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Operation Gatekeeper and Beyond

The War on "Illegals" and the Remaking
of the U.S.-Mexico Boundary

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1

On Gate Keeping and Boundary Making



Figure 1.1 Boundary monument, Border Field State Park, Imperial Beach, California, looking into Tijuana, Baja California, Norte, September 2005. Photo by Mizue Aizeki.

The simple fact is that we must not and we will not surrender our borders to those who wish to exploit our history of compassion and justice.

—President Bill Clinton, July 27, 1993 (quoted in M. Stern 1993b)

Our comprehensive strategy to restore the rule of law to illegal immigration enforcement has done more in three years than was done in thirty years before.

—President Bill Clinton, August 2, 1996 (quote taken from *Weekly Compilation of Presidential Documents*, Vol. 32, No. 32, Monday, August 12, 1996: 1398)

In March 1999, I accompanied a small group of University of California, Los Angeles graduate students to San Diego and Tijuana for a one-day tour of that

small section of the U.S.–Mexico border region. As part of the day's activities, we visited with the United States Border Patrol in San Diego. Our host was a Border Patrol agent by the name of George Reyes.¹

While waiting for the arrival of another agent to accompany us on a "line-tour" of the boundary and the Border Patrol's enforcement apparatus, Agent Reyes told us the story of an elderly Mexican man—an unauthorized migrant—he had apprehended a few years earlier.

As is the normal procedure, George Reyes brought the man into the local Border Patrol station to process him. When asked his name, the apprehended migrant responded "Juan Reyes." Agent Reyes next learned that the man had been born in the Mexican state of Zacatecas, just as had the agent's father, who migrated as a boy to southern Texas, where his family settled.² George's father later became a Border Patrol agent.

Reyes then inquired the name of the town in Zacatecas from which the man came. It turned out that the apprehendee came from the same small town where his father was born. His curiosity greatly heightened, the agent pursued further questions, ultimately revealing that his prisoner was his father's uncle.

George laughed as he finished the story. "I told him that if it had been another day, I might have been able to let him go, and that I hoped that he didn't have any hard feelings. He told me that he understood that I was just doing my job."

Such a story—and the connections, divisions, and contradictions it embodies—could have taken place in many different locales given the practical tensions between intense transboundary social and economic ties (as represented by the migration of Juan Reyes and the presence of his relatives in south Texas) and a U.S. boundary policing apparatus that had been significantly strengthened over the previous several years. Indeed, our group had come to the border region, in part, to see the results of Operation Gatekeeper, an enhanced boundary enforcement strategy begun on October 1, 1994, to reduce unauthorized migrant crossings of the U.S.–Mexico boundary into southern California. Gatekeeper, in the words of the Border Patrol, is a "territorial denial" or "prevention through deterrence" strategy that attempts to thwart migrants from entering the United States (as opposed to the old strategy of apprehending migrants after they cross) through the forward deployment of Border Patrol agents, and increased use of surveillance technologies and support infrastructure.³ As a supervisory agent, George Reyes was on the frontline of this operation.

That the operation emerged in San Diego—"America's Finest City" according to the moniker coined in 1972 by then-mayor Pete Wilson (Mayhew 2005: 272)—was hardly a matter of chance. It spoke to San Diego's material and iconic status as the primary gateway into the United States for unauthorized

immigrants and contraband, and the location along the boundary with Mexico most in need of attention in terms of federal enforcement resources. At the beginning of the 1990s, it was estimated (on the basis of Border Patrol apprehensions) that close to the majority of unsanctioned crossings of the almost 2,000-mile-long U.S.–Mexico divide took place in the narrow stretch in and around San Diego. Given this, many of the emblematic images associated with the war on "illegals" that first emerged in the 1970s—one that intensified greatly in the 1990s—came from San Diego. The most famous one is perhaps a yellow sign emblazoned with the word "CAUTION," underneath which is a black silhouette of a family running—a man followed by a woman who is dragging a young girl with pigtails behind her—an image that Caltrans (California's Department of Transportation) first deployed in 1990 along the shoulder of freeways, mostly Interstate 5, the principal north–south vehicular corridor connecting southern California with Tijuana (Figure 1.2). The signs were intended to warn motorists of the dangers of unauthorized migrants trying to flee across the heavily trafficked thoroughfares, which had seen scores of migrant deaths in the 1980s.⁴ For such reasons and more, among those who saw illegal immigration, drug smuggling, and an insufficiently policed U.S.–Mexico divide as problems in need of serious redress, San Diego was the main address of these troubles.

Operation Gatekeeper's implementation in 1994 was, among other things, a response to these perceived problems, one—as a central component of a national strategy—that has since achieved, most markedly in the aftermath of 9/11, historically unprecedented levels of enforcement along the U.S.–Mexico



Figure 1.2 Side of a San Diego freeway, March 2001. Photo by Mizue Aizeki.

boundary. That such an effort has taken place at a time of unparalleled levels of economic and demographic growth within the binational border region, one marked by rapidly intensifying socio-economic integration between Mexico and the United States, makes Gatekeeper and the larger national strategy with which it is associated seem all the more paradoxical.

This book explores the origins, meaning, and implications of these boundary-related developments and the strong political support they have enjoyed. Although it seeks to analyze phenomena and social relations uniquely associated with the U.S.-Mexico boundary and the San Diego-Tijuana region, it ties them to bigger transformations within the United States and with Mexico, while also linking them to the larger, ever-changing context of boundaries and the global nation-state system that they help to define. Only in this manner can we fully comprehend the roots and significance of Operation Gatekeeper and the boundary enforcement build-up of which it is part.

A New Vision and Strategy

In July 1994, the U.S. Border Patrol issued a new strategic plan within which it presented what it characterized as its vision: "The U.S. Border Patrol will control the borders of the United States between the ports of entry, restoring our Nation's confidence in the integrity of the border. A well-managed border will enhance national security and safeguard our immigration heritage." Whereas the Border Patrol stated its acceptance "that the absolute sealing of the border is unrealistic," a striking element of the document was the Border Patrol's assertion that there is a "legitimate reason that the border can be brought under control" (1994: 1-2) and the articulation of a strategy to realize this goal over time.

In many ways, the document and the strategy it presented were signs of the time as the early 1990s saw the outbreak of what would soon become a hitherto unmatched level of official and public concern about the U.S. government's ability—or the lack thereof—to police the U.S.-Mexico boundary and to prevent unauthorized immigration from Mexico. Many public officials and political candidates, Republicans and Democrats alike, competed with one another to curry the favor of a public fearful of the social, political, and economic consequences of a southern boundary perceived and represented as out of control and of what were seen by many as excessive levels of immigration.

The geographical epicenter of these concerns and efforts was the state of California, whose southern boundary with Mexico, especially in the area of San Diego, was the proverbial gateway for unauthorized entries into the United States. As such, the San Diego section of the boundary became a platform for

restrictionist politicians, government officials, and political activists eager to communicate their messages advocating a crackdown on immigration and the border to an increasingly anxious public. It was in this context that California voters in November 1994 overwhelmingly approved Proposition 187, which sought to deny public education (from elementary to post-secondary levels), public social services, and public health care services (with the exception of emergencies) to unauthorized immigrants. And it was in this context that the Clinton administration launched Operation Gatekeeper in southern California as the opening blow of the national border enforcement strategy that has dramatically transformed the landscape of the borderlands.

The transformation is the outgrowth of a massive infusion of resources into the U.S. boundary and enforcement apparatus since the mid-1990s, especially along the divide with Mexico. Its manifestations include a huge increase in the number of Border Patrol agents and in the technology and infrastructure they use to further the mission of the agency—which it characterized in 1994 as one "to secure and protect the external boundaries of the United States [by] preventing illegal entry and detecting, interdicting and apprehending undocumented entrants, smugglers, contraband, and violators of other laws" (U.S. Border Patrol 1994: 5). (In the post-9/11 era, the Border Patrol has redefined, at least rhetorically, its "priority mission"—one it represents as a "tremendous change." Along with its "parent agency," U.S. Customs and Border Protection, the Border Patrol's focus is "nothing less than preventing terrorists and terrorists' weapons—including weapons of mass destruction—from entering the United States." The agency still sees its "traditional mission" of interdicting unauthorized immigrants and illegal drugs as "important." In fact, it represents the "new" and traditional missions as complementary.⁵ As such, the wars on unauthorized immigrants, drug smuggling, and terrorism come together in the border region.) Between Fiscal Year (FY) 1994 and the end of FY 2000, the number of Border Patrol agents expanded from 4,200 to 9,212. That number has since more than doubled as there were 20,000 agents by the end of FY 2009.⁶ Meanwhile, the budget for immigration-related enforcement efforts along the Southwest boundary grew from \$400 million in FY 1993 to \$800 million in FY 1997 (*Migration News*, November 1997).

But that was just a foreshadowing of far greater things to come—especially in the wake of 9/11 (even though the attacks had little to do with "border security" in the common understanding of the phrase): the FY 2003 budget provided a \$2 billion *increase* for border security (Andreas 2009: 154), most of which was dedicated to the Southwest borderlands. President Barack Obama's first budget proposal, for FY 2010, requested \$7.6 billion for Customs and Border Protection (under which is the Border Patrol), a component of the Department

of Homeland Security (DHS), and another \$779.5 million for "border security fencing, infrastructure, and technology." Although not limited to the policing of the U.S.-Mexico borderlands, such resources are indicative of the enormous growth in the enforcement apparatus in the Southwest border region since the mid-1990s.

The San Diego borderlands markedly manifest this escalation. At the beginning of the 1990s, what existed there in terms of a boundary fence in the area had gaping holes. Large crowds of migrants and smugglers gathered each afternoon along San Diego's boundary waiting to cross at nightfall into the United States extralegally. "Banzai runs"—when groups of unauthorized migrants would run northward on the highway through the official ports of entry—also took place occasionally. Moreover, there were frequent attacks against unsanctioned crossers and crimes (mostly against property) by so-called border bandits.⁷ As a journalist from the *Los Angeles Times* portrayed the situation:

Until 1994, the San Diego sector commonly fielded fewer than one hundred [United States Border Patrol] agents per shift against several thousand border-crossers lining the riverbanks and canyons. The sector recorded as many as three thousand arrests on busy Sundays. Every night was a potential riot, a journey into the battle theater of the absurd. The steel fence on the river levee had not yet been built, so agents routinely used their vehicles to herd back crowds, speeding at them, churning up clouds of dust.

(Rotella 1998: 106)

Although the journalist overstates the case—the construction of the steel barrier on the river levee, for example, took place in 1991 (see Portillo 1991b)—the appearance of boundary and the associated enforcement apparatus in the San Diego area was unquestionably radically different from what it looks like today.

What it looks like today is quite daunting from the perspective of those trying to enter southern California from Mexico surreptitiously. As a 2004 report in the *San Diego Union-Tribune*, for instance, portrayed one spot along the divide that had once been "one of the most popular illegal crossing areas along the U.S.-Mexico border," it is now policed with "a 12-foot-high fence, a camera, stadium-style lighting and a Border Patrol truck nosed up against the fence." As a result, wrote the journalist, what had once been a "raucous party atmosphere 10 years ago when as many as a thousand people gathered . . . each night to storm across the border, overwhelming an understaffed Border Patrol" was now "eerily quiet" (Cearley 2004). Prior to the implementation of Gatekeeper on October 1, 1994, the San Diego Sector of the U.S. Border Patrol had 980 agents; by June 1998, it had 2,264 agents, a level it has roughly maintained until the present. Meanwhile, the amount of fencing, walls, and vehicular barriers along the border and in the

sector has increased from 19 miles in 1994 to scores of miles of barriers today, including double layers (some topped with coils of concertina or razor wire) in the 14 westernmost sections of the boundary. At the same time, the amount of other enforcement-related technologies—e.g. underground sensors, infrared scopes, long-range cameras, and lights—and the number of inspectors who work at the actual ports of entry in the sector have grown dramatically (see, for example, U.S. INS 1998). Thus, a semblance of control and order has replaced the image of chaos that once seemed to reign in the urbanized border region of the San Diego Sector.⁸

This semblance of control and order would seem to be the fulfillment of Gatekeeper's principal goal. This is, in the words of the U.S. Immigration and Naturalization Service (which ceased to exist, and whose functions were absorbed into the Department of Homeland Security, when the DHS opened in early 2003⁹), "to restore integrity and safety to the nation's busiest border" (U.S. INS 1997: 1) and, in those of the U.S. Attorney General's Special Representative for Southwest Border Issues, "to restore the rule of law to the California/Baja-California border" (Bersin 1996b: 1–2). As part of a larger, comprehensive national strategy, Gatekeeper aimed at significantly increasing the ability of the U.S. authorities to stymie the flow of unauthorized people and regulate that of goods across the U.S.-Mexico boundary.

The mainstream press, political pundits, and government officials almost universally characterize this undertaking as a worthwhile and integral part of a long overdue effort by U.S. federal authorities to stem the influx of unauthorized immigrants into the United States in reaction to growing public outrage over the flouting of the country's immigration laws (see, for example, the *Los Angeles Times* 1994 and *San Diego Union-Tribune* 1994). A 1997 U.S. government publication presented a similar analysis, arguing that the federal government, until Gatekeeper and the associated build-up, had long failed to live up to its responsibility of securing the boundaries of the United States. But the coming to power of the Clinton administration in 1993, the publication asserted, resulted in dramatic changes along the U.S.-Mexico boundary.

For too long . . . the Government stood by as illegal immigration swelled. There was an understaffed and overwhelmed corps of agents and port inspectors, inadequate infrastructure and equipment, and no coherent strategy to control illegal immigration into the San Diego area . . .

When Attorney General Janet Reno visited the Southwest Border in August 1993, just months after being sworn in, she saw for herself how years of neglect had hampered the ability of the INS to do its job. The Attorney General pledged to garner the support necessary to turn things around on the border. In September 1994, she returned to San Diego with INS Commissioner Doris Meissner and the two announced the dramatic commitment of resources that would make Operation Gatekeeper a reality.

(U.S. INS 1997: 2–3)

Although the above account is somewhat self-serving, a dramatic transformation of the San Diego border region had undoubtedly transpired since Gatekeeper had begun only three years earlier, a transformation that has only intensified greatly since then, while spreading far beyond southern California.

The semblance of transformation is, in many ways, at least as important as the reality of such, as what Congress and the U.S. public perceive vis-à-vis immigration and boundary enforcement has profound effects on a whole set of personal and institutional interests—as well as various political-geographic agendas. As the political scientist Peter Andreas explains:

The very premise of the current push to “regain control of the border” reinforces the myth that the border was actually controlled in the first place. It also perpetuates the myth that the problem and the solution are located at the border rather than having to confront the problems of formally managing a transnational labor market. In other words, statecraft in this case is not merely about curbing illegal immigration but about propping up state claims to territorial authority.

(Andreas 1998: 353)

Hence, Operation Gatekeeper and boundary policing have a lot to do with performance in addition to particular tasks. But this is not to suggest that state elites are engaging in manipulative practices merely to fool the public and serve their own ends. Rather, what we are seeing is “social role taking” (Edelman 1985: 20), boundary construction and maintenance being one of the nation-state’s most important functions. And, arguably, in no matter is the modern territorial state more sovereign than in matters of immigration control (Zolberg 1978) and, by extension, boundary enforcement.

The boundary enforcement build-up is somewhat paradoxical in that it has been taking place at a time of rapid economic and demographic growth in the border region and increased interaction and integration between the United States and Mexico. According to the United States–Mexico Border Health Commission, the region’s population, for example, is, as of 2009, about 12 million and is expected to double by 2025 (see http://www.borderhealth.org/border_region.php). Currently, approximately 300,000 Mexican workers cross the boundary *legally* on a daily or weekly basis to work (with authorization) in the United States, while thousands more enter with Border Crossing Cards—which do not allow the bearer to work, but many of them do anyway. These “transnational citizens”—as the geographer and border scholar Lawrence Herzog (2003: 133) calls them—are part of the approximately 250 million authorized crossings of the boundary annually each way, largely between the “twin cities” that straddle the international divide. Many of these “migrants” traverse the divide to engage in commercial activity. In the case of Mexican crossers, it is estimated that they

spent \$8 billion in U.S. border communities in 2004, generating over \$1 billion in taxes and supporting more than 153,000 jobs in the U.S. borderlands. The previous year, U.S. residents expended approximately \$2.4 billion in Mexico’s northern border region (Ganster and Lorey 2007: 2, 128–129).

Such growth and interaction illustrate that the boundary has proven to be not only a barrier, but also a conduit that facilitates interaction between localities and national spaces. Since the 1960s, rapid industrialization and population growth have occurred in the border area (see Herzog 1990; Ganster and Lorey 2007). The implementation of the North American Free Trade Agreement (NAFTA) in 1994 seems to have only intensified the transboundary region’s economic integration and growth. Between 1993 and 2004, for instance, U.S.–Mexico trade more than tripled in value, from \$89.5 billion to \$275.3 billion. Although Mexico depends far more on the United States for its economic health than vice versa, the two economies are tightly intertwined—so much so that a 2006 publication of the Federal Reserve Bank of Dallas characterized them as “increasingly synchronized,” while asserting that they “now march almost in lockstep” (Cañas *et al.* 2006).¹⁰ A concrete manifestation of this intensifying binational commercial relationship is the growth in the number of trucks traversing the boundary. Since the implementation of NAFTA in 1994, such traffic has approximately doubled, with over 4.87 million truck crossings (and 84 million vehicular crossings total) into the United States from Mexico in 2008 alone, and 44.8 million pedestrian crossings (U.S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics; available at <http://www.rita.dot.gov/>). (Another illustration is that, as of 2004, a Mexican company, as a subcontractee of a U.S. firm, was manufacturing the uniforms of U.S. Border Patrol agents—much to the chagrin of many nationalistic pundits in the United States! See Seper 2004.)

Such high levels of growth and transboundary interaction are intensely felt in the San Diego–Tijuana region. Its principal transit point—at San Ysidro on the U.S. side—is also the world’s busiest land crossing. According to some, this transboundary urban zone—with a population of 4.5 million in 2005 (Ganster and Lorey 2007: 3)—is the fastest-growing metropolitan region in North America, and, according to others (at least during the 1990s), the fastest developing border zone in the Americas, and perhaps in the world (*Migration News*, August 1999; Herzog 1992: 9). About 40,000 people cross from Tijuana into San Diego daily to work. This reflects (at least for the 1992–2002 period) the fact that an average of 7.3 percent of workers resident in Tijuana were employed in San Diego and its environs, providing a significant source of income for households on the Mexican side of the divide. Meanwhile, several thousand individuals, who manage and work in *maquiladoras* (export assembly plants) in Tijuana,

but live in the San Diego area, cross the boundary into Mexico on a daily basis (Ganster and Lorey 2007: 3, 125; *Migration News*, February 1997).¹¹ For some, such movements would seem to indicate that the California–Mexico boundary is becoming increasingly irrelevant. Indeed, some even argue that the boundary is disappearing.¹²

Despite such proclamations, boundary and immigration enforcement is growing. Undoubtedly, the division between the United States and Mexico has changed from one that was poorly policed to one that is now significantly monitored, and increasingly so. In this sense, the U.S.–Mexico divide is more “real” than ever. Indeed, Gatekeeper-like enforcement efforts are today occurring in numerous locations along the U.S.–Mexico boundary. Such a development, however, is not unique to the United States. Intensified policing efforts are taking place along a variety of international boundaries throughout the world—most markedly along those divides that separate widely divergent levels of socio-economic development. These efforts are part of a war of sorts by relatively wealthy and privileged countries against unauthorized migrants.

Increasing economic integration and liberalization—with international boundaries being relatively open to flows of capital, finance, manufactured goods, and services—along with growing immigration restriction are not simultaneous trends unique to the United States and Mexico. Similar developments have emerged between numerous territorial entities such as Malaysia and Indonesia, the European Union and North Africa, and South Africa and Mozambique and Zimbabwe (see Andreas 2009; Nevins 2008; Trimikliniotis *et al.* 2008), suggesting that what might seem to be contradictory trends are actually complementary ones. Such apparently contradictory developments speak to the growing “gatekeeper” role played by states. This role entails simultaneously maximizing what dominant classes represent as the benefits of globalization, while protecting against what they frame as the detriments of increasing transnational flows—especially unauthorized migrants.

Although Operation Gatekeeper and the larger national strategy are a manifestation of these developments, they are also quite unique in terms of their origins and implications. This book thus links the specific political-geographic context out of which Operation Gatekeeper and the larger boundary build-up have emerged, as well as their significance, to a broader set of social relations that manifest themselves in the contemporary global political economy.

In realizing these goals, the book has two main themes. First, Operation Gatekeeper and the larger boundary build-up were the outgrowth of short-term developments beginning in the 1990s that took place within a context formed by a variety of long- and medium-term political-geographical trends. These involved the construction of the United States as a nation-state and the

production of the illegal immigrant as a threat to the country’s socio-cultural and political fabric. Second, the greatest significance of these boundary-fortifying developments is that they embody the pinnacle of a historical geographical process that has made the territorial divides of the United States and their accompanying social practices seem increasingly normal, “natural,” and unproblematic.

In terms of the first theme, we have to ask ourselves how and why the matter of unauthorized immigration became a problem of almost crisis proportions and, thus, in need of radical redress.¹³ It is far too simple to argue that a growing presence of unauthorized immigrants or a commitment to the rule of law led to an outbreak of public and official outrage about an “out of control” boundary and a supposed flood of law-breaking entrants, ultimately culminating in Operation Gatekeeper and the associated national strategy. As discussed earlier, they emerged out of a number of short-term pressures, as well as on account of the concrete actions of a variety of political actors. Although such factors were absolutely necessary for Gatekeeper and its offspring to come about, they were not sufficient. This nation-state-building project, and its associated process of what we might call the “illegalization” of unauthorized entrants, required long-term developments—namely (and among other things), the conquest of territory and the pacification of populations on both sides of the U.S.–Mexico boundary. The resulting social geographical context allowed U.S. authorities to begin constructing the infrastructure to define the boundary (and, thus, national territory) and to make and enforce laws relating to immigration and transboundary trade. In doing so, the state¹⁴ helped to create new “ways of seeing”¹⁵ among the populations affected by these developments, involving perceptions of territory and social identities, as well as their associated practices. These new ways of seeing were and are inextricably tied to evolving and hierarchical notions and practices regarding race, class, gender, and geographic origins—especially as they relate to dominant understandings of U.S. nationhood.

The imposition of the U.S.–Mexico boundary had the contradictory effects of heightening the sense of difference between Americans and Mexicans while simultaneously facilitating increasing interaction between their two countries. Meanwhile, as the U.S.–Mexico border region became more integrated into the American national center and gained significantly greater levels of demographic and economic importance, and transboundary social relations increased, public awareness of the border grew. Beginning in the late 1960s/early 1970s (the beginning of what I refer to as the medium term), national and local state politicians and officials played a key role in raising the profile of the boundary and associated matters in the national imagination.

This gave rise to images of an immigration and boundary control "crisis"—one that emerged in a context of economic recession and a perception of rising levels of socio-economic insecurity—that resonated deeply with much of the U.S. populace. This was especially true in the 1990s when a conservative-led war of sorts on "illegals" reached its climax, and many politicians and nativist organizations, most prominently in California, presented the illegal immigrant not only as a lawbreaker, but more importantly as a threat to national sovereignty and the American social and economic fabric. Although such imagery has multiple sources, it has significant roots in a long history of largely race-based anti-immigrant sentiment in California and the United States more generally.

The state did not simply respond to public concern with the supposed crisis of unauthorized immigration. Rather, it has helped to create the illegal through the construction of the boundary and the expansion of the federal government's enforcement capacity. The state also played a significant role in creating the putative crisis posed by illegal migrants through the rhetoric it employed to justify its efforts to bring order to the U.S.-Mexico boundary and to rid U.S. territory of those without state sanction to be within its boundaries. Combined with the power of the state to shape the collective American mindset to distinguish between "right" and "wrong" and to appreciate the almost sacred nature of its national boundaries, the category of illegal proved extremely powerful in mobilizing public support for enhanced boundary and immigration enforcement.

Gatekeeper and the national strategy were also—in part—a reaction to growing regional integration along the U.S.-Mexico boundary, a growing integration that has led to an attempt to enhance separation between the United States and Mexico, at least in terms of unauthorized immigration. Thus, in this particular instance, growing transboundary integration seems to go hand in hand with increasing nationalization of territory. But there is nothing natural or automatic about such a nationalist response to the challenges or perceived problems brought about by the changes embodied by transnational processes such as growing movement of goods and capital and immigration between Mexico and the United States. Again, it is important to understand the historical geographical backdrop as well as the short-term actions taken by various social actors that led to the response embodied by Operation Gatekeeper and the boundary enforcement build-up.

Transboundary integration involves and affects a wide array of social actors in a diversity of manners. Therefore, Operation Gatekeeper and the larger boundary securitization project entail a delicate balancing act. Such undertakings must try to avoid impeding the flow of (authorized) goods, services, and people between the United States and Mexico while simultaneously (at the very least) giving the impression that the boundary is under control in the face of illicit commodity

flows—drugs being an obvious example—and migrants lacking state sanction to enter U.S. territory. In this regard, the national enforcement strategy represents a trade-off between social actors arguing for enhanced boundary policing (immigration restriction groups, politicians, and various elements of the state apparatus), and those championing the relatively free movement of capital, goods, and people (certain sectors of the business community, elements of the state apparatus, and, in regards to the rights of migrants, various human rights groups).¹⁶

These same trade-offs manifest themselves along the boundary as it represents both a line of control (for unauthorized immigrants and contraband) and a gateway (for authorized goods, services, and people). As a result, there are serious limitations on how far U.S. authorities can go in trying to regulate transboundary flows as the political-economic costs of too much success serve to limit enforcement. In the case of drug enforcement, for example, one high-level U.S. Customs official stated in 1995: "If we examined every truck for narcotics arriving into the United States along the Southwest border . . . Customs would back up the truck traffic bumper-to-bumper into Mexico City in just two weeks—15.8 days . . . That's 1,177 miles of trucks, end to end" (Andreas 2009: 76). Thus, it is not surprising that the overall effect of Operation Gatekeeper and the larger enforcement build-up has been negligible in terms of reducing extralegal immigration into the United States from Mexico.

To the extent that Operation Gatekeeper and the boundary build-up are merely about a change in the federal government's strategy and the infusion of an unprecedented level of boundary enforcement-related resources, they do not represent a radical change from a long-term perspective. Rather, they embody the intensification of a trend that has evolved (admittedly, in a very uneven fashion spatially and temporally) since the designation of the boundary in the aftermath of the U.S.-Mexico War (1846–1848). And because they embody, in part, long-term developments—ones that sped up markedly in the 1990s—their short-term importance is somewhat overstated, whereas their long-term significance is largely unseen.

In this regard, the greatest significance of Gatekeeper and, more importantly, the general build-up of the boundary of which Gatekeeper is a key component is perhaps that they represent a significant shift in American practice and thinking toward the U.S.-Mexico boundary and unauthorized migration. This shift is one that has entailed an evolution of the U.S.-Mexico divide from a border (or a zone of interaction and transition between two separate political entities) to a boundary (or a line of strict demarcation).¹⁷ In the process, the territorial boundaries of the United States, and their accompanying social practices have come to seem increasingly beyond politics—in terms of any group-specific

agenda (except that of the “nation”¹⁸). This has had the effect of greatly limiting the parameters of debate within the United States about matters concerning boundary and immigration enforcement. At the same time, the U.S.–Mexico divide is today more part of Americans’ geographical imagination than it has ever been—a curious development in an age of globalization that is supposedly making boundaries redundant. The accompanying increased emphasis on boundary enforcement and immigration-related illegality is an outgrowth of growing state power vis-à-vis the U.S.–Mexico divide and the associated populations, and high levels of public acceptance of this power. This unfolds in a context of a strong sense of national insecurity in the face of various perceived threats from abroad, and persistent and growing inequality between nation-states. In this regard, Operation Gatekeeper and the national strategy are efforts to keep the world—especially the poor and nonwhite components—at bay.

In one sense, the boundary and immigration enforcement build-up, by trying to limit unauthorized entries into the United States, is an effort to eliminate illegality. Yet, at the same time, the operation helps to construct and perpetuate illegality. By attempting to enhance the federal government’s ability to control who crosses the boundary into the United States and who works and resides within, the enforcement build-up furthers the material and ideological institutionalization of the boundary—the existence of which is a necessary condition for the existence of immigration-related illegality and, more importantly, of the United States as a nation-state.

Whereas, in the case of nation-states, boundaries serve to delimit geographically distinct political units, they also help define and reflect a wide variety of diverse, and often divergent, social relationships—between and within localities and countries. For that reason and more, boundaries are inherently unstable. They exist to contain the uncontainable—life itself. We need boundaries to delimit differences, to help us make sense of the world. But whether a boundary is social or territorial, the complexities and dynamism of everyday life defy the neat categorizations that it suggests (see Massey 2005; Jones 2009). In this regard, “hard” boundaries invite—indeed, they help make inevitable—many of the very transgressions that they exist to repel—whether they be in the form of “exotic” ideas, illicit commodities, or unwanted peoples.

The next chapter illustrates how the process of delimiting territory unfolded broadly over approximately two centuries in what is today the U.S.–Mexico borderlands. It was this process that laid the foundation for the national-scale political efforts in favor of enhanced immigration and boundary policing that ultimately resulted in the implementation of Operation Gatekeeper in southern California in 1994, and gave birth to an increasingly policed U.S.–Mexico divide.

Postscript on Language

In writing this book, I’ve struggled with what to call people in terms of citizenship and immigration status and ethno-racial categories. Terms such as “illegal immigrant,” for example, effectively criminalize individuals for entering or residing in a country without the sanction of the national government (Huspek 1997; Neuman 1995; van Dijk 1996; Willoughby 1997), while privileging the perspective of the state. At the same time, such terms suggest a clear divide between “legal” and “illegal” when, in reality, immigrants to the United States commonly move between the two categories in both directions for all sorts of reasons (see, for example, Hayes and Hill 2008; Holland 2009). And in the contemporary political climate in many countries (including the United States), “illegal” has become for many a code word for ethno-racial hatred toward unwanted migrants. As such I have tried to minimize its use. I do use it at times, however—sometimes to indicate what others have said or sometimes simply to reflect a particular perspective. More typically, I use terms such as “unauthorized.”

Regarding ethno-racial distinctions, I sometimes employ the term “nonwhite.” Although it is far from ideal to utilize a term to describe people by what they are *not*, it sometimes serves as an effective shorthand given the diverse ethno-racial composition of particular areas at specific times. More important, in discussing places such as southern California in the 1800s and early 1900s, “nonwhite” is appropriate given that the primary social divide—as dictated by the region’s political-economic elites—was that between people who were deemed to be white and those who were not. Indeed, “white” was the effective equivalent of “American.”

If, during the time period mentioned above, racial categories were clear—at least rhetorically—those of citizenship were less so, as suggested above. People of Mexican descent born in the territory annexed by the United States through its war with Mexico, for instance, were—by the terms of the treaty that ended the conflict in 1848—U.S. citizens. Nonetheless, local, state, and federal officials rarely accorded them the full rights and privileges of such citizenship in the many decades that followed. Instead, they often perceived and treated all people of Mexican descent—regardless of citizenship status—as, at best, second-class inhabitants of what had become the United States. As such, the term “Mexican” was typically applied to the entire Mexican-origin population without any distinction made between those who were U.S. citizens and those who were not. Thus, in much of the literature I draw upon for this book, the citizenship status of the specific people of Mexican ancestry in question is often not clear. Although the process of distinguishing between Mexican nationals and U.S.

citizens of Mexican descent was a gradual one, World War II seems to be a time of marked change. Given this, I use the term "Mexican" for all people of Mexican descent until the World War II era, employing "Mexican-American" when appropriate in discussing the post-World War II period.

These choices I have made are hardly ideal. The philosopher Ludwig Wittgenstein's observation that "words are deeds" (1980: 46e) highlights why it is so difficult to decide on the proper terms to categorize groups of people. As Wittgenstein suggests, words embody our ways of life. To the extent that they are meaningful, they flow from, and help produce our worldviews and everyday practices. Given this, there are limits to what language can communicate—especially if what one is trying to communicate strongly challenges a society's dominant, commonsensical notions of what are right and wrong, good and bad.

2

Nation Building in the Borderlands: Constructing the U.S.–Mexico Boundary



Figure 2.1 U.S.–Mexico boundary at San Ysidro, California–Tijuana, Baja California Norte, 1916. Copyright San Diego Historical Society.

[T]he world should be familiarized with the idea [that] our proper domain is to be the continent of North America. From the time we became an independent people, it was as much a law of nature that this should become our pretension that the Mississippi should flow to the sea. Spain had possession of our southern border and Great Britain was upon our north. It was impossible that centuries should elapse without finding their territories annexed to the United States.

—U.S. President John Quincy Adams, 1825 (Ross 1998: 27)

Miserable, inefficient Mexico—what has she to do with the great mission of peopling the New World with a noble race? Be it ours to achieve this mission!

—Walt Whitman, circa 1846 (T. H. Williams 1981: 156)

authorization and exceeding the limits established by his or her visa. In this regard, the illegal is guilty of a geographical transgression for the putative crime of being in a particular space without state authorization.

That the putative problem of illegal immigration resonates so profoundly within U.S. society speaks to the power of the state to form and regulate what Philip Corrigan and Derek Sayer call “cultural forms”—such as our social identities and our very values. States help to define “acceptable forms and images of social activity and individual and collective identity” (Corrigan and Sayer 1985: 3). By its very activities, the state privileges certain ways in which we do things and organize social life, and marginalizes others. In doing so, the state normalizes highly politicized assumptions of the society, making the associated practices and ideologies seem natural and unproblematic (Corrigan and Sayer 1985: 1–4). Through routines and rituals the state gives enormous weight to particular social, political-economic, and personal practices and identities. We can only understand the nature, form, and content of the state and societal practices and identities—and thus the perceived crisis of illegal immigration—as being an outgrowth of the recursive interaction between them (Corrigan and Sayer 1985).

This nationalist chemistry flows from, and reproduces, socio-territorial barriers to unauthorized immigrants and, in doing so, helps bring about a host of outcomes, ones of profound importance for peoples and places across and within nation-state boundaries. The next chapter thus interrogates the effects and significance of the ongoing and intensifying war of sorts against so-called illegals—at the U.S.–Mexico boundary and beyond, as well as within the United States.

7

The Effects and Significance of the Bounding of the United States



Figure 7.1 Migrant Trail, annual 70-mile walk, from Sasabe, Sonora to Tucson, Arizona, to remember migrants who have died trying to cross into the United States from Mexico, June 2006. Photo by Mizue Aizeki.

It's very hard to make this job look pretty. We're fortunate enough to live in a country where there are lots of opportunities. And most of the people who we run into out here want to make that dream happen. Unfortunately, it's our job to stop that dream. That's what we do on an everyday basis. Maybe because I'm Latino the aliens think I should understand where they're coming from. And I do, to a certain extent. But it's my job.

—U.S. Border Patrol Agent Elizier Vasquez, 2007 (Politzer 2007)

In June 2003, I visited Douglas, Arizona, a small city of about 20,000 residents. I was there to see the dramatic boundary-enforcement-related transformations

that had taken place in the area since the mid- to late 1990s. As a result of Operation Gatekeeper, migrant traffic had moved eastward. Whereas the San Diego Sector had been responsible for almost half of the apprehensions of unauthorized migrants in the United States in FY 1994, the sector's apprehensions were only 16 percent of the national total in FY 1998. The Tucson Sector, responsible for the vast majority of the Arizona borderlands, by contrast, had 26 percent of the apprehensions by that time, making it the busiest sector in the country (U.S. GAO 1999). For the INS, the apparent shift in migrant traffic was proof of Gatekeeper's success in thwarting would-be unauthorized crossers in the San Diego area, and justification for launching Operation Safeguard in Nogales, Arizona in 1995 (A.-M. O'Connor 1997; U.S. INS 1997), which it expanded eastward in 1999 to areas in and around Naco and Douglas, all of which abut the international divide.

The Border Patrol's Douglas station,¹ responsible for policing 40.5 linear miles of the boundary with Mexico, was the greatest beneficiary of the resulting largesse in resources. At the beginning of the 1980s, according to one report, the station had only two agents assigned to it. In 1996, when unauthorized migrant crossings in the area had already increased significantly, there were 127 agents (S. Dillon 1996). By the time of my visit, Douglas had the largest Border Patrol station in the United States, with approximately 500 agents, in addition to support personnel—a staffing level the station has roughly maintained since.²

Soon after arriving in Douglas for that first visit, I met with Ray Ybarra, who was then a Racial Justice Fellow with the American Civil Liberties Union, and was coordinating a program to monitor the Minutemen's activities in southern Arizona. His childhood home in Douglas being just a couple of blocks away from the actual boundary with Agua Prieta, Mexico, Ray had been witness to the dramatic changes in the border law enforcement infrastructure that had taken place over the previous years. In communicating the effects of these changes, Ray tried to impress upon me how profoundly and negatively they had shaped people's everyday lives in and around Douglas.

The importance of what Ray told me hit home the next day. It was a Monday morning at around 10 a.m. I was wheeling my 19-month-old daughter around in her stroller. We were several blocks from the Douglas port of entry when I decided I wanted to cross the boundary and go into Agua Prieta to take a look around.

Ignorant as to whether or not I would need documents for my daughter in this post-9/11 era, I asked a man in his early twenties working out in front of a fast food restaurant if he knew what the requirements were for re-entry. He wasn't sure, but he admitted that even he—a U.S.-born Latino—no longer liked to go to Agua Prieta because U.S. authorities would treat him with great suspicion and give him a hard time whenever he tried to cross back into

Douglas. Given his uncertainty about what I would need, he went inside to find a fellow employee—a Mexican national from Agua Prieta who crossed daily (apparently with some sort of visa). This other man told me with no uncertainty that U.S. authorities would not allow me to bring my daughter back into the country without a birth certificate.

Given such information, I decided to go only to the actual entrance to Mexico to take a look at Agua Prieta from the U.S. side of the line. So I walked past the Customs inspectors on the road checking vehicles as they entered the United States and proceeded to the turnstile—without passing through—looked into Mexico, and after about one minute turned around.

When I passed the Customs inspectors again, one of the officers stopped and asked me where I was going and where I was coming from. When I told him that I was coming from the turnstile, about 50 feet away, he then requested identification. I showed him my New York driver's license. He then asked me what I did for a living. After consulting with a Border Patrol agent who happened to be behind me, he asked me who the child was in the stroller and if I had papers for her. Realizing what was going on, I became irritated—and somewhat afraid. I forcefully told the inspector that they had seen me walk by the first time, that there was no way I could have entered from Mexico on that side of the road as the turnstile only operated in one direction, that it was impossible that anyone could have passed me the baby through or over the fence in their plain view, and that if they had any doubts all they had to do was to check their surveillance cameras, which blanketed the entire area. After I spoke, he let me go.

Given what takes place in the border region on a daily basis, my experience that day was a very minor incident. Yet it was striking how easily my daughter and I had become targets of suspicion. It highlights—if I as a middle-aged, white male who had not even left U.S. territory could incur such suspicion—the mistrust and surveillance that Latinos in such a heavily policed area regularly undergo and endure.

While my encounter was taking place, my partner, who is a documentary photographer, was on a "ride-along" with a Border Patrol agent out of the Douglas station who was in his late twenties and who had received training in public relations from the agency.

She asked him about the high level of turnover within the organization.³ He responded by saying that it was difficult to be a Border Patrol agent because, unlike police officers who catch criminals, help people, and are often seen as heroes, agents such as himself catch women and children going to look for work in the United States, and that doesn't make him and his fellow agents feel good. A little later in the conversation, however, the agent told her that there

are things that made him proud to be in the Border Patrol—such as helping to fight terrorism. He explained that one could never know what threatening items migrants might carry in their backpacks. He went on to say that he had information that Islam was growing in influence in Mexico and that radical Muslims were inculcating Mexicans with their violent ideas. Given the propensity of Mexicans to dislike the United States and the fact that many of them were poor and ignorant, he asserted, it wouldn't take much to convince one of them to strap a bomb on his back and blow himself up. To show how real the threat was, he let it be known that the Border Patrol in Douglas had recently captured nine unauthorized migrants from Egypt. He did not explain what these migrants had to do with terrorism, as it was self-evident: they were likely or potential terrorists just because they happened to be from a particular country. In speaking as he did, the agent demonstrated how paranoia—one informed by a mix of racism and dominant notions of particular, typically "Third World", countries and their populations as potential threats to U.S. national security—permeates much of official Washington and, by extension, the federal enforcement apparatus in the border region.⁴

These two experiences, and the enforcement-related developments they reflect, say a great deal about the effects and significance of Operation Gatekeeper and the larger boundary build-up. They speak not only to the enormous growth in the boundary and policing apparatus since the mid-1990s, but also to how this growth ties into new (and old) categories of suspect "Others," and associated notions and practices related to security—developments that have had very significant impacts on the civil and human rights of peoples in the U.S.–Mexico borderlands and beyond.

Together, the two encounters demonstrate how profoundly people—especially ones already "Otherized" (owing to race, gender, class, sexual orientation, religion, or national origin)—who are perceived as possibly being out of place, doing something defined as out of the ordinary (such as crossing the boundary without papers), become potential threats. This move is a key step in the process of dehumanization, one that inevitably involves violence of various sorts.⁵

In analyzing the impacts and significance of the boundary build-up, this chapter explores the various manifestations of violence, ones that are largely hidden from any sort of significant public scrutiny and debate, that have resulted.

Often analyses of the build-up's importance are limited to measurements of its success or failure in meeting the official goals of curtailing unauthorized immigration and achieving control of the U.S.–Mexico boundary. Such analyses,

although valuable in and of themselves, miss much. First, the boundary and immigration enforcement build-up has had many important effects that go beyond narrow measures of "success" or "failure"—not least the dramatic increase in hardship experienced by migrants and their loved ones caught up in the growing net of state surveillance and repression. Second, and perhaps most important, the build-up is the culmination of a much larger process of increasing boundedness of the United States (at least in terms of unwanted immigration). It is representative of radical changes—over the long term—in official and public perception of, and practice toward, unauthorized migrants and of the U.S.–Mexico boundary.

Restoring the Rule of Law?

U.S. authorities justify the boundary build-up on the basis of defending national sovereignty and as a means of maintaining what they characterize as a long tradition of authorized or legal immigration to the United States. As President Clinton stated in 1995, "It is a fundamental right and duty for a nation to protect the integrity of its borders and its laws . . . By closing the back door to illegal immigration, we will continue to open the front door to legal immigration."⁶ Thus, the U.S.–Mexico boundary is today conceived as one of law and order, one needed to permit the state to carry out its regulatory tasks, a worldview that underlies the dramatic transformations that have taken place in the borderlands since the mid-1990s.

A trip today to the U.S.–Mexico boundary in the area of the City of San Diego reveals a very different scene from what one would have found prior to that time. The boundary fence with gaping holes is gone, replaced by a steel wall coupled with a second tier of fencing, along with sophisticated technology, that makes it easier for the Border Patrol to detect unauthorized crossers (see, for example, Kopytoff 1999). No longer do large crowds of migrants and smugglers gather along the boundary waiting to cross at nightfall. Similarly the days of so-called banzai runs—when groups of unauthorized migrants run through the ports of entry—are gone. And the frequent attacks against migrants and crimes (mostly against property) by "border bandits" are largely phenomena of the past. Such developments led the INS to pronounce the operation "an outstanding success" in a 1997 publication (U.S. INS 1997: 6). Many long-time observers of boundary enforcement efforts in the San Diego region seemed to agree with the INS's assessment. As the *San Diego Union-Tribune* editorialized in July 1998:

Think back less than 10 years ago. The Tijuana River Valley was like a war zone, with ill-equipped, outnumbered Border Patrol agents chasing wave after wave of illegal immigrants.

Otay Mesa was also overwhelmed. And the San Ysidro crossing was even worse. Illegal immigrants would simply run through the checkpoints in packs.

Today, all that chaos is history. And Operation Gatekeeper is the reason for the success.

(*San Diego Union-Tribune* 1998)

Thus, a semblance of order has replaced the image of chaos that once seemed to reign in the urbanized border region of the San Diego Sector (see also Grimm 2009)—a scene replicated in areas of the U.S. borderlands, especially relatively urbanized ones, to where operations such as Gatekeeper and Hold-the Line have been extended, and similar strategies (Operation Rio Grande in and around Brownsville and Laredo in Texas; and Safeguard in southern Arizona).

This is a direct outgrowth of the national strategy launched in 1994. In justifying its urban focus, the Border Patrol explained, cities “provide illegal entrants an opportunity to assimilate with the population, making it difficult for the Border Patrol to quickly identify and arrest individual illegal entrants.” Rural areas and roads, by contrast, “offer less anonymity and accessibility to public transportation” (U.S. Border Patrol 1994: 9).

As a result, the Border Patrol has channeled the flow of unauthorized migrants away from heavily populated areas, to more sparsely inhabited ones, where it is more difficult to cross, “to deter and delay aliens’ attempts to reach urban areas” (U.S. INS 1997: 3). In the case of Operation Gatekeeper, this result led to the strategy’s gradual spread eastward. In October 1997, the INS expanded the operation into the neighboring El Centro Sector (which extends from the eastern boundary of the San Diego Sector/San Diego County to the California–Arizona boundary), to where much of the unauthorized migrant traffic had shifted by that time.

Yet, despite the massive growth in the enforcement apparatus, unauthorized migrants continue to enter the United States via its southern boundary.⁷ Research undertaken in 2005 found that, although it is much more difficult to cross now than in the early 1990s (about one-third get caught on any given trip) and, as a result, *some* in Mexico stay at home rather than even try, 92–97 percent of Mexican migrants continue to try to cross until they succeed, and there has been no significant impact on the propensity of would-be migrants to attempt the journey (Cornelius 2006, 2007; Fuentes *et al.* 2007).⁸ This is not to suggest that further intensification of enforcement could not have a significant impact on the number of unauthorized entrants. Indeed, in certain locales where enforcement personnel and infrastructure are concentrated, there has been a marked decline in unsanctioned crossings (see Marosi 2007; McKinley 2007; Riley 2007).⁹

Still, in addition to the strength and dynamism of forces driving migration between the United States and Mexico and Central America (see Massey *et al.* 2002; also Castles and Miller 2009), there are a number of powerful factors that limit to a highly significant degree the ability of U.S. authorities to stymie unauthorized passage of people and goods across the boundary, three of which deserve brief mention.

First is the resolve and resourcefulness of migrants and smugglers. Time and time again, migrants and smugglers have adapted to changes in enforcement tactics and strategies. From riding bicycles through the desert to digging tunnels under the new walls, to coming up with new “tricks” to enable migrants to pass right through the ports of entry, to using boats in the Pacific to go around the enforcement apparatus (see Bouvier 2008; Marosi 2006, 2009; Reuters 2006; Welch 2006), migrants and those who assist their unauthorized passage have proven to be highly creative and resilient.

Second is the matter of human frailty, and the difficulty—perhaps impossibility—of reducing human beings to policing agents who fully follow the rules they are charged with upholding. In the case of the U.S. enforcement apparatus, a large number of agents—an alarming number from the perspective of the Department of Homeland Security—have succumbed to smugglers’ bribery, and assisted or allowed passage to drug shipments and unauthorized migrants in exchange for money. Raúl and Fidel Villareal, for example, helped to smuggle a large number of migrants from Mexico and Brazil into the United States while working as Border Patrol agents in the San Diego Sector. (The two brothers quit the agency and fled in 2006 to Mexico, where they were eventually discovered, arrested, and extradited to the United States.) Until his retirement, Raúl served as the spokesperson for the Border Patrol in San Diego, and participated as an actor playing a smuggler in commercials for broadcast in Mexico warning would-be migrants of the dangers of trying to cross the boundary extralegally (Archibold and Becker 2008). Meanwhile, some Border Patrol agents have been caught dating, loving, and living with the very “illegals” they are charged with apprehending (Riccardi 2005).

Such endeavors are concrete illustrations of the third and final “limiting” factor I want to highlight—the depth and scale of the transboundary ties, manifested perhaps most (in)famously by the cross-border flow of illicit drugs, which serves as a source of much of the justification for the ongoing enforcement build-up (see T. Barry 2009b; Carlsen 2009). Over the last three decades, the federal government has spent many hundreds of billions of dollars in its global “war on drugs”—much of it in relation to policing efforts in the U.S.–Mexico borderlands. Nonetheless, the street price of drugs has steadily declined during that period—an indication of just how little impact Washington’s “war” has

had on drug smuggling from abroad. In addition to the huge demand within the United States that fuels the drug trade, the sheer volume of pedestrian and vehicular traffic crossing the divide makes drug interdiction efforts largely futile—at least as they relate to the U.S.–Mexico boundary. As a Reuters journalist wrote in 2008 while observing the scene at the San Ysidro port of entry:

Looking south out of a window at the busiest border crossing in the world, the phrase looking for needles in a haystack comes to mind, along with the realization that America's war on drugs cannot be won. Unless the laws of supply and demand are miraculously suspended.

(Debusmann 2008)

According to an assistant director of the port at San Ysidro, one of every eight people who enter the United States—by air, sea, or land—passes through there (Bouvier 2008).

Despite these various factors that have limited the ability of U.S. authorities to gain full control over the boundary—an elusive endeavor in any case—the level of regulation, especially in the most urbanized areas, has grown dramatically since the mid-1990s. This pacification of sorts is due not only to U.S. actions in and of themselves, but also to the increase in the Mexican government's support of U.S. efforts to bring order to the border region, one of the most significant, but less acknowledged, changes that has taken place in the borderlands over the last few decades.

Pacifying the Border, Enrolling Mexico in U.S. Efforts

As illustrated in previous chapters, there have been a number of instances of cooperation between the United States and Mexico—sometimes coerced by U.S. pressure—regarding boundary policing. But such developments—until relatively recently—have been rare occurrences owing to the unwillingness of Mexican authorities to participate in such efforts. Mexico has long refused to inhibit its citizens from trying to emigrate to the United States. Indeed, there is an article in Mexico's constitution prohibiting the government from doing so. Furthermore, migration to the United States has long served as a "safety valve" for relieving potential political tensions within Mexico while simultaneously serving as a major source of hard currency for the country.¹⁰ At the same time, Mexico's relative lack of cooperation is a manifestation of the country's historic ambivalence toward the imposition of the U.S.–Mexico boundary by the Treaty of Guadalupe Hidalgo in 1848 and the concomitant seizure of a vast amount of what had been hitherto Mexican territory. As recently as 1943, for example, maps were still in use in

Mexico's schools that described the lands lost through the Treaty as "territory temporarily in the hands of the United States" (McWilliams 1968: 103). Although Mexico has long abandoned such claims, it still officially refuses to prevent the passage of unauthorized migrants from Mexico to the United States. However, subtle practices now seem to be slowly and effectively eroding this refusal.

The lack of cooperation from Mexico officials emerged as a serious issue in the 1970s in the context of a significant rise in unauthorized entries from Mexico and growing official U.S. concern about such matters. U.S. authorities were especially concerned about migrant smugglers. Joint governmental efforts in fighting smuggling seems to have begun in 1977 in the aftermath of Mexican President José López-Portillo's visit to the Carter White House. At that time, Mexican authorities became increasingly concerned about unauthorized immigration from Central America into their own country. In response to an American initiative, López-Portillo appointed a special representative to study boundary issues and to draw up recommendations. This special representative headed a pilot program coordinating relations between Mexican police authorities and INS officials. The National Anti-Smuggling Program, a new special unit of the INS established during the Carter administration, significantly increased the number of arrests and prosecutions of suspected extralegal immigrant smugglers. Mexican authorities cooperated in a number of ways, arresting hundreds of smugglers during the late 1970s (Lewis 1979: 48–52).¹¹ Nevertheless, such anti-smuggling efforts seem not to have seriously diminished the number of unauthorized entries into the United States. Proliferation of such smuggling networks, the intense cross-boundary social ties between communities in Mexico and the United States (which have long facilitated extralegal immigration), and the sheer volume of unauthorized crossers continued to frustrate state efforts to control the international boundary.

U.S.–Mexico collaboration in immigration enforcement further intensified during the 1980s. These efforts largely focused on preventing the passage of Central Americans through Mexico and on apprehending suspected criminals in the border region. Given its political sensitivity in Mexico, unauthorized immigration by Mexicans received relatively little attention. During the INS crackdown in the Rio Grande Valley in the late 1980s (see Chapter 4), for example, the INS sent intelligence agents to Mexico to analyze migratory patterns of Central Americans into Mexico. Meanwhile, the INS began training their Mexican counterparts and intensified their relationships (in terms of information exchange, for example) with a host of Mexican law enforcement agencies. Such collaboration certainly facilitated Mexico's crackdown on third-country nationals migrating to the United States, resulting in a huge increase in Mexico's apprehension and deportation of unauthorized (in terms of Mexico) migrants who were overwhelmingly from Central America. Although Mexico concentrated these efforts on the country's

southern boundary with Guatemala and the southern part of the country more generally, its northern boundary also received increased scrutiny (Dunn 1996: 94–96).

The establishment of Grupos Beta in December 1990 (see Chapter 4) is the most direct attempt by the Mexican government to regulate its northern boundary with the United States. It was also a manifestation of increasing cooperation between U.S. and Mexican authorities in fighting criminal activity in the border region (interview with De La Viña 1997; interview with Olea Garcia 1995; *San Diego Union* 1991b; see also Rotella 1998). Although U.S. pressure might very well have informed Mexico City's decision to establish the group—the first unit established in the Tijuana area—Mexican authorities had their own reasons for wanting an institutionalized police presence in the border region. It appears that Mexican officials were concerned about border violence because it hurt the image of Baja California (Rotella 1998: 94–95), and wanted to reduce the appearance of disorder and instability as Mexico sought to strengthen economic ties with its neighbor to the north (Dunn 1996: 96).

Grupos Beta's founding marked an important shift in relations between Mexican and American law enforcement authorities in the 1990s. The Border Patrol donated radios and other surplus equipment to help Beta get started. Despite occasionally tense relations between the two agencies, the Border Patrol and Grupos Beta often cooperated in apprehending suspected criminals in the border region. Similarly, the San Diego police practiced shooting with Beta agents at a firing range in San Diego, and shared radio frequencies with the Mexican agency (Rotella 1998: 92–93, 114–116).

The goal of Grupos Beta—which now has a presence in 16 areas along Mexico's northern and southern boundaries and whose mission and methods have evolved (since 2000, its agents are unarmed because of allegations of abuse)—is to protect unauthorized crossers on the Mexican side of the boundary. From a U.S. enforcement perspective, however, there is a more important function: Beta also inhibits extralegal migration to the extent that the police unit tries to curtail the activities of smugglers (smuggling migrants is illegal in Mexico)—in part by arresting them (see Bersin and Feigin 1998: 309–310; Holstege 2008; Mohar and Alcaraz 2000; also the website of Grupos Beta at http://www.inm.gob.mx/index.php?page/Grupo_Beta_de_Proteccion_a_Migrantes).

There is also increasing collaboration between the U.S. authorities and local police officials in Mexico aimed at limiting the opportunities for unauthorized crossings into the United States. In various border towns and cities, local police in Mexico cooperate in a variety of ways with the Border Patrol by, for instance, apprehending individuals on the Mexican side of the divide deemed troublesome to U.S. enforcement efforts (for example, because they are throwing

rocks at U.S. agents). In Matamoros, officials built walls and fencing at a popular boundary crossing point along the Rio Grande (Dunn 1996: 97). Similarly, local police in Tijuana now prevent people from gathering on the Mexican side of the U.S. port of entry in San Ysidro to limit the potential for banzai-type runs through the port. Such efforts at collaboration increased dramatically during the Clinton administration (see Morgan 1993).

Taking all these developments together, the growing collaboration between the United States and Mexico has undoubtedly helped to create the semblance of a more orderly border region, at least in its most urbanized sections. In this regard, U.S.–Mexico cooperation is one piece of a larger strategy of pacifying the border. But, given the large numbers of unauthorized migrants who still manage to enter the United States from Mexico, such collaboration is far from the level needed for U.S. authorities to control the boundary to the extent they would like. Furthermore, Mexico still refuses to accept the U.S. position that unauthorized immigrants are “illegal.” Thus, direct interdiction of Mexican migrants by Mexican authorities is not possible. As the “Border Czar” Alan Bersin stated while working with the Clinton administration (1996a: 1414), “Further progress [sic] . . . requires a binational engagement of enforcement authorities. The present state of the bilateral border, however, is not conducive to such cooperation.” It still is not.

That said, although the U.S. goal is far from realized, Mexico has become increasingly pacified in terms of resisting American pressures to cooperate with U.S. boundary enforcement. Since 9/11, for example, the Mexican government has shown its willingness to cooperate with U.S. efforts to restrict international mobility in the name of fighting terrorism by, among other moves, announcing the establishment of a national immigration database and the placement of false-document detectors along its southern boundary. Such measures, contends Peter Andreas (2009: 156), have made Mexico, in part, “a quasi buffer zone” for the United States. They have also contributed to a stability in the border region conducive to the interests of capital and elite consumers. It is in this area that the state's functions of security and opportunity provision dovetail productively.

“Reinventing the U.S.–Mexico Border”: the “NAFTAization” of the Boundary

The build-up of the U.S.–Mexico boundary, as I have already established, is occurring at a time when the boundary is increasingly porous—not least to economic goods and services, which flow massively through it. U.S. and Mexican elites have employed a variety of strategies and tactics—consciously and unconsciously—to denationalize and/or internationalize the space of the border

region to facilitate this process. The implementation of the North American Free Trade Agreement on January 1, 1994, is only the most obvious of ongoing attempts to establish a barrier-free border zone for the flow of goods and capital. Such developments have led some to proclaim the boundary as virtually non-existent. As Jack McGrory, San Diego City Manager, explained in 1993, "Frankly, we're starting to operate as if the border didn't even exist, and it's paying off—in both directions" (Gross 1993c: A-23).

For the champions of what might seem to be two conflicting processes—one of "opening" the boundary to the flow of (non-illicit) goods and capital and the other of "closing" the boundary to illicit activities such as unauthorized entries—these processes are part and parcel of a unified project of creating a border region where law and order as well as economic prosperity reign. As Alan Bersin—the Obama administration's Special Representative for Border Affairs (or "Border Czar")—explained while filling a similar position during the Clinton administration:

[W]e are moving decisively toward a border that functions effectively; one that is a lawful and orderly gateway; one that manages significantly better the problems of illegal immigration and smuggling; and one that promises and routinely delivers handsome dividends from an investment in regional integration.

(Bersin 1996c)

In fact, these two processes, argued Clinton administration officials, are actually inextricably linked.

According to Robert Bach, Executive Associate Commissioner for Policy and Planning for the INS, the policy of the Clinton administration perceived the U.S.–Mexico border region as an opportunity, a place, and an anchor.¹² The border is an opportunity in that its proper organization allows regional integration and NAFTA to occur and allows for economic progress on both sides. The border is a place in the sense that its socio-cultural patterns are geographically unique—an important factor to consider so that federal policy works for families, workers, and employers on both sides of the international divide. And, although border policy is only one piece of a much larger strategy of immigration enforcement, the border is an anchor, primarily for the purposes of law enforcement. To realize its vision, the Clinton administration sought to build an institutional framework within and upon which "the market" could flourish. As a set of institutional relationships based on the law, this market is taken to be one in which everyone can participate, and from which people on both sides of the boundary can and will benefit (Bach 1997).

The Clinton administration and many NAFTA backers assumed (or at least argued) that the simultaneous implementation of stronger immigrant enforcement measures and the development of a relatively barrier-free boundary to goods and

capital would lead to greater levels of prosperity for people on both sides of the boundary. As an assistant to Alan Bersin explained to me in 1997:

[N]o one says that the immigration initiatives [of the Clinton administration] are the unilateral answer to economic problems [that exist in Mexico and drive unauthorized immigration]. But they are one way of responding to it and managing the problems so we can have this region that flourishes. That you decrease the amount of illegal activity and bring the benefits to the people that are law-abiding—the majority of the people. People want to come and see the Padres [San Diego's professional baseball team], they want to come and see the Chargers [San Diego's professional football team]. The types of joint programs that we could be doing are numerous, but we need a little bit more certainty.

(interview with Cobian 1997)

It is through the creation of a regime of law in the border region that this vision will supposedly be realized. And in a small part of San Ysidro, one abutting the boundary, it seems to have come to be. Las Americas Premium Outlets—a shopping mall that features dozens of stores such as those of Banana Republic, Calvin Klein, Ralph Lauren, and Nike, and the southern perimeter of whose parking lot is the steel boundary wall—has opened for well-resourced shoppers from the United States and Mexico.

Of course, the cost of buying the products in these stores, or a ticket for a Padres or Chargers game, is far beyond the means of the vast majority of people in Tijuana, where the average daily wage of a factory worker is less than \$10. Furthermore, it is not possible for a significant proportion of Tijuana's residents—given their modest means and lack of participation in the formal economy (and thus possessing no proof of steady employment)—to gain permission to visit the United States. Nevertheless, U.S. officials frequently mouth such platitudes, proclaiming that their only desire is that people enter the United States *legally* by going through the proper channels. They ignore the fact that such efforts would be a complete waste of time for most people in Mexico given their inability to secure an immigrant visa or a Border Crossing Card through official channels. In this sense, their own rhetoric of law and order has blinded them to the reality experienced by many desiring to enter the United States from Mexico.

The build-up of the boundary and its NAFTAization are also linked in another, more nefarious, manner. Growing liberalization of the Mexican economy has facilitated a significant exodus from Mexico's countryside: from 1980 to 1990, for example, the amount of the country's population living in rural areas declined from 36 percent to 28 percent (Warnock 1995: 197). Numerous studies suggested that the implementation of NAFTA and the related liberalization of the Mexican economy would only intensify this process. Combined with the resulting intensifying links between the two countries, the research suggested that the

rural exodus would lead to a significant increase in migration from Mexico to the United States (see Andreas 1998–1999¹³)—a development of which the Clinton administration was very much aware.¹⁴

As INS Commissioner Doris Meissner admitted during testimony to Congress in November 1993, she foresaw that NAFTA was most likely to lead to an *increase* in unauthorized immigration from Mexico to the United States in the short and medium terms, leading her to state, “Responding to the likely short-to-medium-term impacts of NAFTA will require strengthening our enforcement efforts along the border, both at and between ports of entry” (U.S. Congress 1994: 36). In other words, the liberalization of Mexico’s economy would increase migratory pressures among those displaced in the name of economic efficiency, which, in turn, would require an increase in boundary policing.

Meissner’s words proved to be prescient: the liberalization of the Mexican economy has undermined the livelihoods of many—a NAFTA-related trade deficit, one in favor of the United States (Polaski 2003: 17–19), for example, contributed significantly to the loss of an estimated 1.3 million jobs in Mexico’s agricultural sector between 1994 and 2002. Meanwhile, the promised economic benefits to Mexico as a whole by way of a significant expansion of the manufacturing sector have not materialized for various reasons. The effect of all this has been to encourage large numbers of Mexicans to migrate across the country’s northern boundary (Massey *et al.* 2002; see also Delgado-Wise and Márquez Covarrubias 2008; Nevins 2007; Uchitelle 2007). Today, about 10 percent of Mexico’s population (people born in Mexico who are still alive) resides in the United States. About 15 percent of Mexico’s labor force is employed in its neighbor to the north—in a wide variety of occupations, with over half working in construction and the service sector, and only about 4 percent working in farming, fishing, or forestry. Approximately one of every seven Mexican workers migrates to the United States (Batalova 2006: 1, 5).

Although the neoliberalization of Mexico’s economy—a process very much encouraged by U.S. officials and one that culminated in NAFTA’s implementation in 1994 (Massey *et al.* 2002: 42, 47–51)—is only one of many factors that help to explain the rise of the boundary build-up, it demonstrates how in some regards “opening” and “closing” the boundary complement one another. At the same time, to the extent that the liberalization of the boundary has allowed for easier movement into the United States for the relatively elite in Mexico and beyond, while the simultaneous growth in restrictionism has made international mobility markedly more difficult for people on the socio-economic margins of Mexico and elsewhere, they illustrate the two-tiered system of humanity inherent in a political-economic era many describe as neoliberal (see Sparke 2006).

Thus, the alleged problem of illegal immigration is, to a significant degree, made in the United States. By increasing the porosity of the U.S.–Mexico boundary through trade liberalization, the state must strengthen the boundary in other ways. This seeming paradox is consistent with the observation that globalization does not necessarily lead to a decline in nationalism. In fact, globalization can actually serve to enhance differences between citizens and so-called aliens (Manzo 1996). In this way, rising boundary-related illegality (such as unauthorized immigration) is an integral part of the NAFTAization of the U.S.–Mexico border region.

This dialectical process dovetails with the “gatekeeper” state, the task of which is to provide extraterritorial opportunities for national territory-based capital (thus intensifying the destabilizing process of globalization, meaning here the increasing transboundary flow of goods and capital) while, somewhat paradoxically, providing security against the perceived social costs unleashed by globalization—especially immigration. This task of security provision becomes all the more necessary in the face of the effects of a neoliberal-fueled form of globalization that intensifies competition between localities, weakens social safety nets, and generally increases socio-economic instability (see Nevins and Peluso 2008; Peck and Tickell 1994).

Yet rather than fighting the national-based sources of socio-economic instability (largely corporate and financial interests) whose very interests the state disproportionately represents, the neoliberalized state casts its gaze beyond the nation’s socio-territorial boundaries, focusing on the alien as a principal source of social problems. The alien takes the form of the criminal, the poor, and the foreigner, who are often one and the same. It is thus not surprising that an important feature of the neoliberal state—most markedly perhaps in the contemporary United States—is the destruction of the social welfare functions of the state and an increasing emphasis on “crimefare”—whether in the form of more prisons to incarcerate domestic criminals or in the form of a significant increase in state resources dedicated to boundary and immigration enforcement (see Andreas 1997; Beckett 1997; also Parenti 1999).

From the perspective of U.S. officials, the growth of illegal or criminal activity is one of the most significant costs of an increasingly interconnected world, requiring the state to respond with efforts to create order. And a key source of the disorder is the unauthorized immigrant, the transgressor of the law of the boundary and, thus, a criminal, one who is inextricably tied to a socio-geographical zone of violence. It is violent in the sense that the migrant’s very “criminal” status requires the power of the state to arrest and expel him. And it is violent in that the unsanctioned migrant—at least the ones who enter U.S. territory without authorization (as opposed to those who enter *with* authorization but overstay their visas)—must pass through an increasingly militarized and foreboding

landscape, one they share not only with U.S. authorities but with smugglers of contraband, such as illicit drugs, whom those authorities are trying to apprehend. This violence, however, affects more than unauthorized migrants. It has become a way of life in the borderlands in all too many ways.

Embedding Violence in the Landscape

On May 19, 1997, Clemente Manuel Banuelos, a U.S. Marine corporal, shot and killed Esequiel Hernández Jr., an 18-year-old high school student, in Redford, Texas, a town on the Rio Grande. Hernández's and Banuelos's paths crossed in the context of the "war on drugs." Banuelos was a member of a four-person surveillance unit, part of the first armed U.S. military mission to the Mexican border region since 1914. The mission took place under the auspices of Joint Task Force Six (JTF-6), the interbranch command unit that provided operational, training, and intelligence support from the Pentagon to federal, regional, state, and local law enforcement counterdrug efforts within the United States.¹⁵

Banuelos and his fellow Marines had been deployed to Redford, Hernández's tiny hometown (with a population at the time of a little more than 100 people), to monitor individuals smuggling drugs from Mexico across the Rio Grande. No one in Redford, apart from Border Patrol agents in the area, knew that the Marines were there.

On the tragic day, Hernández, whose post-high-school plan was to join the Marines, took out his goats near his family home, which lay about 200 yards north of the U.S.-Mexico divide. He carried a .22 caliber rifle to ward off wild dogs. According to the soldiers, Hernández fired at them twice. Twenty minutes later, the young man was dead, Banuelos having fired a single shot.

Hernández, it seems, never threatened the Marine unit as Banuelos claimed. Indeed, because the soldiers were camouflaged and hiding amidst vegetation at a distance of more than 200 yards from where Hernández allegedly fired his rifle, it would have been impossible for him to see them, no less to know that they were Marines. In addition, the soldiers pursued Hernández—something they were allowed to do only for purposes of self-defense—after he reportedly fired his rifle and was walking away from their position, halving the gap between them and their alleged assailant in the process. For such reasons and more, it appears that Banuelos, at the very least, acted inappropriately. And, as a documentary film on the shooting strongly suggests, Banuelos may very well have acted criminally—despite the refusal of three grand juries to indict him on criminal charges (Fitzgerald 2007; see also Paulsen 1998).

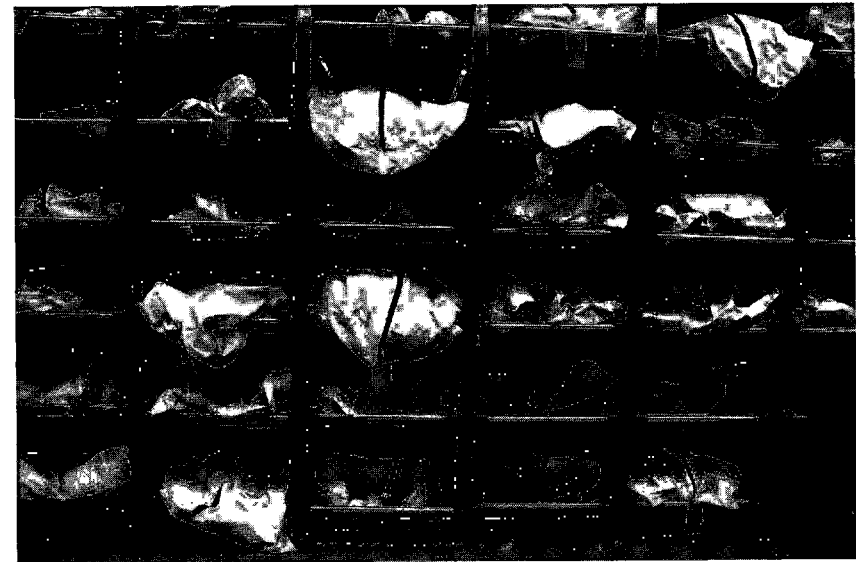


Figure 7.2 Migrant bodies among the corpses in the morgue of Pima County Medical Examiner's Office, Tucson, Arizona, October 2005. The office is responsible for identifying and conducting autopsies of migrant bodies found in the desert. Because of the steep rise in deaths in the Arizona borderlands, the office had to rent a refrigerated semitrailer to expand their storage space in July 2005. Photo by Mizue Aizeki.

Although such matters were central to Hernández's untimely demise, so, too, was the effective criminalization of the impoverished farming town's population. Redford, so went the intelligence JTF-6 and the Border Patrol provided to the Marines, was a center of drug traffickers: 70–75 percent of the population was allegedly involved in the illicit trade. As the notes of the staff sergeant who briefed the soldiers before they were deployed to the town read, "Redford is not a friendly town." Through such cartoon-like depictions, Redford became an enemy locale—as have so many other places across the country and throughout the world in the ever-expanding and never-ending drug war. Given the information they received, Banuelos and his unit were fully expecting some "action," but they did not observe any drug-trafficking-related activity, leading Ronald Wieler, one of the unit members, to conclude that "In a way, it was like we were there for nothing" (Fitzgerald 2007).

The fact that the Marines were in Redford, and that the federal government had sent them there, says a lot about how important segments of the ruling class perceive the border region and its residents. As Enrique Madrid, a local historian in Redford, asserts:

Presidio County is one of the poorest in the State of Texas, one of the poorest in the nation, and South County is the poorest part of that poor county. And yet they send us Marines instead of educators. They send us Border Patrolmen instead of doctors.

(Fitzgerald 2007)

Seen from Washington, the border region—Redford included—is to a highly significant degree an area of existential threats to the larger national body, an area that needs to be secured—whether against “illegal” migrants crossing the boundary to “steal” jobs, drug cartels, or would-be terrorists.

Such a worldview had led to the border area becoming a zone of intense state surveillance. As the anthropologist Josiah Heyman contends, the growing emphasis on boundary interdiction “has militarized border society, where more and more people either work for the watchers, or are watched by the state.” In this regard, the U.S.–Mexico borderlands has increasingly become “a society comprised substantially of ‘police and thieves’” (Heyman 1999b: 628; also see Heyman 1999a), one in which civil and human rights are effectively less than they are elsewhere in the United States, making it a zone of exception (one that seems to be ever growing), a site in which the state acts in a manner outside of normal constraints and takes extreme measures for the declared sake of security (see Agamben 1998, 2005; Rosas 2006). In doing so, the federal government has normalized various forms of violence in the name of fighting threats, which, it turns out, are everywhere, thus requiring mobilization of U.S. society as a whole—including American youth—to combat the threats.

I got a small taste of this in March 1999, when I visited with the Border Patrol in San Diego (see Chapter 1). There were a number of youths in sweat suits running around the station’s parking lot. Curious as to who they were, I asked Agent Reyes. “They’re members of our Explorer post,” he said proudly. They had just returned, he informed us, from some sort of national Exploring competition where they had won first prize in pistol shooting and baton (billy club) use. I took this to be just another component of the Border Patrol’s emerging public relations efforts (see Dunn 2009), but it turns out it was just a foreshadowing of bigger things to come.

Ten years later, Exploring,¹⁶ according to an article in the *New York Times*, “is training thousands of young people in skills used to confront terrorism, illegal immigration and escalating border violence—an intense ratcheting up of one of the group’s longtime missions to prepare youths for more traditional jobs as police officers and firefighters.” With the Border Patrol one of the sponsors of various posts, the training can include “chasing down illegal border crossers.” In a photo essay accompanying the article, Explorer scouts from Visalia, California, armed with pellet guns, are shown preparing to storm a “hijacked” Department of Homeland Security bus, as part of an exercise run by the Border Patrol. Inside the bus, Agent José Valle plays the role of a suicide bomber, one

wearing a vest rigged with explosives and holding a teenage female hostage, a member of the local Explorer post (Steinhauer 2009).

Although such role playing is presented as innocent fun, or training for “real life” adulthood, it helps to create a perceived reality, one in which “thieves” are ubiquitous, thus necessitating ever-more “police.” In this regard, the boundary enforcement apparatus and the agents behind it create a perception of violence, a necessary component to justify an apparatus of violence to counter the supposed violence perpetrated by “them”—whether in the form of the JTF-6 soldiers deployed to Redford, Texas, in 1997¹⁷ or the 6,000 National Guard troops deployed to the U.S.–Mexico border region by the G. W. Bush administration in 2006.

But significantly more violent in terms of their impact than these obvious manifestations of militarization of border communities and border youth are the ongoing enforcement build-up in the form of the growing length of barricades, the heightening presence of Border Patrol agents and their internal checkpoints (what Mike Davis [2000: 61] refers to as the “second border”), and the increasing strength of associated infrastructure and surveillance technologies. Together, these make the boundary far more difficult—and dangerous—to cross without authorization, the rising number of migrant deaths being the most obvious and tragic manifestation.

Entering the United States from Mexico without authorization has long been potentially fatal. As early as the late 1800s, a number of unauthorized Chinese immigrants died in the desert while trying to circumvent boundary policing resulting from the Chinese Exclusion Act of 1882 (E. Lee 2003).¹⁸ During the 1980s and the early 1990s, many deaths occurred on an annual basis, the annual totals of recovered bodies reaching a high point in 1988 and gradually diminishing through the early 1990s. But with the dramatic build-up of the boundary enforcement infrastructure initiated during the early years of the Clinton administration, the number of crossing-related fatalities has steadily grown, reaching historic highs, averaging more than 350 documented deaths per year between 1995 and 2006, and doubling in terms of annual average between 1999 and 2005 (Bailey *et al.* 1996; Cornelius 2005; Esbach *et al.* 2001, 2003; Marosi 2005; U.S. GAO 2006; see also Annerino 1999; Nevins 2008).

In both relative and absolute terms, the number of migrant deaths brought about by environmental factors, especially extreme heat, has also increased since the mid-1990s. Along the U.S.–Mexico boundary, heat exposure today appears to be by far the most common cause of death. At the same time, greater numbers of fatalities are taking place in fairly remote areas as migrants cross in increasingly isolated zones to avoid detection by the ever-larger enforcement web throughout the border region. Because of that, and because agencies such as the Border Patrol have used extremely narrow criteria over the years for

counting fatalities of unauthorized crossers, the true death toll is certainly higher than the numbers based on actually recovered bodies and official counts (see Cornelius 2005; Esbach *et al.* 2003; Keim *et al.* 2006; Rubio-Goldsmith *et al.* 2006; Sapkota *et al.* 2006; U.S. GAO 2006). From 1995 through 2009, there were over 5,000 recovered bodies in the U.S.–Mexico borderlands, making for an average of almost one recovered body per day over the 15-year period. And they also take place in other “crossing” areas such as the Caribbean, where, for example, a high number of would-be immigrants from the Dominican Republic have drowned and/or been eaten by sharks trying to enter Puerto Rico without authorization in order to board a flight to the United States free of immigration controls (see Althaus 2003; Fineman 1998; Nevins 2008).

By the Border Patrol’s own criteria as set out in its 1994 Strategic Plan, such an outcome suggests that the strategy is somewhat failing.¹⁹ The Border Patrol and U.S. officials expected that the heightened enforcement would discourage a significant number of migrants from crossing by pushing them into remote areas where—after making a cost–benefit analysis—the migrants would rationally decide to forgo the risks and return to Mexico.²⁰ Given that this has not happened by and large, U.S. authorities are arguably responsible (at least partially) for the deaths by knowingly “forcing” people to take death-defying risks (see Smith 1998).

U.S. officials refuse, however, to acknowledge any role in creating the undesirable consequences related to enforcement. Instead they blame smugglers for leading people into high-risk areas and then abandoning them—an explanation that often resonates in the larger society. For example, following the discovery in 1998 of eight partially decomposed corpses of unauthorized Mexican migrants in the Imperial desert (two of whom turned out to be smugglers), the *Los Angeles Times* (1998) characterized the *coyotes* or smugglers as people who “too often do not care whether their clients live or die” and editorialized in favor of stiffer penalties for smugglers, including life imprisonment and the death penalty.²¹

The Border Patrol and associated agencies actively promote this view by trying to position themselves as defenders of unauthorized migrants. And, undoubtedly, U.S. Border Patrol agents have saved large numbers of at-risk unauthorized migrants in the U.S.–Mexico borderlands over the last several years.²² The agency has also posted warning signs at high-risk crossing points, handed out flyers in Mexican border towns, and placed advertisements on radio and television in Mexican advising would-be migrants of the potential dangers they face (*Los Angeles Times* 1998; Smith 1998). But these efforts to create a landscape of safety (and one free of unauthorized migrants) cannot be separated from the far greater efforts by U.S. authorities to produce a landscape that denies mobility to unauthorized migrants. It is for this reason that the borderlands have increasingly become a landscape of death since the mid-1990s.

As for the large numbers of migrants who succeed in “beating” the border policing apparatus, the enforcement infrastructure still has a powerful impact on their lives. As the writer and photographer David Bacon has observed about the contemporary period, the effect of U.S. immigration enforcement is not so much to stop migration as to define the status of people—as subordinate—once they have arrived. As such, migrants that succeed in crossing have to deal with the indignities and insecurity associated with being “aliens,” “illegals,” or both (Bacon 2005). In this regard, marginalization of unauthorized migrants goes hand-in-hand with their increasing criminalization and dehumanization—the topic of the next section.

The Criminalization and Dehumanization of Immigrants

There are a variety of reasons why one might support enhanced boundary enforcement measures. It is too simple to argue that it is xenophobia and hypernationalism that animate such sentiments, although they are certainly present and arguably dominant. But, for those not primarily motivated by such feelings, it is often a desire to create order that underlies their support. The order they seek would protect people in the United States *as well as* unauthorized immigrants from the absence of regulation that has long permeated the U.S.–Mexico border region.

It is a basic tenet of liberal political theory that the establishment of the rule of law is a necessary (but not, in and of itself, sufficient) condition for the realization of justice. This view leads some to see the boundary build-up as a progressive development that actually helps migrants.²³ From such a perspective, the law can facilitate the creation of an order from which everyone benefits. In the case of unauthorized immigrants, for example, a greater boundary policing presence can lead to lower levels of violence against migrants by so-called border bandits along the U.S.–Mexico boundary.²⁴

At the same time, many argue that the maintenance of the rule of law requires immigration to be orderly and legal since implicit acceptance of any lawlessness has the potential to undermine the larger culture of respect for the rule of law. Seen from this perspective, unauthorized immigration is a potential threat to the larger body politic. As the U.S. Select Commission on Immigration and Refugee Policy contended in its final report:

[T]here is evidence that shows that the toleration of large scale undocumented/illegal immigration can have pernicious effects on U.S. society . . . Most serious is that illegality breeds illegality. The presence of a substantial number of undocumented/illegal aliens in the United States has resulted not only in a disregard for immigration law but in the breaking of minimum wage and occupational safety laws, and statutes against smuggling as

well. As long as undocumented migration flouts U.S. immigration law, its most devastating impact may be the disregard it breeds for other U.S. laws.

(U.S. Select Commission 1981: 41–42²⁵)

What such an analysis ignores is that the very illegal status of a migrant forces that migrant into the proverbial shadows of society, thus necessitating that the migrant break other laws in order to survive, or facilitating her or his employer's breaking of other laws (such as minimum wage requirements). If the goal is to prevent a "multiplier effect" of illegality, the simplest way to do so would be to provide legal status to all unauthorized migrants.

That such an option is not even considered reflects how the law occupies a powerfully ideological position in American society. The dominant view of the law sees it as rational, benign, and necessary, as well as independent of any specific social and/or geographical context as it supposedly rests on immutable principles. The effect of such a worldview is to put the law beyond question, and thus to normalize socio-spatial relations. Of course, as a social creation, the law embodies (in terms of its origin and effects) particular power relations (Blomley 1994).

The dialectical relationship between the law and the modern, national territorial state serves to reinforce the tendency to analyze and to perceive social phenomena only within the limits of national boundaries,²⁶ a tendency that very much informs thinking and practice on the question of unauthorized immigration. Thus, in the case of the United States, although the unauthorized migrant is very much part of a transnational society of which the United States is a part—that is, of a network of social relations that go and emanate from beyond U.S. territory, that impact upon Americans, and that they help to produce and reproduce—the dominant view is to regard the illegal alien as someone whose supposed criminal activity (in violating immigration laws) is independent of the actions of people and institutions in the United States. Thus, the illegal is someone for whom U.S. society need not accept any responsibility (D. G. Gutiérrez 1995: 211–212)—a view that has grown markedly in strength in the last few decades.

In that vein, the legal scholar Alexander Aleinikoff argues that Supreme Court decisions from the 1980s are a manifestation of an increasing "good alien/bad alien" distinction: legal entrants and residents are good and illegals are bad.²⁷ The Court thus views unauthorized immigrants as "uninvited guests, intruders, trespassers, law breakers. The Court sees illegal entry and residence as primarily problems in law enforcement" (Aleinikoff 1987: 47). This legality-based division is a manifestation of what Aleinikoff calls a "tightening circle of membership" regarding insiders and outsiders of the U.S. polity (Aleinikoff 1997).²⁸

The strengthening of the socio-legal boundary advances the equation of the unauthorized immigrant with a criminal. As such, the illegal becomes subject to

a whole host of practices legitimized by the full weight of the law. As the legal scholar Gerald Neuman explains:

[The term "illegal alien"] may be interpreted as implying that the alien's presence can give rise to no legal duties toward him because he should not be here in the first place. Like an illegal contract that creates no obligation, duties toward the alien are void or voidable. This notion reduces the alien to a non-person, an outlaw outside the protection of the legal system.

(Neuman 1995: 1441)

It follows then that the illegal deserves nothing from the United States, regardless of what his or her contributions to the society might be and of what his or her rights are as outlined in the U.S. Constitution, in the wide body of American law, or in various international human rights covenants. The designation "illegal" and the concomitant ideology legitimize punitive legislation such as Proposition 187 and, for some, the employment of force and violence to expel those who are perceived to have no right to be in "our country."²⁹ Furthermore, because the law, for the vast majority, is seemingly neutral, unproblematic, and apolitical, it offers both a standard and a means by which to maintain order and to judge and treat human beings. The label of "illegal" thus serves to stifle debate over border policing and the rights of unauthorized immigrants.³⁰



Figure 7.3 Potter's field, Terrace Park Cemetery, Holtville, California, November 2001, burial site of hundreds of unidentified migrants who have died while crossing through the U.S.–Mexico borderlands. Photo by Mizue Aizeki.

The fusing of the law, territory, and social power makes the construction of the illegal immigrant a difficult one to counter. The contemporary emphasis on illegality has stacked the debate surrounding unauthorized immigration as it is very difficult to argue in favor of something illegal. During the campaign surrounding California's Proposition 187 in 1994, for example, few if any of its opponents within the political mainstream spoke up for the rights of unauthorized immigrants.³¹ (To the contrary, many opponents accepted the argument of 187 supporters that illegal immigration was a serious problem, but contended that enhanced boundary enforcement was the correct way to deal with the matter. See Nevins 1998: Chapter 6. Many opponents went so far as to suggest that the passage of 187 would lead to an increase in criminal activity by youths pushed out of school and to outbreaks of diseases because of untreated illegals: Ho and Marshall 1997; see also Jacobson 2008. In this manner, many 187 opponents reinforced the perception of illegals as threats to the social fabric.) In addition to challenging the almost inviolable nature of "the law," to claim or defend rights of unauthorized migrants is to call into question

the near sacred commitment in conventional political discourse to one of the cardinal norms of the system of state sovereignty—that countries have the rightful authority to control both the entry of foreigners into the national territory and (within certain limits) the terms of their membership once present.

(Bosniak 1996: 571)

Such "territorialization" of the law has created a mindset that allows for implementation of harsh penalties for migrants who have committed the geographical transgression of unauthorized entry. As then-Senator Alan Simpson (Republican–Wyoming) exclaimed in praising the U.S. Senate's passage of the Immigration and Financial Responsibility Act of 1996, "We have stuff in there that has everything but the rack and screws for people who are violating the laws of the United States" (quoted in Graham 1996: 35).

Paradoxically, the general crackdown on unauthorized immigration has had the anticipated effect of increased criminal activity or what Peter Andreas has called "a wider web of illegality" (1998: 348; also see Huspek 1997)—by leading to a greater reliance of migrants on professional smugglers, for example (see, for instance, Spener 2009). Indeed, the Border Patrol considers increased smuggling fees to be a sign of the success of its boundary deterrence strategy (ostensibly due to greater demand for smuggling services as well as to an increase in the obstacles faced by smugglers: see U.S. Border Patrol 1994). Despite the fact that U.S. authorities fully understand that increased smuggling is an inevitable outcome of the enforcement build-up, they continue to argue that more enforcement resources can bring an end to migrant smuggling. In this regard, criminality induced by

boundary and immigration enforcement serves to legitimize an even greater infusion of resources to enforcement efforts.³² Furthermore, the rise in smuggling justifies increasingly punitive sanctions against smugglers; U.S. authorities now increasingly treat migrant smuggling as a form of organized crime (Andreas 1998: 349; also see Bersin and Feigin 1998).

All these developments, along with a number that precede the current immigration crackdown, have served to increase the criminalization of unauthorized immigrants and, to a lesser extent, of even authorized immigrants. This has led to a significant rise in the number of people, including families and their children (see Gaouette and Bustillo 2007; LIRS and Women's Commission 2007; Ortiz Pinchetti 1997), held in detention by the U.S. government—often in conditions that fall far short of various international human rights standards and even those of the U.S. government. In 2000, there were an average of 21,000 "aliens" in detention daily, at an annual cost of approximately \$800 million; in 2009, the figure was over 33,000—having more than tripled since 1996—at a cost of more than \$1.7 billion. Some face indefinite detention because their country of origin refuses to accept them back or because the United States does not have diplomatic relations with their country (Amnesty International 2009; A. Gorman 2009; *Migration News*, December 2000; website of the Detention Watch Network [<http://www.detentionwatchnetwork.org/aboutdetention>]; see also Dow 2004).³³

Under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, noncitizen "aggravated felons" (a category that has a particular—and far more expansive—meaning when applied to transgressions committed by noncitizens) are subject to automatic deportation (with few exceptions), regardless of how long ago their crimes occurred. The 1996 law greatly expanded the list of crimes for which noncitizen, legal residents (officially known as "resident aliens") can lose their residency. Prior to 1996, the list was limited to murder, rape, and other major felonies. The list now includes selling marijuana, domestic violence, some cases of drunk driving, and any conviction that carries a sentence of one year or more (Morawetz 2000).

As deportations of unauthorized immigrants apprehended outside the immediate border region have soared, so has the number of deportations of so-called criminal aliens (see Hedges 2000; Wilgoren and McDonnell 1997). This phenomenon is indicative of the slippery slope that results from a hardening of the distinction between legal and illegal immigrants. In a number of ways, the illegal/legal distinction has become one between citizens and aliens, who now are held to a much tougher standard vis-à-vis law enforcement than citizens. Many deportees removed from the United States, for instance, are not, in fact, unauthorized immigrants, but are legal residents who have been stripped of their

residency on account of convictions for legal transgressions. Legal resident or not, U.S. officials typically highlight the link between deportees and violent crime. But, similarly to the population that finds itself languishing in state and federal prisons in the United States (see Beckett 1997), the majority of the deportees are nonviolent offenders—72 percent of deportees fitted this description between 1997 and 2007. (For noncitizens stripped of their residency and deported, the figure during the same period is even higher, 77 percent: Human Rights Watch 2009: 2.)

Gerardo Antonio Mosquera Sr. is one such deportee. Convicted in 1989 for selling \$10 worth of marijuana, the INS stripped Mosquera of his permanent residency and deported the 29-year legal resident of the U.S. back to his native Columbia in December 1997. As a result, his 17-year-old son, Gerardo Jr., went into a deep depression. Two months later, the high school junior committed suicide. Nonetheless, the U.S. Embassy in Bogota would not permit Gerardo Sr. to return to Los Angeles to attend his son's funeral (McDonnell 1998; also see Ojito 1997a,b).

Such examples illustrate the growing criminalization of all immigrants—especially the unauthorized—and increase the distinction between “us” and “them,” between citizens and “aliens,” placing so-called aliens on the wrong side of the social boundary that distinguishes law and order from criminality. This enhanced alienization of unauthorized immigrants surely contributes to an institutional and public mindset that facilitates the human rights abuses perpetrated by agents of the Border Patrol and ICE, and other U.S. officials, against migrants and entire communities that come under intense surveillance and policing (often justified in the name of national security—i.e. the “war on terror”).³⁴ Meanwhile, in the case of those repatriated or deported to Mexico via Tijuana, for example, the alienization facilitates further abuses by local and national authorities in their countries of origin (see CBDH 2008). It also serves to provide ideological legitimization to the very boundary build-up that has helped to criminalize the migrants.

By its very definition, “illegal” immigration is a problem (Willoughby 1997: 287). And the personification of this problem are illegal immigrants, “criminalized from the outset . . . Because they don't have the documents that grant them a modest place to stay and a lowly job to survive” (van Dijk 1996: 291; also see Huspek 1997). Thus, it should not be surprising that the so-called Crime Bill of 1994 contained the authorization for the initial budgetary increase that has resulted in unprecedented growth in the number of Border Patrol agents since FY 1995 (United States Congress 1994; also see M. Stern 1994d).³⁵

This criminalization of unauthorized migrants and the growing emphasis on law and order in the border region have taken place since the 1960s in a larger national context of growing official and popular concern about fighting crime

and a concomitant rise in resources for law enforcement—part of a conservative-led attack on the gains of the Civil Rights movement and the social welfare state (Beckett 1997). The resulting shift in federal resources has led to the rise of what Peter Andreas calls “the American crimefare state,” and what the legal scholar Jonathan Simon characterizes as the associated tendency to govern through crime and the fear of such (Andreas 1997; Simon 2007). In this regard, the rise of illegal immigration and the criminalization of migrants have intersected with efforts by state actors and activists to redirect state resources away from redistributive endeavors and towards those of social control, with violent outcome of both the physical and structural varieties.³⁶

At work, the growing enforcement web has the effect of “disciplining” labor by decreasing the likelihood that employees without proper papers will challenge substandard working conditions for fear of arrest and deportation. Such fear is well founded: according to one study, 52 percent of companies where union drives are taking place threaten to call U.S. immigration authorities if the organizing campaign involves unauthorized migrants (Brofenbrenner 2000; see also Bachelet 2007; Bacon 2008; De Genova 2005), which has a chilling effect on a worker's right to organize.

And at home, in one's community, in many places, migrants' very presence has become more precarious as state and local governments have appropriated the right to police them *as* immigrants and, on that basis, deny them rights, while creating a generalized climate of fear (see Gilbert 2009; Varsanyi 2008). At the same time, there is a far greater threat of arrest given the increasing levels of cooperation between local police departments and U.S. immigration authorities (through, among other mechanisms, an Immigration and Customs Enforcement program called 287[g])—bringing about widespread insecurity within targeted communities as many are loathe to contact the police lest they get involved in immigration matters. This blurring of the divide between policing of criminal and civil (such as immigration) matters has the effect of driving unauthorized immigrants and their families—most of which are of mixed status (e.g. they have legal residents and citizens in them)—further into the shadows for fear of being caught by law enforcement officials (see Parenti 1999; Shahani and Greene 2009). In doing so, it entraps them socio-geographically in various ways—especially in the border region, where enforcement is concentrated (see Alvarez 2006; Núñez and Heyman 2007).

The Normalization of the Boundary and the Enforcement Complex

Perhaps one of the most noteworthy factors associated with Operation Gatekeeper and the larger build-up in the enforcement apparatus is the lack of any significant

public opposition to a strategy (and the assumptions and interests behind it) that has led to the growing criminalization of immigrants, as well as to an intensifying set of violent tools and outcomes. And as suggested earlier, this lack of opposition is significantly related to the strengthening of the social boundary between legal and illegal immigrants, and between citizens and aliens. Whereas ideas and practices around illegal immigration are undoubtedly rooted in a particular human geography constituted by racism, sexism, and classism, the term "illegal" is at issue because it represents a new way of looking at non-U.S. nationals that justifies an increasingly punitive set of social practices.³⁷ This development represents a particular stage in the development of the United States as a nation-state, one in which, at least in terms of immigration, the division between Mexico and the United States has shifted from a border, a zone of gradual transition, to a boundary, a stark line of demarcation—one that divides law and order from chaos and lawlessness, and thus civilization from something less than fully civilized.

The designation of certain types of immigrants as "illegal" serves to stifle discussion. For many, there is no reason to debate policies that aim to stop immigration that lacks state sanction, something that is simply wrong. As the historian David Gutiérrez contends:

[F]or a growing proportion of the American public, the issues involved in the immigration controversy are fairly straightforward. Adhering to a view in which the issue of an immigrant's standing in American society and ability to fit into the American way of life should be determined simply by ascertaining the individual's formal status before the law, many apparently believe that devising appropriate immigration policies should be a simple matter. For such individuals the question of who rightly should be considered a fully vested member of the American community is unambiguous: one is either legal or illegal, a citizen or an alien, an American or a foreigner.

If one accepts this starkly bifurcated system of categorization, it follows that coming to basic decisions about who rightfully belongs to, and who must be excluded from, that community should be an easy matter.

(Gutiérrez 1995: 211)

Such opinion is not limited to the unlearned masses. Many in what former Vice-President Dan Quayle referred to as the "cultural elite" hold such views. As the *San Diego Union-Tribune* opined in an 1996 editorial, for example:

Americans are perfectly right to be angry about illegal immigration, and Congress and the president need to continue efforts to stop it. But the distinction must be made between illegal and legal immigrants. Legal immigrants have always been a boon to our society. They deserve our respect and welcome.

(*San Diego Union-Tribune* 1996)

Implicitly, the *Union-Tribune* seems to be suggesting that unauthorized immigrants definitely do not deserve "our" welcome; they also do not deserve our respect.

This is because the illegal is someone who is officially out of place—in a space where she or he does not belong. Thus, the official relationship of the illegal alien to the particular national space in which she finds herself defines her status. The practice of territoriality—the effort to exert influence over people and other phenomena by asserting control over a defined geographic area—reinforces the designation of the illegal. Territoriality, the geographer Robert Sack points out, helps to obfuscate social relations between controlled and controlled and to displace them to the territory "as when we say 'it is the law of the land' or 'you may not do this here'" (Sack 1986: 33), thus reifying territory and the power it embodies.

This obfuscation of social relations applies perhaps even more to the U.S.–Mexico boundary, its associated immigration enforcement practices, and the illegal migrant—especially the unauthorized entrant in the process of crossing into the United States (as opposed to one who has already settled within a community in the interior). Thus, for the vast majority of Americans—including Latinos (see D. G. Gutiérrez 1995³⁸)—the wrongness of illegal immigration is simply beyond question. As a spokeswoman for the National Council of La Raza (NCLR) stated, "We are all against illegal immigration" (quoted in Holmes 1996). Such a position is an outgrowth of what Aleinikoff (1997: 326) calls the "tightening circle of membership" and has resulted in a situation in which immigrant and ethnic advocacy groups now largely recognize that "enforcement of the border is a legitimate and significant public-policy goal." In fact, groups such as the NCLR have argued in favor of enhanced boundary enforcement as a substitute of sorts for employers' sanctions, which they see as failed policy and leading to discrimination against all Latinos—regardless of immigration status (see U.S. Congress Subcommittee 1994: 141–150; also Bosniak 1996: note 41).³⁹ For most people in the United States (and in Mexico as well), the boundary has become decreasingly controversial; it has become normal. In this regard, we can understand the ongoing build-up as the latest stage of a process of normalization of the U.S.–Mexico boundary, one that has seen a growing institutionalization of the boundary in a physical sense as well as an ideological one. The result of this process has been to make the boundary and its associated practices and ideologies increasingly difficult to challenge. This, arguably, is the most significant effect of the ongoing building of the social and territorial boundaries of which Operation Gatekeeper and the larger national strategy are part.

Institutionally, this development has had a profound impact on the size and power of enforcement-related bureaucracies, thus creating all sorts of

political and economic benefits for a host of interests ranging from the massive Department of Homeland Security, to the for-profit prisons that house a large portion of the country's growing number of immigrant detainees (see the website of the Business of Detention at <http://www.businessofdetention.com/>), to localities to which advantages accrue thanks to the influx of federal government monies (see Abramsky 2005; Spagat 2008b). What has been called the immigration-industrial complex or the migrant-military-industrial complex (Fernandes 2006; Golash-Boza 2009a,b; Lovato 2008)⁴⁰ undoubtedly and increasingly helps to (mis)shape federal policies, priorities, and perceptions—a matter in need of serious investigation—vis-à-vis immigration and boundary enforcement, what is today called homeland security, and the law.⁴¹ Meanwhile, it also facilitates the “almost anything goes” nature of what today passes for debate on boundary and immigration policing matters in official and elite circles. The embracing of law-and-order combined with what the sociologist Nandita Sharma (2006: 51) refers to as “the territorialization of people's consciousness” enables a level of exclusion that, not too long ago, was unimaginable. Take, for example, President Barack Obama's first budget proposal (for FY 2010). It called for maintaining a force of 20,000 Border Patrol agents (<http://www.calinst.org/pubs/Budget2010.shtml>). In response, there was not a word of criticism in the press or any mainstream political circles that I was able to identify. What is significant here is how radical Obama's proposal is in comparison to what took place just a few decades ago. It took until 1976–1977 for the total number of Border Patrol agents to surpass 2,000—in other words more than fifty years after the agency's establishment. In 2009, funding ten times that number is envisioned as the federal government's task for a single year.

Whereas the effects on the well-being of migrants and their loved ones is profound, the complex does not always make clear distinctions between citizens and aliens. And, as it grows, it increasingly penetrates the lives and spaces of all of “us.” Increasingly, for example, U.S. authorities, in the name of national security, are employing Border Patrol checkpoints far in the interior of the United States—ranging from locales across Arizona to White River Junction, Vermont (more than 100 miles from Canada). This has the effect of “thickening” the territorial boundaries of the United States in terms of its agents and practices of surveillance and social control.

The legal basis for interior checkpoints is questionable. Nonetheless, the U.S. government claims a right to stop, question, and search individuals within a 100-mile zone within the country's territorial boundaries—a zone that includes nearly two-thirds of the entire U.S. population—creating what the American Civil Liberties Union calls a “Constitution-Free-Zone” (see [http://](http://www.aclu.org/privacy/spying/areyoulivinginaconstitutionfreezone.html)

www.aclu.org/privacy/spying/areyoulivinginaconstitutionfreezone.html). From a “security” perspective the effectiveness of the resulting measures is highly doubtful. As the journalist Sasha Abramsky writes about the Border Patrol in Havre, Montana (about 47 miles south of the U.S.–Canada boundary), where its agents board east- and westbound Amtrak trains:

It is a place where expensive, resource-intensive Border Patrol activities provide the illusion of counterterrorism effectiveness while mainly netting only tourists who have overstayed their visas, illegal immigrants from Latin America hopping around the country in search of jobs, and would-be refugees and asylum seekers.

(Abramsky 2005)

They do, however, reflect and justify an ever-growing and increasingly intrusive enforcement apparatus. In the case of highway checkpoints, for instance, they are at least as much about finding illicit drugs as unauthorized migrants. As the analyst Tom Barry suggests (2009a), they are another manifestation of how “the drug war and the immigrant crackdown are already one and the same”—with negative consequences for basic civil rights as they help give rise to a largely unaccountable policing apparatus.

In a congressional hearing involving representatives of the Department of Homeland Security, U.S. Senator Patrick Leahy told of one encounter he had with an agent at such a checkpoint in the state of New York:

It was about 125 miles from the border. In a car with license plate one on it from Vermont. With little letters underneath it that said U.S. Senate. We were stopped and ordered to get out of the car and prove my citizenship. And I said “What authority are you acting under?” and one of your agents pointed to his gun and said “That's all the authority I need.”

(quoted in T. Barry 2009a)

Such a mentality, and the enforcement apparatus that it reflects, help explain the numerous illegal practices carried out by ICE agents during home raids. According to a study by the Immigration Justice Law Clinic at the Benjamin N. Cardozo Law School of hundreds of home raids, these practices represent widespread misconduct, including entering homes without legal authority; arresting innocent, nontarget individuals in their bedrooms; searching homes without a warrant or consent; and seizing individuals on the basis of ethno-racial appearance or limited English proficiency. The raiders sometimes detained by force legal residents and citizens in their homes as they searched for incriminating evidence (Chiu *et al.* 2009).

These raids are part of the growing deportation dragnet, one in which U.S. citizens are sometimes even mistakenly caught up (see, for example, Hendricks

2009; Stevens 2008). But, even without such errors, the deportations profoundly impact U.S. nationals, in addition to non-nationals. Given the mixed-status nature of most migrant households—about 85 percent of migrant families (those with at least one noncitizen parent) are of mixed status in that at least one child is a U.S. citizen (Fix and Zimmerman 1999)—an almost inevitable effect of deportations is to divide families (see, for example, N. Bernstein 2004, 2005; Cooper 2007; Danticat 2007).

Between FYs 1998 and 2007, 108,434 of U.S. deportations (“removals” in contemporary, official parlance) involved parents of U.S. citizen children, and separated more than 1 million family members in the United States from a parent or spouse. By deporting parents, asserts a report by the law firm of Dorsey & Whitney for the Urban Institute, the federal government is doing long-term damage—financial, emotional, psychological, behavioral, and educational—to American children. Although U.S. immigration law allows migrants to apply to cancel a deportation order, the standards are such that obtaining relief is almost impossible, states Dorsey & Whitney. The result is that “citizen children increasingly find themselves separated from one or both parents, or effectively deported with their parents.” In both cases, the deportation apparatus compels parents to make a heart-wrenching choice. One option is to divide the family by keeping their children in the United States. Another is to decide to keep the

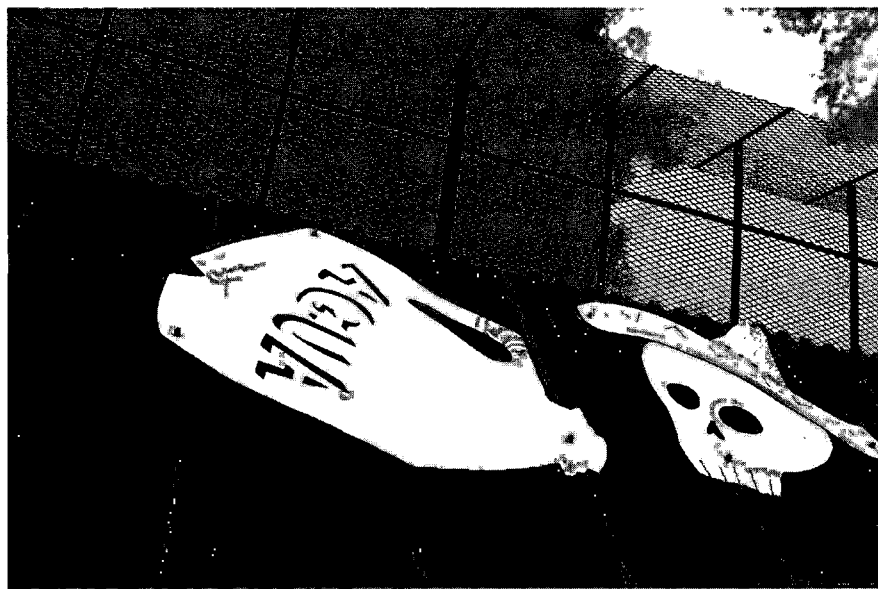


Figure 7.4 Protest art on U.S. boundary wall as seen from Nogales, Sonora (across from Nogales, Arizona), October 2005. Photo by Mizue Aizeki.

family together by uprooting their children from a community and lifestyle that is all they have ever known. In doing so, they often expose the children to socio-economic deprivation given the frequently under-resourced nature of deportees’ “home” countries. Under both options, the outcome for families is to effectively turn them into refugees. By deporting parents and, often by extension, their children, the federal government is driving them from what is, for all intents and purposes, their homeland (Human Rights Watch 2009; Kremer *et al.* 2009; Nevins 2009; U.S. DHS, OIG 2009).⁴²

I close this chapter in the El Paso Sector. On April 6, 1996, I accompanied a Border Patrol agent in the western area of the El Paso Sector as part of a “ride-along.” Around 6 a.m. or so, just as the sun was rising, our vehicle received radio communication from the infrared unit that there were sightings of people near the dump in Sunland Park, New Mexico—just to the west of El Paso, Texas. Sunland Park is across the boundary from a fast-growing informal community in Mexico called Anapra, on the outskirts of Ciudad Juárez.

The agent I was accompanying—Ed Reeves⁴³—had already told me that people from Mexico regularly cross the boundary to go to the dump and scavenge to bring materials back to sell in Ciudad Juárez (El Paso’s twin city). As we got close to the dump, we saw in the moonlight a couple of people on its rim. Apparently these two told the others of the Border Patrol unit’s arrival, as a group of seven soon descended down the slope of the dump toward the vehicle. I was struck by how they came down in such a compliant and nonplussed manner.

There were two children (boys of roughly 10 and 17 years); two women (one seemed to be the mother in her mid-forties, the other in her early twenties); and three men (one seemingly the father in his mid-forties, and the other two at least 10 years younger)—presumably all members of an extended family. There were also three little dogs. Agent Reeves told me that the dogs would just run back to Anapra.

The seven prisoners sat crouched on the side of the dump, holding their sacks (which did not appear to hold much) as a light but cold rain began falling. When the transport unit finally showed up, they filed down the hill quietly and got into the unit. Ed Reeves told me that he had warned these same people before about coming across. (Had he let them go on a previous occasion?)

Despite the captors’ cooperation, however, the arrest hit a temporary snag: two of the dogs would not leave the group behind without a fuss and insisted on running after the Border Patrol transport vehicle as it tried to pull out of the area. The driver was afraid of hitting the dogs, and kept on having to stop and try to shoo them away. Finally, Ed told the other agent just to drive 30 miles an

hour and the dogs would stop chasing the unit—which they did.

I tell this story because of the irony of a world in which dogs sometimes have the freedom to move across international boundaries, a freedom denied to many human beings, including, in this particular case, the very human beings of whose family the dogs are members. It pained me to witness the arrest of these seven human beings—for the “crime” of trying to survive poverty. But of course their official sin was not that they were trying to seek their livelihoods; rather, it was that they had crossed a line without state sanction in eastern New Mexico.

The very existence of lines of control over the movement of people is a very recent development in human history. That we accept these boundaries and their associated practices—largely without question—and have come to do so in a relatively short span of time is a highly significant development. It also speaks to the extraordinary power of these lines of division and control—and the agents and institutions behind them—in shaping the very ways in which we view the world and our fellow human beings. Operation Gatekeeper and the ongoing boundary build-up are dramatic manifestations of these lines, as well as their legacies, ones that produce life and death and states of being in between.

8

Security in an Age of Global Apartheid



Figure 8.1 First Lady Pat Nixon, Border Field State Park, August 18, 1971. Credit: The Richard Nixon Presidential Library and Museum/National Archives and Records Administration.

“We called for workers, and there came human beings.

—Max Frisch, Swiss playwright, referring to Europe’s “guest worker” system in the 1960s and 1970s (quoted in Calavita 1992: 6)

People in California talk about the “illegals.” But there was always an illegality to immigration. It was a rude act, the leaving of home. It was a violation of custom, an insult to the village. A youthful act of defiance . . . Immigrants must always be illegal. Immigrants are always criminals. They trespass borders and horrify their grandmothers.

But they are also our civilization’s prophets. They, long before the rest of us, . . . they saw the hemisphere whole.

—Richard Rodriguez (1996: 224)

It is time to face the facts: Anglos won't go back to Europe, and Mexicans and Latinos (legal or illegal) won't go back to Latin America. We are all here to stay. For better or for worse, our destinies and aspirations are in one another's hands. For me, the only solution lies in a paradigm shift: the recognition that we are all protagonists in the creation of a new cultural topography and a new social order, one in which we all are "others," and we need the "others" to exist. Hybridity is no longer up for discussion. It is a demographic, racial, social, and cultural fact.

—Guillermo Gómez-Peña (1996: 70)

On August 18, 1971, U.S. First Lady Pat Nixon visited the extreme southwest corner of the continental United States. She was there to inaugurate Border Field State Park, a 372-acre parcel of land in Imperial Beach, California. The site of the initial survey to mark the international borderline after the U.S.-Mexico War ended in 1848, it had been a U.S. Naval field since World War II. The park's planners envisioned free access to it for people on both sides of the boundary (L. Thomas 1971).

In her speech—one that the *Los Angeles Times* characterized as "short and sincere"—Mrs. Nixon said, "I hope there won't be a fence here too long." The statement, according to the *San Diego Union*, "drew applause from the approximately 500 Mexicans and 500 American dignitaries and spectators" gathered on either side of the barrier to witness the ceremony. The VIPs included the mayors of Imperial Beach, San Diego, and Tijuana as well as various California state and federal officials, the presidential counsel, and the White House communications director (L. Thomas 1971). During her speech, Nixon promised to cross the boundary to shake hands with some of the hundreds of Mexican nationals witnessing her visit, declaring "I hate to see a fence anywhere" (J. Jacobs 1971).

After a tree-planting ceremony and a chat with some local surfers using the beach, Mrs. Nixon asked a member of her security detail to cut a section of the barbed-wire barrier, "and then took an unscheduled plunge into a reaching, waving throng of Mexicans who lined the Tijuana side of the border to witness the ceremonies." The first lady was, according to the *Union's* account, then "engulfed by Mexican well-wishers for almost 15 minutes." As reported by the society editor of the *Los Angeles Times*, "the Secret Service looked nervous enough as Mrs. Nixon was engulfed by the Spanish-speaking crowd. The mariachi band followed closely behind as she shook hands." While there, she said to Tijuana's mayor, her "escort," according to San Diego's *Evening Tribune*, "I hate to see fences," and asked, "When is this coming down?" Returning to the U.S. side of the line unscathed, the First Lady got on a helicopter to take her to her next destination (Bennett 1971; J. Jacobs 1971; L. Thomas 1971).

Looking back to that day in August 1971, what is striking is that nothing was said that was critical of Pat Nixon's words and actions¹—at least as indicated by media coverage. It is almost unimaginable today that a "first spouse" or any political figure with a high national profile could utter words similar to those spoken by Mrs. Nixon and not come under a barrage of criticism. And, even if a high-profile speaker of similar words were to exist, that person would find it impossible to cross the boundary as Mrs. Nixon did given how radically the landscape of the U.S.-Mexico borderlands—and of Border Field State Park specifically—has changed.

As early as 1917, the boundary in the stretch of land that is today the park was delimited by a "heavy barbed-wire fence," one running "from the monument down the steep side of the sandy bluff and across the strand and out into the surf."² And anchored there with a couple of old street car rails—at the uttermost southwestern limit of Uncle Sam's domain." The unsigned 1917 article in the *San Diego Union* in which the description of the fence appeared noted that the area on the U.S. side of the divide was "under cultivation." The Mexican side, by contrast, was "still in all its primeval wildness of cacti and underbrush, with an occasional clump of tiny but pretty blossoms." The land on the American side, the article opined, "is a splendid site for a resort town, and undoubtedly will be utilized for such purposes in the future, as the scenery . . . [is] unsurpassed" (*San Diego Union* 1917). And no doubt, given the state of boundary enforcement at the time, it was an area easy to enter from Mexico and traverse independent of controls by U.S. authorities.

With the outbreak of World War II, the U.S. Navy claimed the land for a naval air station; the U.S. Army also established there the Mexican Border Fire Control Station for helping to set up artillery and gunfire targets (see Tipton 2008). As the site of the first U.S.-Mexico boundary monument—today, a white marble obelisk that straddles the divide—the spot had been "a favorite place of visitation for Sunday excursionists from San Diego," reported a 1951 article in the *San Diego Union*. Thereafter, a permit from the navy's security officer was required—granted only if one was able to show "good cause"—to gain access. Yet, evidently, security measures were not very formidable, as indicated by the "countless Mexicans" who passed through the "rundown fence of barbed wire in rotting posts" that marked the divide in search of "employment in the United States without formality of legal entry." The fence, in the writer's estimation, was hardly a barrier: it "would keep neither man nor beast from proceeding from one nation to the other" (Safley 1951). And, apparently, it was hard to keep U.S. visitors away. As one "young Navy man" stated, "We can't keep the people from their monument." So, by 1957, the navy allowed visitors to come to Border Field on Saturdays and Sundays from 10 a.m. to 5 p.m. (Ryan 1957).

Because the fence did not succeed in keeping "beasts" away either, the United States had a 55-person horseback patrol, employed by the U.S. Department of Agriculture's Bureau of Animal Industry, to police the American side of the international divide from the Pacific Ocean to Yuma, Arizona. In the effort to prevent the spread of foot-and-mouth disease, the "fence riders" endeavored to keep animals from the Mexican side from wandering into the United States. In one press story of the unit's activities, the journalist tells of a patrolman's successful attempt to hunt down a pig that crossed the line in the Imperial Beach area (see Moyer 1950; also Safley 1951).

Unauthorized migration across the boundary in the area appears to have been of little concern at least as late as the 1950s. It was so little that the primary justification given near the end of the decade by James Utt, a San Diego Congressman, for building a new 10-mile boundary fence from the Pacific Ocean was to prevent diseased Mexican cattle from crossing the line and contaminating U.S. dairy cattle (*San Diego Union* 1959).

Such attitudes were embodied in the barrier that delimited the boundary and the way in which it was represented. A June 1958 article in the magazine *Westways* showed the barbed-wire fence in what later become Border Field State Park to be sagging and easily breachable, "conclusive evidence," according to the photo caption, of "the present cordial relations between the two countries" (Ryan 1958).³

These cordial relations seem to have animated the efforts by various organizations and individuals to have the land reverted back to the public once the military no longer needed it, the culmination of which was the creation of the park. Its inauguration in 1971 led to additional efforts by those same parties to open up the space of the area straddling the boundary. Their efforts led to the removal, 18 months later, of the fence around the obelisk boundary marker, leaving a gap in the boundary—much to the chagrin of the Border Patrol. "We're objecting to it violently," said the assistant chief of the agency in the area. The manager of the Chula Vista Chamber of Commerce, which had lobbied for the removal, reacted very differently: "I'd like to compliment whoever took down that fence. It was a disgrace" (Scaglione 1973).

The hopes and dreams of the park's champions went far beyond removing the fence around the monument. They endeavored to build on the park and to create a large, binational space of international cooperation and harmony. As one press account reported:

They want a park of at least 1,500 acres, on both sides of the border. It would contain within its boundaries centers for pioneering new techniques in intercontinental relationships.

It could be used to enlarge and to centralize the programs of such groups as the Commission of the Californias, the Municipal Alliance for Border Planning, and the

sister city programs. A center for the study of the environment and a University of the Americas have also been proposed. This is a concept of the California Continental State Park. It has received much support from across the border.

(Wolin 1971: G-2)

This ambitious vision, of course, never came to pass—far from it: like all of the 14 westernmost miles of the U.S.–Mexico borderlands, it is now scarred by two layers of formidable barriers—in addition to having a symbolic third layer of fencing that delimits the strip of land abutting the divide that the federal government has declared off-limits to human beings other than its employees. The reasons for this dramatic reversal and transformation are inextricably tied to the factors that gave rise to Operation Gatekeeper and the larger boundary build-up.

As the book has shown, the build-up of the boundary and immigration enforcement regime is the outgrowth of the intersection of a variety of long- and medium-term trends emanating from the local (San Diego–Tijuana), regional (the border), national (for both the United States and Mexico), and international levels. These trends involved both the construction of the U.S.–Mexico boundary as a physical divide based on state efforts to regulate and to control transboundary movement, intermixed with the making of the associated (and necessary, in terms of the needs of the modern territorial state) social boundaries that help to define and make distinctions between "us" and "them"—social categories heavily imbued with hierarchical concepts and practices vis-à-vis race, class, gender, nation, and geographical origins. Most important (in terms of this book) in the making of these identities has been the process of "illegalization," the process by which immigrants entering the United States without state sanction have become constructed and perceived as lawbreakers and alleged threats to the socio-cultural and political fabric of the country. Taking these trends together, the state-sponsored enforcement strategy is thus the latest phase of an ongoing project of territorial and social boundary construction between the United States and Mexico and, by extension, the rest of the world.

At the same time, such long- and medium-term developments—although absolutely necessary as contextual factors—are not sufficient to explain the outbreak of the significantly heightened public and official sentiment in favor of waging a war of sorts on illegal activity in relation to the U.S.–Mexico boundary in the early 1990s. The dramatic rise in public and official concerns came about at a time of a perceived immigration and boundary control crisis, one that arose—most vociferously in southern California—in a context of economic recession, increasingly ineffective local government, and significant

changes in the socio-cultural fabric of the society. In this environment, various state actors and nativist organizations created the perception of a crisis by effectively constructing the unauthorized migrant not only as a lawbreaker, but more importantly as a threat to the well-being of California, and national sovereignty and American society more generally. Such imagery resonated in a society with a long history of largely race-based anti-immigrant sentiment—especially toward those from “south of the border.” The resulting war against unauthorized immigrants led to a significant shift in U.S. policing tactics as part of a larger strategy along the U.S.–Mexico divide and the massive infusion of enforcement-related resources into the border region.

As the U.S.–Mexico border region has become more integrated into the American national body politic and gained significantly greater levels of demographic and economic importance, public awareness of the international divide has grown. As it has become more important, the U.S.–Mexico boundary has increasingly helped to shape and reflect the lives of people on both sides of the line. The ongoing enforcement build-up, as the pinnacle of a long historical geographical process that has reified the territorial and social boundaries that embody the United States, is a manifestation of a radical change in how human beings perceive (and are perceived) and live their lives, a radical change necessarily tied to the rise and evolution of the modern territorial state in a world of increasing globalization. As a result, U.S. territorial boundaries and their associated practices have become relatively “normal,” unproblematic, and uncontested components of the social landscape—at least for the vast majority of people in the United States.⁴

As the enforcement build-up and the persistence of concerns about unauthorized and unwanted immigrants demonstrate, the modern territorial state is far from disappearing, despite the forces of globalization. Rather, the state is diversifying and developing (Mann 1993; also see Brenner 1999). This is not to suggest that globalization (conceived as a process rather than a state of affairs: Giddens 1990; Harvey 1995) does not have any weakening effects on the state. Clearly, it does. Transnational processes such as migration have helped to transform the state, while making it increasingly difficult for the state to manage extraterritorial processes and, thus, what enters national territory.

But, despite the evolution of this increasingly transnational world, modern states tend to cling to the concept of national sovereignty when it comes to immigration. In this regard, one important aspect of state policy, especially in the so-called developed world, is its concentration on immigration enforcement efforts through boundary policing. Meanwhile, international treaties such as NAFTA open these same national boundaries to flows of capital, finance, manufactured goods, and

services (Sassen 1998: 7). It is in this sense that the state, in terms of its boundary functions, plays a “gatekeeper” role. Of course, there is nothing novel about the selective nature of immigration enforcement. What is new is the state’s enhanced capacity to police its boundaries and to formalize its rules and practices governing boundary enforcement.

In a number of ways, globalization facilitates an enhancement of state power—at least at the social and geographical margins in the form of national territorial boundaries and unauthorized immigrants. Globalization also often leads to increasing demands upon the state for an intensified “nationalization” of territory and society. Political attacks against immigration and migrants—in the United States and in many other parts of the world—are instances of such nationalization. The attacks have come about partly in reaction to economic globalization and a perception of rising levels of socio-economic insecurity (Sassen 1998: 10). If we further accept that increasing globalization and regional integration are contributing to a heightened sense of insecurity among a significant portion of the U.S. population, we may then understand popular support for state efforts such as the ongoing enforcement build-up also as an attempt to reclaim a sense of security. It is a security undermined by some of the same forces—regional integration and neoliberal globalization—that limit the potential and real success (on the state’s terms) of the build-up.

The “hardening” of the country’s territorial boundaries, the associated enhanced state enforcement capacity, and their normalization take place in a global system of nation-states and a highly differentiated world political economy, the coexistence of which demands and necessitates strong boundaries—especially between prosperous and less fortunate countries—as part of the infrastructure of maintenance of the international status quo. In this regard the invocation of (multifaceted) security is one of the key ways these boundaries are justified and reproduced. The resulting project of securitization and the associated set of practices and institutions—a significant component of which involves state regulation of mobility across and residence within national boundaries—underpin and aim at upholding this grossly unequal international arrangement, which many analysts have characterized as a system of global apartheid. The embracing of limiting human mobility in the name of security, and fusing it with the law, helps to obscure this foundational dynamic, while sustaining it. In the end, however, like any project of boundary building in the face of a dynamic environment, it cannot last—nor should it from an ethical perspective. It is these topics that this final chapter considers.

The Production of (In)security

The geographer Yi-Fu Tuan once asserted that, in general, "every human-made boundary on the earth's surface—garden hedge, city wall, or radar 'fence'—is an attempt to keep inimical forces at bay. Boundaries are everywhere because threats are ubiquitous" (Tuan 1979: 6). Although there is much truth to Tuan's observation, it reduces boundaries to a form of protection, thus ignoring the fact that the nature of, and reasons for, boundaries are diverse, and that the nature of particular boundaries can and does change on account of a whole host of factors and social actors. That said, in the case of the modern nation-state, the provision of security—as discussed previously—is one of its key functions. Given this, the invocation of security is a constant. What also is a constant—given that which side of an international boundary one is born on has profound implications for one's life and death circumstances—is that the production of security for "us" in terms of immigration control is inevitably tied to the production of insecurity for others, or "them."

In the post-9/11 era, terrorists—of the Al Qaeda or violent drug-trafficking variety—are the primary justification for boundary and immigration enforcement. That said, a discourse linking terrorism to U.S. territorial boundaries and unauthorized migrants long precedes 9/11. In a 1989 publication, the Federation for American Immigration Reform wrote, for example:

In the past ten years a number of suspected terrorists have been apprehended by the INS on both the northern and southern borders of the United States. Inspectors at ports of entry must now consider the possibility that aliens entering the U.S. legally or illegally may be intent on terrorism rather than merely finding employment.

(FAIR 1989: 6; see also Dunn 1996)

Whether or not the implied fear is substantiated by the material conditions it purports to reflect is an important matter. But of greater significance here is how fears about foreign-born terrorists and criminals and the threats they allegedly represent to the United States translate into a focus on national territorial boundaries. It is the very fact that they are people from "outside"—not part of the U.S. body politic—that makes the threat they supposedly embody inherently and especially territorial. In other words, the threat is a spatially external one. It endangers the space and people within, which thus require strong boundaries to prevent its entry or that of any other would-be threats.

Refugees or unauthorized immigrants are often constructed by state actors in the United States as external threats—even though their state of being is often to at least a significant degree due to U.S. policy (in the case of Iraqi refugees fleeing their U.S.-occupied, war-torn country, for example). In categorizing these "threats"

as they do, state actors define not only national territory, but also membership in the nation. The construction of the center (in this case, the nation and/or national territory) depends on the construction of the periphery (from where the "threat" embodied by the unwanted migrant emanates). Just as the construction of center and periphery are inextricably intertwined, so, too, is the production of citizen and alien. In constructing the undesirable immigrant as a security threat, state actors give the immigrant the appearance of a destroyer of social harmony: the unwanted immigrant—we are told—takes "our" jobs, commits crimes, threatens the social safety net, and undermines social cohesion. Implicit in such an analysis is the assumption that there would be a great deal more social harmony if the migrant were not present (Huysmans 1995: 53–59; also see Teitelbaum and Weiner 1995).

Take the case of crime, for example. U.S. officials and proponents of strict immigration and boundary enforcement typically highlight the allegedly criminal (and dangerously so) nature of many unauthorized migrants—even though immigrants in general are far less likely to be incarcerated than native-born citizens of the United States. This holds true for immigrants from Mexico and Central America—despite popular stereotypes associating them with criminality—and illegal immigrants as a whole as well (Rumbaut and Ewing 2007). In other words, if the goal is to reduce levels of criminal activity and incarceration rates in the United States, an effective way to do so is to allow greater levels of immigration from, among other areas, Latin America. This helps explain why the safest cities in the United States are often ones with heavy immigrant populations, including ones in the border region such as El Paso, Texas, which is one of the least violent cities in the country (Balko 2009)—despite being located directly across the divide with Mexico from cities reputed to be very dangerous.⁵

As for fighting terrorism, which is what the Border Patrol now says is one of its primary functions, as of 2009, there is no documented basis for any suggested link of terrorism with Mexico or with movement across the U.S.–Mexico boundary (see, for example, Leiken and Brooke 2006). Nonetheless, fears of terrorists emanating from Mexican territory fuel much vacuous discussion in Congress and provide fodder for many press accounts that typically highlight Border Patrol apprehensions of non-Mexican migrants as supposed proof of the threat. As in the case of the broader "war on terror" and similar to the emptiness of claims that link growing immigration to higher crime rates (see, for example, Rumbaut and Ewing 2007; Sampson *et al.* 2005), political actors have grossly exaggerated the threat of terrorism, as the lack of any attacks since 2001—despite a still permeable boundary—demonstrates. In response to those who would say that this "proves" that the security measures along the boundary are working, the political scientist John Mueller writes in a 2006 article:

Americans are told—often by the same people who had once predicted imminent attacks—that the absence of international terrorist strikes in the United States is owed to the protective measures so hastily and expensively put in place after 9/11. But there is a problem with this argument. True, there have been no terrorist incidents in the United States in the last five years. But nor were there any in the five years before the 9/11 attacks, at a time when the United States was doing much less to protect itself.

(Mueller 2006: 2)

The overstated nature of the boundary-related threat is demonstrated by the Department of Homeland Security's own statistics. Whereas it bills itself as an agency whose main goal is to fight terrorism, the Department filed claims of terrorism against only 12 (0.0015 percent) of the 814,073 people that it charged in immigration courts over a three-year period (2004–2006), according to a report by Syracuse University's Transactional Records Access Clearinghouse. Of the 14 charges against the 12 individuals, six were withdrawn by the Department of Homeland Security and one was not sustained (and two were still pending) at the time of the report. "[P]ractically all the charges—86.5% of them—involved a variety of immigration violations," asserts the 2007 study, "such as entering the U.S. without an inspection, not having a valid immigrant visa, or overstaying a student visa" (Transactional Records Action Clearinghouse 2007). Thus, as has always been the case, the target of boundary and immigration enforcement is first and foremost "everyday" human beings who just happen to have been born outside U.S. territory. What change over time are the labels attached to them—"Communist," "illegal," "criminal," and "terrorist" being among the most socially marginalizing—and the related ideological smokescreens used to legitimize their exclusion, one of the most powerful being "the law."

An article by Nina Bernstein in the July 6, 2009, edition of the *New York Times* sheds light on the identities of some of the alleged terrorists. Tanveer Ahmad, a 43-year-old man from Pakistan, died in an immigration jail in New Jersey in 2005. A long-time resident of, and taxicab driver in, New York City, Mr. Ahmad reported to immigration headquarters in Manhattan on August 11, 2005, having been ordered to do so several days earlier by ICE agents who had burst into his apartment in Brooklyn when looking for a roommate who had violated his student visa by working. Upon his reporting, U.S. authorities discovered that Mr. Ahmad had had a minor run-in with the law in 1997 while working at a gas station in Houston. Trying to stop a robbery, Mr. Ahmad displayed the gas station's unlicensed gun, resulting in a \$200 fine for disorderly contact. For this, eight years after the incident, U.S. authorities decided to detain him, sending him in shackles to the Monmouth County Correctional Institute in Freehold, New Jersey, pending deportation proceedings. Less than a month later, he was

dead after suffering a heart attack; an official autopsy listed "occlusive coronary atherosclerosis" as the cause of death. According to a fellow prisoner, a guard at the detention center—one notorious for its history of complaints of physical abuse and medical neglect of its inmates⁶—had refused Mr. Ahmad's pleas for an hour before he was allowed to go to the jail's medical unit. Despite what took place, ICE did not include Mr. Ahmad in its 2007 list of deaths of immigrants in detention. ICE did, however, include him in its list of terrorist apprehensions. It turns out that Tanveer Ahmad was a "collateral apprehension" during ICE raids of visa violators undertaken in the aftermath of the July 7, 2005, bombings of London's public transport system (N. Bernstein 2009).

The violence perpetrated against Mr. Ahmad was carried out under the rubric of the law. That said, his detention and death were not inevitable in the least. Nonetheless, they are manifestations of something larger than one particular tragic instance. Instead, they are the result of unjust structures of violence that greatly heighten the likelihood of such incidents befalling individuals associated with populations targeted by the state agents who give life to these structures. This demonstrates how violence and anti-violence (in the form of efforts to reduce potentially violent threats) often go hand in hand in the territorialized nation-state. As the political scientist Jenny Edkins has written, "In modern political communities in the west, our faith in the social order and our search for security are invested in systems that themselves are productive of and produced by force and violence." As such, the modern state is a bundle of contradictions: "a promise of safety, security and meaning alongside a reality of abuse, control and coercion" (Edkins 2003: 6). This "reality of abuse, control, and coercion" is certainly true for those defined as outside the socio-political-geographical boundaries of wealthy and powerful states. Security for those from within necessitates—especially in a world of deep socio-economic inequality—the production of insecurity for those from without. The making of this security–insecurity nexus is inextricably tied to the wide disparity in freedom of movement across the globe.⁷

Insecurity and Mobility

Mobility—the act of moving between locations—"is a fact of life," contends the geographer Tim Cresswell. "We experience the world as we move through it." But mobility is also socially constructed, he observes. And as such it is inextricably related to the production of social life (Cresswell 2006: 22). On a global scale, the social construction of mobility is strongly tied to the making of nation-states and their citizens (and noncitizens) and thus reflects and reproduces a world of inequality and—with it—effectively unequal mobility rights across global space.

Such inequality of mobility was highly visible in the landscape of the U.S.–Mexico borderlands in southern California in the early 1990s prior to the implementation of Operation Gatekeeper. By the new millennium, it was dramatically less evident as unauthorized migration had been displaced from urban areas to remote, far less visible ones in which migrants often have to trek through arduous terrain in an effort to reach their destination. U.S. authorities had assumed that such displacement would not take place—at least to anything approaching the degree that it has—and that the majority of migrants would not take high-risk journeys, but, instead, after making rational cost-benefit analyses abandon their quest to enter the United States extralegally. As Doris Meissner, the former INS Commissioner, explained, “it was very much the belief that geography would work in favor of the strategy, that it would be a natural deterrent” (Berestein 2004). But migrant mobility—that “fact of life”—has continued. And, with it, the dangers have grown.

This became evident to San Diegans in October 2007 when a number of wildfires devastated the area, killing at least 10 individuals, seven of whom are believed to be unauthorized migrants, with at least four of the seven bodies charred beyond recognition (Berestein 2007). At least 14 other unsanctioned crossers had to be hospitalized and treated for burns (Bloomekatz 2007). Thus, in addition to killing and injuring, the fires exposed who was surreptitiously passing through the area’s mountains and forests, tragically making visible what was seemingly out of sight.

Somewhat ironically, one of the dead bodies was discovered by members of the Tijuana fire department, about 40 of whom came across the boundary to help fight the blaze. The U.S. firefighters greatly appreciated the efforts of the Mexican colleagues, leading one of them to say, “We don’t even know the people, but they’re like a brother or sister. Worldwide, we’re all firefighters no matter what.” Meanwhile, a chief of a local fire department said in regards to the act of cross-boundary solidarity, “For me it represents that there are no borders when something like a fire or a catastrophic natural event happens” (Bloomekatz 2007).

Such international cooperation—and a seeming realization on the part of at least some of the importance and necessity of transboundary mobility for human well-being—has not, however, slowed down the ongoing enforcement build-up in the U.S.–Mexico borderlands, one more intensely justified than ever in the name of security. Perhaps the most obvious and controversial manifestation of the build-up is the physical walls, fences, and barricades that increasingly litter the border landscape. Their presence continues to expand—as of mid-2009, they totaled more than 600 miles in length—as does the highly impeded, insecure nature of the mobility of those from the world’s political-

geographic and socio-economic margins.

Many critics of these barriers—proposed and already existing—have likened them to the Berlin Wall (see, for instance, Tobar 2006).⁸ This had led, in turn, to vociferous rebuttals. In 2006, for example, Antonio Garza, the U.S. Ambassador to Mexico, wrote:

Comparisons of proposals to alter our border policies to the Berlin Wall are not only disingenuous and intellectually dishonest, they are personally offensive to me. The Berlin Wall was built to keep people trapped inside,⁹ and was created by an oppressive authoritarian government. In stark contrast, our democratically elected government has proposed methods of protecting its own citizenry and enforcing our immigration laws. One cannot responsibly equate the acts of tyrants to those of free people . . .

There is no human right to enter another country in violation of its laws . . . Every sovereign state has the right to control the entry of foreigners.

In his official newsletter, the ambassador went on to insist upon a distinction between legal and illegal immigration. Whereas the former is a “source of the strength for the United States,” the latter is

a threat to our system of laws and an affront to the millions around the world, including in Mexico, who play by the rules in seeking to come to the United States.

The need to control the border is of course driven by more than concerns about illegal immigration. The United States faces deadly challenges from international terrorism and transnational crime. While no one doubts the majority of illegal immigrants from Mexico are simply looking for work or a better way of life, the sheer volume of illegal crossings offers ample opportunities to those who might have other plans. There were 1.2 million apprehensions of illegal entrants along our border with Mexico last year—and indeed some of them were violent criminals.

(Garza 2006)

If illegal immigration indeed constitutes a threat because of its very illegality, because it is not allowed by the state, why not simply make it legal, one might ask? And if, as the ambassador suggests, the majority—indeed, the vast majority—of unauthorized migrants are simply “looking for work or a better way of life,” might there be a way to allow them to enter the United States without hindrance while screening out the small number of individuals “who might have other plans” (ones ostensibly involving violence)? One could still allow for checking the identities of people to address public safety concerns, but without systematically denying their freedom of movement across international boundaries. There are, of course, myriad ways to produce security in the face of would-be purveyors of violence who would enter the United States from without (see, for instance, Dalby 1999; Ewing 2006; S. E.

Flynn 2003; Kerwin and Stock 2006). That the ambassador does not raise such alternative possibilities manifests, to a certain extent, the smokescreen nature of his invocation of security, which becomes a catch-all, a self-evident justification that says that the state can do whatever it deems necessary. It also illustrates the power of territorial boundaries to shape worldviews, and the persistence of a largely nationalist discourse on security. Radical alternatives to the political-geographical status quo are seemingly not even imaginable given how profoundly national territory and its ideological and material expressions have become embedded in our ways of seeing the world.¹⁰

At the same time, radical alternatives are deemed to be impossible because of the myriad threats "we" face from outsiders. The construction of such fear and the resulting social practice benefit certain groups on the inside ("us") over those deemed to be outside ("them"), and lead to greater levels of repression and a corresponding growth of relevant elements of the state apparatus, while undermining efforts to achieve greater levels of social equality.

One need not be a nativist to champion strong boundary and immigration controls, only a nationalist.¹¹ Indeed, many individuals (including politically progressive ones) who champion strict boundary and immigration controls assert that they do so for the sake of the most marginalized among the U.S. citizenry. They argued that too many poor, "low-skilled" migrants can and do hurt the most vulnerable by leading to downward pressure on wages while decreasing employment opportunities for some native workers, all at the same time as undermining the ability of U.S. society to provide social goods for the citizen population.¹²

Such a perspective, one bounded by national territory, has at least three key, problematic effects. First, it elevates national citizens over noncitizens, and diminishes their humanity by denying them basic human rights (the realization of which often requires transboundary mobility)—a position that is fundamentally at odds with the principles of liberalism, as it allows discriminatory behavior towards individuals on the basis of national citizenship (see Brubaker 1994; Carens 1999, 2000). Second, it facilitates critical scrutiny on the activities of the relatively weak (low-income migrants) rather than on those of the rich and powerful, who are undoubtedly more responsible for worker insecurity and poor social good provision than those on society's margins. The perspective thus serves the interests of the privileged by helping to reinforce the status quo rather than to challenge it, and diverting attention from the structural inequalities that underlie American society's most pressing socio-economic problems. As the political theorist Joseph Carens contends, "One of the ways in which those in power maintain their privileges is by getting people to focus on potential tradeoffs between those who are badly off and those who

are worse off, thereby treating their own privileges as a background given that cannot be challenged" (2000: 642). And third, such a perspective effectively makes the immigration debate one of costs versus benefits, which ultimately has the effect of reducing immigrants to commodities or investments.

These effects aside, it is highly dubious that increasing immigration restriction would have any sort of significant effect in terms of ameliorating socio-economic insecurity—especially among society's most marginalized sectors (see S. G. Lewis 1979: 182–184). Given the strength and persistence of the numerous national and international forces driving immigration to the United States from Mexico and Central America (which U.S. foreign policy and U.S.-based multinationals help to create and exacerbate), such efforts can only lead to the increased marginalization of poor immigrant communities and tragic results for migrants forced to take great risks to cross the boundary. Implementation of a high (non-poverty-level) minimum wage, a guaranteed minimum income, strong health and safety standards, and labor rights—combined with vigorous workplace enforcement of these standards and rights—would go much further in minimizing any real or potentially detrimental effects of immigration on low-wage workers and communities in the United States. At the same time, given that international migration is often the result of the breakdown of political, economic, and social systems, as well as institutionalized injustice, policies and practices at home and abroad in solidarity with those who suffer the consequences of such instability—effectively protecting their right to stay home (see Global Exchange 2008; also Bacon 2008)—would help limit pressures of out-migration. This is especially the case to the extent that the policies and practices of the rich and powerful in countries such as the United States help bring about the migrant-producing instabilities and pressures. Such approaches would prove to be far more humane and effective methods for addressing the myriad factors that lead people to migrate than continuing to fortify the territorial and socio-political boundaries between "us" and "them." It would also be more consistent with an ethic that embraces human and worker rights for all (see Bacon 2008; Chang 2000).

A nationalist, territorially bounded approach to matters of social inequality (implicitly at the very least) is based on an assumption about who is deserving of security and who is to be the object of security measures—against whom the security must be deployed, in other words. If one steps back from what is largely a nationalist discourse of security, one that privileges "natives" (see De Genova 2005)—and, in doing so, breaks out of the "territorial trap" that presumes that society (as a network of social relations) and territory are consonant—it is possible to analyze national boundary production in a manner concerned with a notion of security that is first and foremost focused on human rights (broadly

conceived). Such a perspective is preoccupied with the ability of *all* peoples to realize a right to life, a right to be free from inhuman or degrading treatment, a right to a standard of living adequate for the health and well-being of oneself and one's family, and a right to work and just and favorable conditions for such—rights enshrined in the *Universal Declaration of Human Rights* (see Nevins 2003, 2005, 2008).¹³ Seen from such a human rights viewpoint, the production of hard boundaries by modern territorial states in a world of massive and growing inequality is, *de facto*, about creating insecurity—first and foremost for those on the other side of the social and territorial divide between those supposedly in need of protection and those who allegedly embody threatening forces. National territorial boundaries create insecurity and vulnerability to the extent that they deny people the ability to access the spaces and related resources and opportunities needed to realize the aforementioned human rights.

The production of security and insecurity is inextricably a power-infused process. As such it serves and challenges particular interests, worldviews, and socio-geographic arrangements. In the case of security matters related to the U.S.–Mexico boundary, the production of (in)security typically flows from and reproduces dominant worldviews and, hence, strengthens hegemonic understandings of the international divide and related practices of enforcement, inclusion, and exclusion, while undermining the strength of alternative conceptualizations. As the international relations specialist Jutta Weldes and her co-authors contend:

By authoritatively defining "the real," dominant representations of insecurity remove from critical analysis and political debate what are in fact particular, interested constructions, thus endowing those particular representations with "common sense" and "reality." Conversely, anything outside of the discourse—statements expressing other possible worlds or forms of life, for example—is represented as implausible, ideological, or spurious and so often consigned to the realms of fiction, fantasy, or nonsense.

(Weldes *et al.* 1999: 17)

The resulting embrace of "reality" and the "pragmatic" results in a bolstering of the status quo, which, in the case of the U.S.–Mexico boundary and its associated practices of inclusion and exclusion, results in life (security) for some and death (the ultimate insecurity) for others—as well as a whole host of other relatively just and unjust outcomes in between (see Delaney 2005).

This is an illustration of how boundaries in a world of massive and increasing socio-economic inequality are, among other things, reproducers of privilege and disadvantage—outcomes not unrelated to the fact that boundaries (and the territory they delimit) typically grow out of violence or the threat of force

(see Anderson and O'Dowd 1999). These violent origins involve the taking not simply of land, but of all the rights associated with that land. Thus, the violence is embedded in the landscape and the boundaries that delimit it. In the case of the U.S.–Mexico boundary, given its origins in conquest and violent dispossession, a violence of foundation has evolved into—indeed, it necessitates—a violence of conservation, in the words of the historian Arno Mayer (2002: 75). It is violent in that it denies people some of their most basic rights. In this sense the land and its peoples are very much under occupation—literally and figuratively. The presence in the borderlands of thousands of heavily armed state agents and various barriers and military-like technologies are just the most visible manifestations.

Such violence was and continues to be a fundamental component of the making of this world of inequality. Nonetheless, these origins are officially "forgotten," a process that legitimizes national territory and its boundaries, and the discourses and practices—such as those embracing "security"—employed to maintain them. These are practices that are becoming ever more geographically extensive as powerful countries such as the United States effectively push their boundaries outward by policing migrants (or getting other countries to do so) far beyond their national territory (see, for example, M. Flynn 2002; also Finley 2005).¹⁴ In doing so, they further facilitate the reproduction of a fundamentally unjust world order, one deeply divided along the intersecting axes of race, class, and nation. It is a world order that many characterize as one of global apartheid.

Mobility and Global Apartheid

Numerous academics, politicians, and activists have employed the phrase "global apartheid" to characterize the dramatic international socio-economic divisions that plague the contemporary world order—divisions that often correspond to conventional notions of race, in addition to ethnicity and nationality. These divisions result in vastly unequal life chances and, thus, dramatic disparities in the ability to realize basic human rights, on the basis of place of origin (see, for example, Booker and Minter 2001; Falk 1993).

What is striking about those who employ the phrase is that almost none of them have explored this global apartheid's link with restrictions on freedom of movement, residence, and work.¹⁵ This failure is all the more glaring given that the metaphor upon which they draw has its origins in South Africa, where control of movement and residence was such an instrumental part of the overtly racist and self-avowedly capitalist state (see Dalby 1999).

Yet, just as in South Africa of old, where the state dictated where the majority of its inhabitants (black South Africans) could live and work, contemporary

regulation of international mobility and residence is inextricably tied to these inequalities. Thus they draw upon and reproduce systematic violence and dehumanization.

This helps explain why, across the world, relatively rich and stable nation-states are increasingly erecting walls and fences along their perimeters (see Dyer 2007), augmenting the sizes of boundary and migrant policing units, and growing the number of people they detain and brutalize for violating laws relating to unauthorized entry, residence, and work. In doing so, they scapegoat and criminalize those deemed foreign and foster anti-immigrant sentiment in the broader society. Such practices take place in a wide range of countries across the globe—from Italy to the Dominican Republic to Malaysia (see, for example, Mydans 2007; Thompson 2005)—but most markedly in countries with high levels of socio-economic development (relative to their neighbors or the countries of origin of the immigrant population). And, as is the case of the U.S.–Mexico border region, these hardening boundaries bring about a dramatic rise in migrant deaths. Along the perimeter of Europe, many thousands have perished over the last decade trying to clandestinely enter its territory, for example. These fatalities occur across the globe, but it is generally the boundaries between the so-called First and Third Worlds, the relatively rich and poor, secure and vulnerable, that are deadliest.

These developments demonstrate that national boundaries are growing in strength—physically and ideologically—at least with respect to unauthorized immigrants. They also lend credence to the contention that boundary maintenance goes hand in hand with efforts to reproduce inequalities across space (M. Anderson 1996).¹⁶

Apartheid might seem like an inappropriate term to describe the context in which these inequalities and the associated brutality unfold, given that there is no legally enshrined racial segregation between the so-called First and Third Worlds. Moreover, many Third-World origin peoples have citizenship, or live and work, in countries throughout the West. Although discrimination in terms of who is allowed to enter, reside, and work in a particular country regularly occurs, national governments determine who can enter a country—and how and under what conditions—first and foremost on the basis of the would-be immigrant's national citizenship and socio-economic situation, a form of discrimination seen as fully legitimate in international affairs. Nonetheless, if we move beyond the question of what are the specific motivations that underlie the system of immigration regulation and the particular mechanisms that are associated with it, and instead focus on effects and outcomes, there is little question that immigration enforcement in wealthy countries such as the United States or those of the European Union functions in an apartheid-

like manner. Given that they regulate mobility and residence on, among other factors, the basis of geographic origins—one of the foundations of supposed racial distinctions—they inevitably limit the rights and protections afforded to migrants because of an essentialized characteristic over which they have no control.

In a similar fashion, Apartheid South Africa sought to both limit black mobility and make certain that there was a sufficient supply of black labor in white-owned enterprises and in nominally white residential areas, while denying those workers political rights and making their presence conditional and reversible. In other words, the ideal of "apartness" embraced by the champions of Apartheid was never fully realized—nor could it have been, given the interdependence of white and nonwhite South Africa. Indeed, the production and maintenance of the privilege enjoyed by white South Africans necessitated interaction with nonwhites (a fact explicitly acknowledged by high-level officials of the Apartheid state)—in a highly exploitative manner (see Bremner 2005).

The fact that there was a gap between the rhetoric and the reality of Apartheid South Africa does not mean that Apartheid was not significant. By allowing unequal access to and influence over the country's socio-political-economic resources and processes on the basis of who allegedly belonged and who did not, the Apartheid system reflected and reproduced profoundly different life and death experiences for white and nonwhite South Africans as a whole, differential outcomes legitimized on the basis of geographic origin and ancestry.

"Black" and "white"—and other racial categories—are not first and foremost about distinctions of skin color or pigmentation or phenotype. As demonstrated by the historically shifting boundaries of whiteness in the United States, or by the recent wars in Northern Ireland, the former Yugoslavia, or Rwanda, what are effectively racial distinctions often exist between groups with no discernable physical differences. In this sense "race" is first and foremost based on power-imbued differences related to notions of ancestry and geographic origins. Racism—what Stuart Hall (1992) and Ruth Wilson Gilmore (2002a,b) have both characterized as a fatal coupling of power and difference—reflects and shapes who gets what, who call the shots, and how one lives and dies. Mobility between countries—who has it and who does not—is one of its most striking, worldwide manifestations of these inequalities.

Mobility, contends Tim Creswell, not only reflects space (in addition to time), but also helps to construct it. This is a key manifestation of how movements of people are also "products and producers of power." These movements are embodied in the sense that they reflect the very nature of people's existence

in the world. If, as Cresswell asserts, spatial mobility is perceived as a form of progress, freedom, and opportunity—at least in the “modern West” (Cresswell 2006: 1, 2, 6)—it follows that to deny mobility is to deny rights and opportunities. And to grant mobility unevenly is both a product and producer of an unequal spatial order.

This helps us understand why it is widely recognized that limiting mobility—within countries—is both unjust and harmful to those denied. In the case of Rwanda in the early 1990s, for example, there were all sorts of obstacles to movement and residence within national territory—obstacles characterized as human rights violations by the U.S. State Department (Uvin 1998: 115–116). According to the World Bank, Rwanda’s “[r]estrictions on population movements . . . increased poverty by limiting options for the poor and . . . reduced the potential for economic growth.” Hence, the Bank asserted that “any poverty reducing growth strategy for Rwanda [would] need to start with removing restrictions to free labor movement” (World Bank 1994: v–viii, 41).

In the case of movement between nation-states, however, the injurious implications of limited mobility and residence across and within national boundaries for Third World-origin peoples across and within the boundaries of the globe’s prosperous territories are rarely noted—demonstrating, once again, the ideological power of nation-statism. To the contrary, they are obscured and embedded in the globe’s very political-economic fabric. The *Universal Declaration of Human Rights*, for example, despite embracing “the inherent dignity and of the equal and inalienable rights of all members of the human family” and affirming the right of exit from a country, does not enshrine a right of entry—except into one’s own country. The effect is to deny many across the globe some of the most basic human rights.

In a world of pervasive poverty, growing inequality, and widespread instability and insecurity, the power to move across national boundaries has profound implications: which side of a boundary one is born on significantly determines the resources to which one has access, the amount of political power on the international stage one has, where one can go and under what conditions, and thus how one lives and dies. Thus, there is an inherent double standard—rights for some, fewer for others—a disparity that comes about through the accident of birth. This double standard is the essence of racism. And given the unjust nature of the global political economy, which embodies this unequal allocation of rights and which national governments enforce, this double standard is also the essence of the nation-state system as well, as it allows for differential treatment based on the assumption that some should have fewer rights because of where they are from. It is for such a reason that Hannah Arendt spoke of “the right to have rights” (1951: book 2). If having

human rights is part of being a human being, denying someone a “right to have rights” by disallowing them freedom of movement and residence—and thus a whole host of other rights—is to effectively deny their very humanity. That this denial is enshrined in the very legal fabric of individual countries and in that of the nation-state system as a whole makes it all the more difficult to see and challenge.

Global Apartheid and the Law, or Social Justice?

On June 24, 2009, U.S. Senator Charles Schumer, the Senate Immigration Subcommittee Chairman, delivered what was dubbed a “major address” to the 6th Annual Immigration Policy and Law Conference in Washington, DC.¹⁷ In his speech the Democratic Senator from New York laid out what he called the “seven key principles”—ones that “the American people overwhelmingly support”—around which, he opined, immigration advocates had to coalesce if immigration reform legislation were to pass the Senate. He stated the first principle as follows: “Illegal immigration is wrong, and a primary goal of comprehensive immigration reform must be to curtail future illegal immigration.” In case the audience did not understand his banal point (isn’t illegal immigration “wrong” by definition?) he asserted immediately after enunciating the other six that “illegal immigration is wrong—plain and simple.” He then suggested that advocates of reform should not use phrases such as “undocumented worker” as it conveys “a message to the American people that their Government is not serious” about combating unauthorized immigration. “People who enter our country without our permission are illegal aliens,” he explained, “and illegal aliens should not be treated the same as people who entered the United States legally.” Asserting the need to enforce “the rule of law,” he went on to say that “the American people will never accept immigration reform unless they truly believe that their government is committed to ending future illegal immigration—and any successful comprehensive immigration reform bill must recognize this fact.”¹⁸

Regarding the substance of what is called comprehensive immigration reform, it is a highly dubious project from a human and immigrant rights perspective, given its embracing of the very enforcement build-up (and more of it) that has been so damaging to immigrant families and communities. Although holding out the promise of regularization of status (or a very long “path to citizenship”) for many—but very far from all—unauthorized immigrants already present in the United States, it would make the same trade-off as the 1986 Immigration Reform and Control Act (IRCA) did: a “carrot” in the form of legalization for (some of) those already past the gate and a “stick” in the form of ever more

formidable and draconian enforcement for those without. Only, when the IRCA-like legislation passes this time, the carrot will not be as generous as it was in 1986, and the stick will be bigger and heavier. Given its failure to address the underlying dynamics that drive and attract immigration and to consider far-reaching alternatives, "reform"—whenever it passes Congress—will surely help give rise to another alleged crisis in immigration and boundary enforcement years down the road.

In this regard, what is striking about Schumer's words—in addition to how they are illustrative of a strong consensus among Republicans and Democrats on fundamental assumptions that undergird public discussion on these matters¹⁹—is how empty they are of any hint of critical reflection on the system of immigration and boundary enforcement and "the law" in and of themselves. They are seemingly unquestionably necessary and good. As such, law and justice are one and the same—or at least they are assumed to be. But surely the Senator knows that law and justice often have a tenuous relationship at best, and that, on countless occasions over the course of history, including the present, law and justice have been actually antithetical to one another. For this reason, we should not embrace "the law"—which is, after all, a means to an end. At its best, the law is a tool to ensure justice. In a situation of unjust power—in a context of politico-military occupation, for example—the law serves to perpetuate injustice by institutionalizing it. As such, the law is often, among other things, a tool of the powerful to deny those they seek to control, manipulate, or dispossess. For these reasons, it is justice, first and foremost, rather than the law that we should embrace. In doing so, we should struggle to make sure that our laws and the accompanying practices and institutions are as consistent with our most deeply held ethical principles, ones that, by definition, cannot be trapped by the logic of nation-states.

In this spirit, instead of simply accepting that illegal immigration is wrong, we might ask if what is wrong is the very existence of such a "crime," of a prohibition against mobility across, and residence within, national territorial boundaries. To the extent that it is not seen as such, it demonstrates how the nation-state system, supposedly an embodiment of progress and Enlightenment ideals of individual freedom, does not, first and foremost, recognize human beings. Rather, it recognizes and privileges national citizens, an inherently hierarchical system of recognition and privilege (and thus disadvantage for non-national "others"—especially those from the so-called Third World). The outcome is to effectively deny the humanity of non-nationals (see Agamben 1998).

A legally codified hierarchy of adult human beings is not unique to the realm of interstate relations. Such hierarchies—on the basis of race and or gender, for example—have existed (and sometimes still do) within nation-states as well.

When they do today, they are typically widely condemned as fundamentally unjust.

In the case of the United States, a racist hierarchy (to use just one example) was the law of the land—in the form of the various "Jim Crow" legislative tools that existed—in much of the country just a few decades ago. In this regard, Mildred Loving's death in Virginia on May 2, 2008, serves as a reminder just how recent this ugly history is, and how "the law" served as part of its foundation.

Mildred, defined as black by the state of Virginia,¹⁹ and her husband Richard Loving (who was white) were arrested in their bed on July 11, 1958, by a county sheriff and two deputies for violating the state's anti-miscegenation law barring interracial marriage. (Such laws existed in 38 U.S. states at one time or another.) Refusing to accept the injustice, the Lovings contested their arrests and convictions all the way to the U.S. Supreme Court. The result was a 1967 court decision ruling that anti-miscegenation laws were unconstitutional, delivering a death blow to the last vestige of Jim Crowism.

Much was at stake in the case, one version of which was articulated by Richard Loving. Responding to one of their lawyer's attempts to explain the various legal theories that applied to the case, he said, "tell the court I love my wife, and it is just unfair that I can't live with her in Virginia" (D. Martin 2008).

In speaking as he did, Richard was in effect asserting the Civil Rights movement slogan "I am a man," a phrase that in its best moments was an affirmation of a common humanity. It was Mildred and Richard Loving's claim to, and struggle to realize, such humanity that ultimately did away with a set of laws that very few would defend today. In that regard, it is striking how radically different the sensibilities were of so many—those who defended anti-miscegenation laws—so little time ago. Such a shift in what constitutes hegemonic notions of common sense and dominant practices suggests the possibility—however difficult it might be to envision for the vantage point of the present—of something similar happening in terms of the very existence of the category of "illegal alien." It provides hope that, at some not-too-distant point in the future, people will look back at our current system of legally enshrined global apartheid with the same disgust as the present-day perceives slavery and its successor, Jim Crow.

Building Walls versus Tearing Them Down

On December 24, 2008, the day before the Christmas holiday, the Department of Homeland Security (DHS) closed down access to the half-acre plaza that sits on top of the Border Field State Park's westernmost mesa (known as Monument Mesa) and serves as the location of the original boundary marker.

Local inhabitants have long referred to this portion of the park as "Friendship Park," a place where people would come together across the boundary.

Until the end of 2008, one could witness families, husbands, wives, and lovers talking, touching hands, and exchanging kisses and hugs through the narrow spaces of the steel posts that form part of the boundary wall that now scars the local landscape. Holidays such as Mother's Day were especially popular for these encounters. Although these reunions were not supposed to take place, Border Patrol agents, while carefully watching them, typically did not prohibit them.²⁰ It was also a place for occasional cross-border volleyball games and yoga classes, and an annual interfaith Christmas gathering in December (see Archibold 2008; Fanestil 2008).

The Christmas Eve move by the DHS was the culmination of a long battle by U.S. officials to extend its two-layered barriers to the Pacific Ocean against the wishes of preservationists, environmentalists, and everyday people who enjoyed the park as a place of binational encounter. Although all parties concerned acknowledged that unauthorized migrant crossings in the area had dropped to negligible levels, DHS and Border Patrol spokespersons justified the wall building in the name of fighting the smuggling of contraband. Individuals were passing illicit drugs, they said, through the barrier along the boundary, hence the need to create a wide strip that would not permit human contact.²²

It was during the Clinton administration that such barricades became a basic staple in the larger enforcement toolbox. But they expanded in the aftermath of the attacks of 9/11, leading to a host of plans aimed at enhancing the boundary enforcement apparatus in the name of national security.²³ Perhaps the most noteworthy was the Secure Border Initiative (SBI)—in the words of the Department of Homeland Security, "a comprehensive multi-year plan to secure America's borders and reduce illegal migration." Announced on November 2, 2005, SBI included a commitment to increase "physical layers of security": walls, fences, and other barricades.²⁴

If any single development turned the barricades into a political hot potato, it was the December 2005 passage by the House of Representatives of the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005. The so-called Sensenbrenner bill—so named after its chief sponsor, Representative James Sensenbrenner (Republican-Wisconsin)—mandated 700 miles of "security fencing" in the areas of the border region with the most crossings. Although the companion bill did not pass the Senate, Sensenbrenner's legislative initiative was a sign of things to come. Thus in October 2006, President George W. Bush signed into law the Secure Fence Act of 2006. Outbidding the Sensenbrenner bill, the act ordered the building of 850 miles of "at least" two layers of "reinforced fencing," with patrol roads in between,

at designated stretches along the U.S.-Mexico boundary. The Consolidated Appropriations Act of 2008 followed up by requiring that the Department of Homeland Security complete 370 miles of such fencing and 300 miles of vehicle barriers along the divide by December 31, 2008—a deadline that was extended into 2009. (Prior to 2005, there were 78 miles of "pedestrian fencing" in place, and 57 miles of vehicle barriers, which tend to be low-lying and are easy to climb over.)

The passage of the 2005 Real ID Act (which won passage as a rider on an appropriations bill to fund the wars in Iraq and Afghanistan after failing to win sufficient votes on its own) was a key victory in the federal government's effort to greatly strengthen and expand its infrastructure of boundary barricades. Nullifying various court challenges to the wall-building spree, the legislation grants the secretary of Homeland Security the authority to waive any law as is "necessary to ensure expeditious construction" of the border barriers and related infrastructure. And that is exactly what DHS has done, waiving legislation such as the Clean Air Act, the Endangered Species Act, the Coastal Zone Management Act, and the larger border National Historic Preservation Act in order to further the barricading of the borderlands (see, for example, *Federal Register*, Vol. 70, No. 183, September 22, 2005: 55623). These waivers were what allowed the federal government to finally proceed with the multiple layers in a 3.5-mile stretch of the boundary in the westernmost part of California where Border Field State Park is located. The construction included 1.9 million tons of dirt to fill in an area called Smuggler's Gulch, just to the east of the park, eradicating the canyon in the process (Associated Press 2008).²⁴

The walls—real and virtual²⁵—are perhaps the most visible and controversial aspect of an enforcement complex that is characterized by, among other things, simple meanness. In San Diego, for instance, U.S. Customs and Border Protection officers set up occasional checkpoints in 2008 about 100 yards north of the boundary—pulling people out of Mexico-bound vans and buses and detaining "illegals" as they were *leaving* the United States (Marosi 2008a).

In a suburb of Nashville, Tennessee, in July 2008, police arrested Juana Villegas—an unauthorized migrant with three U.S. citizen children at the time, after stopping her for a routine traffic violation for driving without a license—as part of the 287(g) program, which involves increased cooperation between local police departments and U.S. immigration authorities. (Without 287[g] Ms. Villegas would not have been arrested, as driving without a license is a misdemeanor for which citations are normally issued. Since 2006, Tennessee bars unauthorized migrants from obtaining drivers licenses.) Nine months pregnant at the time, Ms. Villegas was forced to go through labor while a police officer guarded over her hospital bed, to which one of her feet was cuffed for

most of the time. After her release from the hospital, officials kept her from her new-born son for two days, preventing her from nursing him and from even taking a breast pump into the jail (Preston 2008).

Such cases are the proverbial tip of the enforcement iceberg, one that has brought heightened levels of institutional violence to countless individuals, families, and communities throughout the United States. It has also contributed significantly to the growth in violent drug-related crime that has horrifically unfolded in many Mexican border cities in 2008–2009. This, in turn, has had a large impact on transborder ties in places such as San Diego–Tijuana, as the number of Americans crossing into Mexico for non-essential purposes has dropped precipitously (Marosi 2008b).

From the point of view of those who champion ever stronger boundary enforcement, such developments—like the “need” for more walls (real and virtual) in hitherto sparsely passed-through locales as migrant traffic and smuggling shifts away from intensely policed areas—are a godsend in that they justify ever more resources. The irony, of course, is that such resources have helped create the problem in the first place. As such, it is a vicious, endless cycle.

The way out of this morass is to recall Americans’ realization of the futility of trying to prevent the illicit use of alcohol in the 1920s and 1930s, of how such efforts led to increased criminality and violence—in the borderlands and beyond. Along the same lines, we must come to terms with the foolhardy nature of the ongoing war on drugs. And just as we should treat drug use and abuse not as a law and order issue, but rather as one of social policy and public health, we should treat immigration not as a legal or criminal issue, but instead as a complex phenomenon with its roots in dynamic (and often unjust) political-economic processes and social ties.

That said, it is difficult to foresee the possibilities of alternative responses by the state, barring a rather dramatic political shift within the United States. The fusing of the law, territory, and social power make the present-day ideological construction of the nation, “us,” and “them” (and, by extension, the illegal) extremely difficult to overcome in trying to forge a vision and practice consonant with the increasingly transnational world in which we live.²⁶ This is in large part because development of the boundary and immigration enforcement regime appears only to strengthen our collective inability to imagine alternatives and to reinforce an already entrenched set of political interests in favor of maintaining and enhancing the status quo. The “territorial trap” further inhibits our ability to see alternatives, especially ones that challenge the logic of the modern territorial state system and the sacred cow of national sovereignty. But, as Eduardo Galeano states, “Reality is not destiny, it is a challenge.”²⁷ And



Figure 8.2 Vanessa Robles and her son Jonathan share a moment with her other son Junior through the fence along the U.S.–Mexico boundary during a visit at Border Field State Park on September 4, 2006 in San Ysidro, California. Robles said she was hoping to get the proper papers within the next three months for her son Junior, so he could join them in the United States. Photo by Sandy Huffaker/Getty Images.

the immensity of the challenge should not deter us from confronting it. Rather, it should serve as a wake-up call, a reminder of the need for serious and far-reaching collective action to make progress toward the far-reaching, alternative visions that any vibrant society needs to survive and thrive.

One potential source of hope is, ironically, in the very extraterritorial flows that serve as catalysts for enhanced boundary enforcement, as they will continue to challenge boundaries physically as well as politically. The most obvious example of boundary resistance is the unauthorized migrant who lives her life more as a citizen of a nonbounded society than as a citizen of a bounded territorial state. As such, the unauthorized immigrant—regardless of whether she conceives of her actions in this light—directly challenges the legitimacy of nation-statism.

Walls—real and virtual—always face such formidable challenges. Like states, walls—or territorial boundaries—are never as strong as those who uphold them claim or desire, nor will they ever be (see Heyman and Smart 1999: 10–11). As John Piasecki, who, among other things, works as a stone mason and builds walls, writes:

[A]ll walls have one thing in common.

They all fail.

The barbarians eventually get through. The city gets sacked.

Water undermines the foundation and the terrace crumbles. The excluded arrive. The contained escape. Time and nature always win.

(Piasecki 2008)

It is because of such reasons that a law enforcement approach to unauthorized and unwanted immigration is destined to fail. The ties between the United States and Mexico and Central America (and increasingly beyond) are too multifaceted, dynamic, and strong, migrants are too resourceful and creative, and Americans are too resistant to the types of police-state measures that would prove necessary, to reduce unauthorized immigration significantly.

So, for these reasons and many more, rather than try to create new and improved methods to repel those who cross our boundaries, we should embrace them. Immigrants are first and foremost human beings who—regardless of their legal status—deserve our respect and solidarity, rather than poverty wages, or a potential death sentence in the form of Operation Gatekeeper and its offspring.

To move beyond the various forms of violence embedded in the U.S. immigration and boundary enforcement regime requires that we accept what the geographer Doreen Massey calls the “challenge of space.” Among other things, this entails recognition of, and constructive engagement with, the inherent dynamism and constant (re)construction of space, the relationships that transcend the boundaries of any place and all the unpredictability and change that go with it (see D. Massey 2005). It requires a rejection of the notion that unbounded space is inherently threatening, a notion articulated by Michael Fischer, the head of the Border Patrol’s San Diego Sector, in explaining the alleged need to wall off Border Field State Park: “Having people meet and mingle is good. But unfortunately, any time you have an area that is open, the criminal organizations are going to exploit that” (Archibold 2008).

Overcoming such logic requires, among other things, breaking out of the prison that is the national imagination and constructing a “transnational integrationist vision,” a vision that puts humanity above national citizenry. It also necessitates a concomitant set of practices (see Bacon 2007, 2008; Balibar 2004; Bosniak 1996, 2006), ones tied to notions of citizenship that do not reduce membership and associated rights within a polity to one’s birthplace or ancestry, or legal status in national territory. Given this, we need to argue and struggle for practices and mechanisms that are consistent with the ethics demanded by a common humanity, one of the most important of which is solidarity—one that knows no boundaries.²⁸

Of course it is much easier to make sweeping statements advocating fundamental changes, as I have, than it is to deal with the myriad practical complexities that surround the debates regarding immigration and boundary restriction. That said, the only way to have a serious, productive discussion about such matters is within a context that accepts a new, non-nationalist imaginary—one that is socio-geographically flexible, expansive, and inclusive. It is an imaginary in which national territorial boundaries are not barriers, but rather points of passage and connection, one that involves a redefinition of the right to place (see Blomley 1994; D. Massey 1993, 2005).²⁹ Only in this way can security for all—rather than simply for some—be achieved.

The champions of an unbounded Border Field State Park have long struggled in this spirit. One need not romanticize what the park was like until fairly recently to appreciate that far-reaching alternatives are possible. The park, through its walls and fences that existed prior to 2008, hardly allowed people to act in a fully human way across the divide, inhibited as they were by the barriers and other controls. But it did allow for some contact and, given this, was a point of encounter, thus facilitating ways of seeing and being not stymied by territorial boundaries. Although the park both embodied the spatial spirit advocated by Doreen Massey and reflected its very antithesis, it was also evidence of the impossibility of fully denying space as it is actually lived in all its complexities.

U.S. authorities currently have the upper hand in their efforts to deny such complexities, but their advantage—as a wall always is—is precarious. Manuel Meza hinted at this a couple of months before the Department of Homeland Security cut off access to Friendship Park. While having lunch with his wife of six years, who sat on the Mexican side of the barrier, having been deported from the United States, Mr. Meza stated, “It’s strange, but our love is stronger than the fence” (Archibold 2008).

In that same spirit, it is helpful to recall what Pat Nixon said and did on August 18, 1971, during her inaugural visit to Border Field State Park. It is impossible to know exactly what the first lady meant—the available historical record does not allow this luxury—but let us take her at her word(s) and deeds. They suggested a generosity of spirit and an openness to imagining something fundamentally different in the borderlands. It is this openness that is so desperately needed today to end the institutionalized brutality and suffering that prevail in the border region and many immigrant communities. As Mrs. Nixon did, seeing people from the other side of the boundary as our neighbors and embracing them—rather than constructing them as faceless masses to be feared and repelled—would be a great start to tearing down the walls, and the violent, apartheid-like order of which they are part.

Notes

1 Introduction

- 1 The names used in this story are not real.
- 2 See the maps in Appendices A and B.
- 3 For extensive discussion and analysis of the specifics of the strategy and the associated tactics, see Dunn (2009); Maril (2004). Timothy Dunn (2009) argues—correctly in my estimation—that the strategy is better thought of as one of displacement rather than deterrence.
- 4 See Gold (2008). In a 2008 interview, John Hood, a Navaho Indian, a Vietnam War veteran, and the artist who designed the image, recounted the following: “I heard a commentator on talk radio the other day . . . He said: ‘I want my country back!’ American Indians have been saying the same thing for a long time. Really, whose country is this? Why is there so much hatred in this world?” (Gold 2008).
- 5 See Office of Border Patrol and Office of Policy and Planning (2004: 2–3). See also the U.S. Customs and Border Protection website at http://www.cbp.gov/xp/cgov/border_security/border_patrol/
- 6 The Department of Homeland Security, or DHS, believes that it may be able to achieve “operational control” of the U.S.–Mexico boundary with 2,000–5,000 more agents, plus additional surveillance technology, which, together, should allow federal authorities to detect 70–85 percent of unauthorized entrants. See Hsu (2009).
- 7 So-called border bandits were usually from Mexico and would attack unauthorized immigrants on the U.S. side of the boundary and then flee back into Tijuana. For a more complete description of issues relating to law enforcement along the U.S.–Mexico boundary in the San Diego region at the beginning of the 1990s, see Chapter 5.
- 8 The San Diego Sector of the United States Border Patrol is responsible for the 66 westernmost miles of the U.S.–Mexico boundary.
- 9 The establishment of the Department of Homeland Security, a central objective of which was to provide “one face at the border,” consolidated the INS, the Customs Service, and Coast Guard (among other agencies) into a single entity. Its initial operating budget in 2003 was \$37 billion, and it began with more than 170,000 employees.
- 10 According to the publication, the “backbone” of the bilateral trade relationship is composed of temporary imports that are re-exported. These temporary imports are parts that are used in assembling products sent to the United States. Industrial products make up 82 percent of Mexico’s exports to the United States, and 91 percent of U.S. exports to Mexico. Approximately half of U.S.–Mexico trade is considered intra-industry trade, largely on account of these temporary imports.
- 11 According to Ganster and Lorey (2007: 125), “[a]n estimate from 1998 suggests that Tijuana’s then 35,000 commuter workers generated annual income of about U.S. \$437.5 million, while the city’s maquiladora workers [numbering about 100,000 at the time] had an annual income of about U.S. \$180 million.”
- 12 More generally, some observers have proclaimed that economic globalization and the concomitant growing liberalization of national economies have made national boundaries redundant. See, for example, Ohmae (1995).
- 13 As Ho and Marshall (1997: 210) argue, “we need to ask not only what constitutes criminality, illegitimacy, illegality, and savagery, but also how and why the powerful have categorized these issues as problematic.” If we fail to do so, we run the risk of allowing the powerful to define our “problems” and, thus, our political priorities for us.
- 14 Admittedly, “the state” is a messy concept, as is the category of “state actor.” For purposes of simplicity, I define the (national) state as the set of institutions and actors that wield effective power over a territorially delimited political entity while claiming and seeking to achieve control over who and what enters and leaves national territory. (See Mann 1984. In terms of the function of control over freedom of movement, see Torpey 2000.) The daily practices of all individuals inevitably help to constitute and reconstitute the state. Nevertheless, when I refer to “the state,” I mean a set of institutions that make up the state apparatus, which I somewhat arbitrarily limit (given the dynamic interrelationship between state and society and thus the fuzzy nature of the boundary between them—see Mann 1984; Mitchell 1991) to institutions of the federal government and of the Democratic and Republican parties (in the case of the United States). Similarly, when I employ the term “state actor,” I am alluding to relatively powerful individuals or groups associated with the institutions mentioned above.
- 15 See Berger 1980. “Ways of seeing” are metaphors for, and manifestations of, how we perceive the world and act within it.
- 16 This trade-off also helps to explain why the INS has dedicated the lion’s share of its enforcement resources to efforts along the U.S.–Mexico boundary, rather than on interior (worksite) enforcement.
- 17 These definitions are a synthesis of the work of Prescott (1987) and P. J. Taylor (1993).
Not surprisingly, political geographers have made great efforts to interrogate, and to distinguish between, the terms, *border*, *boundary*, and *frontier* (a forward zone of contact with the uncontrolled or sparsely settled). Nonetheless, even within this sub-field of geography, there is disagreement and the distinctions between the terms are sometimes not sufficiently clear or even present. (See, for example, Anderson and O’Dowd 1999; Kolossov and O’Loughlin 1998; Kristof 1959; Newman 2006; Newman and Paasi 1998; Paasi 1996; P. J. Taylor 1993; and Waterman 1994.) While I endeavor throughout this book to use the terms as I have defined them, I acknowledge—as Malcolm Anderson (1996: 10), among others, has pointed out—that everyday language does not conform to the categories established by political geographers and that, in reality, the distinctions between these terms as social and ideological phenomena remain blurry and problematic. Nevertheless, employing these clearly defined categories allows us to appreciate better how views and practices toward territory and people have changed over the last two centuries or so.
Frontiers, borders, and boundaries are not merely social phenomena in a material sense. They are also “ways of seeing.” Furthermore, the mere demarcation of a boundary and the declaration of national sovereignty do not mean the realization of the modern territorial state ideal, i.e. the homogeneous institutionalization of state power over national space. Thus, rather than seeing boundaries, frontiers, and borders as *things*, we should see them as ideal types that are never fully realized. In this sense, the terms describe ongoing processes of construction of different types of geographically and historically specific divisions and zones of contact between territories, ones that reflect power relations between groups and that have very real impacts on people’s lives.

- 18 For the purposes of this book, a nation is a group of persons who claim that they consist of a single "people" based upon historical, socio-cultural, or ideological (in the form of a shared set of principles) criteria and that they therefore should have their own sovereign state (a nation-state) in a clearly demarcated territory that encompasses their homeland. Nationalism is the ideology and associated practices that justify, emanate from, and reproduce the nation. In the ideal, the nation-state is thus a bounded and sovereign political unit in which the members of the nation and the citizens of the state are synonymous.

The working definition of "nation" employed herein is a synthesis mainly of the work of Peter Taylor (1983) and Anthony Giddens (1987). That said, it is not possible, or desirable, to arrive at eternal definitions of the nation, "as we are dealing with a social construct that is historically contingent and ever-changing" (Hobsbawm 1991: 5-6). In terms of contemporary parlance, the nation is often synonymous with the modern territorial state. As Alexander B. Murphy (1996: 104) contends, by the 1950s most social scientists were employing the term "nation-state" to mean "any so-called sovereign state, no matter how ethnically or nationally heterogeneous that state might be."

2 Nation Building in the Borderlands

- 1 The United States formally annexed the territory two years later as part of its war with England (as Spain had entered into an anti-Napoleon alliance with Great Britain; Vázquez and Meyer 1985: 16).
- 2 Proponents of this assertion justified it on the basis of French claims during eighteenth-century boundary disputes with Spain (Griswold del Castillo 1990: 11).
- 3 Sullivan first employed the term in 1845 (Takaki 1993: 176).
- 4 In making this claim, Vélez-Ibañez cites David J. Weber, *Myth and the History of the Hispanic Southwest*, Albuquerque: University of New Mexico Press, 1988: 117.
- 5 According to John Ross (1998: 27), the subtext of the doctrine "was merely the military and mercantile domination of the Americas." Subsequent U.S. behavior toward Mexico would seem to substantiate Ross's contention.
- 6 Regarding the centrality of California to the U.S. war effort, Ronald Takaki (1993: 172) quotes Polk's 1847 message to Congress. California's harbors, he stated, "would afford shelter for our navy, for our numerous whale ships, and other merchant vessels employed in the Pacific ocean, and would in a short period become the marts of an extensive and profitable commerce with China, and other countries of the East."
- 7 For an account of the war, see T. H. Williams (1981: Chapter 8). U.S. troops often committed great atrocities (see Takaki 1993: 175).
- 8 For the full text of the treaty, see O. J. Martínez (1996) or Griswold del Castillo (1990).
- 9 O. J. Martínez (1995: 11-14); Ross (1998: 30, 35-36); Takaki (1993: 172-176); T. H. Williams (1981: 148-156); also see map, Appendix D. For some U.S. expansionists, however, the gains embodied by the Treaty of Guadalupe Hidalgo were not enough. The United States should, so the argument went, exploit its position of strength and take all of Mexico. As the "all Mexico" idea spread through elite U.S. opinion, Mexico became increasingly worried and seized the opportunity to sign the treaty, thus keeping at least half of its territory. At the same time, however, serious opposition to the "all Mexico" movement had developed in the United States among Polk's political opponents. Some even opposed it on the basis of race, fearing that the extension of U.S. citizenship to dark-skinned Mexicans would undermine the United States (O. J. Martínez 1995: 15-16; Acuña 1988: 19).
- 10 Acuña (1988: 6) defines a filibuster as "an adventurer who engages in insurrectionist or revolutionary activity in a foreign country." Much of such activity was aimed at gaining territory for the United States.

The term seems to be derived from the Spanish term *filibustero*, which means someone who engages in piracy or plundering. It has since evolved to refer to an

- obstruction of a legislative process—by indefinitely prolonging debate on a proposal, for example—or of any decision-making body. A filibuster in the contemporary United States is thus a tool for pirating or hijacking debate.
- 11 The Isthmus of Tehuantepec is the narrowest part of Mexico, south of Veracruz.
 - 12 Porfirio Díaz ruled Mexico in 1876, 1877-1880, and 1884-1911. For an analysis of his reign, see Ross (1998: Chapter 4). See also González (2006).
 - 13 Many of the U.S. Army forts constructed during this time later became modern military bases (Dunn 1996: 7). Fort Bliss in El Paso is one such example.
 - 14 The one exception is the Alien Enemies Act of 1798. Whereas the Alien Friends Act of 1798 expired after only two years, the Alien Enemies Act remains in force—in a modified form—through today. It empowers the president to detain, relocate, or deport "enemy aliens" during a time of war.
 - 15 The newly created Immigration Service took over immigration and boundary enforcement functions in the 1890s.
 - 16 The new group of "mounted watchmen" never numbered more than 76; their small numbers combined with their lack of training made the force "woefully inadequate to cope with the illegal entry problem" (Coppock c. 1968: 2).
 - 17 Paradoxically, there were occurrences of unprecedented transboundary cooperation during that time. U.S. authorities, for example, authorized Mexican officials in mid-1912 to search passengers (for antigovernment activists) on streetcars leaving El Paso, Texas, for Ciudad Juárez across the international boundary. But this practice did not last long as U.S. authorities responded to public outcry against Mexican officials searching U.S. citizens in American territory (Nadelmann 1993: 79).
 - 18 Legal immigration thus declined from 90,000 in 1924 to 32,378 the year following the implementation of the 1924 Act (Sánchez 1993: 57).
 - 19 The acting Supervising Inspector of the Immigration Service in El Paso described the ports of entry west of El Paso in 1917 as places "where an imaginary line alone separates the two countries, and where one side of the street is in Mexican territory, and the other in American territory, with people crossing to and fro, practically at all hours, and for all manner of purposes" (NARA file 54261/276, June 6, 1917). Such a situation would hardly seem to facilitate the effective regulation of boundary crossing.
 - 20 See Wixon (1934) for a description by an INS official of the nature of the Border Patrol and the challenges faced by the agency in the early 1930s.
 - 21 That said, in all probability the size of the Border Patrol did not increase as quickly as Congress intended. In Fiscal Year 1944, for example, the authorized size of the Border Patrol was around 1,300 officers, but the average actual force only numbered 997 officers "as inductions of patrol inspectors into the armed forces and the increasing difficulty of recruiting qualified personnel made it impossible to keep the force at its authorized strength" (E. G. Harrison 1944: 21).
 - 22 Senator Pat McCarran, Chair of the Senate Subcommittee on Internal Security, for example, argued in 1951 that there were as many as 5 million "illegal aliens" in the United States, including "vast numbers of militant Communists, Sicilian bandits and other criminals" who could potentially serve as a "fifth column" for an enemy country. A year later, McCarran argued that communists and spies often posed as farmworkers and frequently traveled back and forth across the U.S.-Mexico boundary. Such hysterics were not limited to the far right as liberals such as Hubert Humphrey joined the calls during the 1950s for a crackdown on unauthorized migrants entering from Mexico in the name of national security (Calavita 1992: 47-50).
 - 23 In 1900, Texas had an immigrant population of 71,062, Arizona had 14,172, California had 8,096, and New Mexico had 6,649 Mexican immigrants (McWilliams 1968: 163).
 - 24 One grower explained his opposition to the proposed restrictions in 1928 as follows: "We have no Chinamen, we have no Japs. The Hindu is worthless, the Filipino is nothing, and the white man will not do the work" (Balderrama and Rodríguez 1995: 17).
 - 25 The term *bracero* comes from the Spanish word for "arm," *brazo*. *Bracero* thus refers to a manual laborer.

- 26 Also see Takaki (1993: 321). In 1927, Clements reminded California Governor C. C. Young that "the Mexican laborer is an alien possible of deportation should he become indigent or a social menace" (quoted in Monroy 1999: 100).
- 27 The June 12, 1954, edition of the *Los Angeles Times* described the operation in militaristic terms: "An army of border patrolmen complete with jeeps, trucks and seven aircraft will begin moving into El Centro [California] today, dispersing their forces for an all-out war to hurl tens of thousands of Mexican wetbacks back into Mexico."
- 28 For sections relating to immigration in political party platforms from 1798 to 1964, see Hutchinson (1981). The present author conducted the analysis of the Democratic and Republican Party platforms from 1968 to 1996. Copies of these platforms are on file with the author.
- 29 Based on research by the author. See Nevins (1998) for additional detail.
- 30 A February 3, 1975, cover story entitled "Rising Flood of Illegal Aliens: How to Deal With It," for example, asserted that the "illegal flow . . . is raising problems more troublesome than those created many decades ago by the 'huddled masses' waiting docilely on Ellis Island for entry to the promised land" (*U.S. News & World Report* 1975: 30).
For an analysis of magazine covers and their relationship to larger debates over immigration in the United States since 1965, see Chávez (2001).
- 31 See Edelman (1985) regarding how media discourse functions to construct threats to the social order.
- 32 The discussion of the various pro-187 themes is based on an analysis of media items in the *Los Angeles Times*, *New York Times*, *San Diego Union-Tribune* and *Time* magazine in Nevins (1998).
- 33 Grace Chang (2000) contends that anti-immigrant rhetoric increasingly focuses on women, most notably unauthorized immigrant Latinas, through, among other representations, pervasive images of them as welfare cheats and indefatigable "breeders." See also Jacobson (2008). Jacobson asserts that population-related arguments, ones associated with concerns regarding quality of life and environmental sustainability, involve a regendering of the Mexican immigrant as female, thus facilitating an emphasis on issues of hyperreproductivity.
- 34 Dr. John Tanton headed U.S. English and had been the founder of FAIR in 1979.
- 35 See Baldassare (2000) for interesting data and analysis about the attitudes of California's principal ethno-racial groups toward immigration.
- 36 A tendency toward right-wing authoritarian politics and the holding of negative stereotypes about "illegal" immigrants are important predictors of support for anti-unauthorized immigration measures such as Proposition 187 (Quinton *et al.* 1996). Californians tend to have more pro-restrictionist positions than Americans in general. And Anglos who self-identify as relatively conservative and view Latinos in a negative light tend to favor more restrictive levels of immigration (Hood and Morris 1997).
- 37 Below the organization's name on the newsletter's masthead, it reads "Citizenship/Sovereignty/Law."
- 38 As the VCT newsletter's masthead proclaims, for example, "This is not a racial issue. It is an economic, ecological, and social survival issue." And Peter Brimelow argues, "I am not prejudiced—in the sense of committing and stubbornly persisting in error about people, regardless of evidence—which appears to me to be the only rational definition of racism" (Brimelow 1995: 11).
- 39 Not surprisingly, a general suspicion of all Latinos as potential "illegals" informed the thinking of many backers of California's Proposition 187. California State Senator Craven, a Republican from Oceanside, north of San Diego, for example, suggested in October 1994 "that the [California] state legislature should explore requiring all people of Hispanic descent to carry an identification card that would be used to verify legal residence" (quoted in Chávez 1997: 62). (In February 1993, Craven informed a U.S.

Senate hearing in San Diego that "migrant workers were on a lower scale of humanity" [quoted in Chávez 1997: 63].)

- 40 Although the mid- and late 1970s were times of dramatically increased rates of drug use (peaking in 1979) and crime, for example, "the percentage of poll respondents identifying crime and drugs as the nation's most important problem remained quite low throughout this period" (Beckett 1997: 23).
- 41 A framework suggesting a crisis is very common in media accounts related to unauthorized immigration. Such accounts usually present unauthorized migrants as a threat to society and/or conflate them with criminals (Coutin and Chock 1995).
- 42 Analysis of media coverage supports this claim. See Nevins (1998).
- 43 As the U.S. Attorney General Janet Reno stated in arguing for a budget increase for the Department of Justice in Fiscal Year 1997, "We are making progress in fighting drugs, violent crime, and illegal immigrants. Now we must redouble our efforts and build on our results" (Andreas 1997: 38; also see Reno 1993).
- 44 In pointing to "the state" as the primary shaper of the illegal as a discursive category, I do not intend to suggest a sharp divide between the state and society. Clearly, the relationship between state actors, the institutions of governance (the state apparatus), and non-state actors is highly complex, so much so that it is difficult to make analytical distinctions. Thus, I acknowledge that there are multiple causal agents, and that the power that constructs the illegal emanates from a whole host of overlapping and mutually constitutive social relations (see Yapa 1996). Nevertheless, I want to avoid suggesting that all social actors are equal in terms of their ability to shape social outcomes, as there is almost always inequality between social actors.

7 The Effects and Significance of the Bounding of the United States

- 1 Border Patrol Sectors comprise stations. Their geographical areas sometimes change on account of, among other factors, the shifting flow of unauthorized migrants.
- 2 For more details about the station, see the website of the U.S. Customs and Border Protection at http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/tucson_sector_az/stations/douglas.xml.
- 3 In mid-2008, the Border Patrol's attrition rate was almost 11 percent. About 30 percent of new agents were leaving the agency after 18 months or less on the job. See Spagat (2008a).
- 4 For example, during a public hearing with the U.S. National Intelligence Director and the heads of various intelligence agencies in 2006, Senator Dianne Feinstein (D-California) spoke of the "increasing problem of penetration of other-than-Mexicans across our borders." Implicitly referring to the U.S.-Mexico boundary, she called it "a major gateway for terrorists to access the United States" (Seper 2006).
- 5 For a discussion of different types of violence, see Nevins (2005).
- 6 "Memorandum on Illegal Immigration," February 7, 1995, in *Weekly Compilation of Presidential Documents*, Vol. 31, No. 6, Washington, DC: United States Government Printing Office, Monday, February 13, 1995: 200.
This explanation is almost a word-for-word duplication of the argument put forth by the Select Commission on Immigration and Refugee Policy in its 1981 final report (see Chapter 5).
- 7 Regarding the insignificant impact enforcement has had on the flow of illicit drugs across the boundary, see Andreas (2009).
- 8 For those trying to get to the United States from elsewhere, but via Mexico, it is certainly far tougher to reach their destination given the difficulties non-Mexican nationals have in entering and traversing Mexican territory. No doubt, the percentage of such migrants who eventually succeed in reaching the United States is lower than that of Mexican migrants. See Aizenman (2006); M. Flynn (2002); Thompson (2006).

- 9 To the extent that heightened enforcement has been a "success," it comes at a cost from the perspective of U.S. authorities: the ongoing boundary build-up has the effect of increasing the length of unauthorized migrants' stays in the United States, while making it less likely that they will return to their country of origin, given the heightened costs and risks associated with crossing into the United States extralegally. See Massey *et al.* (2002); Reyes (1997); Taylor *et al.* (1997).
- 10 In 2006, Mexicans living in the United States sent \$24 billion to their loved ones in Mexico, making remittances second to oil as a source of foreign income for the country. See K. Williams (2006).
- 11 Although the Mexican government does not try to prevent its citizens from leaving the country, the smuggling of migrants is a crime in Mexico and has been since at least 1974. See also Comptroller General of the United States (1976: 24–26).
- 12 Bach referred to this policy as the "Meissner doctrine"—named after former INS Commissioner Doris Meissner and her late husband Charles Meissner (who died in 1996), the former head of international commerce at the Department of Commerce (Bach 1997).
- 13 As Massey and Espinosa (1997: 991–992) argue:

The provisions of NAFTA reinforce the ongoing process of market consolidation in Mexico and help to bring about the social and economic transformations that generate migrants. The integration of the North American market will also create new links of transportation, telecommunication, and interpersonal acquaintance, connections that are necessary for the efficient movement of goods, information, and capital but which also encourage and promote the movement of people—students, business executives, tourists, and ultimately, undocumented workers.
- 14 At the same time, however, the Clinton administration claimed that the passage of NAFTA would actually help realize the goal of boundary enforcement: by creating better, high-paying jobs in Mexico—so went the argument—NAFTA would lead to less immigration from Mexico to the United States. See, for example, Reno (1993).
- 15 In 2004, JTF-6 was reorganized and renamed. Now called JTF North, the command is, according to its website, "tasked to support our nation's federal law enforcement agencies in the identification and interdiction of suspected transnational threats within and along the approaches to the continental United States." Transnational threats are "those activities conducted by individuals or groups that involve international terrorism, narcotrafficking, alien smuggling, weapons of mass destruction, and includes the delivery systems for such weapons that threaten the national security of the United States." See <http://www.jtfn.northcom.mil/default.htm>.
- 16 Exploring, a coeducational subsidiary of the Boy Scouts of America, is a worksite-based program for young people (14–20 years of age) that seeks to provide them with valuable experiences. According to its website, the organizations seeks "to prepare [young people] to become responsible and caring adults. Explorers are ready to investigate the meaning of interdependence in their personal relationships and communities." See <http://www.learningforlife.org/exploring/>.
- 17 Regarding life and the boundary-enforcement situation in Redford more than a decade after Esequiel Hernández's death, see Keane (2008).
- 18 Regarding deaths during the 1900s, see J. R. García (1980: 13); also Annerino (1999).
- 19 As one of its "indicators of success" for San Diego and El Paso, the Border Patrol included the "reduction of serious accidents involving aliens on highways, trains, drowning, dehydration (main effort)." See U.S. Border Patrol (1994: 9).
- 20 Interview with De La Viña (1997). The reason for this, according to INS Commissioner Doris Meissner, is that the *coyotes*, or smugglers, have proven even more nefarious than anticipated. As Meissner explained in a visit to the border region in September 2000, "The geography itself in these very tough places in the mountains and desert should be a deterrent in and of itself. But what's happened is that there have been shifts in

the patterns of behavior, largely by the smugglers." Meissner stated that it would take up to five more years to add enough Border Patrol agents and technology to realize "a reasonable level of control" of the rural areas traversed by unauthorized immigrants (*Migration News*, October 2000).

- 21 For more information and analysis of this case, see Nevins (2008).
- 22 See, for example, Thompson (2000) and Annerino (1999). But, as Annerino points out, there is a fine line between a rescue and an apprehension. In this regard, statistics of "rescues" reported by the Border Patrol are likely to be somewhat inflated.
- 23 A number of Clinton administration political appointees voiced such a view to me during interviews.
- 24 I thank Ben Forest of the Department of Geography at McGill University for explaining this perspective to me.

Such an analysis, however, assumes a pre-existing context of justice, which the law serves to strengthen. The establishment of a regime of "law and order," however, although providing some benefits to unauthorized immigrants in the form of less violence from "border bandits," can actually make matters worse for extralegal crossers by institutionalizing injustice.
- 25 Such an analysis serves to reinforce widespread stereotypes rooted in history equating Mexican immigrants and Mexican-Americans with criminality (see Gutiérrez-Jones 1995) given the tendency in the United States to associate "illegal" immigration with Mexico.
- 26 This is a characteristic of what Agnew and Corbridge (1995: Chapter 4) call the "territorial trap."
- 27 In trying to explain why we have this good/bad distinction, Aleinikoff (1987: 48) argues that "[t]he central immigration metaphor of an earlier day—the warm, inviting melting pot—is being replaced by metaphors of impending doom by water: we hear of the steady stream, the rising tide, the waves, the flood of illegal aliens. The Court, it seems, hears the water lapping at its doors."
- 28 That said, there are efforts to challenge U.S. society's *de jure* exclusion of unauthorized immigrants. In February 2000, the AFL-CIO officially reversed its long-held immigration restrictionist position, calling for a repeal of the employers' sanctions created by IRCA in 1986, for an amnesty for all unauthorized immigrants, and for a program to educate immigrant workers about their civil rights. See Bacon (2004).
- 29 See Nevins (2005: note 70) for examples of three letters to the editor (in whole or in part) from various newspapers that demonstrate such views.
- 30 The term "illegal alien" is even stronger than "illegal immigrant" in terms of casting the unauthorized immigrant as someone to be feared and rejected. As Hugh Mehan contends in relation to Proposition 187:

The *illegal* alien designation invokes a representation of people who are outside of society. The *illegal alien* designation invokes images of foreign, repulsive, threatening, even extra-terrestrial beings. The proposition was aimed, therefore, not at "people like us," who are "law-abiding" and "tax-paying citizens." It was aimed at foreigners, people from outside our world, who are invading and threatening our lives, "the quality of our life" (Mehan 1997: 258).

- 31 I credit Alexander Aleinikoff for pointing this out to me during my interview with him in 1997.
- 32 The INS's anti-smuggling efforts became increasingly global in reach in the 1990s. As part of Operation Global Reach, the INS opened 13 new offices abroad dedicated to disrupting migrant smuggling networks. By 1998, there were a total of 35 such offices (Skerry and Rockwell 1998).
- 33 On August 7, 2009, the Obama administration announced plans to reform the immigration detention system, which was to include an end to the detention of families and children. Beyond this, as of this writing, what the reforms will look like is unclear.
- 34 See AFSC (2005); Dunn (1999, 2009); Human Rights Watch (2009); Kremer *et al.* (2009);

LIRS and Women's Commission (2007); No More Deaths (2008); Ortiz Pinchetti (1997). For a detailed account of one particularly infamous incident, see Davidson (2000).

- 35 The language authorizing the increase, contained in Title XIII—Criminal Aliens and Immigration Enforcement, Section 130006(b), Improving Border Controls, reads as follows:

Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

- 36 For a discussion of various forms of violence as they relate to immigration and boundary policing, see Nevins (2005).
37 The term "alien" is also quite problematic. As Néstor Rodríguez (1997: 232) argues:

Promoting perceptions of Mexicans or other national groups as "aliens," whether residing in the United States or in their own countries, adds to the social construction of the U.S.–Mexico border by reinforcing the idea that these national groups are incompatible with, and even harmful to, U.S. society and culture. It amounts to a process of villainization of the foreign born, which thus must be kept out with strict immigration policies and a strong southern border.

- 38 According to David Manuel Hernández (1997), members of the Congressional Hispanic Caucus, for example, almost unanimously support increased funding for the Border Patrol and stricter immigration and boundary enforcement. Although Latino members of Congress have been at the forefront of the fight against the most extreme anti-immigration measures, they have "resorted to 'damage control' maneuvers, indicating a growing tendency to sacrifice the rights of undocumented immigrants in order to protect those of immigrants recognized as legal" (Hernández 1997: 81).
39 As of 2009, a similar set of assumptions and policies seem to inform the NCLR's position on immigration and boundary enforcement. See "Questions and Answers about NCLR's Immigration Position" at <http://www.nclr.org/content/faqs/detail/43266/> (last accessed on August 2, 2009).
40 I might call it the boundary–immigration–enforcement–industrial complex.
41 For interesting analysis of this phenomenon, see Heyman (2008).
42 The ties that an unauthorized immigrant has to the community and loved ones (including U.S. citizens) in such cases are largely irrelevant from the perspective of federal authorities. For example, individuals married to U.S. citizens, but who have committed the "crime" of entering the United States without authorization after a previous removal, are barred from having the legal ability to re-enter the country for 10 years—even if they have U.S. citizen children. (See A. Gorman 2008.) So much for "family values."
43 Not his real name.

8 Security in an Age of Global Apartheid

- 1 That said, there was an organized protest at the event, one carried out by what the *Union* characterized as a "group of about 20 sign-carrying Indians" who "marched quietly, well away from the ceremony, protesting that the federal government should return surplus lands to Indians under old treaty arrangements." Mrs. Nixon "apparently did not notice the protestors" (L. Thomas 1971).
- 2 The historical record on fences and walls along the boundary is very sparse. See O. J. Martínez (2008).
- 3 The original article is available on this book's companion website at

- 4 For an analysis and critique of alternative explanations for the enforcement build-up, see Nevins (2002: Chapter 8).
- 5 For a persuasive critique of how the mainstream media represents U.S. border cities despite their low levels of violent crime, see Del Bosque (2009b).
- 6 Such problems seem to be present at many detention centers, and have resulted in a high number of deaths among detained immigrants. See, for example, Priest and Goldstein (2008).
- 7 For interesting analyses of security construction in the U.S.–Mexico borderlands, see Ackleson (2005); Coleman (2005).
- 8 Between 1995 and 2009, the average number of dead migrant bodies recovered per year in the U.S.–Mexico borderlands exceeded the number of people who died while trying to flee East Berlin during the roughly 28-year existence of the Berlin Wall.
- 9 What Garza fails to appreciate is that a right to exit a country is effectively meaningless without a corresponding right to enter one. In this regard, the Berlin Wall and the barriers along the U.S.–Mexico boundary share much.
- 10 In an article on migrant deaths on the perimeter of Spanish territory, for example, Carling (2007), associated with the International Peace Research Institute in Oslo, suggests, among other things, stronger enforcement mechanisms as a way of reducing the number of fatalities. He does not entertain liberalizing immigration controls—surely the best way to reduce the death toll.
- 11 A nationalistic response to the putative problems caused by immigration conforms to a worldview that dovetails with the contention that justice is possible only within delimited communities, that a regime of rights is not possible unless there is a boundary separating those who have rights from those who do not. (Michael Walzer's *Spheres of Justice: A Defense of Pluralism and Equality* [1983] is probably the best-known example promoting such a view.) The problem with such an analysis is that it seems to assume that a universal community is an impossibility. Undoubtedly, the making of such a community is and would be extremely difficult, but, like the construction of any community, it would be the outcome of a social process. No human community is "natural."
- 12 For an example of this position, see Stoll (1997, 2007).
- 13 In making this argument, I acknowledge that a right to freedom of movement might collide with other human rights—most importantly that of societies to secure public order and the general welfare. (Article 29 [2] of the *Universal Declaration of Human Rights* states, "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.") But, if we understand transboundary freedom of movement to be a basic human right as opposed to a privilege accorded by states, it forces us to arrive at solutions to problems associated with in-migration (for the receiving society) other than those that erect obstacles to freedom of movement. Such solutions are possible if the politico-geographical vision and will exist.
- 14 According to Finley, the U.S. Coast Guard has set up patrols off the coast of Latin America, intercepting suspected migrant-smuggling boats and detaining their passengers. In the case of Ecuadorian waters, the Coast Guard had "sunk a dozen emptied migrant boats they deemed 'unseaworthy'—setting them ablaze and firing on them with their .50-caliber guns" over a two-year period.
- 15 A notable exception is Sharma (2006).
- 16 Heyman (1999b: 621) argues that immigration interdiction "maintains the distinction between the two [significantly unequal in a socio-economic sense] polities that undergirds their different social wages." For an interesting discussion of the relationship of enhanced boundary enforcement, economic development in the border region, and socio-economic inequality between the United States and Mexico, see Dunn (1996: Chapter 5).

- 17 I thank Monisha Das Gupta for bringing this speech to my attention.
- 18 The speech is available online at <http://www.migrationpolicy.org/pubs/Schumer-remarks-Law-Policy-Conference-06-24-09.pdf>.
- 19 For an interesting analysis of this consensus and how it has come about, see T. Barry (2009a). Although he offers valuable insights, I would argue that Barry (implicitly) overstates the newness of this consensus, thus giving the false impression that there had been significant differences on enforcement matters between Democrats and Republicans prior to the era of the Obama administration.
See also the text of DHS Secretary Janet Napolitano's August 11, 2009, speech (available at http://www.dhs.gov/ynews/speeches/sp_1250028863008.shtm). In it, she boasts about how the Obama administration has, as of the time of the speech, outdone the G. W. Bush administration in the number of arrests and deportations of "illegal nationals" during the same period of time two years prior.
- 20 Because Mildred Loving was part Rappahannock Indian, and her father was part Cherokee, she liked to think of herself as Native (D. Martin 2008).
- 21 There were and are other points along the boundary where such scenes unfold. See Marosi (2004).
- 22 A link to photos of Border Field State Park is available on this book's companion website at <http://www.routledge.com/textbooks/9780415996945>.
- 23 For additional background on the origins of the wall-building spree, see Nevins and Dunn (2008).
- 24 See Department of Homeland Security, "Fact Sheet: Secure Border Initiative," November 2, 2005, available at www.dhs.gov.
- 25 This is a manifestation of how the boundary build-up has increasingly become a "war" against the environment. See, for example, D. Barry (2008); Eilperin (2008). See also the webpage of the Sierra Club's Borderlands Campaign at <http://arizona.sierraclub.org/conservation/border/index.asp>. It has also involved a battle against property owners—especially in Texas, where much of the land abutting the boundary is owned by individuals. See Del Bosque (2008, 2009a).
- 26 For a discussion of these different types of "walls," see Heyman (2008).
- 27 Regarding transitional communities between the United States and Mexico, see, for example, Bacon (2007, 2008).
- 28 From *Democracy Now!* TV/radio news show, December 29, 2000 (available online at <http://www.democracynow.org/>).
- 29 Of course, there are many organizations across the United States engaged in work defending the rights of immigrants and border communities in this spirit. For a list and links to some of these organizations, see this book's companion website at <http://www.routledge.com/textbooks/9780415996945>.
- 30 Blomley's work (1994, especially Chapter 6) focuses only on a right to place within a national context (i.e. Canada). Nonetheless, his analysis is certainly relevant to matters of mobility on a global level.

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