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Raíces Podridas: Anti-Blackness' Hold on Progressive Policies

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Executive Summary

Anti-Blackness, a persistent legacy of slavery, continues to shape civil society by systematically marginalizing Black individuals, particularly within communities of color. In the Latine community, Afro-Latinos—individuals of African descent—experience compounded discrimination due to their intersectional identity, facing erasure both from mainstream society and within their own cultural spaces. While policies like the Civil Rights Act of 1964 and DACA have made strides in promoting equality, they often fail to address the unique challenges faced by Afro-Latinos. To effectively address anti-Blackness, policymakers must adopt an intersectional approach that recognizes the varied identities within marginalized groups.

Background

Anti-Blackness is a lingering consequence of slavery that has seeped its way into every aspect of civil society. Specifically, anti-Blackness is both individuals' and institutions' active engagement in practices and behaviors that minimize the full participation of Black people through systematic marginalization.[1] Anti-Blackness in civil society reconfigures itself not only in the institutions that craft policies but also within communities nationwide. Latines are the largest minority group in

the country, making Black people the second largest.[2] That said, neither statistic shines a light on the 6 million Afro-Latinos that exist within both spaces, often overlooked due to the persistence of anti-Blackness within the Latine community.[3]

The origins of anti-Blackness stem far into United States history, beginning in the 17th century, when enslaved Africans were exploited due to the rise of the North Atlantic Slave Trade. During this time, the common practice of trading slaves was known as *Chattel Slavery*, which refers to how enslaved people were deemed the personal property of their owners and commonly traded or sold as livestock or furniture.[4] The practice of treating enslaved Africans as anything but human was enshrined in the constitution, during the 1787 Constitutional Convention, when it was decided that three out of five slaves may be counted as part of the state's population for legislative representation and taxation.[5] Such a process demonstrates the dehumanizing or devaluing of Black people driven by anti-Blackness. To clarify, the definition of discrimination is to treat people and groups unfairly or prejudicially based on race, gender, or sexual orientation. Anti-blackness, however, is a deeper, more insidious process of devaluing an individual due to their Blackness,

equating their value to less than others or even less than human. Therefore, the everlasting consequence of anti-Blackness is its continued spillover into various parts of civil society, impacting those who identify as Black or of African descent.

The Latine community is a prime example of how the continuous impacts of anti-Blackness are present today as evidenced by the Afro-Latino experience within the community. Being Afro-Latino means to exist within two spaces, the general Latine community and the Black community. Identifying as "Afro-Latino" depicts the various layers within one's identity. An Afro-Latino identity is often impacted by the effects of anti-Blackness when outside actors, like the United States government, homogenize the Latine community, which in turn can erase an individual's intersectional identity within multiple cultural spaces. The same active denial from outside actors of an Afro-Latino's identity takes place within the Latine community when members of the community who are non-Afro-Latino perpetuate anti-Blackness by otherizing themselves from the social stigma that exists against Black people. To withstand their marginalization, members of the Latine community express racial resentment and prejudice towards Blacks.[6] This racial resentment

reflects how anti-Blackness can catalyze behavior within the community to separate itself from other marginalized groups. Within the same space, Afro-Latinos are prone to similar prejudicial actions due to their intersectional ties to Black communities.

Problem Analysis:

Anti-Blackness in Progressive Policies

As a result of the positionality of the Afro-Latino experience, they commonly face greater disparities compared to their Latine counterparts. For example, compared to non-Black-Latinos, Afro-Latinos experience poverty at a higher rate and only have a homeownership rate of 40.6% compared to 54% for non-Black-Latinos.[7] This reality is often overlooked when taking into account the lived experiences of Afro-Latinos due to the lack of data available since only a few studies focus on how Afro-Latino experiences differ from their Latine counterparts.[8] The lack of data demonstrates the active denial of racial diverse experiences that exist within the Latine community, which in turn amplifies anti-blackness due to the lack of recognition of racial intersectionality when developing progressive policies aimed at improving the lives of marginalized communities. [9]

Due to the lack of intersectional recognition, significant policies on immigration and civil rights have fallen short. Two examples are the Civil Rights Act of 1964 and the Deferred Action for Childhood Arrivals program (DACA). Both demonstrate two monumental policies that aim to improve marginalized communities' lives through equitable principles. They each have a substantial impact on the Latine community—offering protections against discrimination and safeguarding undocumented youth from deportation. However,

the implementation of both policies homogenizes identities within marginalized communities, which in turn fails to incorporate an equitable application of protections to the Afro-Latino population compared to the larger non-Black-Latine community.

Civil Rights Policy:

The Civil Rights Act of 1964 (CRA)

The passage of the CRA marks a landmark moment in the pursuit of civil rights in our nation's history. Through the CRA, people of color were given protection by the United States government by prohibiting discrimination in public places and ending segregation nationwide. The policy came at a time when much of the United States, primarily the South, was governed by Jim Crow Laws, which legalized segregation and catalyzed gratuitous violence against Black people.[10][11] Under the CRA, people of color, especially Black people, were finally given a form of legal protection that attempted to prevent discrimination. Specifically, the CRA prohibited discrimination based on race, religion, or national origin and provided protection against employers who discriminate based on race, religion, and gender. Ultimately, the CRA protects Black people against discrimination. However, it does not address the root causes of anti-Blackness.

The CRA has a limited scope of application and a one-dimensional approach to addressing discrimination against people of color. The simplest definition of the CRA is: "The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex or national origin." [12] In what makes up the core components of the CRA, the foundation is solely based on the action of discrimination. A crucial distinction between discrimination and anti-Blackness is

the residual magnitude of each action and its spillover on other aspects of civil society. Discrimination entails acts of prejudice against an individual based on race, ethnicity, gender, or sexual orientation; hence, implementing the CRA provides legal consequences when such an act is committed. Yet, the CRA does very little to address various dimensions of discrimination, such as what catalyzes acts of discrimination, what are the distinctions in the degree of discrimination one faces due to the intersectionality of one's identity, and how the spillover of discrimination seeps into institutional and community structures.

Under Title VII of CRA, various forms of discrimination are prohibited, yet cases of discrimination have arisen within a majority Latine setting. For example, an Afro-Latino adjunct faculty member at the Medgar Evers College campus of the City University of New York faced discrimination from other adjunct instructors; however, a judge rejected the possibility of a case because 5 out of 8 of the adjunct instructors were South or Central American.[13] This case demonstrates how the residual effect of anti-Blackness devalued the instructor's Blackness to homogenize his identity to the surrounding members of the Latine community. The residual impact also exposes Latino Racial Innocence, a concept by which members of the Latine community otherize themselves while maintaining a form of intersectional denial.[14]

Immigration Policy:

Deferred Action for Childhood Arrivals Program (DACA)

The deficiency of the DACA program is due to policymakers' failure to recognize the intersectional relationship between

being Black and a Black immigrant, as well as being Latine and Afro-Latino. The lack of Afro-Latino or Black representation within conversations about DACA perpetuates anti-Blackness because of the failure to recognize how one's intersectional identity is a vital indication of the degree of marginalization that an individual faces. This results in minimal access to data on African and Afro-Latino immigrants and a lack of DACA eligibility compared to their non-Black-Latine counterparts. For example, out of 427,000 undocumented students who were enrolled in college in 2019, only 12.5% identified as Black, while out of that population, only 3% of African immigrants and 2% of Caribbean immigrants were eligible for DACA.[15] Therefore, both groups are disproportionately underrepresented in DACA eligibility, particularly as educators note that the lack of coverage for this population creates a sense of invisibility on college campuses.[16]

Thus, the lack of representation, that Afro-Latinos and Black immigrants face, fails to recognize how their degree of marginalization can potentially influence their eligibility for DACA. For example, for a person to be eligible, the applicant must not have a criminal record as defined in DACA's Criminal Convictions where a person cannot qualify if they have a felony conviction, a significant misdemeanor conviction, or three or more misdemeanor convictions. [17] The DACA eligibility restrictions neglect that Black people are five times more likely to be stopped by police without just cause compared to White people. [18] In the case of Black migrants, because of the color of their skin, they are more likely to be stopped, detained, and twice as likely to be deported compared to other immigrant populations.'[19][20] The reality is that due to the influence of anti-Blackness in

our institutions, criminal convictions will unjustifiably affect Afro-Latino and Black migrants, inevitably developing a "prison to deportation pipeline." [21] Consequently, the current scope of the DACA program fails to acknowledge how the heightened racial systematic barriers that affect Black or Afro-Latino immigrants may influence their eligibility.

Conclusion:
Potential Solution and Obstacles

A notable catalyst propelling anti-Blackness into the Latine community is the lack of recognition from policies, which fails to uncover the intersectional identities that reside within communities of color. For policy to create a more considerable dent in the pursuit of equality and equity, policymakers need to recognize that the scope of the policy cannot solely focus on a group as a whole without recognizing the identities that intersect within it. To advance equality and equity, policymakers must consider the intersectional identities within a group. Just as a clothing designer wouldn't create identical dresses for five individuals without understanding their unique preferences and needs, policymakers shouldn't create one-size-fits-all policies for communities with diverse identities.

Ultimately, a solution to addressing anti-Blackness in policy development cannot derive from the current state of systems that

are tainted by the influence of anti-Blackness. However, vital steps can be taken to maneuver around the existing blueprints in progressive policymaking.

For example, for policies targeting the Latine community, three steps can be taken:

- Implement a shift in perspective in how we conceptualize progressive policies. This can be done by recognizing the intersectional identities that exist within a population. In this case, crafting policies that acknowledge and determine why the lived experiences of Afro-Latinos differ from non-Black-Latinos.
- Accumulate more data regarding how the lived experiences of Afro-Latinos differ from their Latine counterparts through various methods such as targeted research, and surveys. Increasing the amount of data available solidifies the existence of intersectional identities within the community and provides policymakers with a well-informed lens of the complexities of the Latine community.
- Allowing for more intersectional identities to be present in the policy-making process. This means meeting with more civil society organizations that focus on Afro-Latino identity, and those that focus on intersectional identities as a whole within the community,

Figure 2. Undocumented Students in Higher Education

	Undocumented Students	Share of Undocumented Students By Race	DACA-Eligible Students	Share of DACA-Eligible Students By Race
AAPI	103,263	24.2%	29,526	16.3%
Black	53,617	12.5%	9,607	5.3%
Hispanic	207,207	48.5%	126,515	69.7%
White	55,330	12.9%	13,010	7.2%
Other Race/Ethnicity	7,928	1.9%	2,966	1.6%

Source: U.S. Census Bureau; American Community Survey, 2018 American Community Survey 1-Year Estimates

allowing for the voices of Afro-Latinos to be a part of essential discussions to ensure that there is genuine representation.

While these steps can play a pivotal role in developing more equitable progressive policies, it is worth highlighting that these steps will not fully eradicate anti-Blackness. Due to how entrenched anti-Blackness is in our civil society institutions, completely uprooting it is a seemingly daunting task. However, the most important takeaway is that by shifting policymakers' perspectives, structural changes can enhance the effectiveness of progressive policies. If policymakers proactively validate the existence of intersectional identities within marginalized communities, it can lead to more nuanced and inclusive approaches to policy-making. Concerning the Latine community, progressive policies can move away from framing the community as a monolith by recognizing that the differences in lived experiences are due to outside forces such as social and systemic barriers. And, in turn, increased intersectional recognition within legislation can spill over and affect communities' interaction with each other.

Endnotes

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