelmeted, they struggle with battered bicycles, the roads beneath them quaking.

Although Mr. Ramirez earns a decent living as a factory supervisor, he drives a large old Chevy with peeling vinyl top and paint, afraid that the police will confiscate the car. Aside from the threat of deportation and family break-up that loomed over Mr. Ramirez's head, these troubles placed the family in a severe financial bind. A few months ago, they had finally achieved their dream of purchasing a mobile home in South Central Los Angeles. His wife explains, "We were just getting out of paying for the car. We had to borrow money to pay the lawyer. We just got the house. We're totally scared about the situation." Like many of the women that I talk with during my research, Mrs. Ramirez is overcome with stress. She couldn't sleep the night before because she was so worried. They haven't told the children so they don't know what's going on. She reflected on her happy family life prior to their troubles with the law. She and her husband have a very strong relationship. "And here we are, more than twelve years together. And God blessed me a lot-- he gave us our babies. And I still love my husband the way I did when I met him. I'll always be with him through good times and difficult times. Even the policeman who arrested my husband said, 'You're a good wife, because you stand by the side of your husband.'"

While many immigrant workers brave these hazardous cycling conditions, others risk driving without a license or insurance. After they purchase a car, some have a friend or relative register and even insure it. Each time they drive, these immigrants risk being pulled over by the police, charged with unlicensed driving, and having their car confiscated and towed. The costs of retrieving a vehicle can run up to \$1,000. Thus, many immigrants purchase inexpensive "beater" cars for a few hundred dollars that may be readily abandoned. These marginal cars may be high polluters or have faulty breaks, compounding the hazards posed by the presence of unlicensed and uninsured drivers. By signaling poverty or violating vehicle codes, beater cars also draw the heightened attention of law

enforcement. For example, in the city of Maywood, with a population of over 24,000, Aguirre reports that 1,800 cars were confiscated over a recent twelve-month period from 2002-3 (Ayuso). Since unlicensed drivers are unable to purchase automobile insurance, about 22% of California motorists were uninsured in 2003 despite the state's mandatory insurance law. According to Dan Dunmoyer of the Personal Insurance Federation, the uninsured rate approaches 75 percent in many immigrant neighborhoods such as Maywood located in South and East Los Angeles (Zamichow & Ingram). This further feeds the vicious cycle of immigrant arrests.

Mrs. Ramirez is very angry about the injustice of the situation and the categorization of her husband as "criminal." Like most immigrants fighting for the driver's license, she emphasizes her husband's identity as a good worker. "My husband is a good man. He doesn't drink, he doesn't smoke. He just goes to work and comes home. Why do they hurt the people who are good workers? Why don't they go after the people who steal, who rob?"

This restricted physical mobility has not accomplished the goal of preventing undocumented immigrants from moving to California or Southeast LA, and the labor of undocumented immigrants continues to fuel many sectors of the agricultural, construction, manufacturing and service industries. According to Census 2000, Maywood remains the city with the highest population density outside of the greater New York City area. However, the economic contributions to the state of undocumented immigrants are restricted through constraints on their physical mobility to jobs. Restricted driver's license access leads to extremely long commutes, employment disruptions and loss when drivers miss work as a result of run-ins with police, and the criminalization and threat of deportation of immigrants such as Mr. Ramirez. Their quality of life outside of the workplace is also severely restricted, as significant mobility aside from the commute from work to home is deemed an unnecessary risk. Thus, the immigrant and family members are trapped in a "golden cage" at home.

Mrs. Ramirez, a lawful permanent resident who came to California from Mexico at age 2, is accompanied to court by her sister, a US citizen. She describes the jumble of immigration statuses in her family, with parents who are permanent residents. Her children are citizens born in California. In fact, her family structure suggests the futility of attempts to draw a line between the “illegal” and the “legal” immigrant family. In addition to the fear that her husband will be jailed and deported, there is confusion over the attorneys. Mr. Ramirez is ineligible for government-subsidized legal services, and falls prey to the private attorneys in the area. They recently switched attorneys because they were not happy with the first one. However, their new attorney is not here today, and it is one half hour after the hearing was scheduled to begin. Their first attorney is here, and won't return a penny of their \$500 deposit although he only provided an hour or two of service. Finally their new attorney arrives. There is tension between the two attorneys and the first suggests that they operate as a team. He does not mention that this would entail paying both. After some debate and my intervention, the first attorney is dismissed and the second approaches the bench. He informs the family that it looks like Mr. Ramirez will not face jail or deportation. Their relief is palpable.

When the judge calls the case, their toddler starts crying and Mrs. Ramirez runs out to the hallway to help her sister comfort her. The judge is very serious as she talks to Mr. Ramirez through an interpreter. “Do you realize that if you are not a legal resident here you can be deported, or this can interfere with your ability to apply for permanent residence in the future?” This man, who has mostly been quietly huddled in a corner with his baby, loudly and emphatically answers yes. He will seemingly agree to anything as long as he can stay in Southeast LA with his family today. He is sentenced to three years of probation with a number of conditions. He is not to associate with, purchase, or use false identification documents during his probation. The judge rattles off all this information quickly as though she is used to repeating this to many defendants. These conditions are so commonplace that they have a special box on the sentencing form; the judge checks the box and gives the form to Mr. Ramirez.

Their attorney tells his clients that this is a victory. There will be no jail time, and thus no chance that the INS will detain Mr. Ramirez as he is released from jail. In a sense, this is true— Mr. Ramirez will not be deported like some other unlicensed immigrant drivers. The attorney doesn't explain the conditions of probation and Mr. Ramirez' intensified legal vulnerability. He seems to want his clients to feel good so he may maintain a reputation as an effective attorney in the immigrant community.

Yet the problem that led to his arrest has not been resolved-- on the contrary, the Ramirez family has entered a spiral of escalating criminalization. In addition to the cost of retrieving his car, Mr. Ramirez must pay a fine. In the words of ALLA (Academy of Latino Leaders in Action) Director Marta Sámano, "Once you make a mistake and the system grabs you, there's no way out. They give you this probation and you're going to violate it. You have to work, you have to drive" (Interview). If Mr. Ramirez carries or drives to work with a false ID, he will not merely be violating the driving laws. He will also be violating a court order and probation, and will face possible penalties of jail time and deportation if this violation is detected. This arrest may also confine him to illegal status for the rest of his life in the US, since he now has a criminal record for presenting false ID to a government agency. Thus, his U.S. citizen children and his permanent resident wife will remain economically and otherwise vulnerable because their father may have no chance of obtaining legal status in the United States. As the family huddles together in celebration, I understand that the victory is bittersweet. After both attorneys are gone, I talk to them about the conditions of probation and strongly advise them to find a not-for-profit attorney and make sure they understand their altered situation.

* * * *

In much of California, the public transportation system is underdeveloped. Cars must be registered and the driver's license must be renewed every five years. Licenses are regularly checked in the case of moving violations and accidents, and Latino and Latin American immigrant drivers are subject to regular and random surveillance by the police called "driving while brown" by anti-racist activists. Through technological advances and political decentralization, the "border" and its

enforcement are permeating the country (Nevins). Recent driver's license restrictions by immigration status convert the Department of Motor Vehicles into an extension of the Department of Homeland Security, overwhelm law enforcement and the courts in immigrant communities, deepen the economic vulnerability of US citizen children of Mexican immigrants, and threaten family separation.

Yet with extensive personal and employment linkages to California and taxpaying histories, long-term undocumented and quasi-legal immigrants who have applied for lawful resident status may be considered an integral part of localities such as Southeast LA where they reside and even demographically dominate. Californians and other US citizens are highly dependant on the labor of Mexican and Central immigrants across legal status in industries including agriculture, construction, food and cleaning services, yet their daily contributions often remain as invisible as their identities and humanity (Rothenberg). In fact, many citizens have become accustomed to seeing through those who provide us with affordable fresh fruit and vegetables, clean our offices at night, take care of our elderly and children, and perform countless tasks that make our lives more comfortable and affordable. It is as though these immigrants were invisible persons. The refusal to restore the driver's license to those who live in the US regardless of their immigration status, and the enforcement of immigration laws through the Department of Motor Vehicles reinforces our neglect or refusal to acknowledge those who contribute to our lives and live and drive among us. It compromises the safety of all Californians who drive on our roads and highways by forcing immigrant workers who wish to obey the driving laws to drive unlicensed and uninsured.

Citations

Aguirre, Felipe

5/30/01 Interview. Haley Hinda Seif. Maywood, CA.

Ayuso, Rocio

8/22/03 Hispanics blast impounding of vehicles in LA. In Que pasa.com.

Ballesteros-Coronel, Mary and Marilú Meza

1/17/01 Indocumentados no pueden renovar licencias de conducir. *In* La Opinión. Los Angeles.

California Department of Motor Vehicles
 2002 History of Licensing: State of California
 (website <http://www.dmv.ca.gov/about/profile/history.htm>).

California Department of Motor Vehicles
 2002 DMV Milestones.
 (website: <http://www.dmv.ca.gov/about/profile/milestones.htm>)

California State Assembly
 9/9/93 Votes, Roll Call SB 976. *In* Assembly Floor.. Sacramento, CA.

California State Senate,
 9/11/93 Votes - Roll Call SB 976. *In* Senate Floor. Sacramento.

Castells, Manuel
 1996 The rise of the network society. Cambridge, Mass.: Blackwell Publishers.

Chock, Phyllis Pease
 1994 Remaking and Unmaking 'Citizen' in Policy-making Talk About Immigration.
 PoLAR: Political and Legal Anthropology Review 17(2):45-55.

Coutin, Susan Bibler
 2000 Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency. Ann Arbor:
 University of Michigan Press.

Davis, Mike
 1992 The L.A. Inferno. *Socialist Review* 22(1):57-81.

Hagan, Jacqueline Maria
 1994 Deciding to be legal: a Maya community in Houston. Philadelphia: Temple
 University Press.

Kindy, Kimberly
 4/14/01 DMV crackdown pays off. *In* Orange County Register.

Kindy, Kimberly
 4/19/01 DMV halts on-the-spot ID checks. *In* Orange County Register.

Lopez, Nativo
 7/9/01 Interview. Haley Hinda Seif. Santa Ana, California.

Marosi, Richard
 5/11/01 Full-Court Pressure: The Huntington Park courthouse is so run-down and
 cramped that one official had to build his own furnishings. *In* Los Angeles Times. Pp. B-2.

Nevins, Joseph
 2002 Operation Gatekeeper : the rise of the "illegal alien" and the making of the U.S.-
 Mexico boundary. New York: Routledge.

Nicolaides, Becky M.
 2002 My Blue Heaven: Life and Politics in the Working-class Suburbs of Los Angeles,
 1920-1965. Chicago :: University of Chicago Press.

Office of Senate Floor Analyses
 9/93 Bill Analysis SB 976 Senate Third Reading. Sacramento. California State Senate Rules
 Committee.

Office of Senate Floor Analyses
 9/2/03 SB 60: Drivers license eligibility: undocumented immigrants. *In* Senate Rules
 Committee. California State Senate. Sacramento.

Olivares, Jaime E.
 8/20/01 En busca de la solución. *In* La Opinión.

Rojas, Aurelio

- 11/5/03 Effort to toss license law gets help: Rescue California gathers signatures to repeal permits for illegal immigrants. *In Sacramento Bee.*
- Rothenberg, Daniel
2000 *With these hands: the hidden world of migrant farmworkers today.* Berkeley: University of California Press.
- Sámamo, Marta
5/01 Interview. Haley Hinda Seif. Los Angeles, CA.
- Sterngold, James
2/1/00 A Citizenship Incubator for Immigrant Latinos. *In New York Times.* Pp. A12.
- US Census Bureau
2002 *Census 2000: United States Department of Commerce.*
- Vega, Miguel Angel
6/25/01 Cuando los indocumentados perdieron el derecho a manejar. *In La Opinión.*
- Waslin, Michele L.
May 2002 *Safe Roads, Safe Communities: Immigrants and State Driver's License Requirements: National Council of La Raza.*
- Zamichow, Nora and Carl Ingram
9/4/03 Senate OKs licenses for illegal immigrants. *In Los Angeles Times.*