

## I Am Mexican but I'm Not Guilty

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"I am Mexican, but I'm not guilty." This is what I wanted to communicate that day in March 2013 at the Brownsville airport, to the Border Patrol agents and to myself. I wanted to say it to the younger me: to the 7-year-old Omarcito, the 8-year-old, the 20-year-old, the 27-year-old me—to the Omar who grew up believing that the simple fact of being Mexican on the border is reason enough to incite suspicion from immigration authorities, that being Mexican is shameful. Even though no one ever said these exact words to me, they were ideas I learned during the 18 years that I grew up on the border. (In fact, the idea that "appearing" Mexican on the border—from the Border Patrol's point of view—is indeed sufficient reason to be seen as suspicious was established by U.S. federal law in plain contravention of constitutional norms: for reference, see the majority opinion expressed by the Supreme Court justices in *U.S. v. Martinez-Fuerte* [1976]).

That day in March was the day I declared my opposition to those laws and norms. If the U.S. constitution declares that its rights apply to any person who finds him- or herself within this country's borders, it cannot be that some of us are ineligible for such protections simply because we *appear* to be non-European or nonwhite. I say "appear" because there is a very important distinction between nationality/citizenship and physiognomy. Citizenship refers to the condition of being part of a territory, and nationality is conferred by governments. Neither of the two is obviously or directly related to physical appearance. That morning in Brownsville, I was trying to clothe myself in the mantle of rights which the U.S. Constitution guarantees to all persons. But, as it turned out, the mantle didn't come in my size.

I say that my resistance that morning was dedicated to a younger me because, like many border youth, I grew up with the constant presence of Border Patrol agents and other policing authorities. It was such a constant and oppressive presence that it is even registered in the collective psyche via a joking phrase that isn't very funny but which is still often heard: "¡Agáchate, ahí viene la migra!" (Get down! Here comes the Border Patrol!) Perhaps we don't think too much about this state of surveillance and enforcement that surrounds us as Mexicans in the borderlands. But that "joke" (and other, similar ones) shows how much our consciousness was aligned to the terror of living on the border (with or without papers).

The fact of the matter is that, whether one thinks much about it or not, there's always the awareness of being watched and surveilled by various official and unofficial authorities. On the one hand, I've put enough geographic, temporal, and critical distance between myself and my former life on the border to notice the extent of the trauma I experienced. But the plain truth is that I've never escaped from that discriminatory gaze. The racist, discriminatory border follows me wherever I go, no matter how far I am from the country's borders.

My point is this: being Mexican or Latino/a on the border, it's easy to think that constitutional rights do not belong to us. In effect, this is exactly how it seems. It's what the Brownsville police wanted to remind me and Nancy of. But it isn't and shouldn't be this way. That's why we refused to answer the Border Patrol's questions that morning. I'm tired of totally submitting myself to the authority of the Border Patrol because I'm Mexican; I'm tired of denying I'm Mexican simply to avoid being bothered by authorities. That

day, I declared through my resistance that I am Mexican and have no shame in being so. I am Mexican, but I am not suspicious, I am not at fault. Mexican or not, I have the right as a person, as a human being, to dignity: to the assumption that I will be protected under constitutional law and in accordance with international norms.

Representatives of the state, the county prosecutors, say that because I'm Mexican, I have no right to resist invasive, discriminatory questioning and Border Patrol intimidation. They say that there is no constitutional law on the border, that one is not allowed to question or challenge the totalizing authority of the Border Patrol. But what I have to say to them is very simple and unchanging: My name is Omar Figueredo and I am Mexican but I am not guilty. I'm Mexican but I have no shame in saying so. I'm Mexican and I have every right to live without fear. I'm Mexican and I have the right to dignity. I'm Mexican and I don't regret it. On the morning of March 26, 2013, I was arrested because I defended my rights; I was arrested because I ceased submitting completely to the racism that sustains the border between the United States and Mexico. No more fear of the Border Patrol. No more intimidation. ■