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analysis and investigations on issues affecting
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Cover Story **Immigration, "Reasonable Suspicion"** **and the Supreme Court** **The African World** **By Bill Fletcher, Jr.** **BC Editorial Board**

The Supreme Court's decision in [*Arizona v United States*](#) will be studied for weeks to come. While the Supreme Court threw out key elements of Arizona's anti-immigrant statute, what they permitted was the right of the police to investigate the immigration status of individuals who have been stopped if they - the police - have *reasonable suspicion* regarding that individual's immigration status.

What is "reasonable suspicion"? This is where race, and I mean that in the broadest political sense of the term, always enters the picture. Is "reasonable suspicion" something that is based on accent? If so, does that mean that *any* accent can lead to an investigation of someone's immigration status? Let's think for a moment about this. Does the Supreme Court mean that if an individual has a heavy Russian accent that that justifies an investigation? Or is it only certain accents, such as Spanish, Arabic, Portuguese, French, Chinese, or Tagalog? Or is it some combination of accent and skin color? So, a "white" person speaking French is OK but someone of a darker complexion speaking French is a suspect?

I hate to break it to the Supreme Court but this is a hell of a slippery slope. "Reasonable suspicion", particularly in a country with the racial history of the USA, will inevitably mean that people of color will be subject to investigation, irrespective of whether their ancestors have been here for 300+ years. White authorities, but not just white authorities, imbued with the intense suspicion of immigrants from

south of the border will certainly find any number of reasons to be suspicious as to the status of someone taken into custody or stopped for some other matter. Will it also be a question of how one dresses? So, someone of African descent wearing a kufi (a hat often worn by Muslims), is possibly an undocumented immigrant? Maybe a terrorist to boot?

"Reasonable suspicion" is not a value neutral term. It never has been. I once overheard some law enforcement officers discussing so-called "illegal aliens." One of them complained about the "illegal aliens" he saw on a regular basis when they were on their way to work. This officer never stopped to explain how he **knew** that these individuals were so-called "illegals." Instead, he made the statement and the other officers acted as if it was obvious that he knew what he was talking about. Yet I kept wondering how this officer would handle walking through any number of restaurants on the East Coast of the USA where they would encounter staff from Eastern Europe. Could this officer detect whether these individuals were so-called "illegals" or did his "smell" test only work with Latino immigrants?

While the Court struck down important provisions of the Arizona law, they simply did not go far enough. It is up to the rest of us to make sure that the Arizona law is never repeated and that anything even approximating a "reasonable suspicion" standard is cast off into history rather than remaining a racial shackle around our collective, colored necks.

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