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Requests for legal status are un-American, un-Christian

Mario T. García | May. 7, 2012 NCR Today

In hearing and reading about the Supreme Court's deliberations concerning Arizona's law on immigration, I was struck how several justices, both conservative and liberal, seemed to think the provision of the law that would allow police routinely investigating someone they think is breaking the law to request proof of legal status, and if no such proof is forthcoming, to then report this to federal immigration officials.

The justices seem to believe this seems perfectly routine and that there is no racial profiling here, since it would just involve anyone who might be suspect of violating the law, including a traffic violation. Moreover, they seem to feel it is not a state intervention on federal authority over immigration, since ultimate adjudication would still rest with the federal government. It might be that some of the other provisions of the Arizona law might be struck down based on the constitutional argument that immigration is a federal reserve, but this one might be allowed to stand.

However, the problem is that these justices live in a bubble. Do they really believe that no racial profiling is going on in this case? Who is going to be asked for proof of their legal status? That white Canadian who has overstayed his or her tourist visa? That Irish immigrant who is working illegally in an Arizona casino? Of course not. It is mostly Latinos, Mexicans, who will be asked to prove their status. Everyone in Arizona and the Southwest knows this.

Racial profiling, or, in this case, Mexican profiling, is and has been a part of the racial landscape in the Southwest for years. In the 1920s, whites started talking about the "Mexican Problem," by which they meant profiling Mexican immigrants with causing not only economic problems (taking jobs from "real Americans"), but also bringing in diseases ("dirty Mexican").

In the 1930s, about half a million Mexicans, including U.S.-born children, were massively deported to Mexico on similar racial profiling. During World War II, Mexican-Americans in places such as Los Angeles in the infamous Zoot Suit Riots were racially profiled by U.S. servicemen who randomly attacked young Mexican-Americans wearing the then-popular zoot suit. These Chicano *pachucos* were considered to be innately delinquent and criminal not only by the servicemen but also by the police. And on and on it has gone for years throughout the Southwest and other parts of the country with a significant Mexican population.

It is naïve to think this provision of the Arizona law is nothing but a continuation of such racial profiling and scapegoating of Mexican immigrants and Mexican-Americans. This is illegal and unconstitutional and the Supreme Court should recognize it as such. But I doubt they will. It's OK to bend the rules for people we don't fully accept as one of us. How un-American and un-Christian, to treat our fellow human beings like this.

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