**History of Racism Against Mexican Americans Clouds Texas Immigration Law**

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SAN ANTONIO — When Texas leaders approved a tough new immigration enforcement law known as [SB4](https://legiscan.com/TX/text/SB4/id/1608435), they did so in a state that has had a long, continuing and sometimes unacknowledged struggle for equity by the state’s residents of Mexican descent. That struggle has existed since before Texas became a state and has ranged from mob violence and massacres — some perpetrated by the Texas Rangers — to voting and employment discrimination and school and housing segregation. More recently, courts have declared the state’s voter ID law and redistricting maps discriminatory.

Supporters of SB4 balk at suggestions the immigration enforcement law may foster racism or encourage discrimination, but as they try to enact it on Sept. 1, it will be impossible to ignore the state's history of racism and the current challenges for Texans of Mexican descent. Consider that, during the period from 1848 to 1928, at least 232 people of Mexican descent were killed by mob violence or lynchings in Texas — some committed at the hands of Texas Rangers, according to research by William D. Carrigan and Clive Webb, authors of [“Forgotten Dead: Mob Violence Against Mexicans in the United States.”](https://global.oup.com/academic/product/forgotten-dead-9780195320350?cc=us&lang=en&) Texas led 12 states in killings of Mexicans and Mexican-Americans, the authors solidly documented.

In addition, the effort to place Texas under the anti-discrimination provisions of the Voting Rights Act was the genesis of the [1975 expansion of the act](http://www.nbcnews.com/news/latino/latinos-1965-voting-rights-act-impact-came-decade-later-n404936) to extend its protections of voting rights of Latinos and other people who were then called “language minorities." More recently, Texas’ voter ID law, enacted in 2013, has been struck down in a series of court decisions that found it discriminatory.

But historians and civil rights activists see a thread of historical racism and discrimination running through the implementation of SB4. "This is a step backwards in terms of having Mexican-Americans thought of as really U.S. citizens, as opposed to foreigners rather than interlopers," González said.

Thomas Saenz, president and CEO of the Mexican American Legal Defense and Educational Fund (MALDEF), a civil rights legal group, is more blunt. “This law has racism written all over it,” he said.  MALDEF, started in San Antonio, has been at the center of many of the state's Mexican American population's fights for equity. It represented the Edgewood Independent School District, a poorer in San Antonio, when the district challenged the state's public school financing system as discriminatory against poorer students, many of whom were Mexican-American or Latino. The lawsuit led to an overhaul of the funding system.

When MALDEF sued the state in 1987, only 10 percent of state funds for public universities went to the border region and South Texas, where many of the state's residents of Mexican descent live. The suit led to state legislation to beef up higher education in the border region. “I do think there has been a continuous theme of ‘Mexican-Americans don’t deserve the same things everybody else has’ by the powerful," said Al Kauffman, a former MALDEF attorney who litigated the education cases. "People are looking for ways to control the population."

Saenz and plaintiffs in the case warned that the law will allow every law enforcement officer, booking agent and other law enforcement figures to "decide on their own without any guidance or restrictions from their duly elected and appointed superiors, police chiefs, sheriffs and elected officials ... whether and how to enforce federal immigration law." Such "unfettered" and "arbitrary" policing will lead to discrimination against Latinos and other minorities, regardless of their citizenship or immigration status, he said. In addition to MALDEF, some additional civil rights groups are the Southwest Voter Registration Education Project, formed to protect voting rights of Mexican Americans.

**Racial Profiling Versus Immigration Enforcement**

The dividing lines over SB4 are not as neat as white versus Latino. Texas long has had a significant Latino contingent willing to back tough measures on illegal immigration and border security. But the anger SB4 is stoking and its potential for causing racial clashes was visible Monday when GOP state Rep. Matt Rinaldi of Irving, Texas, said in social media and told Mexican American Democratic legislators that he called Immigration and Customs Enforcement on people protesting SB4 at the Capitol. Many protesters were Latino and some held signs that read, “I’m illegal and I’m here to stay.”

Rindaldi’s call — which ICE has said it is unaware of receiving — led to a shouting match, [a near brawl](http://www.nbcnews.com/news/us-news/texas-lawmakers-accuse-each-other-assault-threats-hundreds-sb4-protesters-n765856) and accusations of threats of violence from both sides. Defending the Mexican-American lawmakers’ response to Rinaldi, state Rep. Cesar Blanco, an El Paso, Texas, Democrat, [wrote in in the Texas Tribune](https://www.tribtalk.org/2017/05/31/pardon-the-disturbance-but-we-refuse-to-be-silent/): “This isn’t about decorum. I’m a sailor; I can take the salty language. This is about whether we sit idly or stand up in the face of ethnic scapegoating, racial profiling and abusing the power of the state to intimidate the less powerful.”

Texas Gov. Greg Abbott has trumpeted the law as a tool for public safety and one that will end so-called sanctuary cities, municipalities that regulate their law officers' enforcement of federal immigration laws and cooperation with federal immigration authorities. Opponents of such restrictions say cities release criminals that they should detain until they can be put in deportation and that puts public safety at risk.

SB4 allows for criminal penalties of up to $25,000 a day and removal from office of public officials, police chiefs, sheriffs and others who defy the law. “Texans expect us to keep them safe and that is exactly what we are going to do by me signing this law,” Abbott said. He told NBC Nightly News that he knows the Latino community needs to feel it has nothing to fear from the new law because his wife and family are Hispanic. "The only people who face any type of consequence are criminals ... We included in the law a ban on racial profiling, making it illegal," Abbott said. A day after the law was signed, Texas sued MALDEF along with Austin's mayor and city council members and the Travis County sheriff for being "hostile" to federal immigration enforcement officers and not cooperating with them, even though SB4 doesn't go into effect until Sept. 1.

In a column written with two Latino law enforcement leaders — Victor Rodriguez, police chief in McAllen and J.E. “Eddie” Guerra, sheriff in Hidalgo County in the Rio Grande Valley — Abbott asserted the law won’t change how law enforcement already works in Texas and would only subject criminals to questioning about their status and condemned opponents. “Whether driven by misunderstanding or by purposeful fear mongering, those who are inflaming unrest, place all who live in Texas at greater risk.”

The law also has drawn fervent opposition from a number of Latino leaders, lawmakers, organizations and residents. “It’s too easy to racially profile [under SB4]. What is reasonable suspicion? Is it nervousness?” said Mario H. Lopez, president of the [Hispanic Leadership Fund](http://hispanicleadershipfund.org/about/advisory-board/), a politically center-right organization that focuses on Latinos. “If I’m jaywalking and I’m a U.S. citizen and I see a cop coming towards me, I might start thinking, what’s going on now?" Lopez said. "If a cop sees me as suspicious because I’m nervous, will I be detained?”

**Is Discrimination Part of Texas' Identity?**

Carrigan and Webb, the authors who documented mob violence against Mexicans and Mexican-Americans, argue in their book that “uncovering the forgotten dead murdered by Anglo lynch mobs is therefore, less of a reopening of old wounds than a means to enhance mutual understanding in a nation where race remains one of the deepest fault lines.”  That can also apply to the debate over SB4, Carrigan said.

“My guess is there is a white perception and Mexican (and Mexican-American) perception” of SB4, he said. White Texans likely think it’s not deeply racist, but Texans of Mexican origin have a “longer, historical framework for understanding it: The Texas governor and Texas officers have not been a force we can trust for many, many years and we are going to view that in that context, with the lynchings and Texas Rangers in the background,” he said.

Luis Fraga, co-director of the Institute of Latino Studies at the University of Notre Dame, said what is happening with SB4, along with Texas’ recently toughened voter laws, “has to be understood in the context of what Texas has always been.”