

# UNITY IN THE STRUGGLE: IMMIGRATION AND THE SOUTH'S EMERGING CIVIL RIGHTS CONSENSUS

HANA E. BROWN\*

JENNIFER A. JONES\*\*

TAYLOR DOW\*\*\*

## I

### INTRODUCTION

In October of 2015, North Carolina Governor Pat McCrory signed into law a bill that banned counties and cities in the state from declaring themselves sanctuaries for undocumented immigrants. Though they take many forms, self-declared “sanctuary cities” typically refuse to allocate municipal funds or resources toward immigration enforcement efforts and decline to prosecute undocumented immigrants. The North Carolina bill, HB318,<sup>1</sup> not only mandated local cooperation in federal enforcement efforts, but also prevented local authorities from accepting as valid any identification issued by foreign countries or by local authorities. Because these forms of identification are the only ones held by many undocumented immigrants, the bill took a direct swipe at the state’s growing and largely Latino undocumented immigrant population.<sup>2</sup>

Governor McCrory had local support for the measure. Rather than sign the bill in Raleigh, the state capital, he traveled an hour and a half west to sign the bill in front of the sheriff’s office in Greensboro, flanked by local law enforcement officials who declared the bill would preserve law and order as well as American values.<sup>3</sup> That a Republican governor and Republican-

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\* Hana E. Brown is an Associate Professor of Sociology at Wake Forest University. Funding for this research was provided by the Russell Sage Foundation, the University of Notre Dame, and Wake Forest University.

\*\* Jennifer A. Jones is an Assistant Professor of Sociology and a Faculty Fellow in the Institute for Latino Studies at the University of Notre Dame.

\*\*\* Taylor Dow is a J.D. Candidate, 2019, at the University of Pennsylvania Law School.

1. Protect North Carolina Workers Act, H.B. 318, S.L. 2015-294 (codified in scattered sections of N.C. Gen. Stat.).

2. See Elise Foley, *North Carolina Governor Signs Anti-Undocumented Immigration Bill*, HUFFINGTON POST (Oct. 28, 2015, 4:30 PM), [http://www.huffingtonpost.com/entry/north-carolina-immigration-law\\_56311d41e4b06317991094e7](http://www.huffingtonpost.com/entry/north-carolina-immigration-law_56311d41e4b06317991094e7).

3. See *id.* (“Today North Carolina is standing up for the rule of law, which is central to North Carolina’s values and our country’s values.”).

dominated legislature in the South would pass such a bill may seem unsurprising. After all, many southern states have made similar moves in recent years.<sup>4</sup> Though the measure had significant support, it also encountered widespread censure and resistance. For months leading up to the bill's passage, a coordinated team of immigration activists lobbied for its defeat. Emphasizing the protective effects of sanctuary cities, these advocates argued that HB318 would threaten public safety and strain police budgets.<sup>5</sup> Although this coalition featured a host of immigrant rights organizations and liberal activist groups, some of the most prominent and vocal opponents of the bill were the state's civil rights organizations. Calling on its members to protest the bill, the North Carolina's National Association for the Advancement of Colored People (NAACP) declared, "[O]ur immigrant brothers and sisters are under attack."<sup>6</sup> When Governor McCrory signed HB318 at the Greensboro sheriff's office, bill opponents amassed not at the offices of local immigrant rights groups but at the International Civil Rights Center and Museum in downtown Greensboro. The museum, designed to commemorate the civil rights struggles of the 1960s and the sit-in movement that began in Greensboro, became the hub of the movement for immigrant rights.

This embrace of immigration as a civil rights issue is not unique to civil rights groups in North Carolina. Across the South and in other parts of the country, black civil rights groups are increasingly drawing comparisons between the discrimination Latinos face today and the individual and structural racism that has long targeted black communities. This transformation is surprising on many accounts, not least of which is the historical separation of immigration and civil rights both in legal terms and in social movements. Given this historical separation, how did immigrant rights become a contemporary civil rights issue?

This article documents the emergence of an immigration and civil rights consensus in the Deep South, focusing on the particularly compelling case of Mississippi. Part II offers a brief history of racial politics and the emergence of the Civil Rights Movement in the state and documents the long-standing separation of immigration and civil rights in the legal sphere. Parts III and IV

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4. See, e.g., Tom Crawford, *Tough Immigration Law Hurts Georgia Agriculture*, AUGUSTA CHRON., Dec. 21, 2011, at 4 (outlining the negative effect of Georgia's new immigration restrictions); Richard Fausset, *Alabama Enacts Anti-Illegal-Immigration Law Described as Nation's Strictest*, L.A. TIMES (June 10, 2011) (exemplifying this recent trend in Alabama), <http://articles.latimes.com/2011/jun/10/nation/la-na-alabama-immigration-20110610>. See generally MONICA VARSANYI, TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES (2010) (describing how state and local politicians are legislating to curtail immigration).

5. See Kate Woome-Deters, *McCrory Misleads on "Sanctuary Cities"?*, PROGRESSIVE PULSE (July 30, 2015), <http://pulse.nepolicywatch.org/2015/07/30/mccrory-misleads-on-sanctuary-cities/> (raising concerns about HB318's potential effect on crime reporting); Michael Oleago, *Immigration News 2015: North Carolina HB 318 Toughens E-Verify, Affects Undocumented Immigrants*, LATIN POST (Sep. 30, 2015, 2:12 PM), <http://www.latinpost.com/articles/83346/20150930/immigration-news-2015-north-carolina-hb-318-toughens-e-verify.htm>.

6. Heather Travar, *Oppose House Bill 318*, N.C. NAACP (Sept. 28, 2015), [http://www.naacpnc.org/oppose\\_house\\_bill\\_318](http://www.naacpnc.org/oppose_house_bill_318).

identify the political and structural precursors to the emerging immigration and civil rights consensus in the South. Part V documents the rise of the immigrant rights movement in Mississippi. Parts VI and VII explain two central forces that tie the state's immigrant rights movement to past civil rights struggles: strategic framing and unity conferences. Part VIII concludes by discussing the implications of this alliance for civil rights struggles across the region.

## II

### THE STRUGGLE FOR CIVIL RIGHTS IN MISSISSIPPI

By the time photos of fourteen-year-old Emmett Till's mangled corpse began circulating in black news publications during the fall of 1955, the nation was in the midst of a civil rights insurgency. Occurring less than three months after the Supreme Court's mandate that public schools desegregate "with all deliberate speed"<sup>7</sup> and three months before the Montgomery bus boycott, the murder of Emmett Till in Money, Mississippi exposed the racial terror of the Deep South to a nation finally beginning to grapple with its ramifications.<sup>8</sup> In contrast, for residents of Mississippi, where racial terror operated through state sanction,<sup>9</sup> Till's murder was merely one in a succession of 539 lynchings of black citizens in the Magnolia State between 1882 and 1968.<sup>10</sup>

"[T]he most rigidly segregated state in the Deep South," Mississippi was a haven for racism throughout the twentieth century.<sup>11</sup> New Deal policies of the 1930s and 1940s hardened the social dynamics that enable racism and did so by consolidating wealth in the hands of the Mississippi Delta's white aristocracy that lorded over a plantation economy subsisting on disenfranchised black sharecroppers.<sup>12</sup> Federal farm subsidies, which limited harvests, raised the price of Mississippi's cotton while simultaneously depressing labor demand and filling the coffers of white plantation owners.<sup>13</sup>

At a time when "mechanization foreshadowed a society where black workers lived off the plantation," the federal government belayed the potential

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7. *Brown v. Board of Educ. of Topeka*, 349 U.S. 294, 301 (1955).

8. See Heather Pool, *Mourning Emmett Till*, 11 *LAW, CULTURE & HUMAN*. 414, 440 (2015) ("Everyone knew that events like Till's death happened, but when these events were publicized in context preceded by the celebrated assertions of equality (such as those in *Brown v. Board*), . . . Northerners could no longer pretend ignorance or innocence.").

9. See JAMES W. SILVER, *MISSISSIPPI: THE CLOSED SOCIETY* (2012) for an explanation of the de jure nature of racism in Mississippi during the first half of the twentieth century.

10. TUSKEGEE UNIVERSITY, *LYNCHING, WHITES & NEGROES, 1882-1968* 7, <http://192.203.127.197/archive/bitstream/handle/123456789/511/Lynching%201882%201968.pdf?sequence=1&isAllowed=y>.

11. Maria R. Lowe, *An "Oasis of Freedom" in a "Closed Society": The Development of Tougaloo College as a Free Space in Mississippi's Civil Rights Movement, 1960 to 1964*, 20 *J. HIST. SOC.* 486, 487 (2007).

12. See James. C. Cobb, "Somebody Done Nailed Us on the Cross": *Federal Farm and Welfare Policy and the Civil Rights Movement in the Mississippi Delta*, 77 *J. AM. HIST.* 912, 914-16 (1990) (outlining New Deal agricultural policy as a tool of white wealth consolidation that profoundly impacted the plight of African-American sharecroppers).

13. *Id.*

untethering of black life from white purview and capitulated to the will of obstinate southern cotton planters.<sup>14</sup> Emboldened by this validation, Mississippi planters represented by the Delta Council, a regional consortium of white business interests, retained racial order by combatting burgeoning labor unions which threatened to organize black workers and undermine the sovereignty of the white plantation establishment.<sup>15</sup> Mississippi's mid-century civil rights movement began in this context of suppressed organization.

Following the *Brown v. Board*<sup>16</sup> decision in May of 1954, an array of Citizens' Councils, much like the Delta Council before them, formed across the South to combat school integration and maintain racial order.<sup>17</sup> By June of 1956, chapters were operating in sixty-five of Mississippi's eighty-two counties.<sup>18</sup> The Mississippi state legislature created the Mississippi Sovereignty Commission, an intelligence-gathering operation that eventually compiled and disseminated information on more than 87,000 citizens, to abet white supremacist groups and shield segregation from federal encroachment.<sup>19</sup> In the wake of such staunch opposition and minimal federal intervention, school desegregation efforts in Mississippi and across the South stalled. Civil rights activists then shifted their focus to voter registration as the 1950s came to a close.<sup>20</sup>

Courted by Forrest County's NAACP president, Vernon Dahmer, the Student Nonviolent Coordinating Committee (SNCC), with its penchant for grassroots activism, arrived in Mississippi in 1961 to reclaim the voter registration mantle.<sup>21</sup> Merging its direct action approach with the NAACP's legal-based method, SNCC partnered with the Congress on Racial Equality (CORE) and the Urban Coalition to register voters throughout the state.<sup>22</sup> Unlike civil rights movements in other states, which typically focused on engendering reform in individual municipalities, the Mississippi movement was a statewide effort<sup>23</sup> with an "underlying motive of . . . building local movements that could define and pursue their own goals."<sup>24</sup> To align the diffuse movement,

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14. Elizabeth Woodruff, *Mississippi Delta Planters and Debates over Mechanization, Labor, and Civil Rights in the 1940s*, 60 J. SO. HIST. 263, 263 (1994).

15. See *id.* at 272-73 (describing eradication of labor unions as the Delta Council's "primary goal").

16. 347 U.S. 483 (1954).

17. See Kenneth T. Andrews, *The Impacts of Social Movements in the Political Process: The Civil Rights Movement and Electoral Politics in Mississippi*, 62 AM. SOC. REV. 800, 804 (1997) (explaining the rise of white resistance through the formation of Citizens' Councils).

18. *Id.*

19. RICK BOWERS, *SPIES OF MISSISSIPPI: THE TRUE STORY OF THE SPY NETWORK THAT TRIED TO DESTROY THE CIVIL RIGHTS MOVEMENT* 1-2 (2010).

20. John Dittmer, *The Politics of Mississippi Movement 1954-1964*, in *THE CIVIL RIGHTS MOVEMENT IN AMERICA* 65, 69 (Charles W. Eagles ed., 1986).

21. See Andrews, *supra* note 17 (describing SNCC's arrival in Mississippi in 1961).

22. R.E. Nordhaus, *SNCC and the Civil Rights Movement in Mississippi, 1963-64: A Time of Change*, 17 HIST. TCHR. 95, 95 (1983).

23. Andrews, *supra* note 17, at 806.

24. CHARLES PAYNE, *I'VE GOT THE LIGHT OF FREEDOM: THE ORGANIZING TRADITION AND THE MISSISSIPPI FREEDOM STRUGGLE* (1995).

the Council of Federated Organizations (COFO), an umbrella organization of civil rights groups active in Mississippi, formed in 1962 to mollify tensions among the groups.<sup>25</sup> COFO distributed funds in Mississippi from the Voter Education Project in Atlanta and soon developed a strong presence testing the resolve of local Mississippi officials to keeping voter rolls black-free.<sup>26</sup>

Attempts to register black voters were frequently met with violence and led to little, if any, government intervention.<sup>27</sup> This was especially true of the Kennedy Administration's tepid approach when attempting to mitigate the volatility of Mississippi's civil rights backlash.<sup>28</sup> African Americans' dependence on the plantation system for their livelihood further complicated organizing efforts.<sup>29</sup> It increased the risk of financial repercussions for a significant portion of Mississippi's black population and strained voter registration efforts across the South.

Despite those deterrents, Mississippi's voter registration drives continued. To demonstrate the rising tide of black resistance throughout the state, SNCC hosted a mock election in which 80,000 of Mississippi's black residents participated during the summer of 1963.<sup>30</sup> Building upon that momentum the following year, COFO recruited white college students from around the country to expand its Mississippi voter registration efforts in what became known as the 1964 Freedom Summer Project.<sup>31</sup> Unfortunately, the onslaught of violence did not subside. More than thirty black churches were burned to the ground in 1964 alone.<sup>32</sup> That summer, a telegram sent to President Johnson by the NAACP and the National Medical Association warned of "expanded violence and risk of personal injury to civil rights workers" and requested the use of federal medical facilities.<sup>33</sup> Due to state collusion to prevent potential black doctors from

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25. See Joseph A. Sinsheimer, *The Freedom Vote of 1963: New Strategies of Racial Protest in Mississippi*, 44 J. SO. HIST. 217, 220 (1989) (explaining that the formation of COFO was a movement attempt to eliminate organizational rivalries and jealousies).

26. See Dittmer, *supra* note 20, at 74 (taking issue with the historical view of COFO as merely a fund transfer mechanism).

27. Nordhaus, *supra* note 22, at 97 (contrasting the high levels of violence with the lack of government protection that accompanied voter registration drives).

28. Cf. Dittmer, *supra* note 20, at 76–77 ("In situations demanding White House action, they preferred to work behind the scenes with Mississippi officials, avoiding direct involvement with movement activists, a preference which 'made Negroes feel like pawns in a white man's political game.'").

29. Cobb, *supra* note 12, at 922 (explaining the economic aspect of white control over Delta blacks).

30. *Id.* (describing SNCC's most successful demonstration of the rising tide of African-American resistance).

31. Andrews, *supra* note 17.

32. Richard D. DeShazo, Robert Smith & Leigh B. Skipworth, *Black Physicians and the Struggle for Civil Rights: Lessons from the Mississippi Experience: Part 1: The Forces for and Against Change*, 127 AM. J. MED. 920, 923 (2014).

33. *Federal Medical Facilities Requested For Mississippi Civil Rights Workers*, J. NAT. MED. ASS'N, Sept. 1964, at 448.

attaining Mississippi medical degrees, only twenty-five black physicians practiced in the entire state of Mississippi at that time.<sup>34</sup>

COFO's voter registration efforts culminated in a bid by the integrationist Mississippi Freedom Democratic Party (MFDP) to usurp Mississippi's all-white delegation to the 1964 Democratic National Convention.<sup>35</sup> That bid was unsuccessful, but Freedom Summer exposed the disenfranchisement of Mississippi's African-American population to a national audience. That exposure would help ensure the passage of the Voting Rights Act (VRA) of 1965 with its prohibition of discriminatory voter laws just one year later.

Following the passage of the VRA, the civil rights movement shifted its focus from politics and voting to alleviating poverty and integrating public schools.<sup>36</sup> The Mississippi poverty relief programs that emerged during the latter half of the 1960s were a direct result of years of civil rights activism,<sup>37</sup> but school desegregation efforts proved more elusive.<sup>38</sup> Intimidation tactics blunted federal desegregation orders and Citizens' Councils across the South spearheaded efforts to create white private schools in defiance of the school desegregation now mandated under federal law.<sup>39</sup> The state of Mississippi was complicit in this defiance. Coinciding with the opening of the Citizens' Council's first school in Mississippi, the state legislature created a voucher program to subsidize private school enrollment and, through political maneuvering, distributed public funds to aid the construction of all-white private schools across the state.<sup>40</sup> In response to the lack of compliance with federal law, federal courts mandated the desegregation of all Mississippi school districts by 1970.<sup>41</sup> These rulings resulted in a five-fold increase in private schools within the thirty districts explicitly mentioned, and they further spurred the creation of Mississippi's all-white private schools.<sup>42</sup>

The renewed vigor of private school enrollment in Mississippi and a sustained assault on school desegregation throughout the South<sup>43</sup> presaged the

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34. DeShazo, Smith & Skipworth, *supra* note 32, at 922 tbl. 1.

35. Andrews, *supra* note 17.

36. *See id.* (identifying the passage of the VRA as shifting the movement's goals).

37. *See* Kenneth T. Andrews, *Social Movements and Policy Implementation: The Mississippi Civil Rights Movement and the War on Poverty, 1965 to 1971*, 66 AM. SOC. REV. 71, 79–80 (2001) (explaining how the civil rights movement was foundational to Mississippi poverty relief programs).

38. *See* Mark Golub, *Remembering Massive Resistance to School Desegregation*, 31 LAW & HIST. REV. 491, 522–30 (2013) (describing how Southern moderates avoided open defiance of federal law while successfully preserving racial inequality).

39. *See, e.g.*, Emilye Crosby, *White Privilege, Black Burden: Lost Opportunities and Deceptive Narratives in School Desegregation in Claiborne County, Mississippi*, 39 ORAL HIST. REV. 258, 258–85 (2012) (providing an example of one county's effort to avoid desegregation).

40. Michael W. Fuquay, *Civil Rights and the Private School Movement in Mississippi, 1964–1971*, 42 HIST. EDUC. Q. 159, 164 (2002).

41. *See Alexander v. Holmes Cnty Bd. of Educ.*, 396 U.S. 1218 (1969) (providing a timeline for mandatory public school desegregation in Mississippi).

42. Fuquay, *supra* note 40, at 176 (outlining *Alexander's* effect on Mississippi private schools).

43. *See* Ezella McPherson, *Moving from Separate to Equal, to Equitable Schooling: Revisiting Desegregation Policies*, 46 URB. EDUC. 465, 468–71 (2011) (analyzing court cases and sociological

slow-rolling dissolution of many major civil rights organizations in the 1970s.<sup>44</sup> Despite these organizations' dissolution, by 1982 approximately 75.8%<sup>45</sup> of Mississippi's black adults were registered to vote, up from 6.7% in 1964,<sup>46</sup> and compared to an average of 57.7% of black adults registered at the same time in all other Southern states.<sup>47</sup> This increase in black suffrage, a product of vigilant federal enforcement of VRA provisions,<sup>48</sup> drastically altered the composition of Mississippi's electorate. Sustained efforts to dilute Mississippi's black vote during the interceding years quelled, however, the fervor of the celebration. Mississippi's black population had been hobbled by an outflow of sharecroppers during World War II.<sup>49</sup> They joined a mass exodus of nearly six million blacks that fled the domestic terror of the Jim Crow South and sought refuge in the North.<sup>50</sup> By 1980, Mississippi's black residents accounted for 34% of the population.<sup>51</sup> Barely 100 years earlier, at the conclusion of the Civil War, they had comprised 55%.<sup>52</sup>

### III

#### DRAWING THE LINE: CIVIL RIGHTS AND IMMIGRATION LAW

In the midst of the sweeping domestic policy change engendered by the civil rights movement, an equally momentous reform occurred in the U.S. immigration system. The passage of the Immigration and Nationality Act of 1965 (INA) abolished a quota policy which, for decades, allowed U.S. immigration admissions to be guided by race and nationality-based discrimination. Before the passage of the INA, U.S. immigration policy operated according to the Immigration Act of 1924, which enforced racially exclusionary immigration regulations, including outright bans on Asian and

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studies explaining resistance to desegregation).

44. See generally Christopher P. Lehman, *Civil Rights in Twilight: The End of the Civil Rights Movement Era in 1973*, 36 J. BLACK STUD. 415 (2006) (describing the end of the Civil Rights Movement era in 1973).

45. STEVEN F. LAWSON, IN PURSUIT OF POWER: SOUTHERN BLACKS AND ELECTORAL POLITICS, 1965–1982 297 (1985) tbl. 1.

46. STEVEN F. LAWSON, BLACK BALLOTS: VOTING RIGHTS IN THE SOUTH, 1944–1969 284 (1976) tbl. 2.

47. Lawson, *supra* note 45.

48. Mark A. Posner, *The Real Story Behind the Justice Department's Implementation of Section 5 of the VRA: Vigorous Enforcement, as Intended by Congress*, 1 DUKE J. CONST. L & PUB. POL'Y 79, 151–58 (2006) (outlining the reasoning behind the Justice Department's decades long history of vigorous enforcement of Section 5).

49. Woodruff, *supra* note 14, at 75 (explaining how migration and the wartime draft decreased available labor).

50. See generally ISABEL WILKERSON, *THE WARMTH OF OTHER SUNS: THE EPIC STORY OF AMERICA'S GREAT MIGRATION* (2010) (providing a detailed account of the lives of three individuals during the Great Migration).

51. U.S. CENSUS BUREAU, *DETAILED POPULATION CHARACTERISTICS: MISSISSIPPI* (1980), [https://www2.census.gov/prod2/decennial/documents/1980a\\_msABCD-01.pdf](https://www2.census.gov/prod2/decennial/documents/1980a_msABCD-01.pdf).

52. U.S. CENSUS BUREAU, *STATISTICS OF THE POPULATION OF THE UNITED STATES AT THE TENTH CENSUS 378–79* (1880), [https://www2.census.gov/prod2/decennial/documents/1880a\\_v1-01.pdf](https://www2.census.gov/prod2/decennial/documents/1880a_v1-01.pdf).

Arab immigration and severe restrictions on African migration. Enacted just thirty-seven days before the VRA, the INA similarly sought to eviscerate racism from the public domain by overturning these quotas. But sixty years later, the INA is rarely lauded as a civil rights milestone in the vein of the VRA. Rather, the INA, like the immigration reforms that have followed in its stead, is viewed separately from civil rights.<sup>53</sup>

Why are immigration and civil rights law perceived and treated as disparate? The split originates, in part, from the enduring and implicit association between civil rights law and African Americans.<sup>54</sup> That same relation to blackness has rarely been applied to immigration law because the Fourteenth Amendment's Citizenship Clause ostensibly affirmed many African Americans' claims to citizenship at its ratification in 1868. As such, the association between immigration law and civil rights law has proven tenuous, despite their shared proscriptions of racial discrimination.

The untethering of immigration law from the broader spectrum of civil rights laws ignores the racial egalitarianism at the heart of the 1965 Immigration Act.<sup>55</sup> It also neglects the fact that civil rights law and immigration policies have a storied history of coexistence, even within the text of the same bill. For example, the Civil Rights Act of 1870 extended the same race-based protections provided in the Civil Rights Act of 1866 to foreign-born individuals residing within the United States.<sup>56</sup> And, as the INA's forbidding of racialized national origins quotas demonstrates, modern naturalization debates are heavily influenced by the nondiscrimination goals of the civil rights movement.<sup>57</sup>

Although immigration law has focused heavily on questions of legal citizenship, citizenship laws and debates have long been deeply intertwined with race. Formative immigration laws sought to exclude certain foreigners from entry and citizenship on the basis of race.<sup>58</sup> The interplay of modern immigration law and racial minorities, like civil rights law and minorities before

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53. Christina M. Rodriguez, *Immigration, Civil Rights, & the Evolution of the People*, 142 DAEDULUS 228, 232 (2013).

54. See generally Janine Young Kim, *Are Asians Black?: The Asian-American Civil Rights Agenda and the Contemporary Significance of the Black/White Paradigm*, 108 YALE L. J. 2385 (1999) (developing the theory for a need to decouple the association of civil rights and African Americans in order to serve other minority groups).

55. See Gabriel Chin, *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*, 75 N.C. L. REV. 273, 300–02 (1996) (arguing that the focus on foreign policy as a motivating force behind the passage of the 1965 Immigration and Nationality Act ignores the critical role of racial egalitarianism).

56. Lucas Guttentag, *The Forgotten Equality Norm in Immigration Preemption: Discrimination, Harassment, and the Civil Rights Act of 1870*, 8 DUKE J. CONST. L. & POL'Y 1, 19 (2013).

57. Rodriguez, *supra* note 53, at 232.

58. See generally Erika Lee, *The Chinese Exclusion Example: Race, Immigration, and American Gatekeeping, 1882–1924*, 21 J. AM. ETHN. HIST. 36 (2002) (identifying the 1882 Chinese Exclusion Act as the first race and class based restriction on immigration and its role in shaping twentieth-century race-based immigration law); Mae M. Ngai, *The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924*, 86 J. AM. HIST. 67 (1999) (underscoring the development and use of racial categories as tools of exclusion).



it, is still common today. Because the 1965 immigration reforms set the stage for a growing number of Latino and Asian immigrants to enter the United States, the law has effectively racialized immigration enforcement.<sup>59</sup> Despite these parallels, immigration scholars have largely understudied the role of race and racial dynamics in immigrant integration and immigration enforcement.<sup>60</sup> Because formative immigration scholarship was premised on the experiences of white ethnic immigrants, racial dynamics of U.S. immigration policy have largely “remained a peripheral concern to the field” of immigration research.<sup>61</sup>

The idea that modern-day immigration laws are not racialized is a ruse, at best. In immigration law, the convergence of ostensibly race-neutral policies serves to disproportionately disadvantage racial minorities.<sup>62</sup> This is particularly true of Latinos, for whom immigration policies have functioned as a “race making institution,” much the same way as criminal justice policies have etched the racial parameters of black life.<sup>63</sup> For Mexican immigrants, who comprise the largest contingent of foreign-born Latino residents in the United States, their racialized association with undocumented immigration is a product of early twentieth century immigration policies.<sup>64</sup> The enduring nature of those policies can be attributed to the aforementioned egalitarianism embedded in the 1965 reforms, which allotted equal numbers of annual visas to all countries, despite nations like Mexico having higher levels of demand.<sup>65</sup>

Much like the civil rights reforms of the 1960s, the 1965 immigration reforms were more of an aberration than evidence of a historical trajectory toward egalitarianism. Close analysis of the histories of civil right and immigration law reveals that racial dynamics play a central role in the extension and provision of legal, political, and social rights in the United States. Despite the centrality of

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59. Kevin R. Johnson, *The End of “Civil Rights” As We Know It?: Immigration and Civil Rights in the New Millennium*, 49 UCLA L. REV. 1481, 1491–1510 (2002) (highlighting the connection between increased immigration post-1965 and the racial overtones of immigration enforcement and civil rights).

60. See generally Hana Brown & Jennifer A. Jones, *Rethinking Panethnicity and the Race-Immigration Divide An Ethnoracialization Model of Group Formation*, 1 SOC. RACE ETHN. 181 (2015) (lamenting the lack of interplay between race and immigration scholarship and calling for a more integrated approach: “ethnoracialization”); Rogelio Sáenz & Karen Manges Douglas, *A Call for the Racialization of Immigration Studies On the Transition of Ethnic Immigrants to Racialized Immigrants*, 1 SOC. RACE ETHN. 166 (2015) (calling for the incorporation of race-based perspectives into the study of immigration).

61. George J. Sanchez, *Race and Immigration History*, 42 AM. BEHAV. SCI. 1271, 1272 (1999).

62. Kevin R. Johnson, *The Intersection of Race and Class in U.S. Immigration Law and Enforcement*, 72 LAW & CONTEMP. PROBS., no. 4, 2009, at 1.

63. See Douglas Massey, *The New Latino Underclass: Immigration Enforcement as a Race-Making Institution*, 4 RACE SOC. PROB. 5, 6 (2012) (explaining the “Latino threat narrative” and the resulting racialization of immigration).

64. See generally MAE NGAI, *IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA* (2014) (illustrating how the immigration restriction that commenced in the 1920s remapped America by creating new categories of racial difference).

65. See Mae Ngai, *The Civil Rights Origins of Illegal Immigration*, 75 INT’L LAB. & WORKING-CLASS HIST. 93, 93–95 (2010) (emphasizing reformers’ goal of fairness while drawing attention to the fact that this goal cannot be served by treating countries with higher demand, like Mexico, the same as countries with lower demand).

race to immigration policy, the elision of immigration policy from the civil rights movement endured because of the contraction of civil rights in the immigration realm since the 1965 reforms.<sup>66</sup>

#### IV

##### POLICY AND STRUCTURAL PRECURSORS

If scholars, activists, and the public treat immigration and civil rights as separate spheres, what transformations set the stage for the civil rights movement's emergent embrace of immigration as a civil rights issue? Two major structural shifts set the groundwork for a new civil rights consensus around immigration: demographic change and administrative shifts in immigration enforcement. Prior to the 1990s, Latino immigrants settled overwhelmingly in traditional gateway cities, such as Los Angeles, New York, and Miami. By mid-decade however, the convergence of economic stagnation on the West Coast, combined with the implementation of the North Atlantic Free Trade Agreement (NAFTA) and general economic stagnation in Mexico created a powerful push incentive to migrate out of Mexico and away from the West Coast. At the same time, significant economic growth in the South pulled new migrants to the region. As a result, by 2000, the population of foreign-born residents in many Southern cities and towns increased by as many as three-fold. That growth continued into the 2000s, when many cities—including Charlotte, North Carolina—became majority-minority for the first time.<sup>67</sup>

Between 1980 and 2010, significant changes also occurred in the administration of U.S. immigration law. During this period, states increasingly pursued policies that would restrict the rights of noncitizens, especially undocumented immigrants. In the 1990s in particular, local and state officials in the United States became increasingly involved in immigration politics, proposing and adopting punitive anti-immigration policies.<sup>68</sup> This occurred most

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66. See Elizabeth Keyes, *Race and Immigration, Then and Now: How the Shift to "Worthiness" Undermines the 1965 Immigration Law's Civil Rights Goals*, 57 HOW. L. J. 900, 908–14 (2014) (exploring the widening gap between the promised formal equality of the 1965 Immigration Act and the discriminatory application and enforcement of the law).

67. MARY E. ODEM & ELAINE LACY, *LATINO IMMIGRANTS AND THE TRANSFORMATION OF THE U.S. SOUTH* 70–73 (2009). See generally, Rakesh Kochar, Roberto Suro, & Sonya Tafoya, *The New Latino South*, PEW HISP. CTR. (2005), <http://www.pewhispanic.org/files/reports/50.pdf> (outlining the scope of the demographic changes throughout the South).

68. See generally DOUGLAS S. MASSEY & SÁNCHEZ R. MAGALY, *BROKERED BOUNDARIES: CREATING IMMIGRANT IDENTITY IN ANTI-IMMIGRANT TIMES* (2010); Amada Armenta, *From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail*, 34 LAW & POL'Y 191 (2012); Mary Bauer, *Under Siege: Life for Low-Income Latinos in South*, SO. POVERTY L. CTR. (Mar. 31, 2009), <https://www.splcenter.org/20090401/under-siege-life-low-income-latinos-south>; Mathew Coleman, *The "Local" Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South*, 34 LAW & POL'Y 159 (2012) (arguing that federal programs take a site specific form as they take shape within local political, legal, and policing frameworks); Mark Lopez, Rich Morin & Paul Taylor, *Illegal Immigration Backlash Worries, Divides Latinos*, PEW HISP. CTR. (Oct. 28, 2010), <http://www.pewhispanic.org/2010/10/28/illegal-immigration-backlash-worries-divides-latinos/>.

visibly and comprehensively in California, where nativist sentiment spurred the passage of Proposition 187 in 1994.<sup>69</sup> Linking growth in the immigration population to economic stagnation, the policy would have denied services such as public education and healthcare to undocumented immigrants. Although the measure passed with significant support, it was largely a symbolic effort. Proposition 187 was not only a clear violation of the Constitution, as affirmed in *Plyler v. Doe*,<sup>70</sup> but it went beyond the scope of immigration policy to date, which was considered entirely under the purview of the federal government.

At the same time, growing concerns over terrorism and security led the federal government to expand state and municipal jurisdiction over immigration. The September 11 attacks had a particularly strong effect on this trend. Because the attackers were noncitizens, policy responses to terrorist threats became intimately connected to immigration enforcement efforts. The political response immediately targeted Arab Americans as racialized and criminal outsiders.<sup>71</sup> Very quickly however, this characterization was expanded and applied to all immigrants. With the restructuring of the U.S. Immigration Service under the domain of the Department of Homeland Security, new immigration initiatives increasingly framed noncitizens on the whole as potential threats to American security and culture. As a result, the connection of undocumented immigration with security at the national level dramatically altered the discourse on immigration all over the country, shifting attention to Latinos—primarily Mexicans—as threats to the state.<sup>72</sup> This linking of immigration and security by the federal government not only instigated a general sense of panic and anti-immigrant sentiment throughout the United States, but it also inspired a key change from the 1996 laws in terms of how immigration policy can be enforced.<sup>73</sup>

These parallel trends of Latino population growth and heightened immigration enforcement were coupled with additional shifts in the

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69. See The Initiative Statute—Illegal Aliens—Public Services, Verification, and Reporting, Prop. 187, §§ 1–9 (enacting CAL. EDUC. CODE §§ 48215 and 66010.8, CAL GOV'T CODE § 53069.65, CAL. HEALTH & SAFETY CODE § 130, CAL. PENAL CODE §§ 113, 114, and 83b, and CAL. WELF. & INST. CODE § 10001.5); see also Kitty Calavita, *The New Politics of Immigration: 'Balanced Budget Conservatism' and the Symbolism of Proposition 187*, 43 SOC. PROBS. 284 (1996).

70. See *Plyler v. Doe*, 457 U.S. 202 (1982) (holding that withholding state funding for the children of illegal immigrants violated the Equal Protection clause).

71. Cf. Nadine Naber, "Look, Muhammed the Terrorist is Coming!": *Cultural Racism, Nation-Based Racism and the Intersectionality of Oppressions after 9/11*, in RACE AND ARAB AMERICANS BEFORE AND AFTER 9/11: FROM INVISIBLE CITIZENS TO VISIBLE SUBJECTS 283–90 (Amaney A. Jamal & Nadine Christine Naber eds., 2008) (exploring the way dominant U.S. discourses post-9/11 played out in immigration policies in California).

72. See Mathew Coleman & Austin Kocher, *Detention, Deportation, Devolution and Immigrant Incapacitation in the U.S., Post 9/11*, 177 GEOGRAPHICAL J. 228 (2011) (analyzing the connection between the rising importance of national security in the American consciousness and increased attention to immigration).

73. Cf. Carrie Arnold, Note, *Racial Profiling in Immigration Enforcement: State and Local Agreements to Enforce Federal Immigration Law*, 49 ARIZ. L. REV. 113 (2007) (describing the results of the 2002 Office of Legal Counsel Memorandum, which determined that states have inherent power to make arrests for violation of federal immigration law).

administration of immigration affairs in the United States. Prior to 2002, the Department of Justice held that states and municipalities did not have the power to enforce immigration violations. In 2002, the Office of Legal Council (OLC) withdrew this position. Under the new guidelines, the OLC argued that “[s]tates have inherent power, subject to federal preemption, to make arrests for violation of federal [civil and criminal immigration] law.”<sup>74</sup> These new guidelines gave states the ability to request agreements with Immigration and Customs Enforcement (ICE) using Section 287(g)<sup>75</sup> to identify unauthorized immigrants for detention.

By 2002, then, the Department of Homeland Security and the Department of Justice had cleared the way for states and municipalities to take on the task of immigration enforcement. As part of the changes initiated by the Office of Legal Council and the creation of ICE, the earliest 287(g) partnerships were entered into by Alabama and Florida in 2002 and 2003, respectively. These remained the only two agreements between municipalities and the federal government until 2005, when multiple other states entered the immigration policy-making fray.<sup>76</sup> This shift happened just as Latino immigrants were arriving in unprecedented numbers to regions like the Deep South.

These parallel shifts created a great deal of controversy across the nation, particularly in new immigrant destinations. Local officials and community advocates feared that localized immigration enforcement would lead to the erosion of trust between the police and community in criminal investigations. There was also concern within the Justice Department regarding its potential for civil rights violations and concern that the Office of Legal Counsel Memorandum was an effort by the federal government to expand the reach of the Department of Homeland Security without providing adequate oversight.<sup>77</sup> The fears were not unfounded. By 2005, in the wake of a failure to pass a comprehensive federal immigration reform bill, a handful of congressional leaders continued to merge security concerns with immigration. Most notably, as part of the effort to provide a higher level of security and protect Americans against terrorism, Representative Jim Sensenbrenner<sup>78</sup> linked the regulation of

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74. *Id.* at 113–14.

75. Section 287(g) is a clause of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104–208, 110 Stat. 3009–546 (codified as amended in scattered sections of 8 U.S.C.) (IIRIRA) that allowed state and local law enforcement to enter into partnerships with Immigration and Customs Enforcement (ICE) to receive delegated authority for immigration enforcement within their jurisdictions. These agreements were not employed until 2002 and not widely used until 2006 (Skinner 2010). Section 287(g) was intended to address terrorism and human trafficking. Under the agreement, state, county and city law enforcement in partnerships with ICE can receive training and act as deputized ICE agents within their local jurisdictions. The program consists of three different models. One is jail-based, in which arrested individuals are also processed for immigration violations, and one is task-forced based, in which street patrols are authorized to act as ICE agents in the field. A third version combines the first two models.

76. *Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, U.S. DEPT. HOMELAND SEC. (2009), <https://www.ice.gov/factsheets/287g>.

77. Arnold, *supra* note 73, at 114–15.

78. Sensenbrenner also introduced the Patriot Act in 2001 and was the main sponsor of H.R.

undocumented immigrants with national security through the successful passage of the REAL ID Act<sup>79</sup> in 2005. Operating under the assumption that terrorists in the 9/11 attacks had access to legal documents such as driver's licenses, the REAL ID Act made it a federal requirement to provide both a social security number and evidence of legal status in order to get a driver's license, and established guidelines for states to begin enforcing its provisions.<sup>80</sup> Such changes in the law would, for the first time, make it impossible for persons without legal status to obtain state identification and legally drive.

This policy was also deeply implicated in the execution of federal-local partnerships because traffic stops were a primary means by which local officials identified unauthorized immigrants. By 2006, many municipalities began signing up for Section 287(g) partnerships to refer immigrants to ICE on suspicion of having no driver's license.<sup>81</sup> In 2007, at the height of unauthorized immigration to the United States and at the beginning of a nationwide economic crisis, various cities and counties throughout the Southeast enacted laws and ordinances to restrict immigrant access to social, educational, and medical institutions and benefits.<sup>82</sup>

These changes occurred alongside other efforts to enforce more punitive measures on a national scale such as Sensenbrenner's proposed bill, H.R. 4437, which would have criminalized undocumented immigration and any aiding of undocumented immigrants.<sup>83</sup> This political assault and increasingly hostile atmosphere not only politicized immigrants, particularly Latinos, who quickly became the target of such initiatives, but recast their social position within the U.S. racial hierarchy.

As a result of these shifts, Latino immigrants have seen their structural position in the United States change dramatically. For example, Latinos have experienced a rapid deterioration of their social position, forming a new

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4437 in 2005, which introduced criminal penalties for aiding illegal immigration. This highly controversial bill, which failed in the Senate, is widely considered to have been a major catalyst for the 2006 immigrant protests around the country.

79. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief (REAL ID Act), Pub. L. No. 109-13, 119 Stat. 302 (codified as amended at 8 U.S.C. § 1101 (2005)).

80. REAL ID Act § 202.

81. Armenta, *supra* note 68, at 196; Coleman, *supra* note 68, at 172-74.

82. RANDY CAPPS, MARC R. ROSENBLUM, CRISTINA RODRIGUEZ & MUZAFFAR CHISHTI DELEGATION AND DIVERGENCE: A STUDY OF 287(G) STATE AND LOCAL IMMIGRATION ENFORCEMENT 10, 27 (2011); Mark Lopez & Susan Minushkin, *Hispanics See Their Situation in U.S. Deteriorating: Oppose Key Immigration Enforcement Measures*, PEW HISP. CTR. (Sept. 18, 2008), <http://www.pewhispanic.org/2008/09/18/2008-national-survey-of-latinos-hispanics-see-their-situation-in-us-deteriorating-oppose-key-immigration-enforcement-measures/>; Daniel J. Hopkins, *Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition*, 104 AM. POL. SCI. REV. 40, 40 (2010); S. Karthick Ramakrishnan & Tom Wong, *Partisanship, not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants*, in TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES 11 (Monica Varsanyi ed. 2010).

83. *Summary of the Sensenbrenner Immigration Bill*, NAT'L CONF. ST. LEGIS., <http://www.ncsl.org/research/immigration/summary-of-the-sensenbrenner-immigration-bill.aspx>.

underclass.<sup>84</sup> This has occurred not only in restricting rights and privileges. It has also created a broader atmosphere in which anti-immigrant and anti-Latino attitudes are normalized. This newly denigrated position, while uncontestedly threatening to the livelihoods of immigrant and native-born Latinos throughout the United States, has nevertheless resulted in some unforeseen consequences in terms of racial formation and solidarity. On the one hand, the type of discrimination and exclusion that Latino immigrants face has become increasingly difficult for civil rights activists to ignore. Efforts to deprive undocumented immigrants of access to education, healthcare, and work are, in principle, the very forms of discrimination that such movements intend to counter. On the other hand, systematic efforts to roll back these rights have both politicized Latino immigrants, mobilizing them to political protest, and racialized them, inspiring a new set of political and social identities closely aligned with black Americans.<sup>85</sup> Together, these events have created an important opening for civil rights groups and immigration groups to develop an alliance.

## V

### THE ORIGINS OF MISSISSIPPI'S NEW CIVIL RIGHTS CONSENSUS

These changes gave rise to the Mississippi civil rights community's embrace of immigration as a focal issue. In the 1990s, the state's foreign-born population nearly doubled, with most new arrivals coming from Latin America.<sup>86</sup> In 2000, a group of immigration advocates formed a statewide organization—the Mississippi Immigrant Rights Alliance (MIRA)—that advocated for immigrants' rights. The group arose out of a campaign among former civil rights leaders to unionize black and Latino casino workers on the coast.<sup>87</sup> Recognizing that any progressive coalition in Mississippi required a broad base of support, the founders of MIRA intentionally built the organization around the principle of black–brown solidarity. By design, the original board consisted of Latino immigration advocates, black and white union leaders, and black civil rights activists. In its fifteen years of existence, the board has maintained this racial

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84. See Douglas S. Massey & Karen A. Pren, *Origins of the New Latino Underclass*, 4 RACE & SOC. PROBS. 1, 5–17 (2012) (arguing that the rise of undocumented immigration and the subsequent framing of Latino immigrants as a threat to national security and the economy has created negative pressure on the status of Latinos in the United States).

85. See generally Chris Zepeda-Millán & Sophia J. Wallace, *Racialization in Times of Contention: How Social Movements Influence Latino Racial Identity*, 4 POL. GROUPS & IDENTITIES 1 (2013); Michael Jones-Correa, Sophia J. Wallace & Chris Zepeda-Millán, *The Impact of Large-Scale Collective Action on Latino Perceptions of Commonality and Competition with African Americans*, SOC. SCI. Q. (2015) (concluding that proximity to African-American protests has a positive impact on Latino feelings of solidarity).

86. *Mississippi State Demographic Data*, MIGRATION POL. INST. (2014), <http://www.migrationpolicy.org/data/state-profiles/state/demographics/MS>.

87. Artaymis Ma'at, *Bill Chandler and Patricia Ice*, JACKSON ADVOC., June 11, 2009, at 18A.

composition, with MIRA regularly collaborating with veteran civil rights activists.<sup>88</sup>

The civil rights community's embrace of immigration emerged over time, sparked by a range of racially motivated threats against Latino noncitizens. One such controversy involved access to public education. As Latino immigrants arrived in larger numbers along the Mississippi Gulf Coast in the early 2000s, black civil rights leaders soon became aware that local public school officials were denying Latino children the opportunity to enroll in public school—a clear violation of federal law. Given the state's legacy of Jim Crow segregation and racially unequal schooling, many black leaders saw these practices as a direct affront to their decades-long civil rights agenda.<sup>89</sup> Similarly, black union leaders on the Gulf Coast became increasingly aware of the racial discrimination and wage theft befalling Latino laborers on the coast and intensified their efforts to recruit Latinos into their ranks and embrace immigration as a substantive issue.<sup>90</sup>

The brewing sense of linked fate between African Americans and Latinos amplified when Hurricane Katrina devastated the Gulf Coast in August of 2004. In the wake of the disaster, President George W. Bush temporarily suspended wage protections for construction workers on federal contracts.<sup>91</sup> In response, contractors denied wages to undocumented Latino workers who migrated to the region in droves to help with rebuilding efforts.<sup>92</sup> Recruited with the promise of \$15 and \$18 an hour wages, guaranteed housing, and other assistance, these Latino workers soon found themselves paid \$4 an hour or less and living twenty to a trailer.<sup>93</sup> The Red Cross and FEMA also turned thousands of Latinos away from shelters, even circulating flyers in Latino neighborhoods discouraging Latinos from seeking aid, despite its federal guarantee. MIRA wasted no time teaming up with the Department of Labor, Oxfam America, and other organizations to provide social, legal, and other services to Latino immigrants on the coast. It also filed lawsuits against ruthless contractors, ultimately winning over \$1 million in back wages.

As the parallels between Latino racial discrimination and racism against African Americans became increasingly clear, the state's civil rights leaders took on immigration as a key issue.<sup>94</sup> Bill Chandler, the head of MIRA, recruited to his organization's ranks former leaders from formative civil rights groups including the Southern Christian Leadership Conference, the NAACP,

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88. Interview with Bill Chandler, head of MIRA, in Jackson, Miss. (July 28, 2014).

89. *Id.*

90. *Id.*

91. Cintra Oral History, University of Southern Mississippi.

92. *Id.*

93. Interview with Bill Chandler, head of MIRA, in Jackson, Miss. (July 28, 2014).

94. See David Bacon, *How Mississippi's Black/Brown Strategy Beat the South's Anti-Immigrant Wave*, NATION (Apr. 20, 2012), <http://www.thenation.com/article/167465/how-mississippi-blackbrown-strategy-beat-souths-anti-immigrant-wave#> (explaining how Mississippi's Black Caucus has defeated over 200 anti-immigration bills in the state legislature).

SNCC, and the state's influential Legislative Black Caucus. These groups not only embraced immigration as a civil rights issue, but also used tactics from the civil rights movement to challenge the growing spate of anti-immigration laws being proposed in the state legislature. Although the ties between the civil rights movement and the immigrant rights movement in Mississippi are deep and multifaceted, this article focuses on two specific strategies the emergent alliance used to further its cause and to recast immigration as a civil rights issue: framing and coalition-building.

## VI

### FRAMING IMMIGRATION: RACE AND CIVIL RIGHTS

For social movement scholars, framing is the strategic process by which social movement activists construct and word claims that will resonate with target audiences.<sup>95</sup> The “master frame” of rights employed by Civil Rights Movement activists, for example, contributed to the movement's ability to recruit participants, sustain momentum, and make political and legal gains.<sup>96</sup> MIRA's efforts to bridge the civil rights and immigration domains involve similarly coordinated language and framing work designed to recast immigration as a civil rights issues.

On one front, this framing work targets Latino immigrants themselves. These individuals routinely approach MIRA, particularly its legal team, for assistance with citizenship matters, understanding that the organization can assist with visas, family reunification, deportation hearings, and other matters that fall under the purview of immigration law. One of MIRA's challenges, however, is helping noncitizens understand their rights under civil rights law. These efforts involve introducing Latino immigrants to basic civil rights protections in the United States—efforts usually conducted in individual or group settings. MIRA also makes pointed efforts in its written communications to demonstrate the applicability of civil rights statutes to noncitizens. For example, its April 2008 newsletter published a piece entitled “You Have the Right to Know,” which outlined the basic protections included in the Civil Rights Act of 1964.<sup>97</sup> The Act, the article articulated, prohibits discrimination in areas such as public service or government, education, and employment, and covers the protected categories of national origin, race, color, religion, and sex. In addition to outlining the basic provisions of the Act, the article provided examples of racial and national origin discrimination that routinely befell Latino noncitizens in Mississippi, and declared them illegal under federal

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95. See Robert D. Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611, 613 (2000) (developing the concept of framing).

96. See David A. Snow & Robert D. Benford, *Master Frames and Cycles of Protest*, in FRONTIERS IN SOCIAL MOVEMENT THEORY 133–55 (Aldon D. Morris & Carol McClurg Mueller eds., 1992) (applying the concept of framing as a lens through which to view the successes of the Civil Rights Movement).

97. *Newsletter*, MIRA EN ACCION (Mississippi Immigrants Rights Alliance, Jackson, M.S.), Apr. 2008, at 15.



statute. The piece concluded with contact information for the federal Equal Employment Opportunity Commission for those interested in filing discrimination claims.<sup>98</sup>

These efforts to recast immigration-related abuses as a civil rights issue extend far beyond legal advising. They are also evident in activists' public characterizations of immigration as a political issue. Framing immigration has long been a challenging issue for immigration advocates. Among the most commonly used frames to lobby for noncitizen protections include arguments about human rights, worker rights, and legal status.<sup>99</sup> While not eschewing these frames, Mississippi immigration and civil rights activists have taken a different approach, portraying attacks on immigrants as tantamount to racial discrimination. MIRA's newsletters demonstrate this blended race-focused approach. In one newsletter, Bill Chandler discussed immigration enforcement as both a human-rights issue and a matter of institutional discrimination. Chandler wrote,

[In] too many cities across the state of Mississippi, immigrants are being denied their basic human rights by governments that perpetuate this abuse by choosing to look the other way. Our experiences with hundreds of immigrants have revealed the countless ways in which they are marginalized and dehumanized. They have been driven from their home countries by American foreign policies, discriminated against in the workplace, forced to live and work in hostile conditions, and often forcibly separated from their families. They are constantly racially profiled by bigoted law enforcement authorities.<sup>100</sup>

In addition to identifying immigration enforcement as an arena replete with racial discrimination, MIRA's framing efforts explicitly link anti-black civil rights abuses of the past with contemporary anti-immigrant activity and legislation. In opposing Arizona's infamous anti-immigrant bill, SB1070, which passed in 2010, leaders of the immigrant rights movement in Mississippi likened the measure to the Jim Crow laws which once dominated the U.S. South.<sup>101</sup> Eddie Smith, chairman of the Mississippi NAACP's Labor Committee, compared the present day exploitation of immigrants to that faced by African Americans in the mid-twentieth century. "They have the same problems we had in the 1960s [such as] finding jobs, living wages and places to live . . . . The only reason immigrants are trying to come here is because we advertise this as the land of opportunity . . . . Once they're here, to me they're Americans."<sup>102</sup>

98. *Id.* at 1.

99. *See, e.g.,* KIM VOSS & IRENE BLOEMRAAD, RALLYING FOR IMMIGRANT RIGHTS: A MOVEMENT TAKES OFF (2011); Hana Brown, *Refugees, Rights, and Race: How Legal Status Shapes Immigrants' Relationship with the State*, 58 SOC. PROBS. 144 (2011); Hana E. Brown, *Race, Legality, and the Social Policy Consequences of Anti-Immigrant Mobilization*, 78 AM. SOC. REV. 290, 290–314 (2013); Lynn Fujiwara, *Immigrant Rights Are Human Rights: The Reframing of Immigrant Entitlement and Welfare*, 52 SOC. PROBS. 79, 79–101 (2005).

100. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, M.S.), Aug./Sept. 2010, at 1.

101. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, M.S.), May/June/July 2010, at 1.

102. Riva Brown, *Path to Citizenship*, CLARION LEDGER, Sept. 28, 2003, at A1.

Immigration supporters also refer to lethal violence against Latinos in the state as “a new kind of Mississippi civil rights murder.” Citing local murders of Latinos in the Jackson area, one immigration advocate, went to great lengths to draw comparisons between the Latinos of today and blacks of the 1950s and 1960s. “Both groups were vulnerable, lacked political clout and the public at large seemed not to care about their fate - operating on the skewed logic that the victims somehow ‘got what they deserved.’”<sup>103</sup>

Likening anti-immigration efforts to civil-rights-era discrimination against African Americans has become a key strategy that immigration advocates in the state use to counter legislative efforts to regulate immigration. When Mississippi legislators considered passing an Arizona-style immigration measure, advocates for immigrants responded by questioning whether Mississippi wanted, once again, to become the scorn of the nation for racist abuses against people of color. An editor for the *Clarion-Ledger* forcefully took this approach, asking,

Is Arizona the new Mississippi? Will Arizona now be the butt of jokes, subject to boycotts, ridiculed as being backward and intolerant? Those are all unfair stereotypes that Mississippi still has to fight today because of events of the 1960s, when Mississippi’s backward and intolerant approaches to civil rights earned national ridicule . . . . If Arizona wants to go down that path, so be it. Mississippi should know better.<sup>104</sup>

Arguing that the Arizona law would have negative effects on business investment, encourage boycotts, and force legal immigrants to leave, he asked, “Sound familiar?” He further suggested that these protests were similar to those Mississippi encountered in opposition to its civil rights hostility.

Singling out any group of people and blaming social problems on them is as old as the cave men (and about as smart as the Neanderthals). It appeals to fear and prejudice, and it is wrong. But, that is where much of the debate on immigration is headed. We now have Mississippi politicians pandering to the issue, praising Arizona’s law and calling on Mississippi to do the same. They should know that it is playing with fire. Any perceived political gain is not worth the price.<sup>105</sup>

Hampton’s assertions echoed long-lived claims from the immigrant and civil rights community in Mississippi whose leaders routinely called out anti-immigrant legislative efforts as strategically “designed to inflame white racism here in Mississippi” and driven by “the same kind of racism that has been perpetuated against African Americans for years.”<sup>106</sup> Equating anti-immigrant race baiting with Nixon’s notorious Southern Strategy, MIRA leaders accused immigration opponents of capitalizing on white racism for political gain.<sup>107</sup> “It

103. Sid Salter, *Sid Salter*, CLARION LEDGER, Apr. 5, 2006, at A7.

104. David Hampton, Op-Ed, *Arizona Law is Nothing to Copy*, CLARION LEDGER, July 17, 2010.

105. *Id.*

106. Elizabeth Crisp, *Miss. Officials Eye Immigration Policy*, CLARION LEDGER, July 12, 2010, at A1.

107. Elizabeth Crisp, *Election to Cast Long Shadow on Legislature*, CLARION LEDGER, Jan. 4, 2011, at A1.

used to be the black man,” wrote journalist and MIRA supporter Bill Minor. “Now it’s also the brown man—Hispanics.”<sup>108</sup>

The tactic of framing immigration as a civil rights issue also involves direct comparisons to specific civil rights movement activists and incidents. MIRA’s newsletters announce Black History Month, portraying photos of Dr. Martin Luther King, Jr. amid its sea of immigration-related stories.<sup>109</sup> In an interview, Patricia Ice, the director of MIRA’s Legal Project, made just such a comparison.

There appears to be xenophobia in Mississippi, the likes of which we have not seen since the civil rights era of the 1960s . . . In Mississippi, immigrants have done some of the dirtiest and low-paid jobs, including helping to clean up and rebuild after the Hurricane. Now, many people want to kick them out of our state. Critics argue that undocumented immigrants have “broken the law.” They also said that Rosa Parks broke the law when she refused to move to the back of the bus. I say that some laws are unjust.<sup>110</sup>

By equating immigration laws and discrimination against immigrants with injustices done to African Americans, these immigration activists seek not only to blur the lines between the immigration and civil rights movements but to compel residents to action. Nowhere are these dual purposes clearer than in a full-page piece published in MIRA’s February 2009 newsletter and written by Jean Damu, a member of the Black Alliance for Just Immigration. Entitled “Immigration Raids Echo History of African Americans,” the piece likened raids targeting undocumented immigrants to those targeting fugitive enslaved African Americans attempting to escape slavery in the mid-1800s. Damu wrote,

[T]he similarities are powerful enough to convince many African Americans that it is in their best interest to support those who struggle against black people’s historic enemies. . . . Though the issue of immigration has been around since the birth of this nation, the current immigration movement is still in its early stages. If it is to achieve the perceived successes of the civil rights movement, it must do a better job of uniting with that sector of the U.S. population that benefited to a significant degree from the civil rights movement: black America. On the other hand, African Americans should be sensitive to the current conditions in which many immigrants find themselves. These conditions, after all, are not unfamiliar to us.<sup>111</sup>

Printed in both English and Spanish, the article framed immigration enforcement as a contemporary civil rights struggle and further called on African Americans to recognize their linked fate with immigrants and to flex their political muscle to ensure immigrant rights be respected as civil rights.

108. Bill Minore, *Straw Man, Once Black, Now Brown*, SUN HERALD, Sept. 14, 2007, at D2.

109. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, M.S.), Feb. 2009, at 5.

110. David Hampton, *Sunday Morning with Lois Patricia Ice*, CLARION LEDGER, Mar. 30, 2008, at G1.

111. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, M.S.), Feb. 2009, at 5.

## VII UNITY CONFERENCES

Discursive efforts to recast and reframe immigration issues as civil rights issues were an important and effective strategy utilized by MIRA and key civil rights leaders to build a new civil rights consensus around immigration. Collaborative work between immigration and civil rights activists, however, has not been restricted to linguistic strategies and appeals. Mississippi immigrant rights and civil rights groups consistently and deliberately gather organizers together from prominent and influential organizations to hold unity conferences. On a yearly basis, the long-standing Southern Christian Leadership Conference and MIRA bring together civil rights leaders and immigrant rights organizers to discuss events and campaigns of shared interest and to build an effective and sustainable coalition. By deliberately bringing organizers together, Mississippi leaders achieved a shared language and politics, as articulated in their framing efforts, while simultaneously building a sustainable and mutually beneficial political base.

These unity conferences have been an important space in which the different groups identify and craft shared agendas by anticipating the sustained backlash against immigrants and African Americans. The first such conference occurred in 2005. By the time MIRA and SCLC organized its third Annual Unity Conference in 2008, the event was an established space “for various ethnicities to identify shared values and goals for improving community well-being.”<sup>112</sup> In this way, the conferences reinforced framing strategies, arguing that attendees to the conference shared a set of underlying beliefs and principles that served as the base of their organizing.

In addition to ideological continuity, these conferences reinforced organizational continuity. For example, in 2008, State Representative Jim Evans served as MIRA President, President of the Jackson Chapter of the SCLC, and national organizer with AFL-CIO. In his efforts to organize activists for the coming legislative session, Representative Evans argued at the conference that efforts to enforce REAL ID during the 2009 Legislative Session must be monitored, as the passage of such a bill would be a disadvantage to many immigrant and African-American communities. He contended that the policy would block both groups from voting, obtaining social services, or receiving IDs to travel because the government would not allow individuals to get or replace a social security card, driver’s license, passport, birth certificates, or proof of naturalization.

Wade Henderson, Executive Director of the Leadership Conference on Civil Rights, made similar recommendations to the gathered organizers, recommended that organizations and their leaders focus on three areas over the coming months: comprehensive immigration reform, K–12 educational reform,

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112. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, MS), Nov. 2008, at 9.

and inclusion of all U.S. residents regardless of their citizenship status in the 2010 federal census count. In addition to these three areas, there were fifteen other points that were outlined by conferees and their commitments in contributing to the movement.<sup>113</sup>

Beyond outlining a strategic agenda that both responded to punitive legislation and planned proactive mobilization, immigration and civil rights groups also created a platform to discuss the kinds of threats and day-to-day struggles faced by both immigrants and African Americans in Mississippi's communities, particularly in the Gulf Coast, where labor abuses were rampant. These conferences successfully reached a unified consensus that linked immigration issues and civil rights issues as one and the same. As noted by Eric Ward, an organizer for the Center for New Community in Chicago, "[T]he greatest trick the anti-immigrant movement has played on African Americans is convincing us that [the] anti-immigrant movement is no threat to us." By highlighting their efforts as intertwined, organizers were able to put forth a set of commitments to fostering the integration of immigrant rights as the civil rights issue of the twenty-first century.

Far from a single event, these annual unity conferences continued to grow in size and intensity, garnering 160 participants in its fourth iteration in 2009. The goal of that conference was to discuss the 2010 Census, education, racial profiling, language access, labor rights, and healthcare. In its December 2009 newsletter, MIRA noted that the ties forged during these conferences have allowed MIRA to work effectively with allied communities of color in the South, progressive whites, and workers of all ethnicities "to understand the complexities and inhumanity of a number of anti-immigrant, anti-worker, anti-poor people policies on the federal, state, and local levels." They also continued to expand their base of organizers, joining a number of unions and legislators to create a proposal for a different immigration reform bill based on the "human, civil, and labor rights for all."<sup>114</sup>

Indeed, by the seventh unity conference in 2013, the ties between civil rights organizations and immigration organizations were forged. Titled "CRIMMIGRATION: The Tragic Consequences of U.S. Drug Policies on Families and Youth," the SCLC/MIRA conference brought together 250 organizers and keynote speakers Michelle Alexander, law professor and author of *The New Jim Crow*,<sup>115</sup> and Javier Scilia, the leader of Mexico's Movement for Peace with Dignity and Justice, to discuss the wide-reaching impact of the War on Drugs on black and Latino communities.<sup>116</sup>

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113. *Id.* at 4.

114. *Newsletter*, MIRA EN ACCIÓN (Mississippi Immigrants Rights Alliance, Jackson, M.S.), Feb. 2010, at 6.

115. MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLOR BLINDNESS* (2012),

116. *Unity Conference a Huge Success!*, MIRA, Dec. 31, 2013, <http://www.yourmira.org/2013/12/31/unity-conference-a-huge-success>.

This momentum toward a sustained and powerful coalition of immigration and civil rights activists was no accident. As Bill Chandler noted,

We made a conscious decision when building MIRA to make our board half black and half Latino. That's what we have, and a couple of Anglos and others. We knew we needed to force people to work together . . . . I think what helps us is that we have relationships we've built up over the years, we have people coming from different struggles. That is the power of the South I think. And we saw right away the potential for significant political change.

In this sense, these unity conferences have been essential, not only to building and sustaining the discursive frames that tied immigration issues to civil rights issues, but also to these long-term coalitional relationships.

## VIII

### CONCLUSION

Legalized racial exclusion has been at the center of both immigration and civil rights law and activism for decades, if not centuries. Despite this fact, the two bodies of law are largely treated as separate; their similar struggles for inclusion have scarcely overlapped. In recent years, however, black civil rights groups like the SCLC and the NAACP have come to identify parallels between the exclusion of noncitizens from the polity and the institutional racism facing African Americans. Immigration and civil rights activists have recognized this shared history, and they are increasingly engaging in strategic and collaborative efforts to build a new civil rights consensus that immigration is fundamentally a civil rights issue.

This trend is particularly visible in the South, with its long and storied history as a civil rights battleground, and where racial exclusion continues to target both blacks and new immigrants. In places like Mississippi, civil rights and immigrant organizations are working together to shift both activists' and the public's understanding of civil rights to a more expansive definition inclusive of the struggles experienced by immigrants. By recasting civil rights as a broad set of challenges to any effort to systematically marginalize and exclude nonwhite peoples, activists have created a new organizing discursive framework to guide future struggles.

In order to capitalize on and reinforce these frames, activists have also engaged in regular and continual coalition-building, evident not only in their everyday practices and mutual support, but also through formal unity conferences. At these conferences, organizational leaders, members, and supporters reinforce broad understandings of civil rights activism, ties between African Americans and Latinos, and the importance of coalitional strength.

As a result of these efforts, Mississippi has established itself in the region as a leader in the new civil rights coalition. This progress, however, is not unique to Mississippi. As indicated by the North Carolina example at the outset of this article, organizations throughout the South have come to recognize that a language of civil rights can be used to frame and build broad minority coalitions. Indeed, many organizations have taken a cue from Mississippi to

initiate similar changes within their own state networks. Both the Hispanic Interest Coalition of Alabama (HICA) and the Alabama Coalition for Immigrant Justice (ACIJ) have made explicit commitments to black–brown alliances. This includes ACIJ serving as a lifetime member organization of the Alabama NAACP, and HICA appointing five African Americans to its twelve-member board. In its recent organizational revamp, ACIJ included a statement on behalf of the Southeast Immigrant Rights Network (SEIRN) and in recognition of the continuing recovery from Hurricane Katrina on the Gulf Coast.

Directed at Gulf South Rising and activists participating in the Southern Movement Assembly, the statement read, “While you gather in New Orleans, ACIJ and hundreds of grassroots immigrant rights activists will be gathered in Hampton, Georgia, at the 2015 SEIRN conference to build a deeper understanding of institutional racism, and white supremacy, strategizing on how to dismantle it in our local communities and institutions and actively work to build solidarity between the immigrant rights movement and the #BlackLivesMatter movement.”<sup>117</sup>

In this way, today’s activist organizations are not only offering a historical corrective to the division between civil rights and immigration, but they are also promoting a redefinition of immigrant rights as central to the broader goals of the contemporary Civil Rights Movement. Such efforts to shore up intergroup ties and capitalize on shared language of marginalization and civil rights suggest that the language of civil rights may have particular utility in articulating a framework of political change and strategic alliance in the South—a region whose contemporary racial struggles play out in the broad shadow of its racial past.

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117. Alabama Coalition for Immigrant Justice, FACEBOOK (Aug. 31, 2015), <https://www.facebook.com/ALImmigrant/posts/955876001117143>.