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Mary Romero

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# Racial Profiling and Immigration Law Enforcement: Rounding Up of Usual Suspects in the Latino Community

MARY ROMERO\*,<sup>1</sup>  
(Arizona State University)

## ABSTRACT

Critical race theorists have applied the concepts of micro-aggressions and macro-aggressions to characterize the racial affronts minorities encounter in the criminal justice system, particularly in the War on Drugs and in the use of racial profiling. Building on LatCrit and critical race scholars, I analyze the function that immigration raids serve as a policing practice that maintains and reinforces subordinated status among working-class Latino citizens and immigrants. Using a case study approach, I analyze a five day immigration raid in 1997, locally referred to as the "Chandler Roundup." Immigration policing constructed citizenship as visibly inscribed on bodies in specific urban spaces rather than "probable cause." The Chandler

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\* For correspondence: Mary Romero, Professor, School of Justice & Social Inquiry, Arizona State University, P.O. Box 870403, Tempe, AZ 85287-0403, USA, E-mail: Mary.Romero@ASU.EDU.

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Roundup fits into a larger pattern of immigration law enforcement practices that produce harms of reduction and repression and place Mexican Americans at risk before the law and designate them as second-class citizens with inferior rights. Latino residents experienced racial affronts targeted at their “Mexicanness” indicated by skin-color, bilingual speaking abilities, or shopping in neighborhoods highly populated by Latinos. During immigration inspections, individuals stopped were demeaned, humiliated and embarrassed. Stops and searches conducted without cause were intimidating and frightening, particularly when conducted with the discretionary use of power and force by law enforcement agents. In urban barrios, the costly enterprise of selected stops and searches, race-related police abuse, and harassment results in deterring political participation, identifying urban space racially, classifying immigrants as deserving and undeserving by nationalities, and serves to drive a wedge dividing Latino neighborhoods on the basis of citizenship status.

**KEY WORDS:** immigration, law enforcement, critical race theory, Latinos, racism.

“Where are you from?”

I didn’t answer. I wasn’t sure who the agent, a woman, was addressing.

She repeated the question in Spanish, “¿De dónde eres?”

Without thinking, I almost answered her question – in Spanish. A reflex. I caught myself in midsentence and stuttered in a nonlanguage.

“¿Dónde naciste?” she asked again . . .

She was browner than I was. I might have asked her the same question . . .

“Are you sure you were born in Las Cruces?” she asked again.

I turned around and smiled, “Yes, I’m sure.” She didn’t smile back. She and her driver sat there for a while and watched me as I continued walking . . .

“Sons of bitches,” I whispered, “pretty soon I’ll have to carry a passport in my own neighborhood.” . . . It was like a video I played over and over – memorizing the images . . . *Are you sure you were born in Las Cruces?* ringing in my ears. (Sáenz 1992: xii)

The personal and community cost of racial profiling to Mexican Americans who are treated as outside the law does not appear in official criminal justice statistics. Benjamin Alire Sáenz captured the racial-affront experience when Immigration and Naturalization Service (INS) agents use racial profiling; he emphasized the irony when Mexican-American INS agents interrogate other Mexican Americans about their citizenship.

Citizenship appears embodied in skin color (that is, brown skin absent a police or border patrol uniform) serving as an indicator of illegal status. Carrying a bodily “figurative border” (Chang 1999), “Mexicanness” becomes the basis for suspecting criminality under immigration law. Mexican Americans and other racialized Latino citizens<sup>2</sup> and legal residents are subjected to insults, questions, unnecessary stops, and searches. Surveillance of citizenship, relentless in low-income and racialized neighborhoods along the border and in urban barrios, increases the likelihood of discrimination in employment, housing, and education. Latinos (particularly dark complected, poor, and working class) are at risk before the law. The following article uses a case study approach to identify the use of racial profiling in immigration law enforcement; and to document the impact on US citizens and legal residents.

### **Domestic Function of Immigration Policy**

Conquest of the Southwest subliminally grafted Mexicans to “the American psyche as a ‘foreigner,’ even though the land had once belonged to Mexico” (Romero 2001:1091). Following the Mexican-American War, special law-enforcement agencies were established to patrol the newly formed border and to police Mexicans who remained in occupied territory, as well as later migrants across the border. The most distinct form of social control and domination used by the US in this occupation was the creation of the Texas and Arizona Rangers. Maintaining the interests of cattle barons in Texas, the Texas Rangers treated Mexicans living along the border as cattle thieves and bandits when they attempted to reclaim stolen property from cattle barons. Similarly, the Arizona Rangers protected capitalist interests by protecting strikebreakers against Mexican miners. Following a parallel pattern, the INS rarely raided the fields during harvest time and scheduled massive immigration roundups during periods of economic recession and union activity (Acuña 2000). Remembering the policing functions of the Texas and Arizona Rangers and the Border Patrol (including the current militarization at the border) is crucial in recognizing the social functions accomplished by racialized immigrant raids, sweeps, and citizenship inspections (Acuña 2000;

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<sup>2</sup> Unlike the census categories, which make a distinction between race and ethnicity for the category “Hispanic,” and restricting race to black and white, law enforcement clearly uses the ethnic descriptors of Mexican and Hispanic to identify an individual’s physical characteristics. Therefore, this study makes a distinction between Latinos who can racially pass as white and those who are socially constructed (but nevertheless have real consequences) as racially distinct from whites or blacks (Romero 2001).

Andreas 2000; Dunn 1996; Nevins 2002). Under Operation Wetback, for example, only persons of Mexican descent were included in the campaign and thus were the only group to bear the burden of proving citizenship (Garcia 1980). Militarized sweeps of Mexicans maintained the community in “a state of permanent insecurity” in the 1950s; in response a petition was submitted to the United Nations charging the USA with violating the Universal Declaration of Human Rights (Acuña 2000:306).

A number of recent studies unveil the hypocrisy of US border policies that manage to allow enough undocumented immigrant labor in to meet employers’ demands while at the same time increasing INS and Border Patrol budgets (Andreas 2000; Massey et al. 2002; Nevins 2002). Longitudinal studies comparing INS efficiency and increased budget prior to the 1986 Immigration Reform and Control Act (IRCA) to late-1990s immigration law reforms suggest that the cost of detaining unauthorized border crossers has increased (Massey et al. 2002). Immigration researchers (Chavez 2001; Massey et al. 2002) claim that we are paying for the illusion of controlled borders while politicians make a political spectacle, pandering to alarmist public discourse about a Mexican immigrant invasion, the breakdown of the US-Mexico border, and increased crime resulting from immigration (Chavez 2001). Operation Blockade and Operation Gatekeeper failed to deter extralegal immigration from Mexico. US employers continue to have access to a vulnerable, cheap labor force created by assigning workers an “illegal” status. The worst cost of these failed policies are the increasing loss of human lives as migrants are forced to cross the border in the most desolate areas of the desert (Cornelius 2001; Eschbach et al. 1999).

In what follows I demonstrate that more than “illusion” or “political capital” is gained. Meeting employers’ demand for cheap labor while appearing to deter immigration includes a cost borne by Mexican Americans and other racialized Latinos. Immigration research tends to ignore the political, social, and economic costs paid by Mexican Americans and other Latinos who are implicated by immigration policies. Racialized citizens and legal residents become subjects of immigration stops and searches, and pay the cost of increased racism – sometimes in the form of hate crimes or the decrease of government funding and services to their communities (Chang and Aoki 1997; Johnson 1993; Mehan 1997). Both Operation Blockade and Operation Gatekeeper provided impetus to anti-immigration policies that not only decreased public funding assisting low-income Latino communities in general (regardless of citizenship status) but also fueled racism and anti-affirmative action policies (Chavez 2001; Lee et al. 2001). This article explores the ways that immigration raids function as a policing practice to maintain and reinforce subordinated

status among working-class US citizens and legal residents of Mexican ancestry.

### **Critical Race Theory and Immigration Law Enforcement**

Using a critical race theory framework, I examine racial- and class-based micro- and macro-aggressions that result from the use of racial profiling in immigration law enforcement. Citizens sharing racial and cultural similarities with “aliens” targeted by immigration law enforcement agents have been, and continue to be, treated as “foreigners” and denied equal protection under the law. Racialized immigration law enforcement not only places darker Mexican Americans at risk, but threatens members of the community who are bilingual speakers, have friends or family members who are immigrants, or who engage in certain cultural practices. Critical race theory “challenges ahistoricism and insists on a contextual/historical analysis of the law” (Matsuda et al. 1993:6). It aims to illuminate structures that create and perpetuate domination and subordination in their “everyday operation” (Valdez et al. 2002:3). Applying a critical race theory perspective to immigration, legal scholar Kevin Johnson (2002:187) argues that, “exclusions found in the immigration laws effectuate and reinforce racial subordination in the United States.” A history of immigration laws based on racial exclusions reinforces stereotypes that Mexicans and other third-world immigrants are inferior and “alien” (Hing 1997; Johnson 1997). Conceptualizing racial profiling practices in immigration law enforcement as micro- and macro-aggressions – a *petit apartheid* – helps recognize the discriminatory functions that policing and inspections have on citizenship participation and the rights of Mexican Americans, Mexican immigrants, and other racialized Latinos, particularly the poor and working class.

Building on the work of psychologist Chester Pierce, critical race theorists have found the concept of micro-aggressions useful in describing the form of policing common in communities of color: “subtle, stunning, often automatic, and non-verbal exchanges which are ‘put downs’ of blacks by offenders” (Pierce et al. 1978:66).<sup>3</sup> In her research on race and crime, Katheryn Russell distinguished between racial assaults on a personal level or micro-aggressions, and “face group affronts” or macro-aggressions. The latter type of affront is “not directed toward a particular Black person, but at Blackness in general” and may be made “by a private

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<sup>3</sup> An example is assuming that a Mexican American cannot speak English or that she is the secretary, rather than a faculty member in the department.

individual or official authority” (Russell 1998:139). Macro-aggressions reinforce stereotypes of racialized groups “either criminals, illiterates, or intellectual inferiors” (Russell 1998:140).<sup>4</sup> Dragan Milovanovic and Kathryn K. Russell (2001: vii) argued that both micro- and macro-aggressions work as “a cycle which sustains hierarchy and harms of reductions and repression.” “Harms of reduction occur when offended parties experience a loss in their standing . . . or restriction, preventing them from achieving a desired position or standing” (Henry and Milovanovic 1999:7–8). Harms of reduction and repression are detrimental because “they belittle, demean, ridicule or subordinate on the one hand, and on the other, they limit access to equal opportunities and fair dealings before the law” (Milovanovic and Russell 2001:xvi).

Daniel Georges-Abeyie’s (2001:x) theoretical paradigm of grand and petit apartheid links current practices of racial profiling with other “negative social factors and discretionary decision-making by both criminal justice agents and criminal justice agencies.” Georges-Abeyie’s theoretical work outlines a continuum of petit apartheid discriminatory practices ranging from the covert and informal to the overt and formal. Petit apartheid has been used to explain racial profiling in the war against drugs (Campbell 2001; Covington 2001), regulating and policing public space (Bass 2001; Ferrell 2001b), under-representation of persons of color interested in law enforcement (Ross 2001) and the use of racial derogation in prosecutors’ closing arguments (Johnson 2001).

Petit apartheid relates to concerns about struggles over access to urban public space, freedom of movement, the processes of capital investment, political decision-making, and policing first theorized by Henri Lefebvre (1996 [1968]) and others (see Caldeira 2000; Ferrell 2001a; Harvey 1973, 1996; Holston 1999; Mitchell 2003). Images and perceptions of public space are used to encourage, discourage, or prohibit use and movement. Exclusionary models of public life are most noted for privileging middle-class consumers. Surveillance, stops, and searches maintain a landscape of suspicion and reinforce white, middle-class citizens’ suspicions of racial minorities and protect their access to public space. When citizenship is racially embodied through law-enforcement practices that target Mexican-American neighborhoods and business areas, then Henri Lefebvre’s (1996 [1968]:174) statement about urban space is actualized: “The right of the city manifests itself as a superior form of rights: right to freedom, to individualization in socialization, to habitat and to inhabit.”

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<sup>4</sup> Richard J. Herrnstein and Charles Murray’s (1994) claims of Blacks’ mental inferiority espoused in their book, *The Bell Curve*, is a prime example of a macro-aggression that has received an extensive news coverage.

Immigration law enforcement assists such exclusionary use of urban public spaces and limits freedom of movement. However, the INS is in the position of having to negotiate an adequate flow of undocumented labor to meet urban capitalist needs while maintaining the appearance of controlling immigration. Consequently, immigration law enforcement in US cities is not structured around systematic or random checking of identification but rather a pattern of citizenship inspection that maintains the landscape of suspicion. Given the class and racial segregation perpetuated by exclusive residential zoning, the INS targets ethnic cultural spaces marked by Mexican-owned businesses, agencies offering bilingual services, and neighborhoods with the highest concentration of poor and working-class Latinos. Within these areas, INS agents engage in “typing” suspected aliens (Heyman 1995; Weissinger 1996) that embodies a “figurative border” (Chang 1999). In the process of typing Mexicans as suspects, Americans are “whitened.”

The 1975 Supreme Court decision that “Mexican appearance” “constitutes a legitimate consideration under the Fourth Amendment for making an immigration stop” (Johnson 2000:676) legalized micro- and macro-aggressions inflicted upon Mexican Americans. Micro- and macro-aggressions, as well as petit apartheid, are experienced by Mexican Americans when they are caught within a racially profiled dragnet in which INS agents operate with unchecked discretion. Harms of reductions and repression occur when Latinos are subjected to racially motivated (and frequently class-based) stops and searches and race-related INS abuse (Arriola 1996–97; Benitez 1994; Lazos 2002; Vargas 2001). Micro-aggressions are racial affronts on a personal level, experienced when an individual Mexican American is stopped and asked to prove citizenship status; macro-aggressions are group affronts because they are directed towards “Mexicanness” in general. Macro-aggressions target dark complexions and physical characteristics characterized as “Mexican” or “Latino;” speaking Spanish, listening to Spanish music, shopping at Mexican-owned businesses, or any other cultural practices bring on racially motivated stops.

### **The Case of the Chandler Roundup**

INS data provide statistics on the number of individuals apprehended but the agency does not collect data on the number of individuals stopped and searched who were citizens or legal residents. Consequently, the impact of racialized immigration law enforcement on communities of color is rarely visible in legal reporting procedures. However, every once in awhile, community protests against raids gain sufficient media attention



to require public officials to respond by conducting investigations into allegations of law-enforcement wrongdoings. In these rare instances it becomes possible to uncover “more covert, hidden forms of discrimination” (Georges-Abeyie 2001:xiv) in the documentation by law-enforcement and public officials responding to allegations of civil-rights or human-rights violations. Formal investigations reveal the groups and communities targeted and the ways that public and private space is regulated under the auspices of immigration law enforcement. These institutional practices are “relations of ruling” and unravel the everyday management of social control and domination (Smith 1990, 1999).

In order to identify micro- and macro- aggressions and petit apartheid accomplished by immigration raids, I analyzed data from two official investigations into a five-day immigration raid in Chandler, Arizona. The raid was the third of its kind conducted by the Chandler Police during the summer of 1997 (Fletcher 1997). The immigration sweep came to be known as the “Chandler Roundup,” reinforcing both the cowboy legacy of law enforcement in Mexican-American communities and the notion that Mexicans are “strays.” On July 27, 1997, the Chandler Police Department and Border Patrol agents from Casa Grande Station and the Tucson area began a five-day immigration raid as a joint operation in the most highly populated Latino section of the city. Over the five days, 432 suspected undocumented Mexicans were arrested. The Chief Patrol Agent’s *Summary Report of the Border Patrol Operations in Chandler, AZ* cited in the Arizona Attorney General’s report (Office of the Attorney General Grant Wood 1997:15–17) outlined the daily activities as follows:

Day 1 – July 27, 1997: “Within three hours . . . more than 75 arrests out of approximately 100 contacts” were made through “casual contacts . . . along the streets in and around public areas.” A total of 83 arrests were made that day (82 Mexicans and 1 Guatemalan).

Day 2 – July 28, 1997: The target area was “expanded to one square mile of the downtown Chandler area” and “nearly all contacts occurred outside dwellings” and “the exceptions were the result of specific information or probable cause.” On this day, they arrested 102 Mexicans.

Day 3 – July 29, 1997: Working with Chandler Police between 4:00 AM and 8:00 AM, they arrested 69 (ethnicity not noted). Bicycle patrols working public areas and trailer parks arrested an additional 49.

Day 4 – July 30, 1997: A total of 77 illegal aliens were arrested.

Day 5 – July 31, 1997: 52 arrests were made.

Immigrant advocates and Mexican-American residents in Chandler began organizing and held several community meetings with the police chief, Chandler City Council members, and the State Attorney General's staff. As a consequence of the public outcry, the investigations and lawsuits that followed produced government documentation of law-enforcement practices that detail the use of micro- and macro-aggressions towards Mexican Americans and other Latinos racially profiled as criminal, unauthorized, or extralegal. The primary focus of the investigations was police misconduct and violation of civil rights. A secondary issue concerned the role of local police departments participating in joint operations with the INS.

The State Attorney General's office immediately responded to complaints and began collecting eyewitness accounts from individuals willing to be interviewed. The Office of the Attorney General Grant Woods issued a report, *Results of the Chandler Survey*, in December 1997. Data collected and analyzed in the report included: minutes of meetings with the Latino community in Chandler, interviews with citizens and legal residents stopped during the five-day operation, minutes of City Council Meetings with community members, newspaper articles, memoranda between city officials, review of Chandler Police radio dispatch audio tapes, police field notes, and witness testimonies. The Attorney General's report is organized into the following sections: background information,<sup>5</sup> summary of the survey,<sup>6</sup> summary of the Commission on Civil Rights Report, and an evaluation of claims of civil-rights violation and recommendations.

The following summer, the City of Chandler paid for an independent investigation (Breen et al. 1998). The final product was the three-volume report. Volume I, *Report of Independent Investigation Into July 1997 Joint Operation Between Border Patrol and Chandler Police Department*, includes a mission statement, narrative<sup>7</sup> and summaries of interviews conducted

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<sup>5</sup> Background information is based on media coverage from local newspapers, community meetings, and the minutes from Chandler City Council Meeting.

<sup>6</sup> The summary of the survey includes a detailed description of the Chandler Redevelopment Initiative developed by the City Council. The survey describes the Initiative's efforts and its connection to the joint operation carried out in areas with the highest concentration of Latino residents; INS protocols for joint operation; description of day-to-day activities based on Border Patrol documents; summary of witness accounts regarding children and schools, home contacts, and contacts around businesses, because these were areas that the police and public officials claimed were not included in the raid; and descriptions of the types of request made for proof of citizenship.

<sup>7</sup> The narrative offers a history of the City of Chandler and describes the develop-

with public officials.<sup>8</sup> Volume II, *Complainants*, is the independent investigators' direct response to the descriptive accounts of civil-rights violations documented in the Office of the Attorney General's *Survey*. Incidents reported in Volume II include only complaints formally filed with the Chandler Police, the Office of the Attorney General, or the Mexican Consultant's office. Volume III, *Appendices to Report of Independent Investigation*, includes four maps (the Tucson sector of the Border Patrol, Chandler and Vicinity, Area of Operation Restoration, and areas covered in the joint operation), excerpts from policy and procedure handbooks,<sup>9</sup> a survey of policies regarding illegal aliens in 14 cities in border states, a survey of how media learned of the 1997 joint operation, the Chandler Police Department's Community-Oriented Policing Programs; and 89 records of Border Patrol Forms I-213 (Deportable Alien) produced during the Joint Operation.

The summary section of each report differs in the perspective taken. In the State Attorney General's report, *Results of the Chandler Survey*, the construction of immigration as a problem in Chandler is presented from the community's perspective and supported by official documents whereas the *Report of Independent Investigation Into July 1997 Joint Operation Between Border Patrol and Chandler Police Department* privileges the INS and police's documentation of a growing immigration problem and presents the "roundup" as the official response. Witness accounts cited in the *Survey* were collected immediately following the five-day immigration sweep. Each of the civil-rights violations from witness accounts noted in the Attorney General's report was investigated a year later by the independent investigators; however, only those violations corroborated by police officers' interviews, field notes, or arrest records were deemed legitimate in the *Report of Independent Investigation*. Defining validity with criteria that privileged police interviews and records (as well as INS official documentation) assured that the independent investigators' report minimized the violation of civil rights and was more favorable to the Chandler Police Department than was the Attorney General's report.

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ment of immigration issues as a social problem that led to the joint operation. A description of the operation and the aftermath of community meetings, complaints, and lawsuits is also included.

<sup>8</sup> Interviews were conducted with the police who participated in the joint operation, supervisors and officers involved with processing illegal aliens, Border Patrol agents, City Council members, and Chandler city officials.

<sup>9</sup> Excerpts describe the duties of city officials and the Chandler Police Department, a summary of line of authority in the city, and a description of the structure and duties of the US Border Patrol.

This study is an analysis of the official reports. While these data were obtained from legal documents constructed within a specific political, social, and economic context, the variety of documents produced presents diverse perspectives, including interested community members, citizens and legal residents stopped and searched, police officers participating in the raid, and City Council members. Clearly, the data analyzed do not include a complete profile of all the stops that were made during the five-day operation. However, the two reports provide a rare insight into strategically planned immigration law enforcement targeting low-income areas highly populated by Mexican Americans.

*Complainants* (Volume II of the *Report of Independent Investigation*) contained the following data: a profile of the type of individuals stopped and searched, activities by these individuals that warranted “reasonable suspicion”, the type of documents these individuals are expected to carry, and the outcomes of stops. A few of the complaints include a brief summary of the incident in question. Not all complaints recorded by the government officials are complete, but as documentary practices of agencies of control, the data reveal everyday processes of ruling apparatus in low-income Latino communities (Smith 1990, 1999). Although only 71 individuals made formal complaints, 91 complaints were filed because each incident was documented as a separate complaint – a number of individuals were stopped more than once. I coded each of the 91 complaints, looking for patterns of immigration enforcement, including ethnicity of complainant, age, citizenship status, sex, activity engaged in at the time of the stop, request for identification, and outcomes of the stop.

Narratives are also an important source of data for identifying micro- and macro-aggressions and petit apartheid restricting citizenship rights, freedom of movement, and use of public and private urban space. Two types of narratives were coded. First, the narrative of the reports itself. This included setting up the story of the Chandler Roundup (what is the context selected as background information to the raid?), an explanation of Mexican immigration requiring a joint operation between Chandler Police Department and the INS (how is the problem defined?), and, the justification for using racial profiling (why were low-income Mexican Americans stopped and searched?). The second type of narrative appears in the Attorney General’s Report. These are summaries of witness accounts and detailed descriptions of incidents documented by the police in their radio-dispatch reports. Witness accounts were coded for verbal and non-verbal racial affronts against individuals and against “Mexicanness” in general. Radio-dispatch reports were coded for incidents of racial profiling and regulation of movement and activity. In order to explore micro- and macro-aggressions and the existence of

processes and structures of petit apartheid in immigration raids, witness accounts and police records were coded for discriminatory practices ranging from the covert and informal to the overt and formal.

My analysis focuses first on identifying the distinct differences in each report for explaining the occurrence of a Joint Operation between the Chandler Police and the INS. I begin with the *Report of Independent Investigation's* narration of Mexican immigration as a problem requiring the immediate attention of the Chandler Police. Next, I contrast this with the community's depiction of Mexican immigration as a problem constructed by the Chandler City Council's urban-renewal project, Operation Restoration. I then turn to a quantitative analysis of data from the complaints compiled in Volume II of the *Report of Independent Investigation*. A qualitative analysis of witness accounts from the Attorney General's Report follows. Here, I analyze the ways that citizenship is policed and the impact this form of policing has on freedom of movement and use of urban space.

### **Narrating Mexican Immigration as a Problem**

Considering that the USA acquired Arizona as a result of the Mexican-American War, and that the Chandler area is the homeland of the Tohono O'Odham Nation, the version of history narrated in the *Report of Independent Investigation's* (Breen et al. 1998:1) is clearly biased and self serving: "Chandler, Arizona is a city of about 160,000 that has blossomed in slightly more than a century from a seed planted by Alexander Chandler, who came to Arizona in 1887 as territorial veterinary surgeon." The first mention of Mexicans in the narrative describes their presence as workers and Anglos as employers:

In the first years after the town's founding, cotton became the crop of choice for central Arizona farmers. These were the years of the Mexican Revolution, and thousands of Mexicans streamed northward to escape the violence spawned by it. Labor-intensive cotton farming provided a way for those fleeing the revolution to earn a living. Thus began a marriage between Chandler and those of Hispanic heritage that has lasted till the present day. (Breen et al. 1998:1)

This seeming "marriage" involved Mexicans providing the labor and Americans (read whites) providing the land from which the cotton was to be harvested. Mexican presence is also noted during WWII in reference to the Bracero Program: "the Arizona Farm Bureau approved the importation of Mexican workers, who found themselves harvesting cotton alongside German prisoners of war in the labor-starved market" (Breen et al. 1998:2).

The narrative continues by describing the “streams” that turn into the present “hordes” of Mexican immigrants entering the area. “Ron Sanders, chief patrol agent for the Border Patrol’s Tucson sector, calls Chandler ‘the most notorious hub for alien smuggling in the United States of America’” . . . until “literally thousands” of illegal aliens were in Chandler (Breen et al. 1998:2). INS intelligence in Dallas is the source for citing Chandler “as a major smuggling area as far south as Honduras and El Salvador” (Breen et al. 1998:2). The narrative continues with a litany from a handful of growers who complained about garbage, use of water, stolen fruit, and violence. To reinforce immigration as a social problem, the report lists six “homicides allegedly committed by illegal aliens” dating back to 1982 (Breen et al. 1998:10). In 1997, the Casa Grande Border Patrol station began targeting operations in groves. According to the Chandler Police, complaints about harassment of citizens and an increase in crime led to a series of joint actions in the summer of 1997. No doubt the federal government’s Operations Gatekeeper, Hold-the-Line, and other steps in militarizing the USA-Mexico border, gave local authorities in Chandler tacit approval to engage in the Joint Operation.

However, the Attorney General’s *Survey* argues that another chain of events led up to the Joint Operation. Based on community protests voiced at meetings and interviews given to the media, the beginning of the “immigration problem” is not dated to the founding of the city but rather to the City of Chandler’s 1995 urban-renewal project, Operation Restoration. City Council members began Operation Restoration by creating a task force to study issues affecting residents. The Neighborhood Empowerment Team conducted several mail-in surveys and held neighborhood meetings. Their final report found that residents were concerned about broken streetlights, uncollected garbage, trash in the streets, and unkempt alleys. From its inception, Operation Restoration targeted four older neighborhoods in the city located next to the newly developed downtown area. The targeted areas had the highest percentage of Latinos and low-income residents in the City. Claiming the Joint Operation was about redevelopment, City Council member Martin Sepulveda argued that the Mayor’s dream of transforming Chandler into “‘The jewel of the East Valley’ would push out poor Hispanics” (Office of the Attorney General 1997:5). Operation Restoration was perceived by the Mexican-American community as urban renewal to create high-income real estate and zoning for strip malls, which would dislocate residents and raise land value beyond the reaches of local businesses.

In response to the community’s accusation that the immigration sweep was a Mexican-American removal program, the *Report* stated that the Chandler Police involvement was merely “to undertake intensive zoning

code enforcement and . . . step up patrol of the area” (Breen et al. 1998:14). Although the independent investigators’ acknowledged that the Neighborhood Empowerment Team’s report was limited to repairing and cleaning the surrounding area, they accepted the police department’s claim that the Joint Operation with the INS was conducted as their part in implementing Operation Restoration. Since Operation Restoration had already targeted “the downtown redevelopment zone, ranging from an eight-block to a four square mile area,” using similar parameters for the roundup was justified and did not discriminate against Latinos.

The Attorney General’s Office refuted this claim and argued that the Task Force’s final report did not include reference to, or recommendations about undocumented immigrants. Importantly, the Office of the Attorney General (1997:14) found that the area targeted for the raid was “without specific articulated criminal activity.” Drawing from community meetings, the Attorney General’s *Survey* includes the community standpoint primarily from Latinos. They perceived the redevelopment of the downtown area as the major incentive behind the raid. Operation Restoration became a defining moment in their memory of Chandler’s history when “Mexicanness” was perceived as undesirable, even as cheap labor.

The careful selection of terms used in the documents evokes associations, meanings, and images supporting political spectacle (Edelman 2001). In order to establish undocumented Mexican immigration as an increasingly dangerous problem, the independent investigators’ erased Mexican Americans (and the Tohono O’Odham people) from local history. Restricting Mexican presence to discussions of “immigrants,” “laborers,” and “criminals” made American citizens of Mexican ancestry invisible. The terms “streams” and “hordes” found in the *Independent Investigation Report* in reference to the movement of people crossing the USA-Mexico border is consistent with the alarmist terminology noted by a number of immigration scholars (Chavez 2001; Santa Ana 2002). Mexican Americans are not mentioned in the *Report* as citizens or as long-term residents in the area but rather in the non-human category of “alien” (Johnson 1997). In the *Report*, Mexican Americans are always referred to in the present tense and only as “Hispanic.” Mexican is always used as a term for the unauthorized, extralegal, or undocumented.

### **Policing Citizenship, Movement and the Use of Urban Space**

The policing of citizenship by the Chandler Roundup exemplifies procedures used to determine status and urban spaces that require regulation.

The focus on policing was the redevelopment area targeted under Operation Restoration; that is, the cultural space inhabited by the large Latino population, low-income residents, and a commercial area serving a Spanish-speaking clientele. However, the image of citizenship visible in the discretionary stops suggests that beyond geography, the landscape of suspicion was embodied in particular behavior and appearance. Complaints made against the Chandler Police make visible the type of persons suspected as unauthorized and thus requiring surveillance. Requests for various types of identification reveal surveillance and restraint of movement in public areas. Embedded in witness accounts are the aesthetics of authority that enforce exclusionary use of public urban space, remaking the Mexican cultural space into white space. The material consequences of policing reinforce the vulnerability of undocumented workers in the local economy; place low-income, racialized citizens at risk before the law; and legitimate discriminatory behavior towards persons under surveillance.

### **Complainants Analysis**

Analysis of the data in the 91 complaints indicates specific patterns of racial and ethnic typing used in the Joint Operation. Data show that cultural and class behavior or activity was only monitored in targeted locations. The dominant feature of identifiable complainants was their racial ethnic background; all were of Mexican ancestry or Latino.<sup>10</sup> Fourteen of the complainants were stopped more than once during the five-day raid. Complainants ranged in age from 16 to 75; 49 were male and 22 were female. The majority of males were between 18 and 39 years old and the majority of females were between the ages of 30 and 49. Complaints for 42 complainants contained the following information: 11 were US citizens of Mexican ancestry, 15 were Latino legal residents, 1 was a permanent resident, 3 had work permits, 1 had a green card, and 11 were undocumented. There is no documentation in the reports or in the newspaper coverage of a white person stopped during the raid. Ironically, one newspaper quoted a blond, blue-eyed, undocumented Irish immigrant employed at a local law firm as stating that she had never been asked to show proof of her citizenship status: “I don’t have to worry. I blend in very well” (Amparano 1997:A1).

The phrase “driving while black” became familiar in debates over racial profiling, similarly the experience of “walking/driving/biking/standing

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<sup>10</sup> Citizenship status is not recorded for 29 complainants (involved in 41 stops).



while brown” is common for Mexican Americans in the vicinity of an immigration raid or during national sweeps, such as Operation Wetback in 1954 (Calavita 1992) or Operation Jobs in 1995 (US Attorney General Report 1995). The activities recorded in the complaints are accurately captured in the media’s initial reporting of Mexican Americans’ experience during the five-day immigration raid: “As they walked down sidewalks, drove cars or walked outside their homes” they were stopped by the police (Amparano 1997). Based primarily on interviews with police officers assigned to the target area during the operation (few Border Patrol agents agreed to be interviewed), the independent investigators found that illegal aliens were arrested in residential areas, in front of stores (especially the local Circle K), in trailer courts, and driving between 4:00 and 6:00 AM (the time many workers are traveling to construction sites during the summer).

The wide net that was cast made it inevitable that citizens and legal residents would be stopped by the police. The complaints indicate that, when proof of citizenship status was requested by law-enforcement agents, 33 of the 91 were driving, 24 were walking in their neighborhood or to a nearby store, 17 were at home, 10 were shopping (most were approached in the parking lot or in front of stores), 3 were riding bikes, and 2 were using public telephones. Significantly, only 2 were approached at their place of employment, suggesting the tacit desire to protect employers from possible sanctions. Specific activities are significant when class-based racial profiling is occurring. As in most urban areas, being a pedestrian is a sign of poverty. Middle and upper classes rarely walk or bike in Arizona heat unless they are engaged in exercise and dressed in special “work-out” clothes. They might be observed walking if a leashed dog is attached to their bodies. Using a public telephone is a similar sign of poverty when most homes in the US have several phones as well as cell phones.

After the stops were made, investigators documented only 33 outcomes for the 91 incidents. Of the 33 outcomes documented in the complaints, 23 were detained. Three of the people detained were illegal and twenty were legal. Four of those detained were handcuffed, including one US citizen. The period that the 23 were detained ranged from five minutes to four hours. Some of those detained for long periods of time reported that they stood in the 100+ degree weather common in July. After they showed proof of legal status, three complainants were issued citations for minor traffic violations (e.g., a rolling stop at a stop sign, a broken windshield, a missing headlamp, or a turn into the wrong lane).

Eighty-six claims involved law enforcement agents requesting proof of citizenship status. However, the kinds of documents requested were incon-

sistent, at times vague, and confusing to US citizens who had never been stopped before – 51 incidents involved officers requesting to see the person's "papers" or "*papeles*," 2 incidents involved requests for immigration papers, 13 incidents requested drivers license, 9 were asked to show "an identification," 10 were asked specifically for their green cards, and 1 officer requested to see "a card." Birth certificates, Social Security cards, green cards, or driver licenses were produced by the claimants before the police allowed them to leave. In some cases, particularly for children and adolescents, family members assisted in obtaining documents.

### Witness Accounts Analysis

Based on the writings of immigration-critical race legal scholars (i.e., Benitez 1994; Chang and Aoki 1997; Johnson 2000, 2004; Vargas 2001), I identified five patterns of immigration law enforcement that placed Mexican Americans at risk: (1) discretionary stops based on ethnicity and class; (2) use of intimidation to demean and subordinate persons stopped; (3) restricting the freedom of movement of Mexicans but not others in the same vicinity; (4) reinforced stereotypes of Mexican as "alien," "foreign," inferior and criminal; and (5) limited access to fair and impartial treatment before the law. Recurring expressions that witnesses used to describe stops and searches were pain and humiliation, frightened, fearful, nervous, scared, embarrassed, violated, and mortified. Witness accounts offer descriptive narratives of the micro- and macro-aggressions occurring in immigration law enforcement.

Embedded in all the accounts is the recognition that they were stopped, questioned, and inspected by the police because their physical appearance was classified by law enforcement agents as "Mexican" and, thus, they were assumed to be unauthorized to be in the US. Skin color is used in the everyday immigration law-enforcement practice of operationalizing "reasonable suspicion":

I was stopped and questioned by Chandler police and INS/Border Patrol when he stopped at a Circle K . . . The Chandler Police were stopping every "Mexican-looking" person as they entered or exited the store. "Non Mexican-looking" people entered and exited without being stopped. (Office of Attorney General Wood 1997:22)

An excerpt from witness account "D" demonstrates community members' recognition of INS and police officers' "discretion," as well as their power to violate civil rights.

All the people shopping at this shopping center appeared to be Hispanic and many were being stopped and questioned by the officers. D and his uncle

were conversing in Spanish and leaving the store with a package when they were approached by a Chandler police officer and an INS/Border Patrol agent on bicycles. The INS/Border Patrol agent asked them in Spanish for their papers. The uncle, who had just become a United States citizen, had his citizenship papers with him and showed those to the officer. D had only a social security card and a driver's license . . . D took his wallet from his pocket to get his identification; the INS/Border Patrol officer then asked him for the wallet and examined everything in it. D feared that if he did not give the officers his wallet he would be arrested. Neither officer wrote any information down or kept anything from the wallet. No explanation was given for the stop (Office of Attorney General Wood 1997:21).

Although "D" is a US citizen, he understood that he does not have the same rights as whites and has limited access to fair dealings before the law. He was intimidated by the INS officer extending the citizenship inspection beyond his driver's license and Social Security card and into his personal belongings without a search warrant or a basis for probable cause.

"U" provided a description of an incident involving a person who questioned stops without probable cause and police discretion.

U has a permit to work in the United States and is here legally . . . he and his cousin stopped at a Circle K . . . While they were parking their car, they were approached by a Chandler police officer on a bicycle who asked, in Spanish, for their papers. The cousin said that the police had no right to ask for papers and the Chandler police officer asked if they wanted him to call Immigration. They said yes and INS/Border patrol agents soon appeared. The cousin showed the agents his papers but U did not have his on him and when he showed them his social security card, there was a discrepancy in the computer and they were told the number had been canceled. The INS/Border Patrol agent said "I'm tired of this, everybody lies and says they have papers when they don't." The officers put U in handcuffs, searched him and took him to the Chandler Police Station where he was detained. He asked them to give him a chance to call his home and have his wife bring his papers but they refused. He was held until about 11:30 (from 7 p.m.) until his cousin and his wife brought his papers to the police station. U was afraid that the Chandler police were going to take his green card away, or that he was going to be separated from his family (Office of Attorney General Wood 1997:23).

"U" assumed protection and rights that his work permit grants and distinguished between city police officers and the INS. However, his attempt to assert his rights resulted in the use of excessive force and he was treated like a violent criminal requiring physical restraint. His account points to extensive discretionary power given to immigration law enforcement; the incident exemplifies intimidation, excessive force, and the lack of probable cause in the police stop.

Since the downtown redevelopment zone targeted in the roundup was not completely racially segregated, discretionary stops of persons of Mexican ancestry who appear to be poor or working class became visible. Public areas like stores, phone booths, and gas stations produced a spectacle for white gaze and allowed the immigration inspectors to employ stereotypes of Mexicans as foreign, alien, and criminal. However, appearances of class and citizenship can be deceiving as the following witness testimony reveals.

C is the highest ranked left handed golfer in Arizona. C is a large, dark complected, Hispanic, and native born Arizonan . . . Returning from a golf match in July, he stopped . . . for a cold drink and saw Chandler police officers talking to different people of apparent Mexican descent. At the time he was wearing an old tee shirt and a baseball cap. As he tried to exit the market, he was barred exit by a Chandler Police officer who asked if he was a local, if he had papers, and whether he was a citizen. C told the officer that he was a citizen and was leaving and the officer told him "No, you are not." C then walked around the officer and went over to his car which was a 1997 Acura. The officer followed him but when he saw what car he was driving, permitted him to drive off. . . . (Office of Attorney General Wood 1997:21)

Clearly "C" assumed "class privilege," challenging the officer's attempt to stop and search without probable cause. This account demonstrates the significance of class in immigration law enforcement. Once middle- and upper-middle-class status is identified by officers, police are less likely to violate civil rights.

In response to the extraordinary policing, community members avoided public areas. Witnesses reported that elderly neighbors feared the police, asking for assistance in obtaining food and medication so they could remain home, behind closed doors. Law enforcement agents' treatment of Mexicans thus deterred civic participation and shaped the field of action that Latinos perceived as available to them (Davis et al. 2001; Nelson 2001). By the fifth day of the operation, the community avoided local grocery stores and gas stations that had been heavily patrolled by the police and INS. Mexican shop owners complained that they lost revenue during the raid because their customers feared shopping in the area. In the absence of people in the streets and shopping areas, the police developed alternative strategies that included homes and construction sites.

Alongside stores with the largest number of Latino customers, the second major target areas were apartment complexes and trailer courts occupied by low-income Mexican Americans and Mexican immigrants. In a newspaper interview with a Chandler police officer, the claim was

made that they did not bust “down doors in search of illegal immigrants.” Witness accounts provide a counter narrative. Not only were neighborhoods in the targeted area searched house by house but apartment and trailer court managers assisted Chandler Police by identifying residents of Mexican descent. The following testimony describes the intimidation and demeaning actions used by law enforcement agents.

On July 28, 1997, at approximately 11 p.m., B and his family were sound asleep in a trailer owned by his brother-in-law . . . The family was wakened by a loud banging on the front door and bright lights shining through the windows. When B looked around, he saw two Chandler police officers, with an INS/Border patrol agent behind them. All officers were bicycle officers. The officers demanded to be allowed into the trailer and when B asked if they had the right to come in, he was told “We can do whatever we want, we are the Chandler Police Department. You have people who are here illegally.” Although B denied that there were any undocumented aliens there, the officers insisted on entering the trailer, rousing everyone from bed. The family members were all in their sleep clothes, but the officers refused to allow them to dress. None of the children were United States citizens, and except for the brother-in-law, all the rest were legal aliens; the brother-in-law had entered the country legally but his visa had expired and he was in the process of getting it renewed. When the officers discovered that he brother-in-law did not have proper papers, they called a Chandler Police Department back up vehicle and took him away in a patrol car. B attempted to give his brother-in-law street clothes when the officers were taking him away, but the officers would not allow this and took him away in his sleep clothes. He was later readmitted to the United States with the renewed visa he had been awaiting. The others were detained in the trailer for approximately ninety minutes; they were not searched but they were questioned even after they showed the papers demonstrating that they were legally in the United States. The police told B that they had spoken with the park manager and he had given them permission to search the trailers, had given them a map, and had marked on the map where Hispanic residents lived. The four children involved in the this incident are still fearful when someone knocks at the door of the trailer, and continue to be nervous when they see police officers on the street . . . Most of the police visits occurred between 10 p.m. and 11 p.m. and were precipitated by police banging on doors and windows and shining lights through the windows . . . Every night someone else was taken away. (Office of Attorney General Wood 1997:19–20)

Home searches conducted in the presence of children serve as powerful socialization, teaching them about their lack of rights, inferior status, and unequal access to protection under the law. For many children, the house searches were probably their first encounter with a police officer, and they witnessed their parents, grandparents, and other family elders humil-

iated and treated as criminals. Witnessing stops and searches serves as an important lesson for children that the law distinguishes between family and neighbors on the basis of immigration status rather than criminal activity that harms others. Unlike stops made at shopping centers, house-to-house searches conducted on private property concealed civil and human rights violations from public view.

In addition to the house-to-house searches conducted, apartment complexes and trailer courts were also targeted for traffic enforcement. Several officers' interview summaries acknowledged that, outside of special D.U.I. enforcement, the Chandler Roundup was the first time they used traffic enforcement with a spotter. Vehicles leaving specific housing units that appeared to contain "migrant workers" were followed. Several officers reported that they "were to follow them and if probable cause was established" the vehicle was stopped. Officers were "instructed to issue a citation for the probable cause in case there was a question in reference to the stop." A summary of radio-dispatch transcripts for July 29, 1997, demonstrated that laborers driving to work were targeted as vehicles left apartment complexes housing low-income Mexican Americans and Mexican immigrants:

The vehicles were described by make, model and/or color, as well as direction of travel. A total of forty-three (43) vehicles were specially singled out in a two hour period of time from 4:00 to 6:00 A.M. The officers identified seven (7) vehicles because of known violations of law warranting a stop. However, of the remaining thirty-six (36) vehicles called in, seven (7) calls describing vehicles were made despite the officers stating that there was no probable cause to believe that violations of the law had occurred. The other twenty-nine (29) vehicles were singled out without articulation of what, if any, violation of law may have been observed by the reporting officer. (Office of Attorney General Wood 1997:10)

Both the *Survey* and *Report* note that the Chandler Roundup extended to construction sites and permission from supervisors at the construction sites was obtained before entering the areas to question employees. Even though the police arrested undocumented workers at construction sites, neither report cited employers' violation of the law. IRCA includes employer sanctions designating penalties for employers who hire immigrants not authorized to work in the United States. While citizenship and movement of laborers were clearly documented in both reports, there is a glaring absence of enforcement of employers' compliance with IRCA. Although questioning workers at a construction site resulted in 52 arrests, no employer suffered legal sanctions for IRCA violations. Nowhere in the Attorney General's *Survey*, or in the independent investigator's

*Report*, is there a mention of employers at construction sites being investigated.

### Conclusion

While legal scholars, civil rights advocates, and the general public denounced federal law enforcement practices towards Muslims and persons of Middle-Eastern descent under the Patriot Act, racialized immigration stops and searches, abuse, and harassment are ongoing processes honed over a century of citizenship inspections of Mexicans. Immigration policing is based on determining that citizenship is visibly inscribed on bodies in specific urban spaces rather than “probable cause.” In the Chandler Roundup, official investigations found no evidence that stops and searches were based on probable cause of criminal activity. The conclusion drawn by the Attorney General’s investigation underscores the harms of micro- and macro-aggressions and the use of petit apartheid:

... there were no other warrants, charges, or holds for these individuals that in any way indicated other criminal activity or that required extraordinary security or physical force. The issue raised by this type of treatment is not whether the arrest and deportation is legal, but whether human beings are entitled to some measure of dignity and safety even when they are suspected of being in the United States illegally. (1997:28–9)

The Chandler Roundup fits into a larger pattern of immigration law-enforcement practices that produce harms of reduction and repression and place Mexican Americans at risk before the law and designate them as second-class citizens with inferior rights. Latino residents in Chandler experienced racial affronts targeted at their “Mexicanness” indicated by skin color, bilingual speaking abilities, or shopping in neighborhoods highly populated by Latinos. During immigration inspections, individuals stopped were demeaned, humiliated, and embarrassed. Stops and searches conducted without cause were intimidating and frightening, particularly when conducted with discretionary use of power and force by law enforcement agents.

Like other metropolitan areas surrounding Phoenix, Chandler depends heavily upon low-wage, non-union, undocumented Mexican workers for their tourism and construction industries. These powerful business interests are influential at the state level, and cooperative efforts are made to assure seasonal labor needs are met. Both official investigations into the Chandler Roundup demonstrate complete disregard for enforcing sanctions of employers under IRCA. Yet the ability to clearly identify the everyday work patterns of immigrants and to use these circumstances

to arrest immigrants as undocumented workers indicate that employers operate with complete immunity to IRCA provisions. The case of the Chandler Roundup demonstrates how INS enforcement practices not only favor and protect employers' access to an exploitable labor force, but remove or relocate workers as specific industries' needs warrant. Enforcement is structured specifically at eliminating and relocating undocumented workers from areas no longer relevant to the local economy or redevelopment plans. The Chandler Roundup was intended to remove a low-income population to allow for urban renewal, by creating a hostile environment for citizens, violating their civil rights through immigration law enforcement employing micro- and macro-aggressions. Racialized immigration stops establish, maintain, and reinforce second-class citizenship and limit civil, political, economic, and cultural rights and opportunities. In urban barrios, the costly enterprise of selected stops and searches, race-related police abuse, and harassment results in deterring political participation, in identifying urban space racially, in classifying immigrants as deserving and undeserving by nationalities, and serves to drive a wedge dividing Latino neighborhoods on the basis of citizenship status.

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