

# Reaction to: The Racialization of Crimes Involving Moral Turpitude

RICHA RAGHUTE\*

Staggers connects the language of the Immigration and Nationality Act to a pattern of government oppression of people of color. Staggers argues the federal government wields the words “crime involving moral turpitude” to target non-white immigrants, especially those who are in Latinx gangs. Staggers first looks to history to show how the federal government conflated “morality” with criminality to discriminate against non-whites. Next, Staggers looks to two recent cases, *Hernandez-Gonzales v. Holder* and *Cabrera v. Barr*, to illustrate how the federal government continues to conflate morality with criminality. Finally, Staggers connects these examples to the federal government’s pattern of preserving white supremacy by creating and preserving oppressive environments for Latinx people. Staggers’ argument is persuasive because his analysis can be replicated to show the historical oppression of other racial minorities in the United States.

While the focus of their paper is on the oppression of Latinx immigrants, the author provides examples of how the same language currently used in justifying anti Latinx immigrant sentiments has been used to oppress other minority groups. Staggers’ argument on how the law has a hand in perpetuating oppression can be applied in both a short- and long-term time frame. Take the example of South Asian immigrants to the United States. Staggers cites testimony from the House Committee on Immigration and Naturalization to show the legislative intent behind the Immigration Act of 1917. This source illustrates Staggers’ three-part method of analyzing how the federal government used the law to perpetuate racism. The hearing revealed that South Asians were seen as dirty menaces who were unwilling to conform to “the white man’s laws.”<sup>1</sup> In legal matters, South Asians were presumed to perjure under oath because they were presumed non-Christian and “too obtuse” to understand the legal and moral ramifications of perjury.<sup>2</sup> The representatives at the hearing also repeatedly stated that South Asians should be prevented from immigrating to America because they were unwilling to conform to “the white man’s laws.”<sup>3</sup> In other words, South Asians were presumed to be criminal, and their criminality was used as the basis for excluding South Asian immigrants. Staggers’ analysis aptly demonstrates how the law was used to oppress and exclude South Asian immigrants, even in a short period of time.

As Staggers notes, the language and reasoning behind excluding unwanted immigrants in the early twentieth century is much the same as the language and reasoning

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\* Staff Editor, GEO. J. L. & MOD. CRIT. RACE PERS. (Vol. 12); J.D. Candidate, Georgetown University Law Center, expected May 2021. © 2020, Richa Raghute.

1. *Restriction of Immigration: Hearings Before the H. Comm. on Immigration and Naturalization*, 64th Cong. 8 (1916) (statement of Rep. John L. Burnett, Chairman, H. Comm. on Immigration and Naturalization).

2. *Id.*

3. *Id.*

used by the Trump administration today. Stagers constructs a Foucauldian narrative that focuses on immigrants and people of color, revealing the repetition in the federal government's exclusion of immigrants on the basis of race. By revealing the racist motivations behind American immigration policies, Stagers challenges courts and lawmakers to move away from their imperialist roots and toward a progressive future.