Juan Crow and the Erasure of Blackness in the Latina/o South

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Around 2008, the term Juan Crow began popping up at rallies and in editorials protesting anti-immigrant legislation. It was mostly in the South but also made appearances in Arizona after the passage of the state’s anti-immigrant SB 1070, the Support Our Law Enforcement and Safe Neighborhoods Act. The phrase Juan Crow was catchy and conveyed a lot about the new legislation: it was racist, anti-immigrant, and southern. There are, however, important limitations to the mobilization of these claims to justice. Examining the passage of Alabama’s 2011 anti-immigrant Beason-Hammon Alabama Taxpayer and Citizen Protection Act (HB 56) and the subsequent resistance to the legislation, this essay considers the limits of Juan Crow as a framework for immigrant justice.

I argue that framing legislation like HB 56 as a form of Juan Crow poses two problems. First, it stages black and Latina/o southerners as separate groups living under discrete systems of racial control. By categorizing the two regimes as unique to black or Latina/o southerners, respectively, the use of Juan Crow makes invisible Afro-Latinos/as whose lives in the South are shaped by both the contemporary manifestations of Jim Crow and the concurrent resurgence of nativism, as evidenced in this wave of anti-immigrant legislation. Second, those deploying Juan Crow often inadvertently stage Jim Crow as a historical relic and Juan Crow as a present concern. This ahistorical framing ignores both the long history of Latinos/as in the South that

I would like to thank several people who helped produce this piece: first and foremost, my fellow roundtable participants, whose creative and generous thinking has shaped me as a scholar; my colleagues in the Department of Social and Cultural Analysis at New York University, especially Thuy Linh Tu; my colleagues from the University of Virginia, including Monica Blair, Jon Cohen, and Joseph Thompson, for both your friendship and your willingness to read several drafts of this and other work; Theodore Foster, Gwen Manjarrez, and John Márquez for a stimulating panel that allowed me to refine many of the ideas in this essay; and Paul Joseph López Oro for your research and the brilliance you share whenever we are together.
reaches back to Jim Crow’s earliest days and the continued power of Jim Crow in the present.

With HB 56, Alabama’s state legislature sought to copy Arizona’s controversial SB 1070 and make it even more potent. HB 56 stripped undocumented immigrants’ access to vital institutions and created a culture of fear of deportation. It was not the first time that Alabama’s state government had passed harsh anti-immigrant laws; however, this law was among the widest-reaching and most powerful pieces of legislation.

The local enforcement of these laws was particularly pernicious. That same year Alabama’s Water Works posted a sign on their Allgood county office door stating that customers without an Alabama driver’s license or a photo identification would lose their water service. The goal was to target undocumented immigrants in Alabama who, as a result of HB 56, were unable to obtain photo identification. The visual legacy of a sign on a government door preventing a racialized group from accessing public services conjured images of Jim Crow for many. Professor Alvaro Huerta, discussing the Allgood decision, said, “today . . . Jim Crow has become Juan Crow.”

However, Huerta was not the first to invoke the idea of Juan Crow in reference to the South’s twenty-first-century anti-immigrant ideologies. In 2008, writing about similar legislation in Georgia, Roberto Lovato published an article in The Nation decrying the abuses of “Juan Crow.” As Lovato defined it, Juan Crow was the “matrix of laws, social customs, economic institutions and symbolic systems enabling the physical and psychic isolation needed to control and exploit undocumented immigrants.” The term looked to the South’s black history to understand the contemporary state of anti-Latina/o racism. Swapping Jim out for Juan, Lovato coined a term that drew the attention of journalists and activists trying to fight against Alabama’s newest form of discriminatory legislation.

For activists, the invocation of the Jim Crow era was a way to draw into sharp relief the parallels of the two regimes. Signs at rallies protesting HB 56 bore such slogans as “Stop Juan Crow!” and “End Juan Crow Now!” Organizations like the Hispanic Interest Coalition of Alabama called on immigrants and their allies to resist the law in “the spirit of the Civil Rights Movement.” Immigrants’ rights groups borrowed from the historical victories of the civil rights movement to animate contemporary claims for justice. In doing so, activists, perhaps less pointedly than some journalists, drew clear lines between Jim Crow and Juan Crow, suggesting that the struggle for black liberation had been waged in the civil rights era and that immigrants’ rights were the contemporary grounds for social justice movements.

When deploying Juan Crow, activists produced a discursive disconnect between Juan Crow—the regime that targets Latina/o communities—and Jim

1. Huerta, “From Jim Crow to Juan Crow.”
2. Lovato, “Juan Crow in Georgia.”
Crow, which targets black communities. However, black immigrants, including black Latinos/as, are uniquely targeted under this legal system. In fact, “The State of Black Immigrants Report,” by the Black Alliance for Just Immigration and the New York University Immigrant Rights Clinic, shows that black immigrants, many of whom are Latina/o, are disproportionately targeted for deportation on criminal grounds as a result of the mass criminalization of black people in the United States. Despite this, the national and regional narrative around deportation has largely focused on nonblack immigrants from Latin America. These Juan Crow laws, which expand the grounds for criminalization and deportation, as much as they impact nonblack Latinos/as, disproportionately affect Afro-Latinos/as and black immigrants more broadly. The Afro-Latinos/as and other black immigrants who experience the compounding effects of Jim and Juan Crow expose the fallacy of invoking Jim Crow as a historical legacy distinct from contemporary anti-immigrant legislation.

As movements opposing HB 56 emerged, the term Juan Crow quickly became shorthand to describe the new legislation and began to appear in newspaper reports on immigration and at rallies in opposition to the laws. The Anniston Star published an editorial titled “The Laws of Juan Crow,” which argued that these policies “replace Jim Crow with Juan Crow.” This newspaper was not alone in presenting the rise of anti-immigrant hate and the “self-deportation” laws as a replacement of Jim Crow; or, as the editorial put it, these policies “made brown the new black.” Angela Meltzer titled her article, on Georgia’s own efforts at harsh anti-immigrant legislation, “Is ‘Jim Crow’ Now ‘Juan Crow’ in Georgia?” In it, she wondered if the new policies were just a “modern form of segregation based on immigration status” or, as she put it, “Juan Crow replacing Jim Crow.”

In a USA Today article, David Person argued the Alabama law repackaged “the old arguments that were used against Jim Crow–era blacks to target the undocumented.” “Jim Crow laws imposed segregated schools on black children,” he continued, and “the Alabama law attempts to place barriers to illegal immigrants getting an education.” Diane McWhorter in an article in the New York Times wondered, “If Alabama, the cradle of the Civil Rights Movement can retool Jim Crow as Juan Crow, what have we learned?” What is concerning about these journalists’ timeline is that it suggests Alabama laws used to segregate black children and now they segregate undocumented students. This chronology, parroted by other writers, stages black oppression in the past and anti-Latina/o racism in the present.

However, many of the economic and social elements of Jim Crow have left lasting marks on the South that, without reparative relief, will likely only worsen.

4. Among the top birth countries for black immigrants in 2014 were Guyana, Dominican Republic, Mexico, Panama, and Cuba. See Lipscombe, Morgan-Trostle, and Zheng, “State of Black Immigrants.”
Today Alabama’s public schools have largely resegregated as a result of state and federal disinvestment in integration, black Alabamians are still incarcerated at rates dramatically higher than their white counterparts, and black joblessness is nearly double that of whites. Though the legalistic structures of Jim Crow may have largely been dismantled, the contemporary attack on voting rights legislation, the introduction of voter ID laws, and the expansion of school choice bring some of Jim Crow’s most pernicious effects back to the fore. How, then, can we talk about Juan Crow as replacing a system that is still so omnipresent? By drawing sharp chronological distinctions between the historical Jim Crow and the contemporary Juan Crow, these activists and journalists obscure the enduring legacies of Jim Crow. Moreover, as Yalidy Matos shows in her essay in this issue, much of the ideological underpinnings of Juan Crow can be traced back through Jim Crow to the early nineteenth century.

The emphasis on the newness of Juan Crow also ignores the much longer history of Latinos/as in the South. As both Matos’s and Sarah McNamara’s pieces in this roundtable show, scholars have begun to critique the failures of the “Nuevo South” framework to capture this expansive history. The scholarship on historical southern Latina/o communities makes clear that Latinos/as have long engaged with the South’s racial systems. Those Latinos/as who have been a part of southern communities since at least the 1910s are therefore not unacquainted with the southern racial system of Jim Crow and its contemporary manifestations. In fact, this history reveals, among other things, that Latinos/as navigated Jim Crow long before Juan Crow.

How Latinos/as negotiated their space in Jim Crow again brings to the fore the power of blackness in shaping southern Latina/o racialization. In the Jim Crow era there were massive differences in how black and nonblack Latinos/as experienced the South. For example, Manny Diaz, an Afro–Puerto Rican soldier in Biloxi, Mississippi, was classified as “white” by the military and therefore served in an all-white unit. However, while on furlough in Biloxi, Diaz and a group of friends went to a bar where the bartender refused to serve him in the white section. Rather than be subjected to Jim Crow, Diaz left the bar. Moments later he was followed by his friends, who had absconded with an empty beer bottle that they used to shatter the bar window before running away. Although the military may have categorized Diaz as “white,” he was “colored” to the Biloxi bartender. Alternatively, when the Enriquez family moved to Mississippi, they initially used “colored” entrances, as was customary for Mexican-Americans in their hometown of San Antonio.

8. In 2010, despite being only 26 percent of the total population of Alabama, blacks represented 54 percent of its prison and jail population. For every 100,000 Alabamans, 335 whites were incarcerated, 767 Hispanics, and a staggering 1,788 blacks. The poverty data are no less forgiving. In 2015 13.8 percent of whites in Alabama lived in poverty, compared to 31.6 percent of African Americans and 33.9 percent of Latinos. Alabama Possible, “Poverty Data Sheet,” alabamapossible.org/programs/povertydatasheet/ (accessed March 5, 2019).
10. Guerrero, Nuevo South; Weise, “Dispatches from the ‘Viejo’ New South.”
Unlike Diaz, the Enriquezes were ushered into “white” accommodations by both black and white patrons. Nonblack Latinos/as were often able to negotiate a provisional place in whiteness while Afro-Latinos/as were almost uniformly categorized as “colored.”

Afro-Latinos/as often suffered under the same regimes of violence and dispossession as African Americans. This was the case with Jose Trujillo, a Dominican GI who, in October of 1946, was traveling through Bunnell, Florida, when he was refused service at the Green Tile Café. After a disagreement with the waitress, Trujillo returned to his car only to be confronted, and later shot and killed, by a police officer who had been called to the scene. Trujillo’s violent death mirrored that of African Americans lynched throughout the South for alleged violations of Jim Crow social mores.

Like their African American counterparts, Afro-Latinos/as were also active in the dismantling of Jim Crow. For example, McNamara’s piece examines Luisa Capetillo, an Afro–Puerto Rican activist working in Ybor City, Florida, during Jim Crow. Others, like Bob de Leon, a Puerto Rican New Yorker stationed in Georgia during World War II, participated in smaller forms of resistance against Jim Crow. In Georgia, de Leon faced multiple confrontations with police officers when he “mistakenly” used “white” accommodations. Whether de Leon did or did not continue to earnestly make the same “mistake” of using white accommodations, his open defiance of white police authority when told to leave was a dangerous form of activism. The uneven treatment of black and nonblack Latinos/as in Jim Crow demonstrates the problem at the heart of the simple slotting of Latinos/as into the historical legacy of black oppression, by trading Jim for Juan. Latinos/as have been both the victims and the custodians of the everyday practices of Jim Crow. Moreover, just as many critiquing the Nuevo South have insisted on the importance of the long history of Latinos/as in the region, the stories of Afro-Latinos/as still long to be told.

Stories like Trujillo’s and Capetillo’s have not been central to discussions of the Nuevo South. Despite important historical work showing the long-standing presence of Afro-Latinos/as in the region, they have yet to be fully integrated into the study of the Nuevo South. Juan Crow, therefore, represents a popular manifestation of a problem that sits at the center of the study of the Latina/o South: the arrangement of race in the South as either black or Latina/o. Those works in the field that deal with blackness continue to cast black southerners as distinct from Latinos/as. For example, current scholarship shows the way Latinos/as’ racial position is formed in relation to African Americans, the power of social movements forged between African Amer-

17. Guerrero, Nuevo South; Márquez, “Strange Career of Juan Crow.”
icans and Latinos/as in the South, and how antiblack racism emanating from the Latina/o community has continued to limit the potential for cross-racial social movements. However, these works all treat black and Latina/o populations separately—leaving little space for the emergence of Afro-Latina/o identity in the South.

The study of the Latina/o South is not alone in its failure to incorporate Afro-Latinos/as. As Miriam Jiménez Román and Juan Flores wrote, “Afro-Latin@s have faced virtually total invisibility and erasure.” They continue, “As far as the mainstream media are concerned, Latin@s are not black and Blacks are not Latin@.” However, nowhere is the study of Afro-Latinos/as more important than in the US South, where the legacy of Jim Crow continues to shape the racial order.

The stories of de Leon and Trujillo alongside the contemporary experience of Afro-Latinos/as in the South demand that the field more seriously address blackness, both as a structuring racial ideology and as part of the lived experience of Latinos/as in the South. Thus far, the field of southern Latina/o studies has done groundbreaking work in expanding the historical and contemporary grounds on which we understand race and the US South. However, by turning to Afro-Latinos/as we will likely discover new paradigms about Latina/o racialization and community formation. Given that our work foregrounds the important role of Latinos/as in the region, we must not erase the experience of Afro-Latinos/as. Through exploration of the uneven grounds of racialization for Latinos/as, we can better understand the mechanisms of race making and how Latinidad can both prop up and unsettle our long-standing assumptions about the racially binary southern system.

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