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Helping Laborers Is No Easy Task

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Next to a 7-Eleven and on nearby street corners, about 40 men waited in the bright morning sun. Wearing work clothes, some splattered with paint, they chatted in Spanish and drank cups of coffee while keeping an eye open for vehicles pulling into the store's parking lot or cruising a side street in search of laborers.

For Herndon's growing population of immigrant job seekers, it was another slow day at an informal day laborer pickup site at the corner of Elden Street and Alabama Drive.

Over more than an hour, only two vehicles drove up looking for workers, and only four men were hired for the day. Every once in a while, a burly 7-Eleven security guard would walk around the corner from the front entrance and warn job seekers not to lean against the store's side brick wall -- a rule for which no one, including the security guard, had an explanation.

If the men hang around too long in front of the store, they risk a \$75 fine for trespassing and a one-year ban from the site, said Carlos Rodriguez, 45, a former taxi driver from Honduras who now heads Day Laborers of Herndon, an association formed to advance the workers' interests.

"Sometimes I wait all day for work, just to make a little money to send back to my family," said Rosalio Canal, 42, a fellow Honduran who stood with Rodriguez and other job seekers beside the 7-Eleven one recent morning. "Last week, I didn't have a single hour of work, and this week, I worked only two days. It's almost impossible to survive here."

With the U.S. economy in lingering doldrums, these are hard times for Rodriguez, Canal and hundreds of other day laborers, most of them illegal immigrants, who congregate at a half-dozen informal pickup sites across Northern Virginia every day in hopes that an

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odd job will come their way. And, if a town meeting last week was any indication, the times may get rougher still.

In Herndon, a former farming town of 22,000 people that is undergoing rapid demographic change, a proposal to set up a new day laborer pickup site -- a regulated one sponsored by the town and run by a nonprofit group -- has run into fierce opposition from many residents.

The debate has surprised town officials and sharply divided the community, spreading beyond the immediate issue of day laborers to encompass grievances about large-scale illegal immigration, crowded housing, rising social costs and what some see as a declining quality of life in a formerly tightknit community.

Caught in the middle is Herndon Mayor Richard C. Thoesen, who has been struggling to steer the town through increasingly turbulent waters toward some sort of accommodation on the issues.

"We have some neighborhoods in crisis due to changing demographics," he said in an interview in his office, where a map on one wall is dotted with pins marking the locations of "over-occupancy complaints" about immigrants' housing. "Local jurisdictions like Herndon . . . have been, in my opinion, abandoned by their own federal government. It's very frustrating. . . . I feel in many ways abandoned by a lack of resources to help us through this crisis.

"We're basically saddled with a major responsibility here to do the right thing. I feel that

The proposed new pickup site, which Thoesen supports, was conceived as a solution to public grievances about the daily congregations at the 7-Eleven, where 40 to 60 men typically wait every morning to be offered work in construction, painting, landscaping or other odd jobs. The gatherings, swelled by other men showing up to socialize into the afternoon, led to complaints about urinating in public, drinking, fighting, littering, intimidating women and impeding traffic.

In return for being allowed to stay there, the workers agreed more than two years ago to a "code of conduct" that set rules for their behavior, confined them to a corner of the 7-Eleven parking lot and required them to disperse by 11 a.m. Meanwhile, the town searched for an alternative site where the day labor market could be organized and regulated, workers could be offered English classes and job training, and public complaints could be minimized.

Town officials thought they had found a solution last year when one of five proposed sites, a property known as The Closet/Lumber Yard on Van Buren Street, was

purchased by Stanley Martin Cos., which agreed to let the town use it as an interim day labor site for up to two years until the firm was ready to redevelop it.

Reston Interfaith, a nonprofit human service group made up of 19 religious organizations that runs a homeless shelter in Reston, proposed to set up and manage the day labor site, which would provide shelter for the workers, portable toilets, picnic tables, trash receptacles, and a couple of trailers for classrooms and offices. No more than 150 workers at a time would be allowed to gather at the site, which Reston Interfaith said would be modeled on one run by Casa de Maryland, a nonprofit in Takoma Park.

Reston Interfaith estimated that 40 to 50 potential employers could visit the site each day. To participate, workers would be issued photo identification cards and register daily upon arrival. Employers would also register and have their license plate numbers recorded. However, the nonprofit group would not check any documents to verify that a job seeker was legally in the United States and eligible to work. Nor would the workers or employers be required to show they were paying taxes.

In May, the Town Council voted 5 to 2 to pass a budget that included a \$37,000 grant to Reston Interfaith to establish the day labor site at the old Lumber Yard, which closed years ago and more recently was the site of a secondhand store called The Closet. To go ahead with the project, Reston Interfaith now must obtain Town Council approval for a "zoning ordinance text amendment" and a conditional-use permit.

Herndon's Planning Commission is scheduled to hold a public hearing on the zoning issue Aug. 4. The panel's recommendation would then be taken up by the Town Council.

As the deliberations approach, the proposal for a regulated site has come under attack from residents who argue that it would put Herndon in the position of using their tax dollars to support illegal immigration and make the town a magnet for other illegal immigrants throughout the area. Some also simply don't want the new site near their homes, fearing an influx of strangers through their neighborhoods.

"To me the issue is, should Herndon taxpayers' money be spent on illegal aliens," said Dennis D. Husch, a five-term Town Council member who opposes the regulated site. He said he voted against the budget that contains funding for it on grounds that Herndon has no authority to spend money on social services under its town charter and state law.

"Herndon is getting a reputation that it's anti-immigrant, and that's absolutely not the case," Husch said in an interview. "We've certainly got some xenophobes and some anti-immigrant people, but that's not the mainstream. . . . I think there's a majority in this community that thinks this is just a bad idea."

Drawn by relatively affordable housing, Latin American immigrants propelled a 264 percent surge in Herndon's Hispanic population during the 1990s, according to the latest census. Hispanics now account for 26 percent of Herndon's population, while non-Hispanic whites make up less than 47 percent, down from 72 percent in 1990. During the decade, the number of families in poverty grew by nearly 390 percent, the census showed.

According to a paper issued by the town government, an informal survey of day laborers by Reston Interfaith showed that "50 percent are legal residents." However, the Reston Interfaith outreach worker who conducted the survey earlier this year, Jose Vanegas, said it was based on the workers' own descriptions of their status and categorized as "legal" those with TPS, or "temporary protected status."

The federal government grants TPS to people from certain countries who entered the United States illegally or overstayed visas, allowing them to remain in this country temporarily and work rather than return to homelands wracked by strife or natural disasters.

But TPS, which has been granted to thousands of people from El Salvador, Honduras and Nicaragua in recent years, does not confer legal immigrant status or allow permanent residency. Vanegas said most of those who claimed legal status in the survey actually have TPS.

The 2000 Census showed that there were about 8.7 million illegal immigrants in the United States, far more than the government had previously calculated. Some estimates now put the number at more than 10 million.

Public concerns about the proposed labor site, and about illegal immigration in general, came to a head July 15 at a meeting sponsored by the Town Council at Herndon Middle School. It was originally designed to bring together citizens and day laborers, who would discuss their issues in small groups, but only a few of the workers showed up. And before the more than 120 participants divided into groups of a dozen or so, several angry residents railed at Mayor Thoesen and meeting organizers.

"I'd like to pose one question to the mayor: Who's illegal and who's not illegal?" shouted Wayne Hise, 54, a postal employee who has lived in Herndon since 1978.

"This is going to be a field of nightmares," he said later of the proposed day labor site. "Build it, and they will come." Federal immigration authorities "need to start enforcing the law for a change."

Mediators and outside experts who ran the meeting and answered written questions from the audience "have no idea what it's like to live in this town," yelled Sharon

Hamann, 52. "It's a total disaster area. I'm scared to death to get out of my car. . . . I'm scared to go for a walk at night." She complained about what she said was increased crime in her neighborhood near the 7-Eleven, drinking in public and housing code violations.

"You can have 50 people living in the house next to you, and there's nothing you can do about it," she said.

Also worried about crowded housing was Elsa Berhane, 35, an immigrant from Eritrea who lives in a Herndon townhouse with her husband and 8-year-old daughter.

"It's getting out of control," she said after the meeting. A townhouse next door that was purchased a year ago by two young Hispanic men now has 15 or 16 people living in it, she said. "I work two jobs, and my husband works long hours," Berhane said. "But I have to clean up trash and beer bottles so my daughter can play outside. It's like you're living in the zoo." She said her family plans to move out next year.

Among the questions that arose at the meeting was whether Herndon police could enforce federal immigration law to arrest illegal immigrants. Federal law allows local or state police to be deputized for that purpose under tight restrictions that bar any sort of sweeps. But Herndon Police Chief Toussaint E. Summers Jr. said Virginia does not permit his officers to enforce federal laws.

Thoesen said later that he would seek clarification from the state legislature but that Herndon police would be in no position to arrest illegal immigrants in the short term anyway because there is no place to put them.

Tim Freilich, managing attorney at the Virginia Justice Center in Falls Church and a member of a panel that answered questions at the town meeting, said a regulated site would help eliminate "reprehensible conduct" by employers who exploit day laborers' limited English to cheat them out of wages.

Displaying a check that one client of his legal aid group had brought in, Freilich noted that instead of a promised payment of \$100, the employer had written "one dollar." On another check, the employer had written "void" on the memo line, ensuring that it could not be cashed.

"The current arrangement doesn't really work for anybody -- the workers, the 7-Eleven or the surrounding community," Freilich said later. On balance, he said, "the benefits of an organized hiring site far outweigh the concerns raised by community members" at the Herndon meeting.

Beyond that, Freilich said, his group favors legalizing undocumented immigrants so that

they "can contribute to U.S. society, rather than forcing them into an underground economy."

That position is anathema to advocates of reduced immigration, who point to a huge influx of immigrants -- both legal and illegal -- after a 1986 amnesty legalized more than 3 million undocumented people, allowing them to petition for their relatives to join them.

"Because the federal government has utterly failed to enforce our immigration laws, the only thing state and local governments feel they can do is help manage the crisis," said David Ray, a spokesman for the Federation for American Immigration Reform in the District. "We have mass immigration on autopilot right now, with no signs that Congress is ever going to find the guts to deal with the real problems." Towns such as Herndon thus are left to cope with consequences that are "completely out of their control."

With more than 1.5 million newcomers settling in the United States every year, roughly a third of them illegally, the day labor issue in Herndon is "a very visible symptom of a huge national problem," Ray said.

"Day laborers are now a recognized feature of Fairfax County's urban landscape," said Merni Fitzgerald, a county government spokeswoman.

Besides the site in Herndon, other unregulated pickup places have sprung up in Culmore, Annandale, Springfield and the Mount Vernon area, as well as in Arlington and Manassas, county officials and nonprofit groups report. Fairfax County has an estimated 1,500 day laborers, although not all show up at pickup sites on a given day.

In Arlington, which also has a regulated site called the Shirlington Employment and Education Center, more than 2,000 day laborers and 500 employers have registered since it opened three years ago, said Emily DiCicco, who chairs the center's board of directors.

Fitzgerald said Fairfax is working with nonprofit groups that deal with day laborers but has no plans to set up its own regulated site.

That worries Thoesen, who said he doesn't want a regulated site in Herndon to draw day laborers from surrounding jurisdictions. He said he plans to ask Fairfax and Loudoun counties to set up their own pickup sites "in place of, or in addition to," the proposed one in Herndon.

"We're going to need multiple sites," he said.

At the Herndon 7-Eleven, meanwhile, workers like Rodriguez and Canal continue to show up looking for work, often in vain. They express dismay at the complaints of town residents, lamenting that their hardships are poorly understood.

"What we all need is to move from this place as soon as possible" to an organized site with better facilities, Canal said as a black Jeep pulled up, driven by a man whom the workers took for a homeowner looking for help. The driver held up one finger, and a single worker got into the front seat.

Canal said he pays \$500 a month rent to share a townhouse with six other men, a living arrangement he described as "normal." Sometimes workers live as many as 20 to a house, but "the reality is not all places are like that," he said.

"My dream is to buy a house in Honduras," where his wife and six children have been awaiting his return for five years now, Canal said. It was "difficult" to sneak into the United States, but others have had it worse.

"When people want to come here, they have to sell their house or their land or their car" to raise money for the trip, "and sometimes they try to cross three or four times," he said. "And if they can't cross, they lose everything. Many end up begging in the streets."

Walter Rodriguez, 44, a former law student in Colombia who now works as a painter and serves as vice president of Day Laborers of Herndon, resents what he describes as public disdain for the nation's estimated 600,000 day laborers.

"We contribute to the progress of this nation," said Rodriguez, who is not related to Carlos Rodriguez, the group's president. "We need a site for dignified work. This is not just a problem of Herndon. This is a problem at the national level."

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