

Trinitonian

Answering the teach-in's questions

Cristian Vargas

September 12, 2017

Last Friday, I had the privilege of speaking to several students at the Senate Bill 4 teach-in in Coates University Center. Admittedly, I had not originally planned on doing so, but was given the opportunity to do so through the Trinity University Latino Association (TULA), and as a Latinx myself, I felt the need to raise awareness regarding the draconian policies that Texas had begun instituting.

While I felt the teach-in to be a success, Manfred Wendt felt differently in the last issue of the Trinitonian. As he put it, “The speakers never bothered to discuss why illegal immigrants should not be punished for breaking the law”.

However, this sentiment misses the fundamental reasons as to why SB4 is problematic. If Mr. Wendt is so concerned with so-called illegal immigration, I encourage him to talk to an immigration attorney to learn just how convoluted and broken the American immigration system is, or to read accounts of Central American migrants about the reasons why they are fleeing Central America. An immigration system that punishes asylum seekers for trying to escape violence lacks justice.

Regardless of the immigration debate, the most contentious provision of SB4 involves the so-called “show me your papers” clause that allows police officers to ask about the immigration status of individuals they detain or arrest. Previous laws of a similar nature, such as Arizona’s infamous SB 1070 and California’s Proposition 187, have shown that these “Show Me Your Papers” provisions lead to racial profiling of Latinos. Opponents of SB4 express concern that this provision will cause civil rights violations as American citizens are interrogated solely on the basis of their skin color or the language they speak. Mr. Wendt’s article fails to respond to concerns about racial profiling at all. Unfortunately, the court injunction failed to prevent this particular provision from going into effect. Thus, much of the teach-in focused on this provision and its immediate implications.

Additionally, SB4 makes it illegal for local police departments to refuse voluntary detention requests from Immigration and Customs Enforcement. This violates the Fourth Amendment by holding individuals in jails without adequate cause.

According to the Mexican American Legal Defense and Education Fund (MALDEF): “Since unlawful presence or being undocumented is generally a civil violation, local police who attempt to enforce immigration law could not legally establish the required cause, which would violate detainees’ constitutional rights.” This means localities are forced to comply even in spite of a lack of probable cause.

Furthermore, as MALDEF points out, the law bans elected officials, local government employees and campus police officials from “endorsing policies that the state believes would prohibit or limit enforcement of immigration laws,” which is incredibly vague and violates freedom of speech under the First Amendment.

Both of these provisions have been frozen by the court injunction pending a ruling by the Fifth Circuit Court of Appeals. Granted, these issues were not particularly addressed during the teach-in as they do not yet have an immediate impact on immigrant communities, whereas the “Show Me Your Papers” provision does.

Furthermore, I am not entirely sure why Mr. Wendt feels the need to bring up the Kate Steinle case, but I presume he is trying to implicitly argue that harsher immigration laws protect citizens from “dangerous” immigrants. However, a near consensus of studies have shown this not to be the case — in fact, immigrants at best commit fewer crimes than native-born citizens, and at worst have no statistically significant effect on crime rates. Even the libertarian Cato Institute, in an article summarizing the research done on the effect immigration has on crimes including homicide, concludes that “It is easy to focus on the horrible tragedies when somebody is murdered by an immigrant but it’s very hard to imagine all of the people who weren’t murdered because of the lower crime rates created by increased immigration.”

If Manfred had come prepared to hear our take on the immigration system, we would be happy to have that discussion at another time in another place. (Incidentally, the Trinity University Forensics Society is sponsoring a public debate on immigration reform next Wednesday, Sept. 20; we have invited Tigers for Liberty to participate.) However, the primary focus on the teach-in centered on the questionable legality of SB4, the ways folks could get involved in helping out affected communities, and the impact of racial profiling.

Hopefully, Manfred agrees that racial profiling is *a priori* morally repugnant, which would save us time explaining the reasons why racial profiling is bad. In my speech in particular, I tried to stress the civil rights and ethics-based reasoning behind my thinking and reminded attendees not to fall into their respective partisan silos, as anti-immigrant sentiment transcends partisan lines and has remained a part of American history long before Trump.