The Insurgent Southwest

Death, Criminality, and Militarization on the U.S.-Mexican Border

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Contents

"The prisons and camps don't contain only those inside them but also those outside them.

All human beings are transformed into prisoners and prison guards."

- Letters of Insurgents[1]

[1] Sophia Nachalo and Yarostan Vocheck, Letters of Insurgents (Detroit: Black and Red, 1976), 8.

Introduction

The Sonoran desert has become a remote outpost of death, a unique site of resistance and a study in how military strategies are effectively used to create profit while maintaining social control. The militarization of the US/Mexican border has caused a lot of suffering; thousands of people have died trying to cross since the mid-90's. The exact number is not known, but according to the Coalición de Derechos Humanos, "it is estimated that the remains of more than 6,000 men, women and children have been recovered on the U.S.-México border."[2] Why these people died where they did does not make a lot of sense until one begins to trace the ow of capital.

Many people think the main purpose of border policy is to stop the flow of migration. It is not. The main purpose of border policy, and specifically counterinsurgency on the border, is to manage mixed-status communities both in the border regions and in the interior.[3] Counterinsurgency (COIN) in the Southwest expresses itself through an increase in internal controls: checkpoints, deputized police, and a vigilant citizenry. These controls are justified through the constructed crisis of the "war on drugs", racism and a myriad of fears about crime.

The inward expansion of the border has been accomplished through a shift from civil to criminal law when dealing with undocumented populations, and a careful balance of hard and soft controls as enacted by police, military, paramilitaries, nonprofits and civilians. Hard controls include imprisonment, deportation, torture, deprivation, assault, and death. Soft controls range from information gathering, reporting to state authorities, psychological operations, and ideological warfare. COIN is present in internal controls, the blurring of police/military functions, and the focus on managing populations as well as territory. COIN seeks to make surveillance and control seem not only normal, but participatory.

Border militarization, and all its internal controls, only function well because so many people accept the discursive parameters and categories they utilize. We have forgotten that the border is a man-made thing. It actually hasn't existed for all that long. Human hands, machinery, and greed put it up, and human hands could take it down. In order to resist it, we must examine the recent militarization, identify the economic forces that profit from it, understand the expansion of internal controls and our part in them, and ultimately deconstruct (and destroy) the ideological and categorical assumptions that allow these systems to function.

[2] Coalición de Derechos Humanos, "Arizona Recovered Human Remains Project," Coalición de Derechos Humanos website, http://derechoshumanosaz.net/projects/arizona-recovered-bodies-project/ (2012).

[3] Mixed-status refers to communities and families composed of documented and undocumented people.

Neoliberal Policy Leading Up to NAFTA

In order to understand the history of the border and how its populations are now being managed it is essential to understand the economic policies that accelerated northern migration, the militarization of the geographical border itself, and Border Patrol enforcement in the desert. The history of neoliberal economic policy is not a simple one, but to understand the current political situation, it is useful to have a cursory understanding of the global debt-bondage system.

In 1982 Mexico's inability to service its debt sent shock waves through the international financial community.[4] To many observers it was a sign that the international financial system was on the brink of collapse. If Mexico defaulted, could other nations be far behind? Something needed to be done if the global financial system was going to emerge intact.[5]

The US government stepped in to protect the interests of the banks that held most of the Mexican debt. The International Monetary Fund (IMF) and World Bank, along with the US government, bailed out the private banks. The US government then pressured the IMF to extend new loans to Mexico so that it could keep up on its loan payments. Northern donors,[6] primarily the United States, offered to double their funding for the IMF, but only for highly conditional loans.[7] The new IMF and World Bank loans were rigidly structured and came with strict conditions. These conditions came in the form of Structural Adjustment Programs (SAPs).[8] SAPs eliminated price and interest rate controls, privatized state-owned enterprises, reduced tariffs and other restrictions to foreign trade, and reduced regulations for businesses in order to encourage local and foreign investment.[9] The idea was that by implementing these neoliberal economic policies, Southern economies would become more productive and efficient. Opening economies up to the global market would provide growth and over a way out of poverty.

There were a few problems with this model. Narrowing the size and scope of government meant large-scale downsizing for public sector employees. Local businesses closed because they could not compete with transnational corporations and new investment did not create jobs at the expected rates.[10] In order to meet targets for reducing fiscal debt, most states greatly reduced their spending on social expenditures in health, education, and welfare. These austerity measures effectively dismantled the social safety net; thus when the promised economic opportunities did not materialize there was nothing to fall back on and communities were left to their own devices. In this way, Structural Adjustment was devastating for poor constituents.

During the 90s large numbers of campesinos were pushed off their land by changes in collective land holdings imposed by the Salinas government. Article 27 of the Mexican constitution was amended in 1991 in order to make it legal to sell ejido (communal) land. It also allowed peasants to put up their land as collateral for loans. Many farmers took out loans, which they were unable to service due to currency devaluation, the associated cost of living increases, and an inability to

[4] George Ann Potter, Deeper than Debt: Economic Globalisation and the Poor (Nottingham: Russel Press, 2000), 8.

[5] John E Serieux, and Yiagadeesen Samy, "Introduction: Debt, Debt Relief and the Poorest: Small Steps in a Long Journey" (2002) In John E Serieux,and Yiagadeesen Samy, Debt Relief of the Poorest Countries, 37.

[6] Susan George, A Fate Worse than Debt (Harmondsworth : Penguin Books, 1988), 41-54.

[7] The terms North and South refer to a divide in socio-economic, political and discursive power that exists between wealthy "developed" countries (the North) and poor lesser "developed" countries (the South.) These terms are imperfect but in a post-colonial/neo-colonial era it is useful to have a language, however flawed, to describe in general terms those who are defining the relations of power and those who are being exploited by them.

[8] Potter, Deeper than Debt: Economic Globalisation and the Poor, 12-13.

[9] David Ransom, "The Dictatorship of Debt," New Internationalist, No. 312 (1999): 7.

[10] Potter, Deeper than Debt: Economic Globalisation and the Poor 72-73.

compete in the "free market." Prices for commodities plummeted as local markets were flooded with US-subsidized agriculture. Structural Adjustment initially lead to a rural-to-urban migration. There were not enough jobs in the cities to accommodate the influx of the disenfranchised, and so people migrated north to the US. Although northern migration has always occurred, neoliberal economic policies created a sizable influx of families fleeing poverty. This generation of economic refugees is now being managed and criminalized for profit by the private prison industry.

Military Theory and Border Militarization

Neoliberalism was a major contributor to the border crisis, but the crisis wouldn't have occurred without the concurrent process of militarization. To understand the specific tactical and strategic underpinnings of border militarization it is useful to examine the development of the Low Intensity Conflict doctrine (LIC). In The Militarization of the US-Mexico Border, Timothy Dunn meticulously traces the rise of LIC doctrine from 1978-1992. He writes:

> The principle concern of LIC doctrine has been with countering revolution (especially in Central America during the 1980s), followed by a concern for maintaining social control in other unstable settings. Within those areas, there are three general focal points of LIC doctrine: (1) an emphasis on internal (rather than external) defense of a nation, (2) an emphasis on controlling targeted civilian populations rather than territory, and (3) the assumption by the military of police-like and other unconventional, typically non-military roles, along with the adoption by the police of military characteristics.[11]

These principals outline the militarization and control techniques implemented in the borderlands the last few years. There is an emphasis on internal defense, but it is happening under the rhetoric of an external threat. Distinctions between police, military, and paramilitary are blurring; the police are being militarized and the military is being given increasing access to civilian populations. Police are partnering with community organizations to create "community policing." Border Patrol utilize the legitimizing language of human rights, and large portions of the civilian population are being required to police one another through mandated reporting in the workplace.

Equally important, the border is increasing in its infrastructural reach as it expands ever inwards. Some of this expansion, like the increase in checkpoints, is territorial, but the major force behind border expansion, like police deputization and participatory civilian vigilance, is psychological. This escalation is justified to the public by the "drug war", the "war on terror," and racial hysteria. These tactics were described by Dunn:

> Among the notable features of these efforts were a heavy emphasis on surveillance activities involving the use of advanced military technology; the growing presence of law enforcement and military personnel; the greatly expanded legal authority of the Border Patrol; and the ongoing stops (especially at checkpoints), requests for identification from persons of "foreign appearance," searches, and deportations. These activities all helped to contain the Mexican-origin population in the border region. The cumulative effect of such efforts can be interpreted as "preventive repression," enacted to restrain the principal subordinate groups in a crucial region that was vulnerable to instability.[12]

What has changed with COIN, in contrast to LIC, is the level of nuance in who is defined as an "enemy." In the desert, all migrants are the enemy, and hard controls are common. Meanwhile, in urban spaces, some undocumented people fit into the category of "enemy," and some don't; soft

[11] Timothy J. Dunn, The Militarization of the US-Mexican Border, 1978-1992 (Austin: University of Texas Press, 1996), 21.

[12] Dunn, The Militarization of the US-Mexican Border, 162.

controls become more important. This differentiation doesn't weaken social categories, it refines them. COIN theory on the border depends on distinguishing between categories of people who are "deserving" of leniency and those who are "criminal." These distinctions, which underlay the liberal idea of "humane border policy," may get some people a reprieve from hard controls like deportation, but they do not challenge the control regime. They are, in fact, an integral part of it. Disguising controls within the fabric of everyday life, and cloaking them in narratives of human rights and liberality, is an important part of social management.

Before we examine how the border has expanded inward we need to look at the period of militarization that occurred in the 90s, as militarization was necessary precursor to internal expansion.

Expansion of the Border Infrastructure

In the preface of Border Games, Peter Andreas describes two photos hanging in the Border Patrol headquarters in San Diego:

> The first photograph, taken in the 1990's, shows a mangled chain-link fence and crowds of people milling about, seemingly oblivious that the border even exists. The Border Patrol is nowhere in sight. The image is of a chaotic border that is defied, defeated and undefended. The second photo, taken a number of years later, shows a sturdy ten-foot-high metal wall backed up by lightposts and Border Patrol all-terrain vehicles alertly monitoring the line; no people gather on either side.[13]

This transformation occurred through a series of government operations that sealed the cities and pushed traffic into the geographically remote desert regions: Operation Hold the Line in 1993 in El Paso/Juarez, Operation Gatekeeper in 1994 in southern California, Operation Safeguard in 1994 in southern Arizona, and Operation Rio Grande in 1997 in southeast Texas.[14]

The border wall expansion came with new strategies for enforcement that focused on sharpening the psychological burden of crossing. Beginning in 1994, Congress and the Border Patrol acted jointly to initiate a policy of "prevention through deterrence," which would "elevate the risk of apprehension to a level so high that prospective illegal entrants would consider it futile to enter the U.S. illegally."[15] This policy changed the journey north. It did not make crossing "futile" exactly - but it did make it more physically taxing, expensive, and dangerous.

The militarization of the border created business opportunities for many players. After the traffic got pushed into the desert, the price of crossing increased considerably. US economic and border policy created something of a captive market and smuggling infrastructures expanded to accommodate the needs of the increasing numbers of crossers. Cartel consolidation brought with it an increase in violence. Stories of rape, assault, blackmail, and abandonment have become painful reminders of what happens when people are commodified.

As a humanitarian aid volunteer, I have witnessed the trek through the desert increase in length and distance year by year as more checkpoints and patrols are put in place. Migrants are allowed to move slowly north through the desert for a few days, only to get picked up miles north, as part of a sadistic game of experiential deterrence. The heat, exhaustion, and delirium of the desert are used as both a geographical and psychological barrier.

Border Patrol officers like to say that they are "out in the desert saving lives." I have had many agents on the ground over the last few years tell me this word for word. "Salvation" from potential death in the desert is being used to justify low intensity warfare, domination, and repression which are, under liberal democracy, indignities to be suffered always for one's own good. If they are saving people, it is only from a labyrinth of potentially fatal ends that Border Patrol policy itself has created. People have only been dying in high numbers since militarization pushed migration out into the remote areas of the Sonoran desert.

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[13] Peter Andreas, Border Games: Policing the US-Mexican Divide (Ithaca: Cornell University Press, 2009), xi.

[14] Timothy J. Dunn, José Palafox "Militarization of the Border" The Oxford Encyclopedia of Latinos and Latinas in the United States . Suzanne Oboler and Deena J. González. 2005 Oxford University Press, Inc. The Oxford Encyclopedia of Latinos and Latinas in the United States : (e-reference edition). Oxford University Press. University of Arizona. (May 4, 2007)

[15] Senate Committee on the Judiciary, Subcommittee on Immigration, Hearing on: Enhancing Border Security, 106th Cong., 2nd Sess., Feb. 10, 2000 (statement of Michael A. Pearson, Executive Associate Commissioner for Field Operations, Immigration and Naturalization Service).

Border enforcement is a kind of tactical harassment meant to disorient and scatter groups of migrants. The practice of "dusting" those crossing is a good example. Border Patrol helicopters buzz groups crossing the desert, hovering close overhead but not actually landing. This practice does not result in the physical custody of migrants, but it does cause people to scatter in all directions. People are separated them from their guides, and as a result get lost in a huge geographic no-man's-land.[16] The practice of dusting is intentional tactical warfare meant to make the process of crossing unpleasant. Those who are captured are then subject to dehumanizing abuse while in custody. To quote "Culture of Cruelty," a report written from the direct experiences collected in Naco, Sonora:

> The abuses individuals report have remained alarmingly consistent for years, from interviewer to interviewer and across interview sites: individuals suffering severe dehydration are deprived of water; people with life-threatening medical conditions are denied treatment; children and adults are beaten during apprehensions and in custody; family members are separated, their belongings confiscated and not returned; many are crammed into cells and subjected to extreme temperatures, deprived of sleep, and threatened with death by Border Patrol agents.[17]

Border policy functions to terrorize migrants; it doesn't actually seal the border.[18] Whether Border Patrol enforcement takes this form because of incompetence or strategic intent is hard to prove one way or the other. It is more useful to talk about the functional realities of enforcement as opposed to what it is "meant" to do. Memories of brutality don't go away, they may recede once people have made it north and settle back in family life, but the ever present potential violence of state agents is not forgotten. Numerically ineffective but psychologically scarring Border Patrol enforcement serves industry's need for undocumented labor and makes the management of those populations easier by instilling fear and forcing people to live hidden lives.

Saying that "the border is everywhere" used to be an emotive way to explain the ways we all internalize our indoctrination as citizens. It was a way to open conversations about the pragmatic advantages that come with citizenship: being able to move relatively freely, being allowed to be legally exploited in the labor market, being able to access what is left of the social welfare net, being able to exist as a recognized entity in this society. These are the privileges of citizenship in the US and they come at a terrible cost. The papers one person holds only have value because someone else is without them. The value of papers is based on created scarcity. Papers hold a manufactured worth and are effective tools of control, because not everyone can obtain the "right" kind of documentation.

Delineations always reinforce something. In this case, citizenship gives people something to spiritually horde and rally around. It provides a false sense of community and security.[19] These processes by which state, and increasingly corporate, interests are taken on through citizenship

[16] Ibid.

[17] No More Deaths, No Más Muertes, "A Culture of Cruelty: Abuse and Impunity in Short-term U.S. Border Patrol Custody," No More Deaths website, http://www.nomoredeaths.org/cultureofcruelty.html (September 2011).

[18] For an interesting essay which details on the ground BP tactics see Anonymous, "Designed to Kill: Border Policy and How to Change It," elenemigocomm website, http://elenemigocomun.net/2011/06/designed-kill-border-policy/#more-9174 (June, 21, 2011).

[19] Other theorists have expressed more eloquently the process of nation-state formation and citizen-identity at length. To list only a few: Fanon, Foucault, Gramsci, Negri, and Anderson.

as one's own are an essential part of participatory controls. "The border is everywhere" isn't a metaphor anymore. It has become a reality and it functions because so many people accept the idea that the state should be allowed to police our communities through the arbitrary category of citizenship.

The Prison Industry

In addition to creating a market for human smuggling and keeping a portion of the workforce frightened and exploitable, militarization has also proved a boon to the private prison industry. The process has been driven by a shift toward the criminalization of status offenses. The move into criminal court can be seen in programs like Streamline. First implemented in Del Rio, Texas, in 2005, Streamline is a "zero-tolerance" enforcement program designed to criminally prosecute unauthorized entrants by charging migrants in federal criminal court.[20] Prior to Streamline, entry through non-official routes was dealt with mostly through civil immigration court, and the US Attorney prioritized repeat crossers and those with criminal records. Now, for all functional purposes, being undocumented is the actual crime. Even more common than prosecution through Streamline is the charge of "illegal re-entry," which is now almost one fourth of all federal prosecutions and the most commonly led federal charge.[21]

While programs like Streamline criminalize border crossers, charges like "illegal reentry" can be utilized anywhere in the country. The burden of proof is on the prosecution to prove that someone has tried to cross before and is once again in the country without "proper" documentation. Better records and database cross-checking has made proving illegal reentry easier. Increased collaboration between different agencies is the main trend behind the expanding internal border. SB 1070 is a perfect example.

SB 1070, the infamous Arizona law deputizing local police for immigration enforcement, has now gotten the court's go-ahead for implementation. The provision requires police to check immigration status while enforcing other laws if they have "reasonable suspicion" that someone is in the country illegally. In a way, SB 1070 is just a codification of business as usual in Arizona. SB 1070 is trying to do at a state level what local governments have been doing at a municipal level through 287(g) for a long time. According to the ICE website,

> The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions.[22]

In other words, law enforcement is deputized to check immigration status. Many of the 287(g) agreements are actually being phased out in favor of a new program called Secure Communities. Secure Communities runs the names of those booked into jails and prisons through the ICE database. According to ICE,

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[20] Lauren Gambino "Program Prosecutes Illegal Immigrants Before Deporting Them," Arizona State University News 21 website, 2010 featured story, http://asu.news21.com/2010/prosecuting-illegal-immigrants/ (2012)

[21] "Illegal reentry under Title 8, 1326 of the United States Code was the most commonly recorded lead charge brought by federal prosecutors during the first half of FY 2011. It alone accounted for nearly half (47 percent) of all criminal immigration prosecutions filed. It accounted for just under a quarter (23 percent) of overall criminal prosecutions, surpassing illegal entry Title 8, 1325 as the most frequently cited federal lead charge. Illegal reentry is a felony offense and results in longer sentences than the second most frequent immigration charge brought this year, illegal entry, which is classed as a petty misdemeanor. During the first six months of 2011, the average prison sentence was 14 months for those convicted where illegal reentry was recorded as the lead charge." Transactional Records Access Clearinghouse (TRAC), "Illegal Reentry Become Top Criminal Charge," TRAC website, http://trac.syr.edu/immigration/reports/251/ (June 10, 2011).

[22] "Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act: The ICE 287(g) Program: A Law Enforcement Partnership," ICE website, http://www.ice.gov/news/library/factsheets/287g.htm.

> Secure Communities is a simple and common sense way to carry out ICE's priorities. It uses an already-existing federal information-sharing partnership between ICE and the Federal Bureau of Investigation (FBI) that helps to identify criminal aliens without imposing new or additional requirements on state and local law enforcement. . .
>
> Under Secure Communities, the FBI automatically sends the fingerprints to ICE to check against its immigration databases. If these checks reveal that an individual is unlawfully present in the United States or otherwise removable due to a criminal conviction, ICE takes enforcement action…[23]

Once inmates are identified by Secure Communities they are held past their sentence and transferred into ICE custody. The Obama Administration would like to see Secure Communities go national by the end of 2013. Like 287(g), Secure Communities funnels people from jails into ICE detention while programs like Operation Streamline funnel people from ICE custody into the prison system.

These agreements between state and municipal enforcement ensure that interactions with any level of law enforcement have the potential to lead to ICE detention, and ICE detention can easily parlay into a longer prison term. In this way optimal use and maximum profit is extracted from each person arrested.

The corporations that run private prisons are not only profiting from these laws, but help to write and pass them. The American Legislative Exchange Council (ALEC) offers a perfect example of how corporate and legislative interests work together to create criminalizing laws for profit. ALEC is a public- private legislative partnership, made up of more than 2,000 state lawmakers (one-third of the nation's total legislators) and more than 200 corporations and special-interest groups. It represents Corrections Corporation of America (the largest private jailer in the US), the Geo Group (the second largest), and Sodexo Marriott (which provides food services in private prisons).[24]

ALEC writes "model legislation" that benefits its corporate members. These model bills are then taken by ALEC's legislative members back to their states where they try to get them passed. ALEC produced a wave of tough sentencing laws in the 1990s, which increased the population of state prisons by half a million and increased the demand for private jails.[25] These laws included mandatory minimum sentences, Three Strikes laws, and "truth-in-sentencing" limits on parole.

ALEC also wrote the template for SB 1070. Two-thirds of SB 1070's 36 sponsors were ALEC members, and 30 had received donations from the prison industry.[26] ALEC was one of the main mechanisms through which SB 1070 "copy cat laws" spread throughout the country. ALEC has been an important player in the manufactured crisis of the drug war, the criminalization of undocumented populations, and the expanded control net that feeds this profiteering.

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[23] "Secure Communities," ICE website, http://www.ice.gov/secure_communities/.

[24] Beau Hodai, "Corporate Con Game: How the private prison industry helped shape Arizona's anti-immigration law," In These Times website, http://www.inthesetimes.com/article/6084/corporate_con_game/ (June, 21, 2010).

[25] John Biewen, "Corporate-Sponsored Crime Laws," American Radio Works website, http://www.americanradioworks.org/features/corrections/index.html (April 2002).

[26] Laura Sullivan, "Prison Economics Help Drive Ariz. Immigration Law," NPR website, http://www.npr.org/2010/10/28/130833741/prison-economics-help-drive-ariz-immigration-law (October 28, 2010).

Expanding the Net

Where could one realistically expect to be picked up and deported in Arizona? While crossing the border, during a workplace raid, during a traffic stop—at any time, really. Long before the advent of SB 1070, police have had discretion to enforce immigration and collude with Border Patrol within 100 miles of the border. Because of police discretion, any interaction with police can lead directly to deportation. The Border Patrol also routinely does "police work" and pulls over cars under the guise of enforcing traffic laws.[27] This blurring of the lines between police and Border Patrol is in accordance with COIN and LIC doctrine.

Over the last few years, immigration enforcement has expanded well past this merging of duties to include people, like social workers and hospital workers, who are not traditionally considered to be part of the careful management of civilian populations. Our economic survival now depends on our willingness to police each other.[28] HB 2008, which passed in Arizona in 2004, requires government employees to report to immigration authorities any undocumented immigrant who requests public assistance. Those who don't face up to four months in jail.[29] Social workers in this context are no better than Border Patrol agents.[30] People have had ICE called on them at the Department of Economic Security, even when applying for benefits for their documented children. Undocumented patients have been deported from Arizona hospitals after being deemed to be in a "stable" condition.[31]

State/border enforcement is becoming a part of everyone's job.[32] How are people convinced to be enforcers? It happens through a series of manipulative narratives that provide alternative

[27] "For communities within 100 miles of the border, police/immigration collaboration is even more widespread and insidious, in large part due to its informal nature. As an example, in the city of Tucson police officers have discretion over whether or not to call the U.S. Border Patrol on anyone with whom they come into contact. Oftentimes this practice takes place prior to arrest or citation, leaving little or no paper trail by which to challenge or document the practice. Every year there are thousands of people deported from Tucson following minor traffic stops or other interactions with police in neighborhoods, shopping centers and public spaces; individuals so detained are immediately taken into Border Patrol custody and frequently pressured into signing a voluntary departure form that expedites their removal from the United States." Geoffrey Boyce and Sarah Launius, "Normalizing Noncompliance: Militarization and Resistance in Southern Arizona," Bad Subject website, http://bad.eserver.org/issues/2011/81/boyce-launius.htm (2011).

[28] For more insight on the participatory nature of social control see the short story by Peter Gelderloos, "The Atrocity," To Get to the Other Side website, http://togettotheotherside.org/essays-and-short-stories/the-atrocity/ (October 24, 2005).

[29] Valeria Fernández, "New Arizona Law Rattles Immigrant Community," New America Media website, http://news.newamericamedia.org/news/view_article.html?article_id=0b54cfcfc7f95adfe97e2e7d2668a037 (November 30, 2009).

[30] Social workers have adapted to this situation by creating a strange "don't ask, don't tell" policy in which: "even in circumstances where a legal requirement mandates the disclosure of client information, the client is to be informed, if feasible, before the disclosure is made, of the effects and/or consequences of disclosure. Consistent with acceptable principles of social work practice, it may be appropriate to notify clients in advance of how the new law works so that they will be informed when making a decision whether to remain silent when asked for verification of immigration status or whether to answer "no" if they have no documentation of their status." National Association of Social Work, "Social Workers, Immigration Policies and State Benefits Introduction," National Association of Social Workers- Arizona Chapter website, http://www.naswaz.com/displaycommon.cfm?an=1&subarticlenbr=202 (January 2010).

[31] Caley Cruz, "Comatose Man Deported to Mexico, Family and Friends Upset," Phoenix News website, http://www.azfamily.com/news/local/Family-and-friend-upset-Phoenix-man-deported-to-Mexico-in-a-coma-140236303.html (February 24, 2012).

[32] A new bill is being proposed that would require hospital workers to check the immigration status of all patients who do not have insurance. Cindy Carcamo, "Arizona bill would compel hospitals to check immigration status," Los Angeles Times website, http://touch.latimes.com/#section/-1/article/p2p-74169991 (January, 26, 2013)

stories that people can tell themselves about their participation in controls. It involves convincing people that some kinds of enforcement, like “anti-trafficking” raids, are ethical, even admirable.

Creating Compliance

On April 15th of 2010, there was a raid in South Tucson. The Arizona Daily Star reported:

> Immigration agents raided four shuttle companies on Tucson's south side Thursday morning as part of a major binational operation targeting an illegal-immigrant smuggling network. Officials mobilized more than 800 federal, state and local law enforcement officers to arrest 68 total people in Tucson, Phoenix, Rio Rico, Nogales, Ariz., and Nogales, Sonora…[33]

The raids were portrayed in the local press as standard "war on drugs" "anti-trafficking" enforcement. Federal, state, and local law enforcement agents wearing balaclavas and carrying semi-automatic weapons, went door-to-door asking for papers. People who were trying to report and witness the raid were interrogated and put into ICE vehicles. Teenagers were pulled off of city buses, and homes were raided, sometimes without warrants. There was not adequate identification by law enforcement, and many people initially thought they were being robbed by masked gunman. I heard an account of two parents being forced to kneel at gunpoint in their homes as their children were told by a masked agent, "Say goodbye to Mommy and Daddy."[34]

The effect on the community was immediate and chilling. After the raid people were afraid to pick their kids up from school, shop, and otherwise go about their daily lives. This state of terror was localized to Tucson's undocumented and mixed-status families. In most other parts of the city, life continued as "normal" with little to no understanding of the increasing feelings of siege on the Southside.

The night before the raid, ICE went to local organizers looking to create a partnership focusing on human and drug trafficking.[35] In that meeting, the community relations personnel Rudy Bustamante attempted to reach out to community leaders but didn't tell them about the raid planned for the next day. Community leaders received a tip later that evening warning of the raid, but did not put a wider alert out to the community for fear of creating mass panic. ICE's attempt to create "good relations" with community leaders by momentarily playing nice is not a new tactic. Distinctions between the law-abiding "deserving" migrant and the "criminal element"are often used to manufacture support for ICE. When these distinctions are upheld by community organizers, human rights advocates, and other social managers, they become a form of soft control.

Soft and hard controls are not mutually exclusive; they should be viewed on a continuum. Liberal democracy, in the US, relies on normalizing policing within certain communities and normalizing mass incarceration in order to maintain control and profit. It need not be a uniform process; in fact it is better if it is not. Soft controls rely in some ways on keeping hard controls present, but not too visible.

Hard controls, like being murdered by the Border Patrol, are part of the implied threat and power of border enforcement for many communities in the Southwest. Border Patrol agents have murdered 18 people, both US and Mexican nationals, along the border since 2010.[36] In order to assure these deaths are not viewed as cold blooded murder there is usually an attempt to

[33] Brady McCombs, "68 Arrested in Smuggling Raid: ICE-led Operation Targets Shuttle Firms in Effort to Halt Illegal-Immigrant Traffic," Arizona Daily Star website, http://azstarnet.com/news/local/border/article_3ec9bf86-6f57-5a5baa6d-ccebc30e5344.html (April 16, 2010).

[34] Anonymous community member who was present during the raid. Interview. May 2012.

[35] Ibid.

[36] Brian Scoloff, "Border Patrol Use of Force Policy Scrutinized," ABC website, http://abcnews.go.com/US/

associate those killed with the drug war and insinuate they were putting agents in extreme peril through rock throwing or otherwise set them up as a criminal elements.[37] Criminality is usually presented as a choice or an innate characteristic. It is not usually considered to be a category imposed by the state although that is the way that it functions. Being undocumented, being in transit, and not being white are enough to get you killed and frequently blamed for your own death in Arizona. If one has the misfortune of being murdered by the Border Patrol somehow you deserved it, as good citizens never find themselves in the cross hairs of enforcement.

Impunity to kill is in keeping with a military culture in which Border Patrol agents are fighting a dirty war. Guilty verdicts cannot bring "justice" in these cases. The legal system is designed to reify existing divisions and grant legitimacy to the armed wing of the state, not rectify harms done. Mediation within a statist infrastructure cannot hold "accountable" perpetrators of violence because these same institutions are responsible for the terms of engagement and delineations which create, feed and justify that violence. Simply pointing out state terror, however, is not enough. We must have a more nuanced understanding of power. Border enforcement is not simply an externally imposed occupation, it is a participatory process. In order to resist we must recognize our compliance.

wireStory/border-patrol-lethal-force-scrutinized-17512721#.UI8Ydob4L7w (October 19, 2012).

[37] Rock throwing is frequently cited as justification for Border Patrol murdering people, even in cases where eye witness accounts disprove this claim. Immigrate America, "Cold Blooded murder by US Border Patrol of US Citizen Carlos La Madrid Confirmed!" Immigration Clearing House website, http://immigrationclearinghouse.org/cold-blooded-murderby-us-border-patrol-of-us-citizen-carlos-la-madrid-confirmed/ (March 29, 2011).

Participatory Soft Controls

Hard controls like imprisonment and abuse in custody may be carried out by a relative few, but soft controls are enacted by pretty much everyone. Every social worker who reports, every nurse who allows the transfer of a patient into Border Patrol custody, each person who drives past a police traffic stop without inquiring complies. So does every activist who reinforces "deserving" and "undeserving" categories and every community organizer who agrees to work with ICE to fight "trafficking." Inadvertent participation with low-intensity warfare is woven into the fabric of our everyday lives. We have all found ourselves complicit at one point or another—out of ignorance, naïveté, fear, or a sense of futility and despair.[38]

HB 2008 and SB 1070 have provisions that allow for the prosecution of citizens or municipal agents who fail to sufficiently enact them. The infrequency with which these provisions are actually utilized does not make them less effective; the potential consequences of dissent keep most people in line. Those who enact soft controls are themselves subject to hard controls, and rather than deal with the emotive conflict this brings up, many people choose to identify with border enforcement. Compliance and snitching are written into our job descriptions in sanitized ways and bloody forms of control are hidden away and masked by disingenuous collective values like justice, democracy, and peacekeeping.

Yet as domination progresses, the cover for the ideological tenets of the system fall to the side if you know where to look. In Arizona the iron fist of repression has become more apparent under the velvet glove of governance. The processes we have been seeing on the border are not exceptions to the rule; they are the rule. When there is wider recognition of the ways these systems of control work, soft controls are no longer so effective and more explicit methods of social domination must be used. Resistance begins with a questioning of categories.

[38] Although it was written about a different era and political context, I encourage those interested in examining mass incarceration, the police state and participatory controls to read Aleksandr Solzhenitsyn's masterpeice The Gulag Archipelago (New York:Harper & Row, 1973).

The Business of Death

One of the major narratives used to militarize the borderlands is that of the "drug war." Jan Brewer, the governor of Arizona, insists:

> Well, we all know that the majority of the people that are coming to Arizona and trespassing are now becoming drug mules … They're coming across our borders in huge numbers. The drug cartels have taken control of the immigration… So they are criminals. They're breaking the law when they are trespassing and they're criminals when they pack the marijuana and the drugs on their backs.[39]

It doesn't really matter that this is a total fabrication; it's the emotional appeal that counts. Criminality and the "drug war" are used to justify hard controls and get people to participate in soft controls. A close examination of the history of US drug policy and enforcement on the border shows us that the Border Patrol, federales, and cartels should not necessarily be considered mutually exclusive entities. A lot of money is flowing south to shore up government and cartel interests, and these interests are often exquisitely intertwined.[40]

An instructive example of the blurred lines between those on government and cartel payroll is offered by the case of Border Patrol agent Abel Canales. Canales was involved in the shooting of Jesus Enrique Castro Romo in November of 2010. Castro survived and is now suing over the incident. Canales was indicted in 2011 and accused of accepting a bribe in October of 2008 to allow vehicles with drugs and/or undocumented migrants to pass through the Border Patrol checkpoint on Interstate 19. This is not a case of a "bad apple." This agent was in the field with a gun, and all the associated immunity, two years after investigators witnessed him taking bribes.[41]

These kinds of formal charges are only a shadow of the actual level of "corruption" taking place in the border region. Corruption itself as a term should be questioned because something can only be a corruption in relation to a code of ethical behavior which is actually upheld. Collaboration between different state/border enforcers and cartel workers, police and paramilitary happens with such frequency that it can be considered "corruption" only in the eyes of a misinformed public.

In the 2009 book Drug War Zone: Frontline Dispatches from the Streets of El Paso and Juarez, Howard Campbell unpacks the term cartel.

> Transportation routes and territories controlled by specific cartels in collusion with the police, military and government officials are known as plazas. Control of a plaza gives the drug lord and police commander of an area the power to charge less-powerful traffickers tolls, known as pesos. Generally, one main cartel dominates a plaza at any given time, although this control is often contested or subverted by internal conflict, may be disputed among several groups, and is subject to rapid change. Attempts by rival cartels to ship drugs through a plaza or take over a plaza controlled

[39] Ginger Rough, "Brewer: Most illegal immigrants smuggling drugs," The Arizona Republic website, http://www.azcentral.com/news/articles/2010/06/25/20100625arizona-governor-says-most-illegal-immigrants-smuggledrugs.html (Jun. 25, 2010).

[40] A moving book on the topic of the drug war is John Gilber, To Die In Mexico: dispatches from inside the drug war (San Francisco: City Lights Books, 2011).

[41] Jonathan Clark, "Agent charged with corruption now at center of civil suit over shooting," Nogales International website, http://www.nogalesinternational.com/news/agent-charged-with-corruption-now-at-center-of-civil-suit/article_ff762930-7a78-11e1-bf4c-001a4bcf887a.html (March 30, 2012).

> by their enemies [have] led to much of the recent violence in Mexico. The cartel that has the most power in a particular plaza receives police or military protections for its drug shipments. Authorities provide official documentation for loaded airplanes, freight trucks, and cars and allow traffickers to pass freely through airports, and landing strips, freeway toll roads and desert highways, and checkpoints and border crossings.
>
> Typically, a cartel purchases the loyalty of the head of the federal police of the military commander in a particular district. This official provides officers or soldiers to physically protect drug loads in transit or in storage facilities, in some cases to serve as bodyguards to high-level cartel members. Police on the cartel payroll intimidate, kidnap, or murder opponents of the organization, although they may also extort large payments from the cartel with which they are associated. Additionally cartel members establish relationships [or] connections with state governors or mayors of major cities, high-ranking officials in federal law enforcement, military, and naval officers and commanders and other powerful politicians and bureaucrats. These national connections facilitate the use of transportation routes and control of a given plaza.[42]

With this understanding of the ways that government officials and military agents in the US and Mexico can serve double duty and work for the cartels, it becomes clear that the rigid lines drawn for the public are nothing but propagandist illusion, though one that is used to funnel a lot of money into Mexico.

One of the ways that money is flowing into Mexico to "fight the drug war" is through the Merida Initiative. The Merida Initiative is a security cooperation between the United States, Mexico, and Central America. The US provides training, equipment, and intelligence to combat drug trafficking. According to the US Department of State website, the four pillars of the Merida Initiative are:

1. Disrupt Organized Criminal Groups
2. Strengthen Institutions
3. Build a 21st Century Border
4. Build Strong and Resilient Communities[43]

These are accomplished to the tune of "$1.6 billion since the Merida Initiative began in Fiscal Year 2008."[44] How are Mexican institutions "strengthened?" According to the US Department of State website, Mexican institutions are strengthened by the following:

> The United States is supporting Mexico's implementation of comprehensive justice sector reforms through the training of justice sector personnel including police, prosecutors, and defenders, correction systems development, judicial exchanges, and partnerships between Mexican and U.S. law schools.
>
> The U.S. Agency for International Development (USAID) is partnering with the Government of Mexico and civil society to promote the rule of law and build strong

[42] Howard Campbell, Drug War Zone: Frontline Dispatches from the Streets of El Paso and Juarez (Austin: University of Texas Press, 2009), 23-24.

[43] US Department of State, "Merida," US Department of State website, http://www.state.gov/j/inl/merida/.

[44] Ibid.

> and resilient communities by supporting the implementation of Mexico's new justice system; increasing knowledge of, and respect for, human rights; strengthening social networks and community cohesion; addressing the needs of vulnerable populations (youth and victims of crime); and increasing community and government cooperation.[45]

This kind of partnering hides hard controls behind nation-building. The US has been widely criticized for training military and paramilitary forces in Mexico in the use of torture. In early July 2008 a video came to light of the city police from Leon, Guanajuato being taught torture techniques by a US security firm instructor.[46] The training took place in April of 2006 and after the public outcry over the incident the program was suspended.

Torture tactics taught by US security firms are used by police and military in Mexico and yet more funding, training and strengthening the "rule of law" is supposed to lead to less, not more, state violence. In an attempt to deflect criticisms that the Merida Initiative will necessarily engender more of the same abuse it has a stipulation which requires Mexico to convince the US Congress it is improving human rights standards and using some of the funds to overhaul the judicial system.[47] Once again a narrative of strengthening democracy and rights is being used to white wash what is simply an outsourced version of the School of the Americas (SOA).[48] Violence is justified just as often through 'anti-corruption,' institution building and human rights discourse as through more explicit narratives of war.

How well does US-led counterinsurgency training work as far as shoring up the institution of Mexican democracy? The ascension of the Zeta cartel provides a useful historical example. Los Zetas were founded in 1999 when commandos of the Mexican Army's elite force, trained by the US Army's 7th Special Forces Group at Fort Bragg (SOA), deserted to work for the armed wing of the Gulf Cartel.[49] The Vancouver Sun reported that in February of 2010, Los Zetas broke away from the Gulf Cartel to form their own organization, "attacking Gulf operatives wherever they found them and claiming the turf for themselves. The Gulf Cartel allied with their old Sinaloan rivals to fight back, engulfing the region in violence."[50] Such shifts in allegiance have to be understood

[45] Ibid.

[46] Deborah Bonello, "Mexican police in 'torture' class?," Los Angeles Times website, http://latimesblogs.latimes.com/laplaza/2008/07/mexican-police.html (July 1, 2008).

[47] Guy Lawson, "The Making of a Narco State," Rolling Stone Magazine (March 4, 2009).

[48] According to the School of the Americas Watch website "The School of the Americas (SOA) is a combat training school for Latin American soldiers, located at Fort Benning, Georgia. In 2001 renamed the Western Hemisphere Institute for Security Cooperation (WHINSEC)." Many of its graduates have committed atrocities. "Since 1946, the SOA has trained over 64,000 Latin American soldiers in counterinsurgency techniques, sniper training, commando and psychological warfare, military intelligence and interrogation tactics. These graduates have consistently used their skills to wage a war against their own people. Among those targeted by SOA graduates are educators, union organizers, religious workers, student leaders, and others who work for the rights of the poor. Hundreds of thousands of Latin Americans have been tortured, raped, assassinated, 'disappeared,' massacred, and forced into refugee by those trained at the School of Assassins." More information is available on the SOA watch website http://soaw.org/about-the-soawhinsec/what-is-thesoawhinsec.

[49] Chris Arsenault, "US-trained cartel terrorizes Mexico: Founders of the Zetas drug gang learned special forces techniques at Ft. Bragg before waging a campaign of carnage," Aljazeera website, http://www.aljazeera.com/indepth/features/2010/10/20101019212440609775.html (November 3, 2010).

[50] Ioan Grilloreuters, "Mexico: Zetas rewrite drug war in blood: Military-style attacks commonplace for 10,000 strong gang army," The Vancouver Sun website, http://www.vancouversun.com/news/Mexico+Zetas+rewrite+drug+blood/6698205/story.html#ixzz1yqaSd6ip (May 29, 2012).

in a context where the "drug war" is a business first and foremost. Commitments follow profit margins more than nation-state interests, and cartels, police, federales, military, and paramilitary roles can overlap, shift, and change with frequency.

There is now a paramilitary group called the mata Zetas whose only purported objective is the take out the Zeta Cartel.[51] This new development is being used to further support the idea that there is a "narco-insurgency" at hand. Ted Carpenter, from the Cato Institute said, "If you look at the tactics cartels are using, they resemble paramilitaries or insurgent groups rather than just criminal gangs."[52] Writing for the Small Wars Journal, Dr. Robert J. Bunker and John P. Sullivan also see in this growing crisis the beginnings of a war over the socio-political integrity of Mexico:

> Our impression is that what is now taking place in Mexico has for some time gone way beyond secular and criminal (economic) activities as defined by traditional organized crime studies … Not only have de facto political elements come to the fore—i.e., when a cartel takes over an entire city or town, they have no choice but to take over political functions formerly administered by the local government—but social (narcocultura) and religious/spiritual (narcocultos) characteristics are now making themselves more pronounced. What we are likely witnessing is Mexican society starting to not only unravel but to go to war with itself … Traditional Mexican values and competing criminal value systems are engaged in a brutal contest over the 'hearts, minds, and souls' of its citizens in a street-by-street, block-by-block, and city-by-city war over the future social and political organization of Mexico.[53]

What does this narco-insurgency narrative mean for policy? Narco-violence as a "new" ascending form of terrorism is being used to justify more border infrastructure, more agents on the ground, and more internal controls, more partnering with Mexico to fight against the cartels. Counterinsurgency is needed to fight the narco-insurgency, which threatens the power of the state so skillfully because cartels like the Zetas were trained by the US in counterinsurgency. Fighting the narco-insurgency is the perfect excuse for maintaining the narco-insurgency.

[51] Ibid.

[52] Arsenault, "US-trained cartel terrorizes Mexico: Founders of the Zetas drug gang learned special forces techniques at Ft. Bragg before waging a campaign of carnage," Aljazeera website, http://www.aljazeera.com/indepth/features/2010/10/20101019212440609775.html (November 3, 2010).

[53] Dr. Robert J. Bunker and John P. Sullivan, "Societal Warfare South of the Border? Extreme Barbarism, a Death Cult, and Holy Warriors in Mexico," Small Wars Journal website, http://smallwarsjournal.com/jrnl/art/societal-warfare-south-of-theborder (May 22, 2011).

Death to the Border

The production of narco-insurgency and counterinsurgency shape daily life in the borderlands. They are used, in subtle and not-so-subtle ways, to make us afraid and/or make us criminals. We should not be surprised that the military shapes border policy through low intensity warfare, or that the state has identified some of us as enemies to be captured, deported, or killed.

The entire infrastructure of the borderlands is designed to create unforgiving categories. Terms like documented, undocumented, humane, inhumane, legitimate, illegitimate and criminal hide the functional purpose of the border, which is to divide, repress, and control. Democracies rely on the misrecognition of interest ("citizenship"), cognitive dissonance ("humane enforcement") and collective fiction ("criminal justice") to produce compliance. When it comes to the border, we are so often willing fools.

Those who oppose states, corporations, and the profiteers of human misery should hold a healthy skepticism for all discourses which do not question the legitimacy of the state. Human rights rhetoric still positions nation-states as legitimate entities that must recognize the humanity of their subjects. These narratives reinforce state power! A good example of this is the call for a "humane border policy." What border policy, given the state of late stage capitalism, could ever be humane? The very real and meaningful concessions we win when we invoke a human rights narrative come at a cost. When we reinforce these narratives we lose another opportunity to call the social contract into question. The predominant human rights frameworks do not question the basic assumption that is used to control us—that we have consented to be governed.

Pragmatic coalition work with a wide variety of people, not all of whom are anti-statist, is a necessary part of resistance. That said, we must not confuse tactical coalitions with a passive acceptance of ideological tendencies like the desire for a "humane border." If we are not careful, statist logic can channel our passion and anger into border management instead of resistance. It hurts my heart to go to protests and listen to people plead for an expansion of citizenship. I don't judge anyone's desire for legal status, or question the fear and hardship that comes with not having it, but someone is always going to find herself on the outside of those lines. There are no easy answers to these questions of strategy. They must be approached contextually, community by community. We must not shrink from hard conversations.

Let's learn lessons from the security analysts and military theorists who write about border enforcement. The major issue at hand is that of legitimacy and the battle for legitimacy. History teaches us that nation-states and their boundaries can shatter. Do we believe that this empire too is beginning to crumble? Until there is a wider recognition of our own power to dismantle society, everyone bound cage is required be coerced, to police each other. Many will do this willingly; those who refuse will be criminalized.

The borderlands are a vision of the future, and at present it is not a nice vision. It is one of state and paramilitary violence, expanding police power, volatile racial exchanges, and mass incarceration. But there are other options. The border is a contested and ever-changing territory. It isn't under the total jurisdiction of any one group all the time. Military theorists are worried about legitimacy because it is produced through social narratives that are not absolute.

In places like Arizona, the state is losing its mask of humane governance. The more people see methods of social control for what they are, and the more economically and ecologically unstable the world becomes, the more alternative visions of social organization and the struggles that might make them a reality will be given credence. There might not, at present, actually be an insurgency in the Southwest, but there are in many other parts of the world and there could

be one here someday. Security is a huge industry because instability and resistance are real and have power.

As the state loses legitimacy, some of its power will fall away. It may then try to hold on by using more extreme methods of control, or at least by using those already employed on a larger percentage of the population.[54] To make it through the period of expanded control and repression we are entering, those of us invested in resistance must build our capacity to survive without the support services the state currently provides.

The social safety net is not apolitical or benevolent; if it did not serve the state as a method of social control it would not exist. As we are trying to resist state control over our lives, it would behoove us to try and limit our dependence on the state, or at least gain skills which will eventually be able to replace those services. We should do this both because participating in them gives the state power, and because we cannot access some state infrastructures (like hospitals and welfare offices) without putting ourselves and our loved ones at risk.

Now that we understand soft controls, we can build and seek out alternatives to those surveillance and control mechanisms. Dealing with hard controls is more difficult, and the consequences are brutal. Let's start by calling dehumanization, repression, murder, and mass imprisonment what they are—the inevitable consequences of border enforcement.

Resistance is happening on the border and I encourage you to come and be a part of it, but the struggle is not just in the borderlands.[55] As the border spreads inwards, other communities will need to come to an understanding of its mechanisms of control. There are no "one size fits all" tactics or strategies: each affected community must come up with its own response. As we contend with the realities of this growing zone of conflict, we must not forget that we have power to challenge those narratives that are used to control and repress us.

Every time I see a sign proclaiming "We are not criminals" I cannot help but think, actually we are. The heavy hand of the state comes down harder on some than others, and those distinctions play out along all kinds of categorical lines, but in a climate of political repression that punishes even the smallest acts of solidarity, all who resist are criminals. We are criminals perversely complicit in our own imprisonment. The only silver lining is that we are all complicit in different ways, and so it follows that we are all able to resist in different ways. As I am in the habit of telling my kid, the border is both "for real" and "for pretend." The border is fragile; we draw and redraw it every day. The consequences may be great, but we don't have to draw those lines.

[54] For an interesting expansion of this thesis, see the zine Desert by Anonymous. Available from the Zine Library website for free downloading: http://zinelibrary.info/desert.

[55] There are too many organizations active on the border to list them all, for information on doing direct aid see nomoredeaths.org.

Notes:

Fatima Insolación
The Insurgent Southwest
Death, Criminality, and Militarization on the U.S.-Mexican Border
2013

https://tucsonabc.files.wordpress.com/2013/11/insurgentsw.pdf

en.anarchistlibraries.net