

Immigration law, 'Black Codes' not comparable

The Atlanta Journal-Constitution

July 1, 2011 Friday, Main Edition

Copyright 2011 The Atlanta Journal-Constitution

The Atlanta Journal-Constitution
ajc.com

Section: METRO NEWS; Pg. 1B

Length: 798 words

Byline: Willoughby Mariano

Staff

Body

Opponents of Georgia's new **immigration** crackdown **law** are drawing ugly comparisons between it and infamous chapters of civil rights history.

Some are comparing the effects of House Bill 87 to segregation, saying it will turn Hispanics into second-class citizens. Former state Senate Minority Leader Robert Brown, a Democrat who recently resigned to run for mayor of Macon, hearkened back to Reconstruction in a June 2 news release.

"Georgia leaders should **not** attempt to satisfy Agribusiness interests by finding ways to selectively enforce what I am now calling the Brown **Codes** [HB 87], because of its similarity to the **Black Codes** passed in the 1800s," Brown said.

Southern states passed the "**Black Codes**" after the Civil War to force freed slaves back to the plantations. Is Georgia's HB 87 similar to them?

HB 87's more controversial provisions give **law** enforcement officers more leeway to check the **immigration** status of people they think violated the **law**. They also prohibit citizens from harboring, transporting or encouraging illegal immigrants to come into the state under certain circumstances.

On Monday, U.S. District Judge Thomas Thrash granted a request for a preliminary injunction that keeps key parts of HB 87 from going into effect.

We asked Brown to explain his "Brown **Codes**" remark. He said workers toil in punishing heat for "subminimum wages" in conditions amounting to "indentured servitude." (These claims are outside the scope of our inquiry.)

HB 87 intensifies this inequality, Brown said. It allows Hispanics to be singled out for their ethnicity and scares workers from complaining about poor working conditions for fear of deportation.

"Obviously, it's **not** exactly the same [as the **Black Codes**]. It's just as harsh, relative to the times. This is the 21st century," Brown said.

We consulted a half-dozen historians to check Brown's claim.

Immigration law, 'Black Codes' not comparable

The **Black Codes** are different from Jim Crow legislation, which segregated **black** people and white people. Enacted in former slave states right after the Civil War, the **Black Codes** tried to force ex-slaves back to their masters.

Unemployed **black** people could be arrested as vagrants and hired out to people willing to pay their criminal fines. **Black** people who quit their jobs could be arrested and returned to their old bosses, much like runaway slaves. Orphans or children whose parents could **not** support them could be apprenticed to a master.

All the experts we interviewed found big holes in Brown's analogy.

The biggest was this one: The **Black Codes** aimed to keep freed slaves on their plantations. Georgia's **immigration law** pressures illegal immigrants to leave the state. Many of the state's farmers say illegal immigrants are fleeing in droves.

This result appears to match HB 87's apparent intent, which is "to create such a climate of hostility, fear, mistrust and insecurity that all illegal aliens will leave Georgia," Thrash ruled.

There are other glaring differences between the **Black Codes** and Georgia's **law**. Immigrants who come to the U.S. illegally to work are here by choice. Obviously, former slaves had no choice.

Swarthmore College professor Richard M. Valelly, an expert on Reconstruction, noted that illegal immigrants aren't in danger of being re-enslaved. They're at risk of deportation.

"That's Draconian ... but there's a big difference between de facto re-enslavement ... and being sucked into a system that regulates movement across borders," Valelly said.

Although scholars agree that the **Black Codes** and Georgia's new **immigration law** are very different, each one we interviewed saw one similarity.

The **Black Codes** stigmatized **black** folks. Georgia's **law** stigmatizes illegal immigrants.

University of Georgia professor James C. Cobb, an expert on Southern history, said HB 87, like the **Black Codes**, allows for discrimination.

"Under the new **immigration** bill, people who are, in fact, citizens or eligible for certain legal protections are now subject to having their rights violated simply on the basis of their racial appearance," Cobb said.

Still, we think Brown's comparison between Georgia's new **immigration** crackdown and the **Black Codes** is fatally flawed.

The **Black Codes** forced freed slaves back to the fields of their masters. HB 87 chases illegal immigrants out of the state.

Illegal immigrant workers come here by choice. Slaves were forced here. And the deportation illegal immigrants face is a far cry from the cruelty of re-enslavement.

Both **laws** do single out groups for stigmatization, but that won't improve Brown's rating by much. The difference between the **Black Codes** and Georgia's new **immigration law** is so vast it gives an inaccurate impression.

We therefore rule Brown's statement False.

This article was edited for length. To see a complete version and its sources, go to www.politifact.com/georgia/.

Classification

Language: ENGLISH

Publication-Type: Newspapers

Subject: CIVIL RIGHTS (90%); ARRESTS (89%); ***IMMIGRATION*** (89%); LEGISLATION (89%); SLAVERY (88%); NEGATIVE PERSONAL NEWS (88%); ***IMMIGRATION LAW*** (75%); US STATE GOVERNMENT (75%); US FEDERAL GOVERNMENT (75%); HUMAN RIGHTS & CIVIL LIBERTIES ***LAW*** (75%); ***LAW*** ENFORCEMENT (75%); LEGISLATIVE BODIES (74%); HISTORY (74%); RACE & ETHNICITY (74%); POLITICAL PARTIES (73%); FINES & PENALTIES (72%); ILLEGAL IMMIGRANTS (70%); DEPORTATION (70%); WAGES & SALARIES (66%); DECISIONS & RULINGS (65%); PRELIMINARY COURT PROCEEDINGS (63%); CRIMINAL FINES (63%); RESIGNATIONS (61%); HOMELESSNESS (60%); MAYORS (53%)

Geographic: GEORGIA, USA (93%); SOUTHEAST USA (79%); UNITED STATES (79%)

Load-Date: July 1, 2011