A Legacy of Exclusion: The Geopolitics of Immigration and Latinas/os in the South

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The recent designation of the US South as the Nuevo (new) South by both scholars and mainstream media obscures the historical migration of Latinas/os to the region as well as the continuation of racist policies and unequal power dynamics in the South. Through an examination of Alabama’s anti-immigration legislation, HB 56, I make two interrelated arguments. First, I argue that although there is nothing new about Latina/o migration to the region, what is new is the geopolitics of immigration—specifically, the proliferation of immigration enforcement within the interior of the United States.1 Second, these kinds of racist exclusionary projects have historical precedent. HB 56’s provision disallowing anyone to transport or harbor undocumented immigrants borrowed a page from the Fugitive Slave Act of 1850. The ongoing forced labor happening in immigration detention centers is not only reminiscent of convict leasing but serves a similar capitalist purpose. The contemporary regulation of non-white bodies is part of a much longer legacy of social control in the United States. Moving forward, I urge scholars of Latina/o Studies and related fields whose focus is on the US South to engage with the history of settler colonialism, the displacement of native peoples, and the African American history of this region as a way to make important historical connections among and across racialized and otherized groups.

Latina/o migration to the South is hardly a new phenomenon. Historically, there are accounts of Latina/o migration to the American South which can be traced back to the 1910s in the case of Mexicans and Mexican Americans.2 Julie M. Weise details the migration of Mexicans and Mexican Americans to the Mississippi Delta and Arkansas for agricultural labor contracts. Most of the laborers were Mexico-born, and a smaller number were Texas-born. During this time, many of the laborers

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2. Weise, Corazón De Dixie; Weise, “Dispatches from the ‘Viejo’ New South.”

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migrated seasonally, while a smaller number settled permanently. During the Bracero Program (1942–64), Mexican laborers were again recruited to the same Delta region.  

In the 1970s and 1980s, Latinas/os, including Tejanos and Puerto Ricans, looked to the South for economic opportunities. The region has been home to Latina/o migrants for decades, as the recruitment of Mexican labor to the American South predates 1990. As Sarah McNamara’s essay in this forum shows, Latina/o presence has been longstanding in the US South.

While there was nothing nuevo about Latina/o migration to the American South, the start of the twenty-first century did signal new changes in immigration politics and policy that led to the proliferation of subfederal immigration enforcement. This is what some scholars have called a new immigration federalism, the state and local proliferation of immigration regulation and enforcement. Predicting the importance of all states and not just US-Mexico border states vis-à-vis immigration, Lance Frizzel—a spokesperson for Republican Jim Bryson, who was running for governor of Tennessee—stated, “Regardless of the size of the local illegal immigrant population or a region’s proximity to the US-Mexican border, in this election year ‘every state is a border state.’” This understanding, that all states are border states, precipitated an onslaught of restrictive immigration policies across the United States.

Post 9/11, the American South became a battleground for restrictive anti-immigrant legislation. Southern states have led the way in enacting restrictive immigration policies. In 2011, after Arizona’s 2010 draconian immigration law, SB 1070— which was the culmination of years of preparation prior to 2010—Alabama (HB 56), Georgia (HB 87), and South Carolina (SB 20) joined in and passed their own anti-immigrant legislation. Prior to 2005, there was no official countrywide record keeping of state-level immigration legislation, signaling the extent to which subfederal immigration legislation proliferated after 2005. This is not to say, however, that there is anything essential about the American South. State-level immigration legislation was also passed in Indiana (SB 590) and Utah (HB 497). The rhetoric and discourse that links Latina/o immigration to interior geographies as a way to pass restrictive state-level immigration legislation is, I would argue, what is new in the twenty-first century as it relates to Latinas/os in the South.

Alabama’s HB 56, whose sponsors and supporters used the discourse of “border security” and the dramatic growth of the Latina/o immigrant population in “unexpected places” to garner support, is a prime example of the new immigration federalism. HB 56, the Support Our Law Enforcement and Safe Neighborhoods Act, modeled after Arizona’s SB 1070, was designed to be the harshest immigration law

5. Gulasekaram and Ramakrishnan, New Immigration Federalism; Matos, “Immigration within Contemporary Political Discourse.”
to date. As Cecilia Márquez argues in this forum, HB 56 was frequently referred to as Juan Crow legislation. Tapping into southern regional anxiety, the purpose of Alabama’s HB 56 was to target all aspects of life, from schooling to work to merely living as presumably Latina/o. Provisions include barring undocumented students from attending public colleges and universities and requiring administrators to record the immigration status of all K-12 students. The law prohibits the transportation and harbor of undocumented immigrants and further makes it a Class A misdemeanor or a Class C felony to harbor or help undocumented immigrants, punishable by time in prison and fines. It prohibits landlords from renting property to undocumented immigrants. The law states that any contract made in which one party is an undocumented immigrant is considered null and void. After years in court, many of the most draconian provisions were deemed unconstitutional, but the effects of HB 56 on Latinas/os, regardless of legal status, continue to be felt in Alabama.8 One area that provides an understanding of the negative effects of these kinds of policies is through cultural production. As detailed in Iliana Yamileth Rodriguez’s essay in this forum, Kap G’s lyrical interpretation of anti-immigrant sentiment and of increased policing and criminalization of Latinas/os in Georgia after passage of HB 87 is evident in his production of “La Policia.”

The presence of Latinas/os in the South is not new, but amid the war on terrorism, what was and continues to be new is the movement from an emphasis solely on the Southern border to one focused also on the interior of the United States. Southern states like Alabama, Georgia, and South Carolina welcomed this shift as political elites used the more dramatic growth of the Latina/o population as leverage to pass anti-immigrant legislation, deploying the rhetoric of borders and illegality. For example, in 2011, Micky Hammon—Alabama House majority leader and cosponsor of HB 56—commenting on US District Court Judge Sharon Blackburn’s ruling temporarily blocking key parts of HB 56, said, “We must remember that today’s ruling is simply the first round in what promises to be a long judicial fight over Alabama’s right to protect its borders.”9 This is a prime example of the ideological movement of the US-Mexico border into the interior of the United States and of the linking of Latina/o immigration with state borders. Hammon uses the discourse of border security, which was previously linked to international borders rather than state borders, and he uses Latina/o migration as a way to justify the need for state border security. In another statement, Alabama Senator Scott Beason, the other cosponsor of HB 56, made the issue of undocumented immigration even more local by focusing on the borders that surround communities. He stated, “The reality is that if you allow illegal immigration to continue in your area you will destroy yourself eventually. . . . If you don’t believe illegal immigration will destroy a community go and check out parts of Alabama around Arab and Albertville.”10 Political elites used the increase in

Latina/o migrants to frame Latina/o migration as threatening to the economy and the makeup of communities, almost always with predominately white communities at risk of being “destroyed.” The proliferation of immigration enforcement within the interior of the United States is new, but this kind of racialized exclusionary project is not.

The contemporary regulation of nonwhite bodies is part of a much longer history and legacy of social control in the United States and in the American South. In her 2012 article, Weise argues that the “region-wide anti-Latino politics that has overtaken the US South since 2007 has no historical precedent.”11 However, I hold a different perspective. The South’s history of racist exclusionary projects has only resurfaced under a new name and target.12 Here I am not suggesting that racial exclusionary projects happened only in the US South, but if we take the US South as an example—not because there is anything geographically essential about it but because it is the subject of this forum—we can see the similarities in tactics of exclusion. While some of HB 56’s provisions were eventually struck down in court, many of them bear resemblance to the kind of exclusionary antiblack politics of the region. For example, the provision in Alabama’s HB 56 that prohibited the transportation and harboring of undocumented immigrants is eerily similar in language to the Fugitive Slave Act of 1850, which prohibited any person from harboring or concealing fugitives.

The Fugitive Slave Act of 1850 resonates even today as mobility among black and brown communities continues to be monitored or controlled not only by the excessive presence of local law enforcement in predominately black and brown neighborhoods but also by virtue of the disproportionate numbers of black and brown bodies behind bars, as C. Márquez also notes in her essay in this issue. Critical race and ethnic studies scholar John D. Márquez defines the importance of black history as “foundational blackness,” which underscores the significance of antiblack racism and violence to historically and geographically specific racial formation.13 Similarly, Perla M. Guerrero’s work reminds us that “studying the region can elucidate how anti-Black racism shapes the lives of refugees and immigrants and reveal the anti-Black structures that continue to exist across the United States.”14 Thus anti-Latino sentiment in the South has historical precedent inasmuch as the region continues to use similar tactics to exclude nonwhite populations from the polity and to monitor and control their mobility.

A subset of southern states claim anti-immigration legislation is needed to protect their borders, but at the heart of it is surveilling and marking bodies as other in order to justify unjust treatment, detention, and deportation. This also parallels the way white supremacy marked difference to justify the removal of native peoples...
from their land and the enslavement of and terrorism against black bodies. Immigration detention is one regime in which many US states continue to surveil and control nonwhite bodies, in particular Latina/o bodies. According to the Global Detention Project, the United States has the largest detention regime in the world. On any given day, the US can hold in detention more than thirty thousand people, with an overall capacity of more than forty thousand. While in 1980 the United States had the capacity to hold a little more than four thousand detainees, by 2016 the number of detainees rose to thirty-seven thousand. This trajectory gives us a sense of the shift in detention post-9/11, the new geopolitics of immigration; but it is also an exclusionary tactic we have seen before (i.e., Japanese American internment camps, chattel slavery). In other words, Latinas/os as targets of anti-Latino sentiment may not have region-wide historical precedent, but the exclusionary tactics do have historical antecedents.

The forced immigrant labor at many US immigration detention centers, a consequence of restrictive policies like HB 56 and the ramping up of immigration enforcement in the interior of the country, is reminiscent of convict leasing. At many of the privately run Immigration and Customs Enforcement (ICE) detention centers, immigrant detainees “work” to keep the detention facilities running. Compensated with $1 per day (with wages sometimes less and sometimes altogether withheld), detainees cook, clean, and do laundry. Although the federal government claims the program is voluntary, there have been numerous reports of the forced and captive conditions at detention centers in Georgia and Texas. After the Civil War, former slaves were often arrested for minor violations from policies that worked to monitor mobility and behavior, like vagrancy laws. Southern sheriffs then “leased” the newly convicted to private employers and forced them to “work” without compensation, which constituted another form of slavery. The convict leasing system is the historical precedent to the booming private prison industry, which ICE perpetuates by employing private prison companies, such as CoreCivic and the GEO Group. This kind of captive labor saves the government and private companies $40 million or more a year by sometimes paying detainees $0.13 an hour, compared to the current federal minimum wage of $7.25. Captive immigrant detention labor, like convict leasing, serves a capitalist purpose; however, social control of nonwhite bodies is at the heart of incarceration and detention. Mass incarceration and detention are not a result of the private prison industry, they are state-sanctioned tactics of control and punishment.

17. Hernández, City of Inmates.
20. Blackmon, Slavery by Another Name.
that facilitate the economic well-being of a small group of people, much like the state-sanctioned Fugitive Slave Act and its facilitation of "slave catchers."

Historicizing and connecting the Latina/o experience in the US South and beyond will reveal exclusionary practices that continue to protect the racial status quo and maintain white supremacy. An understanding of the post-9/11 proliferation of state and local immigration enforcement in connection to the longer history of native displacement and genocide as well as of slavery, Jim Crow, and mass incarceration highlights the intersecting histories that continue the trajectory of social control of nonwhite bodies. Latinas/os may not have been the target of exclusionary politics region-wide, but the tactics presently being used have historical precedents; they are tactics that have been used against other nonwhite and otherized bodies—in particular, native peoples and African Americans. The challenge for scholars, moving forward, is to find a balance between two bases of examination of the Latina/o experience in the US South: as important enough to study in its own right and at the same time as not exceptional; it does not exist in a vacuum. If, as scholars, we work to make the connections across time and space, the focus becomes how to detect and fight against future legislation that continues to use the same exclusionary racist tactics.

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