

ALBUQUERQUE CRIMINAL LAWYER BLOG

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Arizona Style Immigration Enforcement: New Mexico Beware!

The recent immigration law enforcement measure passed in Arizona should interest citizens of New Mexico. The Arizona law not only permits law enforcement officers to stop anyone who appears to be an immigrant to check their papers, it demands it. It is a gross violation of the 4th Amendment prohibitions against illegal search & seizure. It is a pervasive and dangerous infringement of individual rights.

The 2009 census suggests that 44.9% of New Mexico population is Hispanic. The Hispanic population in New Mexico exceeds the white non-Hispanic population which stands at 41.7%. In addition to the large Hispanic population, Blacks represent 3%, Native Americans represent 9.7%, Asians stand at 1.4%, Hawaiians and Pacific Islanders at .1% All told, whites are in the distinct minority.

So what would happen if such a law were passed in New Mexico? The answer is easy 55% of the population could be stopped at the whim of law enforcement. Some argue that there is nothing wrong with this and it is needed to protect our soil. Before jumping on board with this bill, why couldn't whites be stopped as well? After all, many immigrants are of white European descent and a diligent officer would question their legal status as well as those of darker skin color.

Keep in mind a driver's license is not proof of citizenship. Therefore, lawful citizens could be stopped and taken into custody for failure to provide their proof of citizenship. After all, how many citizens carry proof of citizenship? How many New Mexicans have a passport? I suspect that it is a relatively small percentage of the population. As a result, the law could be used to harass, intimidate, and terrorize illegal immigrants and citizens alike. The law basically gives a cop the right to stop anyone, anywhere, anytime, for any reason.

The good governor of Arizona has indicated that the law is not illegal racial profiling because racial profiling is illegal and Arizona law enforcement does not engage in illegal activity. Apart from the ridiculous nature of this argument, what other indicators other than race could be used as probable cause to stop a potential non-citizen? What other criteria could there possibly be to justify the stop of a vehicle other than race? What other observations could an officer make of a passing vehicle that would raise suspicion of illegal status?

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The good governor responds further to the suggestion of racial profiling that the officers are well trained and she trusts their judgment. Of course, she then states that they will have to come up with some criteria and then train Arizona law enforcement so they do not engage in the illegal racial profiling in which they would never engage because they are trained not to engage in illegal activity. Perhaps, the resulting guidelines will be that all people of whatever skin color should be stopped so as to avoid any suggestion of racial profiling. That should solve it. I feel better now.

New Mexicans have an election coming up in November for their own governor. The rhetoric surrounding immigration enforcement coming from some of the candidates rings very familiar when set against the backdrop of Arizona's recent law. New Mexicans would be wise to carefully consider who they are putting in office. And in the meantime, stay out of Arizona!

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