

The Immigration Debate: A Legal or Moral Approach?

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Our nation is becoming increasingly divided on several issues. Some of the polarized attitudes and views are extreme with no signs of abating. Amidst this climate the oil spill along the Gulf Coast is causing damage, heartbreak, and the need for healing and wisdom to bring about restoration. Meanwhile, emotions and dangerous rhetoric on political issues are high with the potential of escalating to frightening levels.

Arizona Senate Bill 1070 has spawned a flood of reactions from people across the country. Once again, a governor follows the historical pattern and falls back on her vested authority by taking a legal approach. To the average citizen, she is only enforcing the law. But viewed from a moral and historical perspective, could this law more accurately be interpreted as a continuing act of conquest? When a government in power wants to keep a people subjugated, it simply passes laws. But in the eyes of the people, these actions are not solutions; they only postpone justice until the electoral process, which will bring change inevitably, installs officials who will pursue a different approach.

Scantly communicated in the media, if at all, are the relevant historical contexts in which immigration and related issues have arisen. Yet they are crucial to understanding the reactions to this law and the conditions most likely to promote justice, fairness, and peace.

As the pressure to develop a comprehensive federal immigration policy intensifies, we can expect anxiety—and hopefully relief—among people most likely to be affected

by the final product. How will Americans react? Will its provisions be enforceable? These are political/legal questions. Will immigrants be treated justly and fairly? Will families be forced to suffer? These are moral questions.

A society that is guided primarily and *culturally* (*i.e.*, as a way of life) by moral and practical concerns is more likely to see conciliatory and healing effects in dealing with conflicts. In such a scenario, everyone together examines the issues rationally through respectful *dialogue*, considering also the historical and contemporary context, instead of engaging in confrontational *debate* where each side argues against the other. There is a flow of *meaning* instead *emotion*, and moral concerns are central.

A conciliatory approach is not new among societies residing within the territorial boundaries of the United States. Many American Indian tribes have preserved their traditional values by which they have sustained their communities for untold generations, despite many attempts by government, church-operated schools, and mainstream society to eradicate them. Tribal nations have survived, in part, because of the principle that each generation must consider the welfare of future generations when making decisions. (By the same principle, gratitude is expressed to the ancestors who made sacrifices on behalf of the current generation.)

Perhaps the greatest challenge in considering this alternative approach is creating the right climate. On the other hand, Americans may be sufficiently tired and ready to turn away from the polarized politics, emotionally charged talk shows, anger, and blogger animosity.

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Immigration: Its Legal & Moral Aspects

Indigenous perspectives on many aspects of life, including conflict resolution, differ strikingly from those of Western societies. The primary objective is to restore wholeness and balance to every individual, regardless of who is right and who is wrong. Americans could learn from their example; unfortunately, many stereotypes have blurred and distorted the true image of the Indian who, today, also suffers from historical trauma and high (50 percent) unemployment.

Some of the perspectives expressed below are probably new to most readers. They derive from a long transformative journey after discovering my own tribal heritage almost two decades ago (I do not have Mexican ancestry). I offer them with the hope of helping create conditions that nurture common understandings, address everyone's needs, and influence future planning and public discourse.

I was a Catholic as a child and later became an active conservative evangelical for more than three decades. I spent 45 years in higher education as a physicist, computer specialist, information technologist, educator and administrator. Outside the campus, the study of American and tribal histories and issues, as well as works from many disciplines and viewpoints, is a continuous and life-long commitment of mine. Also, with my wife, I am personally acquainted with life in several tribal communities, where we spend much of our time. Our friendships extend to all people and we no longer belong to any church or denomination but we are Christians¹ and our spirituality is genuine and deep, respecting other traditions.

In what follows, *I speak only for myself, not for any group or tribe.*

Most Americans seem to judge decisions by whether or not acts committed or contemplated are legal—a characteristic that seems to function tacitly within the American psyche. Why is this? The preeminence of written law in the United States, as in other Western societies, is part of the reason. Presidents and others have said repeatedly that "we are a nation of laws." The high value of human law coincides with the conservative view that a civilized society cannot exist without *orders* and *classes*; an ordered society is governed by laws that must be enforced.²

Among other cultures, while the legal aspect is important, *moral* questions about the human condition are given higher priority; the people recognize nature's own authoritative system and its spiritual and moral principles that imply human responsibility. To them, natural law is preminent; it cannot be violated without consequences. A society that does not consider the *moral* aspect of decision-making, which affects all life, both human and non-human, cannot survive long due to irreversible consequences of decisions and behavior. Losing a life, a culture, or a species, for example, is not like losing an election or a profit.

Laws are not inherently moral. A study of the history of the United States from the people's point of view³ substantially demonstrates that merely creating and enforcing laws will not achieve lasting peace. Enforcement power can be abused depending on individual attitudes; some enforcement officials only want to maintain the supremacy of laws, disregarding the human condition. Some aspects of law enforcement are actually a form of warfare when people are viewed as "conquered enemies" because they violate laws that were made illegally, have

¹ A personal relationship, not institutional loyalty or ideology

² American conservatism is discussed later in this document.

³ Much history is written by people who express the views of the ruling class.

replaced previous laws through acts of conquest, or are established under unjust conditions.

President James K. Polk, for example, who aptly represents the land lust of "manifest destiny" (the belief that the people of America were providentially destined to spread their government and other institutions over the entire Continent) which was prevalent during America's Westward expansion in the 1840's and 1850's, succeeded in his determination to provoke war against Mexico. It was a shameful war. Hampton Sides (*Blood and Thunder*) describes how Nicholas Trist, the American envoy sent to Mexico City to negotiate the treaty of Guadalupe Hidalgo, which ended the war, remembered the shame he felt before Mexican officials, expressing in his own words how he tried to hide his guilt about concluding a treaty that sheared from Mexico nearly half of the territory. He wrote: "Could those Mexicans have seen into my heart at that moment, they would have known that my feeling of shame as an American was strong ... that was a thing for every American to be ashamed of..."

Just as blatant was the manner in which New Mexico was outright stolen by the United States. Under orders from the nation's capital, General Stephen Watts Kearney marched his volunteer "Army of the West" into Las Vegas, New Mexico and, mincing no words, told the mayor: "I have come amongst you by the orders of my government, to take possession of your country, and extend over it the laws of the United States. ... Henceforth I absolve you of all allegiance to the Mexican government." The territory was taken by intimidation; there was no battle.

In what sense, then, are people who cross into the United States from Mexico "illegal immigrants"? New Mexico and the entire American Southwest were seized through separate acts of intimidation. New Mexican officials could not defend themselves; the territory was literally

stolen without a fight. And with regard to the entire American Southwest, in which a militarily more powerful nation went against a weaker one after intentional provocation, was such an act of greed justified? It cannot be denied that everyone who entered these new territories (New Mexico and the Southwest) did so illegally. Is the United States justified in denying migrants a path to citizenship that recognizes their contributions without, as a nation, performing a moral self-examination, considering also that more than ninety percent of the original inhabitants died from disease, war, and conquest in order to build America?

With regard to Spain and Mexico, these two nations also committed theft and murder against the Continent's original inhabitants, the Indians, who had *original* rights and sovereignty over their territories.

Who is the ultimate Judge of all that has happened?

Although SB 1070, as amended, maintains that racial profiling will not be tolerated, it is still a top concern among indigenous people, progressive groups, Mexico, its President, and many knowledgeable Mexican Americans ("Hispanics"). This is a considerably large group whose concerns are being disregarded, so there is clearly a problem with attitude. The very thought of being required to show paperwork is insulting to many who, for generations, never had to cross an ocean and have been legitimately working, living, and contributing to society. They have come to expect *any* new law or policy to be another form of threat. They welcomed others here and are now being treated like aliens.

We must also ask whether government actions, including Albuquerque's new immigration policy, encourage the formation of anti-immigrant groups, considering that racist groups may feel more justified in their activism against "illegals" or brow-skinned people assumed to be illegal. The Southern Poverty Law Center reports 136 new anti-immigrant vigilante groups in 2009 (*Intelligence Report*, Spring 2010, Issue

Number: 1370). The widespread public antagonism toward immigrants and the passage of these laws both encourage pejorative labeling of people. Those who protest these laws are pleading against centuries of abuse, which is why the pervasive fear and community distrust among immigrants need to be understood as rational responses, assurances from government officials notwithstanding. After all, these are unilateral laws and policies, written by parties that represent the ruling side of the conflict; and to my knowledge, the laws do not reflect a compassionate understanding of the people they affect, including legal immigrants and indigenous people.

It's easy to forget that the first wrongful (illegal, unjust, greedy, immoral) acts were committed by officials residing north of the Rio Grande, including Texans who squatted on Mexican land. They were committing these acts on the day that U.S. soldiers entered into Mexican territory under orders that violated another nation's sovereignty. What were U.S. troops doing in Mexico City? Weren't these acts still wrongful on the day the Treaty was signed, and one day later? When, if ever, did these acts become moral, legal, or right?

Those opposed to SB 1070 "know," on the basis of a higher law, that any system that does not recognize the contributions of undocumented workers or extend protection to legal migrants is morally flawed. And if anyone should be expected to know how to treat the poor and disadvantaged in our society, it's the large segment of the population that knows what Jesus taught about the poor and the outcasts in society.

The financial contributions of undocumented immigrants are substantial, as the chair of the National Association of Chicana and Chicano Studies told Arizona Governor Jan Brewer in a letter, urging her not to sign SB 1070. He noted (based on a widely-publicized 2005 report by the Urban Institute, a non-partisan

body) that "the U.S. Social Security Administration has estimated that three quarters of undocumented immigrants pay payroll taxes and contribute \$6-7 billion in Social Security funds that they will be unable to claim."

Demonstrating that their first concern is the people's welfare, some bishop groups in the U.S. have also expressed their opposition to SB 1070 because it criminalizes immigration and the need to feed families, thus emphasizing the moral and human aspects of the immigration issue. One writer explains that the bishops are seeking to reform "an immoral status quo that reaps the benefits of the work of millions of immigrants without extending the basic protections of the law."

We can easily see that this is a moral issue.

Territorial Conflicts: Boundaries & Sovereignty

I once heard the late Janet McCloud, Tulalip tribal member, explain to a university audience the meaning of *original* rights and *original* sovereignty. They are *original* because they were granted, not derived, to the original indigenous inhabitants of the Western Hemisphere by the only Sovereign, the Creator, not by any nation or nation-state. These inhabitants "were the recognized and acknowledged original owners of all the land and all the original rights and powers of this land, under the international laws such as they were."

SB 1070 has created a conflict by assuming authority over the Arizona-Mexico boundary, an area occupied by tribes that have their own rights over the same territory. In other words, U.S. boundaries are not the same as tribal boundaries, a principle reported in *Indian Country Today* (May 5, 2010), a prominent source of American Indian news. ICT also reported widespread indigenous opposition to Arizona law SB 1070 because it violates tribal sovereignty, emphasizing that Tribal officials are concerned that tribal citizens will be profiled—a new fear on top of already existing burdens. The Tohono O'odham Nation and the Pascua Yaqui Tribe (at

least one of these tribes has dual citizenship) are among the tribes that straddle a boundary that applies only to non-Indians. Furthermore, requiring Indians to show documentation, such as a birth certificate, is impossible to produce in some cases.

Indigenous people were migrating across the Rio Grande in both directions long before the arrival of Columbus. At the time the 1848 treaty of Guadalupe Hidalgo was signed, ending the U.S.-Mexico War, Mexican citizens were already established in territories that were being surrendered by Mexico (the present-day American Southwest). Under provisions of the Treaty, the U.S. took possession of the upper half of Mexico's territory for \$15 million as compensation for war-related damage to Mexican land (it was not a purchase price). Mexicans living in that territory were given one year to decide whether to remain permanently on their lands or move south; those who remained automatically became U.S. citizens. These new "Mexican Americans" were the first *Chicanos* (*Xicanos*), a name that recognizes their Indian heritage, since they are *mestizos*: people with Spanish and Indian ancestry.

An *extensive* body of Chicano literature—poetry, prose, novels, drama, art, etc.—is now a part of mainstream literature and continues to grow. It tells of a long history of racism, poverty, and attempts to improve the educational and socio-economic status of a people, the Chicano/Mestizo nation—a history that began with the signing of the Guadalupe Hidalgo Treaty. The people, who call themselves *Raza*,⁴ had to endure border violence perpetrated against them since long before the drug cartels began to feed the demand for drugs originating in the United States. It is a story that properly belongs in American history, like other developments and movements. America as a nation can no more

⁴ This term is discussed later in the document.

disown or disavow Chicano history or the Chicano Movement than it can disregard any aspect of American Indian history or black history, bad and good, disappointing or triumphant or ugly, nor its treatment of Irish and other immigrants. Today's criminalization of immigration will become an integral part of our combined history as a nation that future generations will study and interpret.

Arizona Senate Bill 1069

Tom Horne, Arizona's school superintendent, is pushing legislation to ban ethnic studies courses from high schools. If SB 1069 becomes law, a district or charter school that allows such courses (history, government, literature) would lose 10 percent of its state funds each month. The money would be returned when the district shuts down the program. Mr. Horne believes that the responsibility of public schools is to develop the student's identity as Americans and as strong individuals.

The full significance of Mr. Horne's proposal may only be obvious to people familiar with the American Indian boarding schools of the past. I saw Mr. Horne express his ideas during an interview on national television. His plan would require public schools to treat ethnic groups as *individuals*, not as members of ethnic communities. What he is proposing, actually, is an Anglo-centered policy of assimilation that not only eliminates group identity but also disregards extensive and important research done by scholars from various disciplines including history, sociology, and psychology, which goes into the preparation of ethnic studies materials.

The proposed law is a striking parallel to the disastrous Indian boarding school policy that began in the 1880's and lasted almost one hundred years. At that time, another school superintendent, Richard H. Pratt, of the Carlisle Indian School at Carlisle, Pennsylvania, devised a strategy to turn Indian children into successful Christian citizens by forcing them to attend church-operated schools (in Canada they were called residential schools) where they were

forbidden from speaking their languages or practicing any part of their Indian culture or religion. Within a short time, it was thought, Indian culture would be completely eradicated in America.

If Mr. Horne succeeds, he will become the "Richard Pratt" of the 21st century, except that today's public schools will take the place of the boarding schools as tools of assimilation, turning Mexican American/Chicano children into Anglo citizens, speaking only English and forgetting their own culture.

What is needed in our public schools is just the opposite of SB 1069: *a law that protects non-Anglo societies against cultural genocide (ethnocide)*. SB 1069 is based on the misconception that a child cannot be bicultural and the arrogance that he/she must choose another culture.

In the same television interview, Mr. Horne also echoed a misconception that has been expressed by others opposed to ethnic studies on college campuses: that *Raza* means "race." Well, no it does not. But *why* did he mention it except to imply that ethnic studies promotes racism? The word *Raza*, in the vernacular language of mestizos who occupy Mexico and Latin America, simply means "the people." It is a term of identity by which a people refer to themselves. Among many tribes, the name of the tribe, spoken in the language of the tribe, also means "the people." The Tainos who first found Columbus on their shores also refer to themselves as *La Raza*.

Immigration History: the Causes

Perhaps the greatest obstacle to understanding migration from Mexico into the United States is not knowing sufficiently about its causes. An enormous body of materials exists on the issues and history of American Indians and other indigenous peoples. However, documentation on the motives, events, and circumstances that forced or encouraged people to cross the border

created by the Treaty of Guadalupe Hidalgo may not be as extensive. From what I could find in a short amount of time for this paper, I began to construct a mental picture that connects some of the relevant pieces together in order to see how the events, chronologically arranged, relate to each other. How much does the average American know? This is an important question; here is a summary based on my own understanding. I have relied heavily on the document, "America and Mexico: A Fluctuating Relationship" (author unknown), which cites multiple sources.

Spanish colonization of indigenous people in the Western Hemisphere created a new *Mestizo* nation, as already mentioned. We refer to them today as Mexican Americans, Chicanos, and Hispanics. The term "Hispanic" is not appropriate in this context because it refers to people who descended from Spain, such as many who live in northern New Mexico. The mestizos mentioned here are the Mexican Americans/Chicanos, Mexicans, and other mestizos in Latin America who are mostly Indian by blood.

Mexico won its independence from Spain as the result of its war of independence that began in 1810. In 1913 Mexico experienced another revolution due to a rebellion against President Porfirio Díaz, which began years earlier and was led by revolutionaries Pancho Villa and Emiliano Zapata, who sympathized with Mexico's poor. The associated civil war and poverty in Mexico caused a large migration of refugees into the American Southwest. However, these refugees also provided cheap labor for U.S. agriculture and Southwest industries. World War I drew many Mexicans to the U.S. where agriculture positions were left unfilled because American workers had moved into higher paying jobs to support defense industries. Many of these Mexican migrants intended to eventually return to Mexico.

The Border Patrol was created in 1924 to police the border. Prior to this time, people freely

migrated back and forth across the border. Then came the Great Depression in the U.S. leading to large repatriation efforts of Mexicans involving some 500,000 Mexicans and their American-born children who were deported to Mexico. In some cases families were split and widespread violations of civil & human rights occurred; there is little to no data on how the repatriates fared.

World War II created a similar situation to what occurred in WWI: another labor shortage in the U.S. due to American men being absorbed into military service. (Mexican Americans also served in the U.S. military, fighting foreign wars at the front lines in larger proportion to their population compared to white soldiers.) However, this time Mexico suspected that the real U.S. motive was the desire for cheap labor. American growers participated in this by appealing to the U.S. government to import workers from Mexico. Mexican workers were, indeed, imported and exploited. Growers disregarded rules for workers' housing, health, food, wages, and working hours.

In 1951 the Bracero program was established cooperatively by both countries after Mexico complained that it was losing workers to the U.S. The program was supposed to be in effect only until WWII ended but it lasted until 1964. Braceros faced such intense discrimination in Texas that workers were banned from there. Texas growers reacted by hiring "wetbacks" who had no rights, and they were easier to manage.

Another source of foreign labor are commuters who reside in Mexico (and other countries) but work in the United States; they are issued green cards after obtaining a visa. In 2002 the special enforcement unit of the Immigration and Customs Enforcement agency (ICE), comprised of 51 full-time agents responsible for investigating tips on those who overstay visas, was established by the Homeland Security Act.

I know very little about the history of drug trafficking as a cause of crimes committed by

Mexicans, about kidnappings for ransom, the disappearance of women in Juarez, the drug cartels, and gang killings. Arguments already debated elsewhere on claims that "illegal immigrants are taking jobs from Americans," that "they are a burden on our economy," and so on, are not repeated here. The fact is that many unsubstantiated claims are made based on attitudes and on what people hear. People who get emotional when they hear that 22 million "illegal aliens" are living in the United States simply need to calmly learn some facts.

The *effects* of migration require more study. It is possible that legal migration has had adverse effects in the United States; if so, Mexicans should not be scapegoated. They helped build America, along with immigrants from countries outside of the Western Hemisphere.

As to the main causes of migration, at least until the 1950's, it was because of necessities encountered on both sides of the border. (I prefer not to use the term "immigrant" with reference to people living and moving, out of necessity, on the land of their birth; *i.e.*, the Western Hemisphere.) On the American side, the U.S. government endorsed growers' demands and encouraged migration into the United States. On the Mexican side, workers migrated northward out the need to feed their families and find shelter and safety; they also encountered discrimination and exploitation while providing cheap labor in the north. They are no more criminals than the American entities that imported them for work.

Classism in America

It was stated earlier that (human-designed) laws are not inherently moral. But in the minds of many people, a theology or worldview takes over and tells them that all laws are good. Substantial evidence is recorded in the early history of the United States concerning acts that were committed legally in order to treat classes of people differently (*i.e.*, to discriminate), often with government impunity. This

is why the contemporary climate is not the same for everyone and why each group's history often determines its identity; people with common histories have a sense of belonging and often empowers them to solve problems together and take actions against abuse.

SB 1070 is purportedly designed to combat crime, reduce illegal immigration, and make it safer for citizens. This idea is controversial not only because of what it claims to accomplish (combat crime) but also because of how it may intimidate innocent law-abiding citizens and non-Anglo immigrants who, ironically, are also very concerned about crime. The people who are affected by the law, and their advocates, have repeatedly expressed the concern that the law's probable adverse effects, such as intimidation, not only from law enforcement officials but also from the public, is important to consider.

Shouldn't people who are not affected care about those who *are* affected? Do we want our elected officers to exercise their authority (to "go by the book") using some discretion but ultimately disregarding human concerns when they arise? We may not realize the importance of these moral questions until our society finds itself completely at the mercy of the most powerful entities among us—the corporations—who exercise their power in order to maintain it and are concerned only about themselves. *By not using our spiritual power now, when we can make a difference, in the future we or our children may be playing into their hands.*

In Part 3 of a video series of You Tube presentations ("Indigenous Native American Prophecy - Elders Speak"), Oren Lyons, chief of the Onondaga Nation (of the Iroquois Confederacy), states that there are 100 economic units in the world, consisting of 49 countries and 51 corporations. "What does that mean?" he asks. "It means that corporations are the driving force of decision making today. And corporations are

not concerned with human rights, they are not concerned with human life, they are not even concerned with a proper wage for the people who are working for them."

Howard Zinn, the historian, playwright, and social activist who died earlier this year, describes (*A People's History of the United States*) how the U.S. Constitution was designed by and for the wealthy. When it was originally ratified, the Supreme Law of the Land did not provide protection for blacks, poor whites, women, or Indians. Think of what this means. It means that, when the Constitution was ratified by the new American nation, the words "We the People of the United States" and the rest of the document did not apply to many of us. Protections were added through constitutional amendments and other laws, but only through fierce and persistent struggle, because the wealthy opposed them. The wealthy, many of whom owned black slaves and had established systems of control, have always been able to maintain power through lobbying efforts and money, frequently utilizing the government and the courts to accomplish their ends.

The period from the 1840's to the 1870's (decades before, during, and after the 1863 Civil War) is indelibly marked by bloodshed in which not only blacks suffered but also women and thousands of poor whites who led countless rebellions, strikes, and open-air meetings. Many were murdered protesting the indescribably horrible conditions under which they were forced to work and live. Many died of hunger and others were murdered by their employers or police officers. Zinn gives numerous examples of these violent acts committed against poor white laborers throughout the period. And the American Indian, whom the Declaration of Independence refers to as "merciless Indian savages," has always been at the bottom of the national agenda.

During the national financial meltdown that exploded during the 2008 presidential elections, we witnessed how the managers of powerful

corporations—today's ruling elite that own most of the wealth—felt threatened. Because of loopholes available to the wealthy, they pay less tax, percentage-wise, than the rest of the population. The power of one corporation, British Petroleum, responsible for the oil spill along the Gulf Coast, is another example that Americans will never forget—and the crisis is not yet over.

In an article, “Tax Loopholes for the Rich,”⁵ the writer states: “Now, you may wonder how the wealthy get to pay a lower rate than the rest of us. They get it by using their wealth to lobby for laws that change the rules to favor them. These tax loopholes for the rich are usually justified as being for some good purpose (and they often do serve some good purposes despite their unfairness). Of course, given that many in Congress are in the ranks of the rich, their [sic] is an element of self interest at play in the law making too.” (However, unless members of Congress are CEO’s of the big corporations, I do not agree that they are “rich” in the same sense.)

According to Zinn, the wealthy elite achieved power very early during the forming of the United States; they owned land and slaves. They also participated in drafting the Constitution and thus succeeded in retaining that power when it was ratified.

It is my belief that these wealthy individuals in early America, by successively passing on their wealth to the next generation, evolved into the owners of vast wealth in today’s corporations.

What Do American Conservatives Fear?

Efforts by the Christian right, supported by other conservative groups including the entire Republican Party, to bring down President Obama, are unrelenting. Not only political groups but also Christian radio and television display

⁵ www.999ideas.com/tax-loopholes.html

bigotry and distrust toward him, which is even expressed in their prayers, with voices that sometimes quiver with emotion. We have also seen him and Mrs. Obama stereotyped in cartoons that are reminiscent of the 1960’s. He has been accused of being a Muslim, a socialist (for challenging tax preferences for the rich), not American-born, and more recently of leading a presidential administration that is a greater threat to America than the German Nazis and the Soviet Communists were. Yet the President continues to remain calm, which, to extremists on the Christian right, only demonstrates that he is the deceitful antichrist prophesied in the Bible.

Although I have not read former House Speaker Newt Gingrich’s new book, *To Save America: Stopping Obama's Secular-Socialist Machine*, the following quote has been widely circulated: "The secular socialist machine represents as great a threat to America as Nazi Germany or the Soviet Union once did." This dangerous rhetoric may be a sign that some of the anger is now turning to hate.

The fear-based anger is obvious, but what are the causes? I believe the answer is rooted in modern conservative thought, where the image of a “true” American is deeply engrained. The implications are: *Barack Obama is the first president who does not fit the mold of a true American*; he lies outside of the presidential line of succession, breaking the continuity of tradition that the Founding Fathers envisioned; he is from another culture and religion: Muslim; and he does not even look like any of the presidents.

Brown people—*Raza* who adhere to their culture and Indian roots—and American Indians do not fit the mold either. They are related to the original inhabitants of the Western Hemisphere whom “divine providence” supplanted with a new America: a new order and a new people.

“True” Americans are those envisioned by the modern conservative movement, whose champions are Edmund Burke (1729-1797), Alexis de Tocqueville (1805-1859), Lord Acton (1834-1902),

and Russell Kirk (1918-1994). De Tocqueville may not be a real champion but he did visit America for a year and later wrote about its successful democracy, which he says was due to the moral habits that were practiced here, also describing how Christianity and liberty are inseparable.

What are the tenets of modern conservatism? Mark Mellman (“What makes a conservative or liberal”)⁶ states that conservatives reject moral relativism, believing instead in absolute standards of right and wrong. On national security, they put a much higher value on the role of (unilateral military) force, assigning a lower priority to multilateralism. Conservatives are deeply suspicious of government and against federal government intrusion (but in practice they seem to actually favor a large number of government programs).

Edmund Burk referred to Christian natural law as being derived from Providence and said that the real rights of man are rooted in custom, tradition, and faith, not in radical change. Tricia Wallace (*The History of Liberty*)⁷ writes that Lord Acton (John Emerich Edward Dalberg-Acton), a devout Roman Catholic and a moralist, known for the dictum, “Power tends to corrupt, and absolute power corrupts absolutely,” did not publish in his lifetime but his lectures and essays were collected into numerous volumes, leaving a vast intellectual legacy on his life’s work: the history of liberty. He had more than 20,000 books in his private library.

Interestingly, he was actually a liberal member of the House of Commons representing a small Irish district. He believed that freedom, and what a man believes to be his duty against the influence of authority and majorities, is the essence of the ideal society. Whether or not a country is free is judged by the amount of security

enjoyed by minorities. Ideas and revolution are the two components in Acton’s theory of history. Ideas acquire meaning not by themselves but by acting toward a moral purpose. At the root of revolution is the ability to differentiate between good and evil; guided by his conscience, man destroys the sanctity of the past with ideas that subvert existing institutions that are critical of individuals and events. Considering his liberal views, I have to conclude that his valuable knowledge of the historical progression of liberty is the reason he is considered a conservative thinker.

Russell Kirk, a historian, said that the essence of conservatism rests in six canons. Briefly, these are: a) divine intent rules society and conscience; b) traditional life is filled with variety and mystery, not radicalism; c) a civilized society cannot exist without orders and classes; d) property and freedom are inseparable; e) man must control his will and appetite, knowing that he is governed more by emotion than by reason; f) society must change gradually.

Edwin J. Feulner (*The Roots of Modern Conservative Thought from Burke to Kirk*) summarizes Kirk’s message in a single statement: “America is not only the land of the free and the home of the brave, but a place of ordered liberty.” This, says Feulner, answers the important question, Why do we Americans enjoy freedom, opportunity, and prosperity as no other people in history have?

Property and liberty, Christianity, divine intent, wealth, tradition, orders and social classes, gradual change—these are values that, more or less, form many people’s views and attitudes. How are they being threatened? In short, by ideas and people considered dangerous or undesirable. With respect to people, it is not unreasonable to think that the presence of Muslims and Mexicans in increasing numbers is perceived by many conservatives as a threat to the way of life in America. If these groups could be deported or stopped, there would be some hope of changing the trends and restoring life to the

⁶ <http://thehill.com/opinion/columnists/mark-mellman/8557-what-makes-a-conservative-or-liberal>

⁷ Visit www.raceandhistory.com/historicalviews/acton.htm

way it was—this is how some people may be thinking.

Need we be reminded that America *has* been changing? It no longer bears the image of white Europe. In this sense, it may not be the nation that the Founding Fathers envisioned, but we still share a common responsibility to each other.

Closing Comments and Suggestions

The concerns about immigration and related issues discussed in this document were prompted by the current national political climate in which several issues are dividing the nation. New issues related to immigration stem from Arizona SB 1070, creating brown people to feel intimidated. They were born in the United States, were naturalized, or migrated northward across the Rio Grande out of necessity, yet are being identified with the criminals involved in drug trafficking and other forms of violence. In early times immigrants from other countries, such as the Irish who fled the famine due to a potato blight in their country, encountered a similar climate in America and were treated inhumanely. Because Americans are bound only by written laws under a supreme law, the U.S. Constitution, leaders are only required to act legally, not morally.

Indigenous societies, on the other hand, live in deference to a spiritual Universe made by the Sovereign Creator.⁸ Two worldviews, Western and indigenous, have clashed constantly since the day Europeans set foot on these shores. The prominence of the Western worldview notwithstanding, it is still morally compelling to confront decision-makers on the basis of a higher law that appeals to the conscience without violating the responsibilities of their offices; in

⁸ The Creator is mentioned throughout the Iroquois Great Law of Peace (their Constitution). The Creator (God) is mentioned nowhere in the U.S. Constitution.

any case, the overriding and inescapable fact is that adherence to the Creator's laws, not human laws, will ultimately determine whether or not societies survive. Ironically, the moral principle expressed here is in concert with the teachings of the biblical Scriptures, yet so many Christians, at least in this country, still insist on violating it through committed or condoned political behavior.

The direction in which the nation and our species are moving (or being taken) is obviously destructive. We must begin to ask moral questions in order to achieve justice and lasting peace.

To conclude this paper I offer the following suggestions:

- Emphasize the contributions and acknowledge the value to American society of Mexican Americans and other *Raza*, who may be profiled because of their brown skin. Make an effort to change the image of immigrants as criminals. Don't assume that undocumented workers want to break laws. They are also concerned about violent crimes.
- Insofar as the main concerns about immigration relate to the influx of people from Mexico, Mexican Americans/Chicanos (*Raza* citizens) should begin now to work on drafting a proposal that can be submitted for consideration to the group that will be responsible for designing a comprehensive national immigration policy. *Raza* know what issues affect them. Consult people who represent the needs and issues of American labor and people who represent the corresponding needs of undocumented workers. Widely distribute valuable information collected from this effort to the American public as a way of educating them.
- Imagine a Congress comprised completely of *Raza* of Mexican descent. (Keep in mind that, except for *Raza* members, the current Congress

consists of immigrants from another Continent or their descendents.) How would a national immigration policy written by that Congress differ from the one written by the current Congress? Try to identify those differences in order to list the protections needed in the national immigration policy. Here's my (initial) list: a) Protect against cultural genocide; b) Protect human and civil rights that may be threatened by tactics motivated by Anglo-centric views such as integrating U.S. patriotism with English, tax laws, hiring laws, biometric identification methods, etc. Former House Speaker Newt Gingrich is already proposing immigration policies, one of which is the requirement to learn English. How would this requirement assist in fighting crime? Americans need to be reminded repeatedly that this nation consists of multiple cultures, not just one. Our nation has changed and keeps changing. Americans can practice their cultures and languages and still be loyal citizens.

- Design school curricula so that all children can study America's cultures comparatively (instead of eliminating ethnic studies).
- In Indian country we use "talking circles" (really they are listening circles). This setting may be useful in some staff meetings and public settings to help Anglos learn the value of this form of communication in which people express themselves from the heart instead of with the intellect.
- Incorporate the *Seventh Generation Principle*—that decision-making must be guided by consideration of the welfare of the seventh generation to come—into societal infrastructures. The Fifth Amendment to the U.S. Constitution currently protects private

property but it does not protect air, water, wildlife, and other renewable resources. A "Seventh Generation Amendment" was actually introduced some time ago for this purpose. Note that this action would *require* decision-makers to consider the moral aspects of issues. It is the best and possibly only way to combat the power of corporations whose only concern is profit.

- Use the electoral process to elect individuals who are knowledgeable, compassionate, honest, and identify with the needs of the population. End the long history of subjugation.

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