

ZOOMING TO THE BORDER FOR HUMAN RIGHTS



A Family visit in Friendship Park on the US/Mexico Border. (Photo: Pedro Rios)

A fact-finding project of the ongoing violations of human rights along the US-Mexico border

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of human rights along the US-Mexico border*

Organized by El Tribuno del Pueblo / People's Tribune

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The border wall at Friendship Park as it extends into the Pacific Ocean, San Diego, CA. Photo : Nanzi Muro

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EXECUTIVE SUMMARY

It is at the border that the character of the nation is being defined, for better or for worse.

Fernando Garcia, Director,
Border Network for Human Rights

Introduction

If it is at the border that the character of the nation is being defined, for better or for worse, as Fernando Garcia, Director of the Border Network for Human Rights argues, then the view from the U.S.- Mexico Border is both a damning portrait of national policies, and an inspiring vision of community struggle and resilience. For many, the image of Ellis Island as a welcoming gateway to the poor masses yearning to be free, seeking liberty, justice, and the pursuit of happiness, eager to contribute their energy and intelligence to building the young nation, is iconic of the U.S. 20th Century. It seems that the U.S.-Mexico Border is fast becoming the reference for this country's 21st Century, and, at least for the moment, a far less inviting image of fences and walls. Every issue that afflicts our nation today is magnified here at the border: racism, excessive force, gendered violence, exploitation of essential workers; the ongoing separation and unequal conditions in schools, the inadequate health care system and environmental contamination and ecosystem destruction.

The Chicago-based sister publications, *El Tribuno del Pueblo* and *People's Tribune* launched "*The People-to-People Fact-Finding Delegation to the Border*" in collaboration with a group of activists, researchers, and independent journalists, who are deeply concerned about human rights violations at the U.S.-Mexico border. From August through October 2020, the group convened five virtual panels representing different sections of the US-Mexico Border. By making several virtual stops at border crossings along that route, in Brownsville, Texas-Matamoros, Tamaulipas, El Paso,

Texas - Ciudad Juárez, Chihuahua, Organ Pipe Cactus National Monument, Arizona, and Mexicali-Calexico, San Diego-Tijuana, we sought to reveal some of the specificities and commonalities among these embattled but nonetheless vibrant border communities.

Twenty-seven experts who are active in the border region collectively gave nearly 10 hours of eye-witness testimony to more than 400 listeners. Their testimony was heard against the background of what was probably the most critical presidential election in U.S. history, and in the midst of the Covid-19 pandemic. This report, which is based on the findings from this fact-finding delegation will be distributed to state, national and international governmental and human rights bodies

Report Findings

The report finds that all along the border, and on both sides, vibrant communities are being sacrificed as the border is turned into a highly profitable zone for unbridled militarization, carceral state expansion, border industrialization (factories and farms), and environmental and ecological devastation. The report further highlights that, in the name of a manufactured threat to our national sovereignty, \$381 billion of taxpayers' money has been siphoned away from desperately needed social infrastructure for communities.¹ Instead of strengthening and uplifting our communities, our resources have been misdirected towards subsidizing the endless construction of a massive border enforcement landscape.

While the militarization, industrialization and denuding of the landscape of border communities is, no doubt, extremely profitable for corporate interests in the security and construction industries, it tears apart and weakens the fabric of community and environment, not only along the border but for all of us. In addition to the blatant disregard of indigenous treaties, this egregious misappropriation of resources also entails countless illegal violations and the outright suspension of long and hard fought national and international protections and rights for labor, refugees, children and the environment.

Border Wall

Our tax dollars are funneled towards the ongoing construction of thirty-foot bollard wall at \$24.4 million per mile, which has entailed waiving of the 48 different Native American, environmental, archaeological and historical preservation, land use, national park, farmland, fish and wildlife federal and state acts by the Department of Homeland Security (DHS) under the Real ID Act of 2005, including, to name only a few of those acts here:

- *Native American Graves Protection and Repatriation Act*
- *American Indian Religious Freedom Act*
- *National Environmental Policy Act [NEPA]*
- *Endangered Species Act*
- *Migratory Bird Treaty Act*
- *National Wildlife Refuge System Administration Act*
- *Fish and Wildlife Act of 1956*
- *Clean Water Act*
- *Clean Air Act*
- *Safe Drinking Water Act*
- *Wild and Scenic Rivers Act*
- *Coastal Management Act*
- *National Historic Preservation Act*
- *Archeological Resources Protection Act*
- *Federal Land Policy and Management Act*
- *Military Lands Withdrawal Act of 1999²*

The ongoing construction of border wall infrastructure has occurred without genuine consultation with the affected border communities. The wall has torn through private property and Native American sacred burial sites; it has uprooted and destroyed delicate ecosystems that will take hundreds of years to restore to their previous state, and irreversibly disrupted the singular migratory pathways of bats, birds, and rare and endangered animals.

Border Militarization

The border wall, while looming large, is just one facet of a thoroughly militarized border enforcement landscape. Lest the term “militarization” in this context be dismissed as an overblown euphemism, one need only follow the trail of this by no means exhaustive list of DHS deployments since its creation in 2003:

- 19,648 armed Border Patrol agents³
- 41,858 Customs and Border Protection agents including both the Office of Field Operations and Air and Marine Operations⁴
- 4,000 personnel from the National Guard and the U.S. Armed Forces⁵
- More than 697 miles of fencing and walls⁶
- Over 130 permanent and tactical checkpoints located 100 air miles within border communities⁷
- A “smart wall” of approximately 12,000 underground sensors⁸
- 240 aircraft⁹
- 10 Predator drones in our skies¹⁰
- 300 marine vessels – many of them heavily armed¹¹
- Integrated surveillance technologies¹²
- 60 Remote surveillance systems¹³
- 9,000 night vision goggles
- 6,000 thermal imaging technologies
- In FY 2019, the United States government detained over 500,000 people in a sprawling system of over 200 jails across the country run by Immigration and Customs Enforcement (ICE).¹⁴ According to a New York Times report, in 2018, over 70 percent of these people are held in privately owned, for-profit facilities.¹⁵

The Human Toll

Both sides of the border have long been highly profitable for the manufacturing and agricultural industries, yet workers, be they in the assembly plants on the Mexican side of the border, and or in the agricultural fields on the U.S. side of the border, continue to labor for substandard wages without adequate protections in the work place. They are exposed to toxic chemicals at work and in the neighborhoods where they reside with young children who, still in their crucial developmental years, are most vulnerable to the long term effects of these pollutants in the air they breathe, the water they drink, and the grounds on which they play.

Young women, while actively sought out as a cheap source of labor for the assembly plants, continue to be subject to shocking levels of sexual harassment, abuse, rape, death and disappearances.

Nonetheless, women are important protagonists in the long history and current resurgence of an independent labor movement at the border. At the same time, as labor activists, they also are subject to death threats, dismissal by their employers, and arrest and detention by state governments, who together with the major Mexican unions operate in collusion with and in the interests of employers.

Deemed essential workers during COVID-19 pandemic, men and women alike have been subjected to the willful disregard for their health and safety by their employers. Indeed, this report further reveals how the COVID-19 pandemic only highlights and exacerbates the *pre-existing and ongoing* violations of the human rights of U.S. and Mexican citizens, immigrants, refugees, indigenous peoples, workers, women, and children at the border--all *already at pandemic proportions*. The virus has been effectively leveraged as yet another weapon in bloated infrastructure against the humanity of border communities.

The weaponization of the border region as a national zone of emergency and the resulting occupation of border communities has characterized the policies of one U.S. regime or another from Nixon's Operation Intercept¹⁶ through and including the Obama administration. But nothing thus far has equaled in measure Trump's cruel separation of families, caging of children, and closure of the border to refugees and those seeking asylum and safety in the context of heightened violence in Central America, Mexico, elsewhere in Latin America and indeed, across the globe.¹⁷

The Mexican government has itself been a willing and active partner in these crimes: First by extending the militarization of the U.S. border and the criminalization of refugees to its southern border with Guatemala; and second, in its willful neglect of the health and well-being of refugees, be they confined to substandard camps and inadequately funded shelters along the border, or left to fend entirely for themselves.

In the U.S., the emboldening of non-state actors and white supremacist groups has contributed to the conflagration of militarization and racism at the border. The 2019 El Paso Walmart shooting was carried out by a 21-year old white man, who drove hundreds of miles from his Dallas suburb to, according to his racist manifesto, "shoot as many Mexicans as possible." This attack is not without historical precedent, nor is the fear and insecurity it spawns unfamiliar. People in border communities live with a constant awareness of the everyday normalized violence of the state and non-state forces.¹⁸

Today's patent militarization of the daily lives of communities along the border is the legacy of state-sanctioned vigilantism that viciously policed border communities with racial harassment and intimidation. Formal law enforcement agencies, such as the Texas Rangers and the U.S. Border Patrol, used racialized policing practices to control border communities with unfettered violence. Even Border Patrol's enforcement strategies, such as Prevention-through-Deterrence, included death of migrants as acceptable collateral damage and were widely celebrated by policymakers as successful in shifting migrant flows away from urban centers into the killing machine of the desert - effectively weaponizing the

environment as a border enforcement tool. A much more sophisticated and recent manifestation of that racist past is the Department of Homeland Security. Under a mandate of deterring and stopping any "terrorist" event on U.S. territory, DHS treats every migrant as a potential terrorist. Within the matrix of its police agencies, DHS includes Customs and Border Protection, which incorporates the Border Patrol, and the Immigration and Customs Enforcement, charged with immigration enforcement within the interior U.S. Borderland communities are caught in the middle of this veritable war zone, and the borderland is a site where enforcement agencies regularly contest civil liberties enshrined by the U.S. Constitution. Perhaps not surprisingly then, many cannot help but see the border as an "open wound,"¹⁹ a scar in the landscape, left from the US-Mexico war of 1846-1848. In many ways, as the panelists' narratives suggested, the still-bleeding scar has never healed; instead, it's been made worse by the endless reproduction and reinvention of the agencies of white supremacist racism that originally created it.

Recommendations

Despite being at the epicenter of a racist, anti-immigrant and undemocratic agenda, the region has long been, and continues to be, a beacon of resistance and hope, where people are *actively refusing a dystopian vision of the border*. At every step along our virtual tour of the border, we were impressed and moved, time and time again, by the fortitude, creativity, and humanity of border communities, and the many community-based and non-governmental organizations who are working together to fight for a radically different vision of the U.S.-Mexico border and its communities: a vision that prioritizes the humane treatment of those who live, work and grow in border communities—one that welcomes and protects those that travel through them, and that restores the border's majestic landscape and its life sustaining ecosystems for future generations.

The following set of recommendations was drawn from the accumulated experience and wisdom of the 27 panelists and their many years of living, working and fighting for justice in the embattled but ever vibrant border communities along the full length and breadth of the U.S.-Mexico borderlands.

Asylum and Immigration

- *Restore established protocols for U.S. asylum and refugee laws and policies*
- *Hold the United States government responsible for ensuring a humane, safe and secure processing of migrants at our borders.*
- *End the Migrant Protection Protocols (MPP) policy, also known as the “Remain in Mexico” program, an agreement between the U.S. and Mexican governments, which effectively allows the U.S. to wash its hands for responsibility for the well-being of asylum seekers by returning them to Mexico where they wait in deplorable conditions.*
- *End the metering system which places arbitrary limits on the number of asylum seekers CBP accepts on a daily basis*
- *Provide the necessary funds to help refugees and asylum seekers reach their destinations in the United States and allow them to work to support themselves and their families while waiting for their cases to be heard.*
- *Hire more civil servants to address the backlog in processing asylum seekers and others*
- *End separation of families*
- *Reunite the parents separated from their children through deportation or other means.*
- *Restore the path to citizenship promised to immigrants recruited into the U.S. military and who served in the armed forces.*
- *Hold the Mexican government accountable for its willful neglect of the health and well-being of refugees, be they confined to substandard camps and inadequately funded shelters along the border, or left to fend for themselves.*

Border Enforcement

- *End costly, ineffective, and inhumane policies that have heavily militarized the U.S.-Mexico border region and undermined the quality of life of border communities.*
- *End the Prevention-through-Deterrence Strategy*
- *Provide restitution to harmed communities*
- *Defund CBP and ICE*
- *Dismantle the Department of Homeland Security*
- *Invest in welcoming centers at port infrastructures*
- *Invest in health care, education, mental health services in border communities*
- *Institute meaningful oversight and accountability measures to end the culture of impunity*
- *Require annual human rights and trauma training for all border personnel*

Environment

- *Repeal the Waiver Authority under the REAL ID Act, which has led to the wanton disregard of the 48 acts mentioned above*
- *Stop any further construction of border wall and dismantling existing walls*
- *Restore natural habitat and wildlife*

Workers

- *Respect national and international labor laws*
- *Expand and enforce existing protections for labor, women, and children*
- *End the persecution of Mexican labor activists in foreign owned maquiladora plants on Mexican side of the border*
- *Enforce stronger control of factory emissions of toxic chemicals and use of pesticides in agricultural industry, which have harmful effects on surrounding communities*
- *Establish appropriate guidelines and a deadline for the banning of all toxic chemicals and pesticides in the region*
- *Provide added necessary protections against COVID19 for essential workers*

Belinda Hernandez Arriaga, EdD, LCSW. *University of California, San Francisco and ALAS, Ayudando Latinos A Soñar*

Eduardo Castro, *Veterans for Peace*

Yamile Castillo, *Undergraduate Student, John Jay College of Criminal Justice -City University of New York.*

Laura Cortez-García, *El Tribuno del Pueblo*

Gloria Meneses Sandoval, *California Central Valley Journey for Justice /El Tribuno del Pueblo*

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Robert R. Lee, *People's Tribune*

Suzanne Oboler, *Ph.D. John Jay College of Criminal Justice-City University of New York.*

Pedro Ríos, *Director of American Friends Service Committee, US /Mexico Border Program, San Diego, CA*

Magdaleno Rose-Ávila, *Building Bridges*

Elana Zilberg, *Ph.D., University of California San Diego*

Nanzi Muro, *Independent Artivista and Photographer.*

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Towards a Border Reset: A post 2020-election update

Since writing this Executive Summary, the political landscape has shifted with the inauguration of President Joe Biden and Vice-president Kamala Harris. We recognize that the Biden administration has taken several positive actions in signing executive orders that begin to address some of the recommendations we list above. These include asylum issues such as the MPP program, recommitting to supporting DACA recipients, acting on the reunification of families separated under the Zero Tolerance policy, temporarily pausing of some deportations and border wall construction projects, and committing to sending Congress a comprehensive immigration bill with a path to citizenship. However, we would like to direct attention to the need for further and additional steps with regard to all these executive orders, urging a rapid review of the policies, and where possible, that these policies should be taken up through permanent legislation.

It is of the utmost importance that all actions related to resetting the landscape of the Southern Border, be it in regards to enforcement, asylum, immigration, environmental, healthcare, educational and labor policy, be developed in direct consultation with those groups who are working on the frontlines of these issues, and with the affected border and migrant communities.

This fact-finding report is derived from direct consultation with many of those groups, and we urge readers to review the detailed summaries of the panel presentations that follow this executive summary, and to view the video recordings of their detailed testimony regarding existing conditions and proposed solutions.

Those recordings can be found at this link:

<http://www.tribunodelpueblo.org/zooming-to-the-border-for-human-rights/>
<http://peopletribune.org/pt-news/border-human-rights-videos/>

We further point you to the Southern Border Communities Coalition's website for "A New Border Vision" as a blueprint for a holistic plan grounded in the experience of on those on the frontlines of the full reach of our Southern Border: https://www.southernborder.org/new_border_vision



"I'm not asking you to walk in my shoes; I'd never wish my afflictions on anyone. But could you walk beside me on secure ground and reach to hold my hand."
 Richelle E. Goodrich

- ¹ For a detailed account of monies allocated for border and immigration enforcement since the establishment of the Department of Homeland Security in 2003, see American Immigration Council, “The Cost of Immigration Enforcement and Border Security,” July 7, 2020. <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security> (Last accessed October 27, 2020).
- ² For a full list of the 48 acts suspended by the Real ID Act of 2005 see Sierra Club, “Borderlands Real ID Waiver Authority Compromises Our Borderlands.” <https://www.sierraclub.org/borderlands/real-id-waiver-authority-compromises-our-borderlands>
- ³ https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Fiscal%20Year%20Staffing%20Statistics%20%28FY%201992%20-%20FY%202019%29_o.pdf
- ⁴ <https://www.cbp.gov/sites/default/files/assets/documents/2020-Jun/CBP-Snapshot-20200611-web.pdf>
- ⁵ <https://www.militarytimes.com/news/your-military/2020/06/25/the-military-is-drawing-down-its-us-mexico-border-mission-sort-of/>
- ⁶ https://www.southernborder.org/border_lens_border_militarization
- ⁷ <https://www.gao.gov/assets/690/688201.pdf>
- ⁸ <https://www.vox.com/recode/2019/5/16/18511583/smart-border-wall-drones-sensors-ai>
- ⁹ https://www.cbp.gov/sites/default/files/assets/documents/2020-Apr/FS_2020_AMO_Fact%20Sheet_FINAL_508_o.pdf
- ¹⁰ https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/2015/OIG_15-17_Dec14.pdf
- ¹¹ https://www.cbp.gov/sites/default/files/assets/documents/2020-Apr/FS_2020_AMO_Fact%20Sheet_FINAL_508_o.pdf
- ¹² <https://www.cbp.gov/newsroom/national-media-release/cbp-s-autonomous-surveillance-towers-declared-program-record-along>
- ¹³ <https://www.cbp.gov/newsroom/national-media-release/cbp-s-autonomous-surveillance-towers-declared-program-record-along>
- ¹⁴ <https://www.detentionwatchnetwork.org/issues/detention-101>
- ¹⁵ See Haberman, Clyde “For Private Prisons, Detaining Immigrants Is a Big Business.” New York Times, October 1, 2018 <https://www.nytimes.com/2018/10/01/us/prisons-immigration-detention.html> (Last accessed October 29, 2020)
- ¹⁶ <https://www.edwardjayeinstein.com/agency/chap7.htm>
- ¹⁷ For a discussion of the role of U.S. foreign policy in Central America as it combined with U.S. immigration and criminal law co-produce the violent conditions from which many of these refugees are now fleeing see Elana Zilberg, (2011) *Space of Detention: The Making of a Transnational Gang Crisis between the United States and El Salvador*. Duke University Press.
- ¹⁸ As Pedro Rios argues, the El Paso shooting, which resulted in the deaths of 21 and the wounding of another 19 primarily Mexicans or Mexican Americans, is akin to the San Ysidro MacDonald’s shooting at the San Diego-Tijuana border crossing some 35 years previously and that both share roots in earlier forms of white racist vigilante bodies such as the Texas Rangers, precursor to the U.S. Border Patrol Agency, both founded in the foundational violence of the Anglo American invasion and annexation of Mexican territory between 1846 and 1848. (See <https://www.sandiegouniontribune.com/en-espanol/noticias/columnistas/articulo/2019-08-07/columna-la-violencia-de-los-supremacistas-blancos-una-extension-del-estado>). See also Kelly Lytle Hernández (2010) *Migra! A History of the U.S. Border Patrol*. University of California Press.
- ¹⁹ Author and Chicana Feminist, Gloria Anzaldúa, describes the border in these terms in her canonical work, *Borderlands/La Frontera: The New Mestiza* (Aunt Lute Press 1987)

February 10, 2021



THE ESSAYS

The Rio Grande/El Rio Bravo, Matamoros Tamaulipas Mexico-Brownsville, Texas.
(Photo: Belinda Hernandez Arriaga)

A NOTE ON THE ESSAYS

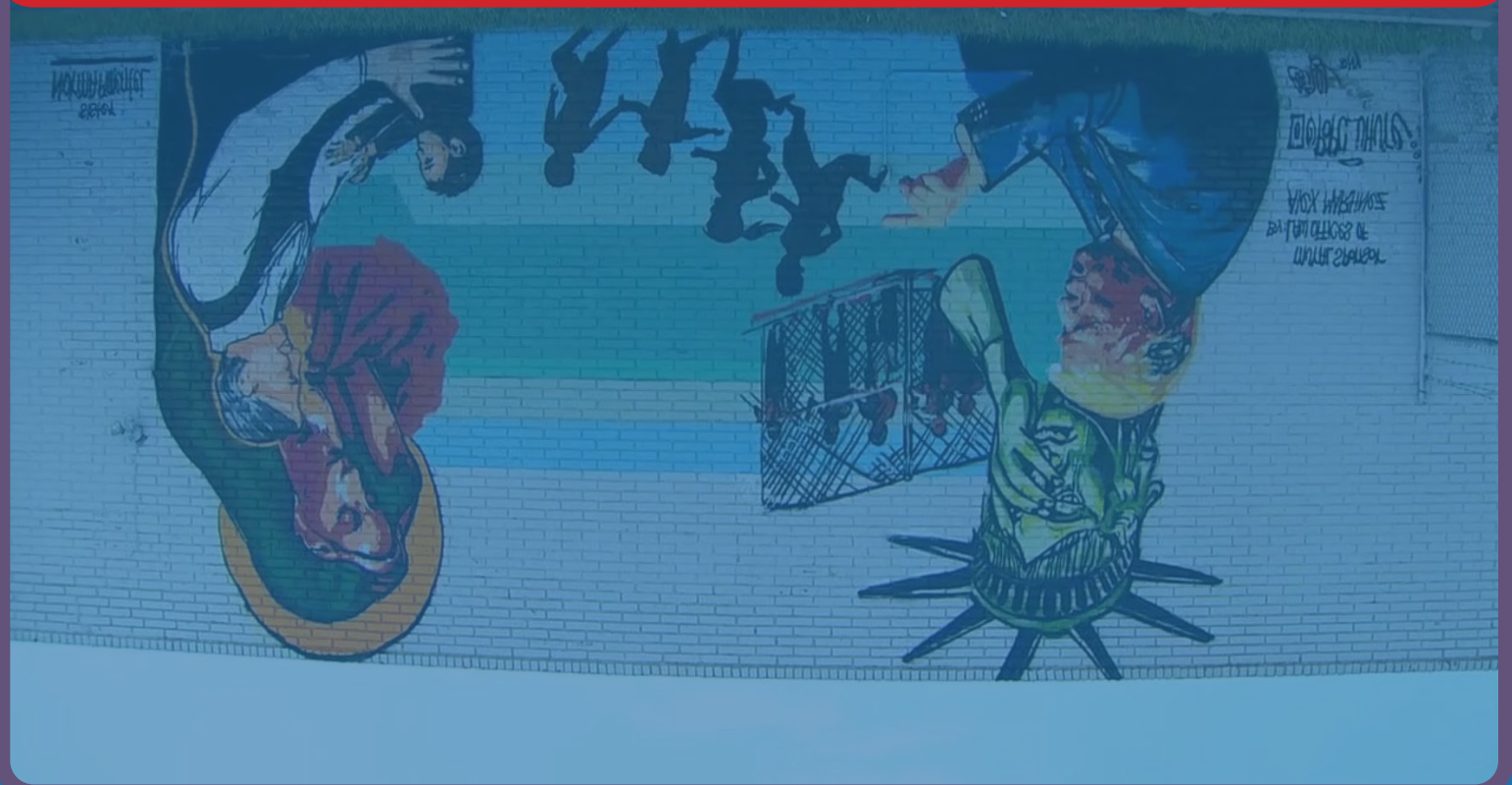
We often encounter news or information about the US-Mexico border in various ways – through the national press or journalistic exposes, or in academic texts and articles; or we learn something about it in documentaries, fictional accounts, or through poetry or various other forms of expression. Rarely, however, do we have the opportunity to hear and learn about this border directly from those who live and struggle there every day, for justice and equity, for human and civil rights, for the basic humanity of the region’s residents. And yet, their perspectives and lived experiences are perhaps the most important, particularly today, when the US-Mexico border has come to closely resemble a war zone, and the voices of these leaders, activists, professionals and volunteers, urgently need to be heard.

The essays in the following pages were written in the course of our 3-month (August – October, 2020) fact-finding project along the US-Mexico border. They were written by members of the *Zooming to the Border* group in an effort to capture some of the richness and depth of knowledge that our panelists expressed in their own words, perceptions, and unambiguous passion for their work and for their region’s communities.

Although the writing styles and perspectives of these essays may differ, this report’s unique contribution is found in the collective effort to highlight the voices and points of view of 27 grassroots activists, lawyers, social workers and volunteers who live and work in the region. These representatives of various organizations are providing spiritual, emotional and material assistance every day, to all those who have been willfully abandoned to their fates by the neglect of their government, in the context of a deadly pandemic and an unrelenting push to militarize the region. Their daily presence on the ground is making it possible in many cases for thousands to survive and to live, often despite the ongoing attacks on people’s rights, dignity and humanity. In showcasing their perspectives and commitment one of our aims is to change the narrative that has for so long dominated the national debate on the region, allowing the harsh reality of its residents’ daily lives to be continuously distorted by both false perceptions and, at times, unimaginably—and unnecessarily--brutal policies.

In their presentations, the panelists seek to illuminate what militarization of the border actually means today both for the region as well as for the country, and shed light on what it has wrought to daily life in their communities. Whether through their descriptions of the living conditions and precarious support for asylum seekers today; or their analyses of the impact of current immigration and environmental policies; or their accounts of the ongoing struggles and of the impressive resilience of the border communities and their leaders, the picture that emerges is one of a region under siege, and at war. And yet it is also a story of solidarities that proudly points not to defeat, but to a determination to fight for justice, equity and human rights every step of the way.

Because no single essay can exhaust the wealth of information each panelist gave us --much less capture the collective liveliness, engagement, passion and commitment that underlies all the presentations-- we are also including the links and transcriptions for each of the 5 panels, at the end of page 10 this report.



MURAL IN DOWNTOWN MCALEN, TX, BY MURALIST ALEJANDRO GONZALEZ

PREFACE

Based on 21 years of experience at the border, it is very clear and very obvious to many of us that border communities have been imposed by a system of militarization of our communities by the criminalization of immigrants and all of that wrapped with racism, white supremacy and xenophobia. But there's also been resistances: we were fighting every instance, in every community –in every community there's been resistance of the community but also of the nation as a whole.

What is happening at the border is not unique to our border. It is true when we say that our border, in this case the US-Mexico border, will define the character of our nation for better or for worse.

As you know when we think of Ellis Island, and statue of liberty, you will recall how those symbols defined the character of the nation in the 19th and 20th century. Ellis Island: almost 100 years ago, more than 50 million poor immigrants from Europe came through that border --and they did define the nation.

Obviously, they were mistreated, they were called animals, they were called criminals. But at the end of the day, they resisted and defined what was known for many years as a nation of immigrants, a melting pot, *e pluribus unum*. So, when you think of the statue of liberty, you think about the ideal of America; when you think about Ellis Island, you'll think about how immigrants define this nation. I believe very strongly that that is going to be the case for the US-Mexico border in the 21st century.

The nation will be defined by the US-Mexico border, and we have just 2 options: Either we're going to have a nation that is militarized –and not only the border but the whole nation; that we have a nation that puts children in cages, that persecutes immigrants, that builds walls; or we are going to have a nation that recognizes that immigrants will continue to build this country, that this nation will be diverse and multi color and where the border will seem like a place and land of opportunity.

That's why we believe that the US-Mexico border is indeed the new Ellis Island.

Fernando Garcia,
Executive Director and Founder,
Border Network for Human Rights.
El Paso, Texas

1

Militarized Border Communities: Documenting the Enforcement Landscape

PANELISTS

Alma Maquitico –
National Network for Immigrant and Refugee Rights
Estefanía Castañeda Pérez –
Ph.D. (Candidate), Political Science, UCLA
Ricardo Favela – **Alianza Comunitaria**
Vicki Gaubeca – **Southern Border Communities Coalition**
Vanessa Ceceña – **AFSC's US/Mexico Border Program**

MODERATOR:

Pedro Rios,
American Friends Service Committee,
US-Mexico Border Program

Formalizing State Violence: From Vigilantism to Border Patrol Brutality

Under the Trump Administration, news reports about border enforcement have exposed the Border Patrol's culture of brutality, which has included their inability to care for minors under their custody and the aggressive tactics they employ in curtailing civil liberties in urban settings. However, advocates have described border communities that have been subjected to a process of militarization, driven by a white supremacist racial violence that predates Donald Trump's four-year tenure as president of the United States.

The founding of the Border Patrol in 1924 formalized the brutal culture of vigilantism that had characterized the borderlands since at least 1846, when the United States led an imperialist war of aggression against Mexico. At the end of that war, Mexico ceded nearly half of its territory to the United States. In the years leading up to the turn of the 20th century, the violent legacy continued to have deadly consequences for those who called the borderlands their home. As Alma Maquitico, co-director of the National Network of Immigrant and Refugee Rights, has stated:

The US-Mexico border was shaped through violence. The enforcement of the US-Mexico border was done by white militias who used raw physical violence against Indigenous bodies, against Mexican people, to disposes them from their territories, and also to prevent Black bodies from escaping slavery towards freedom, and to restrict Asian bodies who entered into these territories¹.

“Refusing to Forget,” a non-profit seeking to create awareness about this violent period in Texas history that has received little attention, details how during the years 1910 to 1920, Texas Rangers, former Texas Rangers, and white settlers regularly executed Mexicans without any repercussions:

Far from being surreptitious, the violence was welcomed, celebrated, and even instigated at the highest levels of society and government. As thousands fled to Mexico and decapitated bodies floated down the Rio Grande, one Texas paper spoke of “a serious surplus population that needs eliminating.” Prominent politicians proposed putting all those of Mexican descent into “concentration camps” – and killing any who refused. For a decade, people would come across skeletons in the south Texas brush, marked with execution-style bullet holes in the backs of their skulls.²

One infamous case occurred on January 28, 1918, when Texas Rangers, US military forces, and vigilante rangers killed 15 men and boys in Porvenir, Texas³. Descendants of the men and boys killed are now seeking recognition for the violence their families endured.

In her book about the history of the Border Patrol, historian Kelly Lytle Hernandez notes that the Texas Rangers, who operated with impunity, would be pushed into Border Patrol positions and carried forth vigilante style policing tactics against Mexicans in Texas.⁴ According to Monica Muñoz Martinez, author of *The Injustice Never Leaves You* which looks at the militarization of the communities along the Rio Grande, “[b]etween 1910 and 1920, the decade of an expanded militarization of the border, ethnic Mexicans were harshly policed by an intersecting regime of vigilantes, state police, local police, and army soldiers. Historians estimate that hundreds of ethnic Mexicans died during this period. In death, the victims of racial violence were criminalized.”⁵

Furthermore, criminalizing of Mexicans and by extension, all else entering the United States, was formalized under the Undesirable Aliens Act of 1929. Border crossers needed to enter through an official port of entry, and according to Maquitico, the Act “criminalized Mexican migration and gave border agents the discretionary power to decide who could

enter or not enter the country legally.” In addition, Maquitico states, “What had been a daily routine of border crossings to visit families and relatives converted... into a ritual of abuses that we continue to endure today as border communities... especially as Brown bodies that cross the border; we are so used to having to come up with a story every time we cross the border because we know that we are going to be questioned.”

Micro-managing State Violence at the Ports of Entry

Resonating with Maquitico, panelist **R**Estefanía Castañeda Pérez, a UCLA Political Science Ph.D. candidate and self-described transborder student, has written about how state violence is reproduced even in border crossing experiences by many border crossers. “Throughout the studies I’ve done even before the shutdowns students often complain that there’s trauma associated with crossing the border,” she explained to Vice in 2018. “Although the vast majority of transborder students are US citizens, they’re often made to feel as if they’re not legitimate enough.”⁶ Castañeda Pérez makes the observation that for transborder commuters, their principal relationship with the state is “through CBP officials at the POEs, who act as ‘street-level bureaucrats’ and afforded ample discretion to deny entry, question, and profile border entrants.”⁷

Castañeda Pérez also observes how the trauma experienced by border crossers is exacerbated with the Customs and Border Protection’s (CBP) display of “heightened paramilitary enforcement.” It is meant to generate a narrative that migrants seeking asylum are a threat and that a militaristic response by the state is a necessary and natural response to them. In September 2019, the ACLU Border Rights Center in Houston, Texas, sent a letter⁸ to U.S. Customs and Border Protection’s Office of Field Operations demanding an investigation into two closures at El Paso ports of entry. Cynthia Pompa, advocacy manager for the ACLU Border Rights Center, made the following statement:

Closing ports of entry, without justification, significantly disrupts the lives of people living in Texas' border communities. CBP's callous actions are sending a message of fear and xenophobia to the rest of the country — and it will not go unnoticed. Shutting down any port of entry is disruptive, cruel, and unnecessary, particularly when they are closed with aggressive displays of militarism absent any legitimate security threat. CBP officials continue to ignore the humanitarian consequences of rejecting asylum seekers, opting to close ports instead of following the law and process arriving families.⁹

Similar border closures have occurred at other land ports between the United States and Mexico so that CBP can conduct theatrical exercises using hundreds of agents, clad in military gear. In January 2019, in San Diego CBP conducted a readiness exercise that lasted approximately 25 minutes. Purportedly, the drill was to prepare for any large-scale incursion of migrants attempting to rush the border crossing. Rows of 100s of CBP agents detonated flashbang and smoke grenades meant to startle, confuse, and disable any incoming “threat.” These exercises are an aggressive expression of institutionalized white power, as they represent the Trump administration’s ideological framing of who merits being treated with dignity and respect. They are meant to make criminality synonymous with migrants seeking refuge. They also have the dual objective of fomenting a false narrative of a border communities being out of control, in crisis, while instituting collective punishment to all in the region. In January 2019, CBP released an ominous video from El Centro port of entry of a “civil unrest readiness exercise” showcasing hundreds of agents dressed as though they are preparing for war.¹⁰

In addition to federal border agents, in March 2020 the Trump administration also deployed active-duty personnel, 80 to San Diego and 80 to El Paso, to prepare for the possibility of migrants attempting to cross into the United States following a court order that prevented the United States from forcing migrants to wait in Mexico.¹¹ Compounded by an unprecedented and historic pandemic, militarizing border crossings and border shutdowns represent collective punishment, a war crime under the Geneva Conventions.

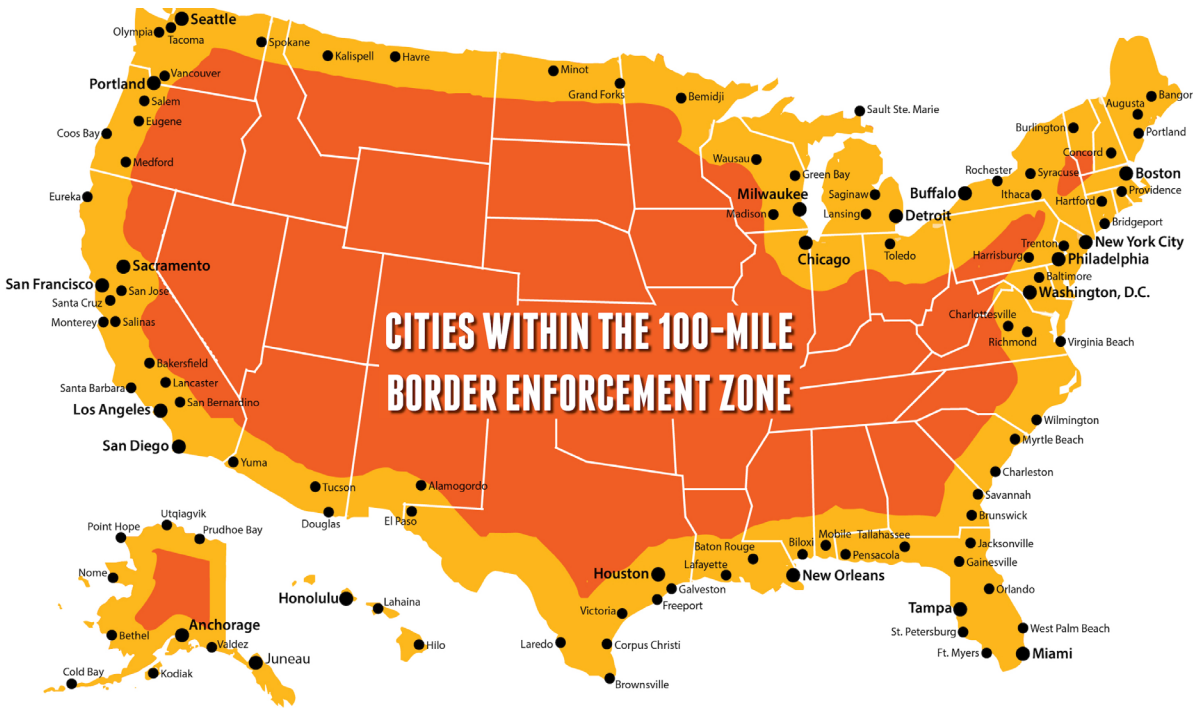
In her closing remarks, Castañeda Pérez offered this incisive thought:

The purpose of the border was never to simply be a physical structure, like the border wall. It was meant to expand and permeate into society, through internal checkpoints, become externalized through third safe country agreements, and government collaboration, and embodied by individuals and institutions, through constant policing and interrogation of marginalized communities.

Exporting the Border Militarization into the Interior

In 1953 the US Department of Justice established regulations that arbitrarily designated the border zone as 100 air miles “from any external boundary into the US, including coastal boundaries,” creating a swath of land surrounding the United States which includes “two-thirds of the US population, or approximately 200 million people.”¹²

Ricardo Favela is an organizer of Alianza Comunitaria, a grass roots coalition of human rights groups situated nearly 100 miles from the US-Mexico border. It was formed to protect communities from the increased presence of local and federal law enforcement, and that are contained by two permanent Border Patrol checkpoints along major freeways, various temporary checkpoints along minor streets, and roving patrols by Border Patrol officials. Favela attributes the presence of Border Patrol checkpoints to a larger attrition-through-enforcement strategy, which has the logic of making life in the United States so difficult, that an undocumented migrant would make the decision to leave (or “self-deport”) rather than contend with the on-going threat of enforcement. The attrition-through-enforcement strategy¹³ is promoted by the Center for Immigration Studies, a right-wing think tank labeled as a white supremacist group by the Southern Poverty Law Center,¹⁴ but often cited by mainstream media for policy analysis.



100-MILE BORDER ENFORCEMENT ZONE (Photo: Southern Border Coalition)

Checkpoints in San Diego’s North County have existed for decades, where law enforcement officials commonly used racial profiling to harass and question people of color about their immigration status in the country. Favela noted that checkpoints are problematic and part of a racist structure, in that they create chokeholds, for example, making it difficult for people to get to the nearest hospital for emergency care, --which is critical for agricultural workers in the area, especially during a pandemic.

Favela also observed that “during the stay-at-home orders that began on March 13 (2020), a week later, we saw the major checkpoint activated on a daily basis. The week following, we saw the smaller checkpoints also activated on a daily basis.” He continued,

This had an effect on local families... who were depending on coming into Fallbrook to their school to pick up food, lunch, to pick up homework, we had reports of people who did not leave and stayed at the ranch where they worked. I should add that that’s the typical life, folks that don’t need to go anywhere, they don’t, they stay in the ranch, the stay in the groves, for as much as possible they don’t leave where they stay, where they live, and where they live is where they work. So it’s almost plantation containment here.

Favela, who regularly drives through checkpoints to observe their operations, commented that Border Patrol agents at checkpoints often remove their masks to speak with people they have stopped. In Arizona, according to Border Patrol Tucson Sector Chief Roy Villareal, “As of yet, the CDC has not mandated the wearing of PPE during public encounters, nor has this practice been adopted wholly by our law enforcement community. I believe officers possess the capability to exercise caution when warranted and will utilize PPE when necessary.”¹⁵ Villareal was responding to criticism that Border Patrol agents based out of Tucson, Arizona, do not wear face masks during encounters with the public. In light of the COVID-19 pandemic, the ACLU in April 2020 requested that CBP “temporarily suspend civil immigration enforcement in the 100-mile border zone.”¹⁶

Checkpoints are not only a problem in border communities along the US-Mexico border. ACLU affiliates in New Hampshire, Maine, and Vermont filed a lawsuit in August 2020, challenging Border Patrol checkpoints. According to the press release, “Border Patrol detains hundreds – if not thousands – of individuals lawfully travelling in northern New England during the summer and fall tourist seasons without any suspicion that they have committed a crime.”¹⁷ Furthermore, Emma Bond, legal director of the ACLU of Maine stated,

In the past several months alone, we have seen the federal government deploy CBP agents to monitor protesters in Minneapolis and Washington D.C. after the police murder of George Floyd. Then we saw CBP act as paramilitary forces in Portland, Oregon to crack down on protesters in the area. These checkpoints in northern New England are no different. CBP is using its forces nearly 100 miles from the border for general crime control, which is beyond the scope of CBP's statutory and constitutional authority.¹⁸

Returning to Castañeda Pérez' earlier perception, it would appear that checkpoints are an extension of border enforcement policies that expand the Border Patrol's reach into interior communities. As the ACLU has pointed out, "Border Patrol routinely ignore or misunderstand the limits of their legal authority, violating the constitutional rights of innocent people. Although the 100-mile border zone is not literally 'Constitution-free,' CBP frequently acts like it is."¹⁹

Interior Enforcement in the Borderland Communities

While one might regard Immigration and Customs Enforcement (ICE) as a non-border enforcement agency of the Department of Homeland Security, in borderland communities they augment Border Patrol's role by supporting them during different operations, and by being charged with detaining migrants at detention centers and during field operations. Vanessa Ceceña, Human Rights Program Associate with the American Friends Service Committee's US-Mexico Border Program, explained that ICE often has a presence at ports of entry and their agents receive migrants detained by CBP.

According to Ceceña, in FY 2019, there were an average of 48,850 migrants detained per month across the US, with the average length of stay being 36.2 days in over 200 migrant prisons in the US. At San Diego's Otay Mesa Detention Center (OMDC), the average stay was 87 days. Ceceña led a research project about how ICE has compounded egregious conditions

during the COVID-19 pandemic at the OMDC, and this is one testimony she captured:

"It's very downgrading as a human being [being locked in prison]. It breaks my heart to go through this situation especially being taken away from my home and separated from my family. What hurts the most is my 11-year-old son who is now depressed and needs to see a psychologist due to our separation. I cannot wait for this nightmare to end, I don't know if my life will ever be the same." – Migrant detained at OMDC, Testimony obtained by AFSC.²⁰

Ceceña also presented the case involving a worksite immigration raid at a Korean market in San Diego, and described how along with the federal agents arriving at the market, ICE arrested at least three of the workers near their home. In interviewing the workers, Ceceña reported that ICE drew their guns at the workers, either running in with guns or pointing their guns at the workers they detained near their homes.

We heard that as they were apprehending the workers, they pulled out their guns... some of the workers were thrown down on the ground. We heard that as [ICE agents] handcuffed everyone with zip ties, and as they were getting everyone together, [ICE agents] were putting their hands in their pockets to take out their wallets and to find any... identifying information, like their Matricula Consular."

According to Ceceña, the most shocking aspect of the raid was how workers arrested near their homes were treated. "He was on his way to take his daughter to school, and officers in civilian clothes approached their car with their guns drawn out," Ceceña stated, "and they shared that it was extremely traumatizing for all of them, but especially to their teenage daughter that was physically in the car with her father. She thought, in the moment that the ICE officers came to the car... that they were being abducted." It is common for ICE agents to not identify themselves in enforcement operations, and not to wear uniforms that clearly state to what agency they belong. Consequently, the young girl had to seek counseling support services as a result of this interaction with the ICE and the aggressive enforcement tactics they employed.



Custom and Border Protection agents conducting a “readiness exercise” at the San Ysidro Port of Entry, San Ysidro, CA Photo: Pedro Rios

ICE is an agency created in 2003 as part of the interior immigration enforcement arm of the Department of Homeland Security. But it's only recently that calls for its abolishment have driven many grassroots campaigns. With over 20,000 employees and a budget that surpasses eight billion dollars,²¹ more people are finding out that ICE continues to systematically abuse civil and human rights of those it detains. Cases implicating ICE agents in sexual abuse²², invasive gynecology procedures²³, and pervasive abuse of pregnant immigrants and asylum seekers²⁴ are just some of the complaints that have been recorded in recent years. In this latter case, CBP is also accused of abusive practices.

In a report produced by the Center for Reproductive Rights and various other organizations concerned with protecting migrants' human rights, it notes that “The U.S. government has exploited the COVID-19 pandemic to further eviscerate humanitarian and human rights protections for immigrants and people seeking asylum along the U.S.-Mexico border.”²⁵

Here is an example of one of the testimonies highlighted by Vanessa Ceceña:

A Guatemalan asylum seeker was forced to give birth in a Border Patrol Station. Despite repeated requests for medical attention from the woman

who was eight months pregnant when she arrived at the southern border in February 2020, coughing and in severe pain, Border Patrol agents instead took her to the Chula Vista Border Patrol Station. Within 30 minutes, the woman's pain became excruciating, and she soon gave birth into her pants while standing up and bracing herself against the edge of a garbage can. She was then finally hospitalized. Two days later, she and her newborn were returned to the Border Patrol station, where Border Patrol agents repeatedly harassed her. She was not provided with a blanket for the baby or access to a shower for days after giving birth.”²⁶

Ceceña concluded her presentation by reading a testimony provided to the binational grassroots organization, Pueblo Sin Fronteras, that underscores the urgency that migrants experience while detained by ICE and CBP:

They really don't care here, at this facility, about people. They really don't see us as human beings, I believe. I believe they just see us as a way that this facility, since it's privately owned, makes money off of us being detained. What has to happen? How many people have to die after him?

*Like when will they start doing something to correct the situation here. How many more people have to get sick? How many more people have to end up dying before they actually do something and correct the mistake?*²⁷ [emphasis in original]

Funding the Militarization of Border Communities

Militarizing border communities requires a considerable amount of coordination between the executive and the legislative branches of government, often times with strategic jockeying about what elements of the government's budget should be prioritized for funding. There are multiple committees and subcommittees that make up the US government's appropriations process, each of which will have their own interests in mind. Often times, when a budget proposal seems to be making its way through one of the committees, another committee could undermine it based on a different set of criteria leading it to change any provisions that would be considered favorable for border communities.

Vicki Gaubeca, director of the Southern Border Communities Coalition (SBCC), a coalition of organizations and networks working against militarizing border communities, noted that in 1929, prosecutions under 8 U.S. Code subsections 1325 and 1326 that criminalize migrants, were adopted the same year the *Undesirable Aliens Act* was passed. Democratic Senator Coleman Livingston Blease of South Carolina, a renowned white supremacist who favored lynchings and segregation, pushed for these statutes that have since become the foundation for current statutes that prosecute individuals apprehended between ports of entry. Gaubeca pressed, *"We want these statutes to be defunded because of the implications of the origins of these statutes along with the fact these cause undue hardship on families and it's the reason why the zero tolerance policy under Sessions was implemented and families were torn apart... we really want these statutes to be eliminated from the books."*

According to historian Kelly Lytle Hernandez, *"The idea was to force Mexican immigrants into an authorized and monitored stream that could be turned on and turned off at will at ports of entry."*²⁸

The policy changes seemed to particularly target the Mexican labor force that for decades would become a source for cheap labor.

Gaubeca outlined some of the recent priorities the coalition has focused on, including calls to defund border wall funding, stopping the transfer of funds into CBP and ICE budgets, ending the deployment of military personnel to border communities, in addition to the aforementioned elimination of section 1325 and 1326 prosecutions.

Conclusion

The militarization of border communities has far-reaching implications both for people who live in the borderlands, as well as for those crossing through them. Based on the statements of all the panelists, it is essential that measures that seek to further criminalize and militarize border communities must be defunded or terminated where possible, and that current policies affecting migrants and border communities must be substantially improved. In this context, SBCC for example has outlined the following wide-ranging policy-asks that not only seek to mitigate the militarization of border communities, but also offer ideas for improved policy recommendations:

- Defund DHS/CBP/ICE, agents, checkpoints
- Defund Department of Justice prosecutions (1325 and 1326)
- Defund Department of Defense 1033 program
- No money for border wall projects; funds to take it down, along with removing other danger infrastructure such as the concertina wire, and repealing the DHS secretary's waiver authority
- Reparations for harms related to border wall construction
- Dismantle/abolish DHS (2003 Homeland Security Act)
- Invest in welcoming centers
- Invest in health care, education, mental health, port infrastructure

Pedro Rios
American Friends Service Committee,
US-Mexico Border Program

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Migrant Protection Protocol (MPP) Destroys Lives on the Southern Border

Panelists

**Sister Norma Pimentel- Catholic Charities of the
Rio Grande Valley**

Thelma Garcia- Immigration Attorney (Texas)

Lilli Rey- Bay Area Border Relief

Jennifer Harbury- Attorney (Rio Grande Valley)

Migrant Asylum Seeker

Moderator

Dr. Belinda Hernandez Arriaga, EdD, LCSW

Assistant Professor, University of California, San Francisco

Executive Director and Founder of ALAS,

Ayudando Latinos A Soñar



Family of Asylum seekers at Matamoros, Tamaulipas (2020)
(Photo : Baldemar Velásquez Co-Founder, Farm Labor Organizing Committee, AFL-CIO.)

They are destroying the families beyond what we saw with separation of children...The fact remains that the United States is the sole responsible for such atrocities that are happening to thousands of families at the border. We have failed humanity because we have failed to stop policies that are breaking the human soul. Let us stop the inhumanity and the policies that destroy life, let us stop MPP.

--Sister Norma Pimentel

1. Introduction

Hidden from television screens and neglected even by the microphones of radio networks is the daily misery of the many families suffering in the makeshift camps on the Mexican side of the Brownsville-Matamoros Bridge in the southernmost part of the Texas border. A panel of eye-witnesses painted a most painful picture of the violence and misery that the asylum-seeking families are experiencing to this day. This includes descriptions of the scarcity of food and clean water, even while the coronavirus pandemic has made it harder for volunteer organizations on the ground to send food, water and other support to the asylum seekers. The impact of Hurricane Hannah which drenched the area in late July of this year, created even more havoc in the refugee camp. Along with an infestation of snakes and rats,²⁹ it also became a fresh breeding ground for mosquitoes, exponentially increasing the suffering particularly of the children, as one of the panelists observed. Violence is also on the daily menu for the families. Women, many of whom had already experienced abuse and rape prior to arriving at the border, have been raped and beaten again and again since their arrival to the camps, and sometimes killed. Members of organized gangs, of drug cartels, the Mexican police and Border Patrol all participate in exploiting these unprotected individuals, while the Mexican police guard the entry to the camps, “causing the media attention to shrink,” as the *Brownsville Daily Herald* recently observed.³⁰ Whether they are abused, robbed and/or raped, there is literally no one to turn to, either in Mexico or in the United States. Certainly, no one has claimed responsibility, nor has anyone assumed accountability for the well-being of the asylum seekers, particularly those who have arrived at the border since early 2019.

The Trump administration has forced the roughly 57,000 to 62,000 people seeking refuge from violence to remain in these tent cities on the Mexican side of the border for the past year and a half, waiting to make their case for asylum in the US court system. They are barely surviving in these camps that Sister Norma Pimentel, Executive Director of Catholic Charities of the Rio Grande Valley, identified as an “inferno.” Writing in July of 2020, she also described and detailed the state of the Matamoros camps in an Opinion essay published in *The Washington Post*:

Our camp is a makeshift “tent city” filled with about 1,500 vulnerable women, men and children awaiting rulings on their applications for asylum in the United States. These families are living in donated tents at the mercy of extreme weather. Here, the temperatures can rise above 100 degrees, and when it rains, the downpours knock down their only refuge and leave them in mud pits. Imagine living in such uncertainty, where even such basics as running water and a place to shower are nonexistent; where you have to depend on outside organizations for food, which you have to cook over a campfire.³¹

Governing this no-man’s tent-city land is the Migrant Protection Protocols (MPP) a system also known as the “Remain in Mexico” policy, devised and implemented by the Trump Administration in January of 2019. MPP relies on an agreement between the US and Mexican governments, whereby Mexico permits the US to force asylum seekers to wait in Mexico, where they often wait in camps on the Mexican side of the border, “to wait outside of the U.S. for the duration of their immigration proceedings.”³² Essentially washing its hands of all responsibility for the wellbeing of those

seeking asylum at the US border, the Department of Homeland Security, regardless of the daily reality of survival in the tent cities, states that it explicitly “understands that, according to the Mexican law of migration, the Government of Mexico will afford such individuals all legal and procedural protection[s] provided for under applicable domestic and international law, including the 1951 Convention and the CAT [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment].”³³

It is important to note that established US law does give asylum seekers recourse to US immigration courts under 2 procedures: “credible fear” and “claimed status reviews.” The wait is long, however, and by September of 2020 it had already stretched to over 18 months for many families,³⁴ despite the US Justice memorandum specifying that these status review cases should be heard within 24 hours and no longer than 7 days from when the asylum seekers filed their asylum request. In fact, the wait has now been expanded indefinitely, as a result of the Department of Homeland Security’s new guidelines accounting for the Covid-19 epidemic. These forbid hearings in Texas, Arizona, and California to resume until those states reach stage three of their reopening plans. At the same time, the Mexican Government’s own guidelines, which are based on a ‘stoplight system’ would also have to “categorize all Mexican border states as ‘yellow’.”³⁵

The US-imposed MPP system’s endless wait today unambiguously frames and shapes the context of the lives of families seeking asylum in the United States --whether in Matamoros or any other tent cities located at different points along the Mexican side of the border. Essentially and in practice, as we argue below, MPP *illegally* expands Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) of 1952, which calls for the removal, including in expedited form, of “those arriving aliens deemed inadmissible to the United States” whether because they are accused of fraud or misrepresentation, or because they lack “proper documents.”³⁶

What follows is a brief summary of the testimonies presented by a panel of social workers, activists, lawyers and a refugee, on August 13, 2020. Their

narratives exemplify some of the egregious conditions and processes that have evolved as a result of the Trump Administration’s multiple violations of US laws and values. Their testimonies are based on daily contact with the asylum seekers on both sides of the Brownsville/Matamoros Bridge and on their eyewitness reports about the conditions in the camps. They are also based on the personal accounts of the lives and experiences of families and individuals currently struggling to survive both camp life and the interminable wait for their day in a US court—again, in direct violation of both US law and the above-mentioned international laws that protect refugees and asylum seekers in the United States and around the world.

2. Voices along the Brownsville/ Matamoros/Reynosa Borderlands

The asylum process established at the border as a result of MPP has been another form of deterrence for families to enter --it’s evidently a means to discourage and break their spirits --at this point it has been successful doing just that.”

--Sister Norma Pimentel.

Cruelty is the word voiced again and again by the lawyers, activists and asylum seekers that for over an hour described the despair of people as they seek either to survive every day in the camps of Matamoros or to find refuge in Reynosa. Hearing their stories, you cannot help but conclude that it is cruelty—a purposefully-vicious cruelty. They make clear above all that the very act of seeking asylum in the United States does not guarantee any protection whatsoever to those who seek asylum among us. Instead, the desperate flight from criminal cartels, extortionists and kidnappers, from the rogue Mexican authorities or the abusive inhumanity of officials on both sides of the border, has led people seeking refuge in the United States to find themselves trapped in an abhorrent system that strips them of their humanity. For they are thrust into a makeshift tent encampment that neither ensures them of a clean and protective space nor upholds their human rights or dignity.

Again and again the panelists expressed in no uncertain terms that the US is no longer adhering to its international obligations as a signatory nation to the 1951 Refugee Convention and its 1967 Protocol.³⁷ Similarly, in domestic terms, the United States now fails to respond to the legal mandate of the US Refugee Act of 1980.

In Matamoros, the asylum seekers' tents sit on the southern side of the international bridge. Together, the various panelists' words paint a detailed mural of a sprawling, disorganized, filthy, encampment, made worse by the waters of Hurricane Hannah that drenched the makeshift open-air encampment toward the end of July of 2020, bringing with it an infestation of snakes, rats and what Lilly Rey, a volunteer and member of the panel described as "more mosquitos than anyone knows what to do with." This is the US government's asylum-processing "waiting room." Opened in early 2019, and meant to be provisional, it now appears to have become relatively permanent, as a result of both DHS processing delays and the Supreme Court's stay on dismantling the MPP system. Thousands of families --men, women, children and infants, pregnant women, the young and old, the healthy, the diseased, the disabled, the elderly-- have to date been forced unexpectedly, to remain in this "inferno" that the encampments of Matamoros represent. There, against their wishes, they await their fate in the heat and humidity, surrounded by muddied tents and what one panelist called "a staggering lack of humanity." Lilly Rey went on to explain that it is volunteers who now "help provide water, money to pay for repellent and fumigation" observing that, "it is all they have to make what is horrible a little better," Noting "the bites on the legs on the children," Rey's narrative is punctuated by examples of the cruelty she witnessed.

Most of the asylum seekers have been living in the encampment for over a year, unable to make their case to the US authorities since they arrived, and literally fearing for their lives should they be forcibly returned to their respective homelands. They are indeed living in a permanent hell. As Sister Norma noted, "MPP is the most perfect deterrence policy established by this administration --successfully stopped families from entering the US, at the expense of the dignity and wellbeing of thousands of refugees who are continually enduring human suffering."

Stuck in this no man's land, they live their days at the mercy of roaming gangs and cartels, the viciousness of rapists, the greed of kidnappers who stalk their tents at night. Not surprisingly, the despair of mothers who fear for their children's lives as well as their own safety, is patent. They are, Sister Norma says, "*afraid to sleep at night out of fear that someone can come to their tent and harm them.*" They have good reason to be afraid: some wake up in the morning to find that the few belongings they have are gone.

"These are single women, pregnant, elderly, mothers, who have suffered a lot" one refugee who lived at the camps explained. "The first thing MPP does is send you to Mexico. We know that Mexico is one of the most dangerous places in Latin America. It is one of the countries where there is organized crime, there is corruption - and that is well known to the American government - they are very aware of what is happening there. But they still send you and make you wait out your entire asylum process there."

Sister Norma reports that sheer despair is leading some women to want "*to throw themselves into the river and drown.*" Aware that they are not wanted in Mexico, they are unable to explain that they neither chose nor want to be there either. Yet, once their court date finally arrives and they are allowed to cross the bridge into the United States, the asylum seekers find themselves re-traumatized yet again. This time, it is due to the inexplicable cruelty of US authorities and the Border Patrol officers. In the words of one former resident of the camps, "*they seem to have been chosen specifically for the job of making [our] suffering worse.*" He notes that time at the camps passes slowly; the days are long; the wait seems endless. Formally, he explains, "*they tell us that each person must attend 3 hearings; in the first, you are charged with a crime, for having stepped on American territory without a document that allows you to do so.*" *At the 2nd hearing, you submit your asylum application to the courts. During the third one is when you get to talk to the judge and make your case.*"

Often, however, asylum seekers are made to endure up to 8 hearings, leading the camp's former resident to define the cruelty of the MPP process as being "*about exhaustion, weariness; it just makes you give up.*"

He witnessed a woman who was pregnant and began having serious pain and cramps at what was her 5th hearing on US soil. Although officials did take her to get checked, she was given no interpreter or information about what was happening to her. Despite her ongoing and obvious discomfort, US authorities showed her no mercy, telling her that everything was going to be okay, failing to provide her with any relief whatsoever. At the end of the hearing she and her husband were again sent back over the bridge to the encampment to await their next court date. They found a doctor able to examine her, and who confirmed that she had in fact lost one of her babies while at her hearing that day in the US courtroom, on US soil.

It is important to emphasize that even when asylum seekers follow the legal procedures established by MPP, they are still not guaranteed a fair process. One panelist told of a Cuban asylum seeker at the camp who had been unable to appear at his court hearing because he had contracted dengue. As soon as he was able to do so, and following the established protocol, he gathered supporting documents from two different doctors, who explained both the reason for his absence from his hearing in the United States and guaranteed that he had indeed recovered. He ended the narrative, saying *“I was on American territory with him and listened as they told him that those documents he brought with him were useless; that he had lost his opportunity for a hearing. ‘From here,’ they said, ‘you’re going straight back to Cuba!’ They said it in front of everyone: children, women, everyone!”*

The rules and regulations governing the treatment of asylum seekers at the US borders today are constantly being modified, making it more difficult for lawyers to keep up with the changing nature of their respective clients’ status. Thelma O. Garcia, one of the panel’s lawyers provided a “brief history” detailing the various policies that the Trump administration has implemented prior to and including the MPP. She began by describing the “Zero Tolerance” policy implemented by former Attorney General Sessions prior to the MPP, and which inexplicably separated parents from their children in the spring and summer of 2018. Noting the deplorable conditions under which children and parents were held, Garcia described the ongoing struggle to achieve “normalization” for those families and children who to this day, are experiencing psychological trauma:

We had to take legal recourse through the federal system locally here in Brownsville. Although we lost the case, we brought a lot of exposure too. And she continued, “People who we named in our lawsuit were eventually released within 12 hours after we filed it...they were being moved to detention centers, and given the right of going through the ‘credible fear’ interview and explaining to an asylum officer what their fear was of returning back home. If they passed their interview, then they would be able to go through... the normal immigration process before a judge and present their evidence for asylum. If they lost, they were given the opportunity to see a judge for 10 to 15 minutes, to explain their fear of returning to their country. Most of the judges denied the review on the ‘credible fear’.”

As a result, and with very few exceptions, Thelma Garcia was ultimately left without further legal recourse to help them remain. The situation for those, not named in the lawsuit was even worse. Having no recourse whatsoever, they were simply removed from the United States. As The Brownsville Herald reported on September 9, 2020: “Of 15,600 asylum cases that have been handled at the *Brownsville Bridge* courts under the [MPP] program, only 128 have been granted asylum or some sort of legal relief, according to the Syracuse University-based research center called Transactional Records Access Clearinghouse.”³⁸

In addition to the MPP, Garcia explained, the Trump administration has also implemented various other programs for specific nationals requesting asylum, each with their own rules and target population. These include the PACER program for Central Americans and the HARP program for Mexicans, which summarily deny asylum to all asylum seekers, without allowing them even a phone call to their family members in the United States, until after their hearing and only once their fate has been decided. Similarly, although it is no longer being implemented, the ACA was created to address “people traveling into Mexico and asking for asylum in the US. The US was sending them back to Guatemala,” where they would have to first “ask for asylum in Mexico, before asking for asylum in US.” Finally, Thelma Garcia mentioned a new program based on Title 42, which was originally drafted in 1944, and addresses the current pandemic.



Welcoming a little boy to the Refugee Camp, in Matamoros, Tamaulipas, Mexico (2020). (Photo: Pocho)

The program is contingent on the Surgeon General's decision to determine that there is a pandemic in process, and the agreement of the US President in this determination. By stating that it is going to affect people in this country, the government doesn't have to allow people in. Ultimately, it is the President who can establish how long this determination lasts.

Thus, today there is very little movement on adjudicating the asylum cases at the border: the pandemic is now the excuse being used to postpone all asylum hearings. Those who have already been at the camps for 1 to 1-1/2 years will now have to wait far into 2021 for their new court dates. The delays have created even greater desperation among the families at the camps, leading some to attempt to cross the river on their mattresses. If they make it, they are placed in shelters, where they can stay for up to 30 days, after which they must find new living spaces. However, to date, most of those whose cases are under the MPP system and who crossed back into the United States, have been denied a change of venue by the Brownsville court, forbidding them from leaving the area, to reach their families and final destinations. Under the current system, their removal seems likely.

Yet, alternatives are few, if any. For most of those who are still willing to pursue their goal of asylum, removal ultimately signifies a potential or very real death sentence. As Jennifer Harbury, an activist attorney on the panel bluntly stated, *"Everyone who comes from Central America is told very clearly that if they talk about what the cartels did to them or their families, or the fact that they burned their village down—the next day, someone will go after them or those they left behind.... You get severely punished if you talk against gang violence, or army violence, or security officer violence-- the retribution is immediate!"*

Harbury continued by exemplifying her unequivocal statement with the following experience of "one young man":

"[He] fled after being told that they would kill his baby that night, if he didn't start working with them that very night in Honduras. So he fled that afternoon with his wife and his baby and when he got to northern Mexico, he called home for his mom and little brother and sister—and found they had all already been bludgeoned to death—they were already gone. That's what people are dealing with and that's why so many people will say 'oh, I just want to come to this country and work hard and have my children lead

a better life'. But," the lawyer went on to explain, "that's not why they come: they have to run! and they cannot talk about it! The reality is that 50% to 80% are being kidnapped by cartels or by Mexican immigration police, or Mexican military forces who hold them for ransom or sell them. There is a shocking level of violence: this is what's really happening, and we don't hear much about it."

Regardless of the actual status of MPP today, the fact that one is not placed in that particular policy system is no guarantee of the rights, safety, or human dignity of current asylum seekers. This point was exemplified by Harbury's story of a young African pastor from Uganda. A recent arrival at the US southern border, he'd fled his country after losing two fingers as he was being tortured for the human rights work he did. Presenting himself at the US port of entry, he legally requested asylum. He explained he is a pastor with a credible fear of persecution, who has never committed a crime, and who has many offers of sponsorship in the United States. Despite his impeccable asylum request, he was nevertheless, denied parole, as a result of the still-ongoing US government program of parole denial to all. The pastor is diabetic, and has long kept his disease in control. However, once at the Port Isabel detention center, they stopped testing him every day, and started testing him every 3 months instead. His daily medications were also considerably reduced by US authorities. Moreover, he was also refused the necessary special diet to keep his disease under control, and instead was given a white bread bologna sandwich and mash potatoes on a special diet plate. His blood pressure shot up and he has boils all over his body and has no immune system left to speak of. After a few months in US custody, the pastor's immune system is now compromised. He is almost blind and has massive pains in his side, that may be due to kidney failure, yet he has been refused medical examination. There is a petition circulating in the US congress for him to receive medical parole. However, the larger picture is that people are dying as a result of the purposeful cruel neglect and inhumane policies and (in)actions of U.S. authorities. As Jennifer Harbury concluded: *"Down here, we're killing people. Every day."*

3. Conclusion and recommendations

In February 2020, the illegality of the MPP system was at least partially acknowledged. A Federal Appeals court ruled that asylum seekers must be allowed entry into the United States, while their cases make their way through the immigration court system. Nevertheless, a few hours later that same Court granted the Trump administration a delay, in order to give the government time to prepare an appeal of the lower court's decision to the Supreme Court—resulting in further confusion in the camps. Now, while newly-arrived asylum seekers are, at least temporarily, not being placed into the MPP program, most of the asylum seekers and their families who are already in the camps remain under the MPP system's highly inhumane and abhorrent conditions, in violation of US asylum and refugee laws and policies.

As we described above, the asylum seekers have good reason to fear for their lives should they be returned to their respective countries of origin –including “persecution torture, ill treatment or other serious human rights violations.”³⁹ In entering into this partnership with Mexico, the Trump administration actually distorted and broke with US law, in addition to violating every precept of US customary practices and values. For, even if the Trump Administration may not have returned all asylum seekers to their home countries, it has “removed individuals from their jurisdiction or effective control” in violation of International Law. In so doing the US government has clearly put them in harm's way.

The all-encompassing and purposeful cruelty exhibited by individual authorities and agents on the US border as they implement the MPP and other regulations, is indicative of a deeper, more pervasive problem in US society than the policies of the current administration might suggest. In the absence of any oversight from the US government --and given the patent neglect of the conditions in the encampments by both the United States and Mexico, the decision of the US to enter into a “partnership” with Mexico currently jeopardizes the lives of thousands of asylum seekers and their families. In all cases US government actions are causing irreparable and permanent harm: –they serve to define the US government

unambiguously as a regime that insists on cultivating a cruel and blatant inhumanity toward foreign others, in the name of the American people MPP must be ended, and the process of US asylum proceedings at all levels must fully embrace and follow domestic and international law. The values that have shaped this country must be restored and embedded in the process of addressing the human rights and the needs of all those who seek assistance and asylum at our borders. The stakes are high: they entail the survival and wellbeing of people seeking asylum at our borders, and our own humanity and dignity, as well as the highest ideals, values, and practices of our nation.

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NOTES

¹ Dianne Solis. Asylum-seekers in Matamoros migrant camp fear they'll be forgotten. *The Brownsville Herald*. 9 Sept. 2020. <https://www.brownsvilleherald.com/2020/09/09/asylum-seekers-matamoros-migrant-camp-fear-theyll-forgotten/>

² Erin Sheridan. *Migrants continue to wait for asylum*. Brownsville Daily Herald September 11, 2020; <https://www.brownsvilleherald.com/2020/09/11/migrants-continue-wait-asylum/>

³ Covid-19 has come to our migrant camp. It makes ending the MPP policy even more urgent.

⁴ Department of Homeland Security. Migrant Protection Protocols. Press Release. January 24, 2020. <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>

⁵ Department of Homeland Security. US Citizenship and Immigration Services. Policy Memorandum. PM-602-0169. Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols. January 28, 2019; <https://www.uscis.gov/sites/default/files/document/memos/2019-01-28-Guidance-for-Implementing-Section-35-b-2-C-INA.pdf>

⁶ Cf. “Although not required by statute or regulation, claimed status review cases (except cases involving claims to United States citizenship) will be heard, to the maximum extent practical, within the same time frame as credible fear review cases (within 24 hours to the extent practicable, but not more than 7 days from the filing of the charging document). See section III entitled ‘Filing of Charging Document.’” Cf. Office of the Chief Immigration Judge, US Department of Justice. Memorandum. I SUBJECT Interim Operating Policy and Procedure. Memorandum 97-3; Procedures for Credible Fear and Claimed Status Reviews. n/d p. 4 <https://www.justice.gov/sites/default/files/eoir/legacy/2013/05/07/97-3.pdf>

⁷ Erin Sheridan. Op.cit. Brownsville Daily Herald September 11, 2020; <https://www.brownsvilleherald.com/2020/09/11/migrants-continue-wait-asylum/>

⁸ <https://trac.syr.edu/phptools/immigration/mpp/>

⁹ More specifically, the wait itself surreptitiously violates “the non-refoulement principles contained in Article 33 of the 1951 Convention Relating to the Status of Refugees (1951 Convention) —as incorporated in the 1967 Protocol Relating to the Status of Refugees—and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).” The “principles of refoulement” explicitly and categorically “prohibit States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.”

¹⁰ Dianne Solis. op.cit. *The Brownsville Herald*. 9 Sept. 2020. <https://www.brownsvilleherald.com/2020/09/09/asylum-seekers-matamoros-migrant-camp-fear-theyll-forgotten/>

¹¹ Office of the High Commissioner for Human Rights. The Principle of Non-Refoulement Under International Human Rights Law. <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>



Migrant camp in Matamoros, Tamaulipas.
(Photo: Belinda Hernandez Arriaga)

3

Working on both sides of the US–Mexico Border: Mexicali, Tijuana and San Diego

PANELISTS

Tania Garcia– Espacio Migrante
Yolanda Varona Palacios – Dreamers Moms
Carolina Cortez – Border Kindness
Hector Barajas – Deported Veterans Support House
Dulce Garcia – Border Angels

MODERATOR

Magdaleno Rose–Avila
Building Bridges

Let's remember that the border is not a piece of land in the desert, it is populated. We have communities that are vibrant with a lot of relationship between Juarez and El Paso, San Diego and Tijuana, Brownsville and Matamoros. There are historic links and relationships of communities – not only in terms of commerce but, also, in terms of cultural and family relationships. That's what the border is.

– Fernando Garcia

1. INTRODUCTION

Far from perceiving the historical or commercial links, or even the family and community relationships along the US-Mexico border, those in Washington DC – whether politicians, bureaucrats, administrators, or government agency personnel – appear increasingly to view the Border primarily as a danger zone – a national security area that must be overseen, surveilled, protected, and hence militarized, ostensibly to fend off those “others,” the (brown) people from the “other side.”

This of course, is not new. In 2013, Josh Borak and Erik Pianin pointed out that “apprehensions of illegal immigrants dropped to a 40-year low in fiscal 2011.” Nevertheless, during 2012,

The Obama administration allocated \$17.9 billion last year to the three agencies in charge of policing our borders—substantially more than it devoted for the combined budgets of the FBI, Secret Service, Drug Enforcement Administration, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms and Explosives. Over the past seven years, the Department of Homeland Security doubled the number of agents patrolling the border to 21,444.⁴⁰

Still, despite the downturn in undocumented immigration, and as a result of the Trump administration's policies, over the past three years, that line in the desert has become even more bloated with an endless amount of taxpayer funding. With it, personnel, machinery, military and surveillance technology and equipment have been bought specifically to control all those whose lives and labor

the rural economies on the US side of the border have for so long depended.

As testimonial narratives in this report's introductory essay attest, the consequent patent militarization of the daily lives of communities along the border serves as an ongoing reminder of the nation's vicious history of racial harassment and intimidation. It is a history whose origins stretch back to the mid-1920s, when the Ku Klux Klan could and did openly join the then-newly created Border Patrol. Perhaps not surprisingly, many cannot help but see the border as an “open wound,” to use the phrase coined by Chicana essayist and activist, Gloria Anzaldúa – “una herida abierta”⁴¹ – left from the US-Mexico War of 1846-1848. In many ways, as the panelists' narratives suggest, the still-bleeding scar has never healed; instead, it's been made worse by the scourge of the white supremacist racism that originally created it.

In this context, how do defenseless people – those forced to flee the violence in their homelands with nothing other than the clothes on their backs – actually survive? *How do* they care for themselves once they arrive at the US border, having walked roughly two thousand miles over a three-month period?

Mexico's history of accepting refugees is well known throughout the hemisphere. In the course of the 20th century, the country welcomed thousands of refugees and asylum seekers, among them, Russian anarchists and others from the Russian Revolution, refugees from the Spanish Civil War, Jews fleeing Nazi persecution during WWII, blacklisted American Hollywood celebrities and others accused of communism during the 1950s McCarthy era in the United States; and hundreds fleeing US-backed dictatorships and “dirty wars” throughout Latin America during the 1960s and '70s, and into the 1980s.... It is true that Mexico hasn't abandoned its support of those who seek refuge, since January of 2019, when it signed the US-Mexico agreement in support of the Migrant Protection Protocols (MPP). However, there is no doubt that MPP, also known as the “Return to Mexico” program, has significantly (re)shaped Mexico's decision to pursue its own public and security concerns in its own migration processes.



Asylum seekers arriving from Central America at the Benito Juarez makeshift refugee camp, Tijuana, Mexico (2020). (Photo: Margarito Diaz)

As Ariel Ruiz Soto argues,

“[W]hile the López Obrador administration’s initial focus upon taking office was on creating legal pathways to facilitate orderly migration, U.S. pressure to meet the terms of the agreement prompted an abrupt shift to an enforcement-first approach.”⁴²

Still, regardless of Mexico’s underlying motivations, the result has been the continued growth of a pattern of neglect and abuse of people on the border who are clearly in need, not only by U.S. authorities but also by Mexican officials who are disregarding both current international and domestic laws.

Despite this grim context, “Zooming in” on the daily struggles for survival at the border highlights and provides an entirely different perspective on the border region. This is true whether one is referring to the experiences of asylum-seeking families languishing in tent cities on the Mexican side, or of recently deported immigrants, most of whom are Latinxs, and also include mothers of US citizens, veterans, DREAMers, etc.

The following narrative overview by activists, NGO representatives, volunteers, journalists, lawyers and researchers describes the work of their respective organizations with refugees and deportees in what is today, by all accounts, an “occupied military zone” in the Mexicali/Tijuana/San Diego border region. Their work has been made more difficult as a result of the habitually-cruel and constantly-changing policies of the Trump Administration, today exacerbated by the entirely-inadequate responses to COVID-19 by both the US and the Mexican governments.

2. VOICES OF UNSUNG HEROES ON THE US-MEXICO BORDER

When the US government suspended the processing of all asylum seekers in the MPP program, ostensibly due to the pandemic, it did so without replacing the processing with any other means of addressing the existential limbo that the suspension invariably created for those waiting to have their cases heard.

The consequences of the seemingly-impromptu suspension, as Tania Garcia, Coordinator of the Legal Clinic of Espacio Migrante, a non-profit organization in Tijuana, explained, is that *“Families already in MPP have to wait indefinitely; they’ve been abandoned by the United States and by Mexico, because there are no programs to apply to, for help. This has impacted all of them; these communities have very special needs.”*

Thus, local organizations such as *Espacio Migrante* have had to step in, *“to create a safe and exclusive space for migrant community but especially, for young people, children and families to receive humanitarian and dignified care.”* Garcia went on to explain that because of the closure of the border and the suspension of asylum seeker processing, non-profit organizations such as hers have had to *“completely restructure the work that we usually do and find a new way to try to help them.”*

Among several new challenges that Espacio Migrante and other organizations are forced to confront is the fact that asylum seekers have been left with no way of supporting themselves, no food, or shelter. Moreover, with no end in sight to the asylum seekers’ waiting period, the impact on mental health among the asylum seekers has been profound. As Garcia pointed out, *“not many organizations in Tijuana can provide these services.”* Working through the International Organization of Migrants (IOM), Espacio Migrante has joined other nonprofits such as *Al Otro Lado* and *Haitians Bridge Alliance* to create the Migrant Community Support organization to help provide migrants with shelter, and has *“electronic cards to give them so they can go to supermarkets to buy food.”*

Like *Espacio Migrante*, other organizations along the border have also had to shift their work to address the new legal, social and educational realities in which migrants and asylum seekers on the US-Mexico border now live, as a result of the MPP and its subsequent postponement. Coming to terms with the changes in their daily lives has also been made worse by the impact of the pandemic. Describing the work of *Border Kindness*, a non-profit organization in Mexicali, Carolina Cortez explained, *“We provide legal services ... pairing migrants with lawyers of other organizations and providing transportation to the migrants*

so they can get to their lawyers. That’s what we were doing before COVID-19.... Now we’re the middleman between the migrant community and the migration court, trying to make sure they get the correct information of when their next court date is.” This is particularly important, for US officials on the border have not been able to find adequate ways of informing migrants of essential information about their cases. As Cortez noted, *“a lot of the time asylum seekers don’t have any way to get that information unless they come to our office to get it.”*

The lives of children and adolescents on the Border have also been seriously affected by delays in the US asylum processing. Caught unawares in the now-endless wait period created by the pandemic, migrant parents are trying to find the means to provide education for their children, some of whom have already been out of school for over a year, due to the journey from their homelands as well as the pandemic. Because of online learning, the organizations *“have to have internet or a cell or smart phone, or computer tablet for kids to work with.”* Again, and in the absence of government support, it is non-profit organizations such as *Espacio Migrante* in Tijuana and *Border Kindness* in Mexicali, that have stepped in to figure out how to provide migrant students with wifi and computers in spaces protected from the pandemic, where they can safely be tutored in the new technologies. Students are also being tutored in basic computer skills, English, virtual technology through these non-profit organizations, in an effort to make up for the education they’ve missed. As Carolina Cortez, who directs the Children’s Empowerment Center for *Border Kindness*, explained, *“this is a way to improve themselves and their future and also an opportunity for them to find their own interests, passions, their own set of interests, despite the very challenging situation that they’re in.... Because of their journey from their home country to the border, a lot of the kids haven’t had formal education for a year or year and a half.”*

Asylum seekers and migrants are not the only group of people in need of support on the border. Instead, they coexist with other displaced groups – including people who have been deported, rightfully or otherwise by the US government, and have nowhere to go. Once again, the lack of support from the U.S. government is blatant and shocking – particularly in the case of those whose deportations ultimately deeply affect both US citizens and this country’s traditional values.

Among those struggling to survive are US veterans who have been deported to Mexico, with little regard for the PTSD and other problems they may have as a result of their service to the United States. The story of Hector Barajas, a US Army veteran who was deported to Mexico is a case in point. Born in Mexico and raised in L.A., he became a lawful permanent resident in 1992, enlisting in the US army in 1995. In the course of his military career he achieved the rank of specialist, served in the 82nd Airborne Division, and earned numerous accolades and awards, including the Army Commendation Medal and the Humanitarian Service Medal. But after being honorably discharged in 2001, he ended up being deported to Mexico, following a re-entry period into civilian life made more difficult by PTSD. As Barajas explained,

“in the military, I was never offered citizenship nor told how to do it. One of the things I tell people – even when there is a process to get citizenship, there is no program. They say they don’t hold people’s hands. But they do hold them to teach people how to hold a gun. So why not hold your hand to make sure you get this [citizenship]... They don’t take care of you. Unfortunately, through lots of things I ended up being homeless, strung out for a couple of months, suicidal – all the ups and downs of being a deportee.”

Living as a deportee in Tijuana for roughly two decades, Barajas devoted his life to helping other deported military veterans. He founded the Deported Veterans Support House, originally turning his home in Tijuana into a shelter. Eventually the organization has grown and expanded overseas. He described it as having turned into “a resource center,” providing shelter, food, clothes, and connecting veterans with job placements at call centers; and providing legal assistance, as well as psychological support services – from yoga to peer to counseling. They also organize community events to observe all the US holidays at the border. And they take care of funeral details when people pass on the Mexican side of border. In this respect Barajas noted *“it is morally wrong [that] we do take bodies across if they can get full military honor –if they were honorably discharged, they get honored by the United States”* – a country they once served, that nevertheless had expelled them forcing them to live abroad, often far from their respective families and

homes. Barajas’ organization is currently working on providing legal assistance for eligible deported vets who are seeking to get naturalized as US citizens. It has also helped deported vets with their requests for pardons as well as with their VA benefits. In 2018, Barajas himself received a pardon from the Governor of California, and he has since become a US citizen and returned to live with his family in the United States.

A similar struggle to that of the veterans is also experienced by deported mothers of DREAMers and US citizens. Having been deported 10 years ago, and forced as a result to leave her dreamer daughter and US citizen son in the United States, Yolanda Varona created *Dreamer Moms* in Tijuana – an organization to support deported mothers like herself, who have been forcefully separated from their children. While the ultimate goal of this organization is family reunification, Dreamer Moms is supporting some of the women’s legal struggles to win custody battles for their children as well as applications for U-Visas, which would provide them with permanent residence in the United States. The organization also provide mental health support to help *“the mothers deal with the desperation of not knowing how our children are, what’s happening to them, and if they’re taking care of themselves....”* Varona noted that it was this very despair and desperation, that two months ago *“led a mother to cross the border to look for her children because she hadn’t heard from them. She never reached her destination. We don’t know where she is, if she’s alive, if she died.”*

Awareness of the number of people crossing the desert, whether to reunite with their families or in a desperate effort to reach safety on the US border, far from the terrifying violence that originally forced migrants to flee their respective homelands, has led to the creation of volunteer organizations committed to leave water supplies in the desert for all those in need. One such organization, *Border Angels*, has been doing this work for 25 years, and is currently led by a lawyer and DACA recipient, Dulce Garcia. She describes the mission of *Border Angels* as *“based on an active kind of love. The water drop is our signature program and aims to reduce the amount of deaths of people crossing in the San Diego desert. The reason we have to do this work,”* Garcia goes on to explain, *is because of the inhumane policies –*

which are not unique to this Administration; but because of this President [Trump] we've had more difficulty to do the water drops." This is due to increased harassment from the Border Patrol officers who have been emboldened to harass the volunteers to such an extent, Garcia notes, that "for the first time, we've had to assemble a legal team in case one of us get arrested for dropping water."

While the Border Patrol recorded 243 confirmed

items include diapers, little shoes and other supplies, which suggest that it is no longer single males but rather entire families who are being forced to cross the desert. Recently, Garcia said, "Border Angels has begun a 'Green Card for Kids program,' providing legal assistance to children in custody of Riverside County in California, who may perhaps be eligible for the Special Immigrant Juvenile Status (SIJS) due to having suffered abuse, neglect or abandonment from one or both parents. This allows



Water Station volunteers servicing water station in the Imperial County, California in 2019. (Photo: Pedro Rios)

deaths in 2018, Garcia emphasizes that "so many more people go missing and are unaccounted for, or not logged in or recorded as migrants crossing the desert, as death from the desert. One example is the mother from the Dreamer Mom's organization who has not been accounted for, since her departure."

In addition to the water drops, *Border Angels* also "provides support to family members who had people who have passed away in the desert." As Garcia noted, unlike the past, today "items found in the desert are a direct result of the dismantling of the asylum process." These

them to apply for legal permanent residence and eventually citizenship."

Finally, *Border Angels* also supports over 13 shelters in Tijuana, providing direct monetary assistance to them. It also provides legal support for migrants, and this year has posted bonds for 56 African asylum seekers arriving from Mauritania, Cameroon and other African countries. In so doing, *Border Angels* are contributing to ensure that the asylum seekers who have suffered trauma at home and have arrived in the United States after a long and harrowing voyage do not contract COVID-19 in US detention centers.

As Dulce Garcia explained, “*One gentleman from Cameroon arrived on the US border from Brazil, having suffered third degree burns, witnessed his family die, and traveled through 13 countries. Upon his arrival, the United States put him in a detention center for six months, requiring a \$10,000 bond payment for his release. Recently, ICE has inexplicably shut down the bond program,*” hence forcing asylum seekers being held in detention centers to remain there, and putting them at risk of contracting the disease.

3. CONCLUSION AND RECOMMENDATIONS

As the date of the nation’s presidential elections nears, and “the citizens” prepare to make their belonging manifest by voting, the “national community” becomes increasingly visible, apparent, defined. In the process, inadvertently or otherwise, the election serves to make visible the extent to which non-citizens – those who cannot vote – are excluded from representation and full participation in the US public sphere. Thus, regardless of their daily contributions to the national community, particularly during this pandemic, non-citizens are *not* full members of the community – they do not fully belong to US society.

In this context, it is particularly important to recognize that all the people on this panel are non-citizens – with the exception of Hector Barajas, the deported US vet who was eventually pardoned and became a US citizen two years ago. Their commitment and participation represents all those who, like them, are single-handedly upholding the values of this nation and expressing their sense of belonging to the national community (i.e. their citizenship) at the US border – despite the actions, or inaction, of the US government.

While a few organizations may benefit from some funds to support their work in the San Diego/Tijuana/Mexicali region, the state neglects its responsibility to care for and protect those who seek assistance. It also creates unnecessary suffering, particularly among mothers of US citizens as well as veterans of the US armed forces, who have been deported from the United States and are struggling to find ways of crossing the border once again in order to reunite with their families.

The work of the individuals and organizations, like their commitment, deserves to be acknowledged and provided full recognition and support by the US government and society.

There are multiple issues that these organizations seek to address, despite the fact that their actions and the work they are doing is in many respects, clearly the purview of the US government. As non-profit organizations, minimally, they deserve full federal support and assistance to help those migrants to survive the crossing of the desert; to ensure the safety of all those who seek refuge at the border; to help reunite mothers and children separated by deportation; to express the national community’s gratitude to US veterans both by helping the vets with PTSD, and by rescinding their deportation orders. In so doing, the US will show both US citizens and the international community that it once again acknowledges the right of all individuals to have rights, and that as a country, the US continues to value, protect and ensure human dignity to all, regardless of citizenship.

*Suzanne Oboler
John Jay College of Criminal Justice
City University of New York
New York, NY*

NOTES

^x Josh Boak and Eric Planin. \$10,000 to Nab One Illegal: Annual Cost--\$18 B. *The Fiscal Times*. January 10, 2013. <https://www.thefiscaltimes.com/Articles/2013/01/10/10000-to-Nab-One-Illegal-Annual-Cost-18-B>

^{xi} Quoted from Gloria E. Anzaldúa, [*Borderlands/La Frontera: The New Mestiza*](#) 3rd ed. San Francisco: Aunt Lute, 2007.

^{xii} Ariel G. Ruiz Soto. One year after the U.S. – Mexico Agreement: Reshaping Mexico’s Migration Policies. Migration Policy Institute. <https://www.migrationpolicy.org/research/one-year-us-mexico-agreement>

Resistance of the Working Class on the Border El Paso/ Ciudad Juarez

PANELISTS

Hilda Villegas- Familias Unidas del Chamizal

Rosemary Rojas- Border Agricultural Workers Project

Susana Prieto Terrazas- Labor Attorney, Tamaulipas, Mexico

Fernando Garcia- Border Network For Human Rights

MODERATOR

Carlos Marentes,

Border Agricultural Network, Founder and Executive Director,

Sin Fronteras Organizing Project

El Paso, Texas

We are in El Paso, Texas, a few meters from Ciudad Juárez, Chihuahua. We may be divided by a river but we have a very deep relationship. Our [labor] movement is, actually, on both sides of the river.

--Carlos Marentes, Border Agricultural Network, El Paso, Texas

Chihuahua sells itself as a “Paradise without unions”! To speak of work... in the free trade zone between the Mexico and the United States... is to speak of a war zone. Workers and social activists alike are in the middle of two fires . . . both the United States [and Mexico] work continuously to keep Mexican labor in a constant state of precarity which in these times is unsustainable.

--Susana Prieto Terrazas, Labor Attorney, Ciudad Juárez, Chihuahua

Agricultural work in the [El Paso] region has become the perfect environment for contagion [COVID19] and for the loss of life of our compañeros [and compañeras], who have children and families who depend on them. They are transported in dilapidated vans with other workers and with no consideration for safety standards, distancing or any safety protection. . . They are terrified to go to the fields, but as heads of households and as single mothers, they have no choice.

--Rosemary Rojas, Border Agricultural Workers Project, El Paso, Texas

Introduction:

The cities of El Paso, Texas and Ciudad Juárez, Chihuahua sit at the midpoint of the U.S.-Mexico border, and across from each other along the Rio Grande/Rio Bravo River. In truth this is a tri-state region: the state of New Mexico straddles the state borders of both south west Texas and north west Chihuahua. The area's perceived geographical marginalization belies the centrality of the region to the manufacturing and agricultural sectors for the U.S. and the Mexican economies. Not surprisingly, the dynamism and enormous profitability of this

transnational and indeed global economy rests, in large part, on the shoulders of migrant and immigrant laborers from the interior of Mexico, Central America and beyond.

Yet, labor on both sides of the border remains a devalued and highly exploited commodity. We were appalled to learn that, despite decades of struggle by organized labor and some gains, conditions for working-class blue collar and migrant farmworkers remain deplorable. This was true for both the factories in Ciudad Juárez that sustain the auto, electronic, textile, and pharmaceutical industries, or in the fields of the El Paso Lower Valley and southern New Mexico that produce 2/3 of the U.S. chile agribusiness.

The outbreak of COVID19 has only heightened the precarious and unsustainable conditions under which these workers, simultaneously valued and debased as “Essential Workers,” labor. They have been forced to continue working in close proximity on the assembly line in the maquiladoras. They are crammed into vans on the way to the fields from recruitment centers in El Paso. In many cases, they lack needed protections and sanitary conditions, not to mention access to federal programs designed to alleviate the crisis.



The Border Agricultural Workers Project Center in El Paso, TX. (Photo: The Border Agricultural Workers Project)

Workers in this border zone are all effectively mistreated by the overlapping interests of elite and privileged actors in United States and Mexico. This situation extends to those living and working in Mexico, or the in U.S. It affects citizens, documented and undocumented immigrants, and those displaced from ancestral lands, fleeing from violence, or seeking better future for their children. On both sides of the border, workers toil in service to a voracious capitalism

that is enabled by government and the state at all levels, and that operates within deeply rooted systems of racial and gendered inequity and violence.

Over and over, our panelists demonstrated that women, indigenous women in particular, bear the brunt of these structural inequities that characterize a transnational, patriarchal and racial capitalist state system. At the same time, we were repeatedly reminded of the *enduring and proud legacy of Latin American and Latina women's leadership* in organizing to defend the rights of their communities.

No matter how daunting the constraints, the women of *Mujer Obrera, Familias Unidas de Chamizal, the Borders Agricultural Worker Project and Movimiento 20/32* all are clearly continuing the long fought struggle for dignity and for justice on both sides of the border.

The following is a testament to their powerful interventions into the uneven playing field that characterizes the El Paso-Ciudad Juárez border region, be it the exploitation of labor, the injustice of environmental contamination by the manufacturing and agricultural sectors, the discriminatory educational system, the disproportionate burden placed on women. All these conditions are further exacerbated by the disparate impact of COVID19 on essential workers and marginalized communities from and on both sides of the border.

The Feminization of Labor/The Devaluation of Female Labor

It is very important to understand the conditions affecting women: the savage appropriation of their labor, the violence against women, the racism, the forcing of women into submission, the suppression of their voices, their objectification as disposable and sexual commodities. We now have the added effects of COVID19, effectively reminding us of the perverse nature of patriarchal capitalism.

--Rosemary Rojas, Border Agricultural Workers Project, El Paso, Texas

Since the introduction of the Mexican Border Industrialization Program (BIP)⁴³ in 1965, women have constituted a highly-exploited source for American, and foreign-owned and operated assembly plants or “maquiladoras” in the Mexican cities along the border. Young women, primarily migrants from the poorest and largely indigenous sectors of interior and southern Mexico and from Central America, were actively sought out as what employers considered to be a “docile” and “submissive” labor force. The increasing recruitment of men from similar backgrounds alongside women since the 1990s, if not before, demonstrates the growing incorporation of labor into the “global assembly line,” while at the same time further highlighting the particular

vulnerabilities of women within the international division of labor. This division has come to dominate global manufacturing sector since the ascendancy of trade liberalization and multinational trade agreements in the 1990s. As of January 2020, Ciudad Juárez was host to approximately 367 factories, almost all of which are foreign owned, and employ more than 300,000 workers.⁴⁴

Some sixty years after the establishment of the BIP, and 40 years after the signing of the North American Free Trade Agreement (NAFTA), maquiladora workers continue to be severely under paid. According to labor attorney, Susana Prieto:

Workers earn 180 pesos, less than \$9 per day for 10, sometimes up to 13-hour shifts, if you count the time spent traveling back and forth between the maquilas and their homes.⁴⁵ After taxes, social security and loan payments for housing (FONAPID) and furniture (FONACOT), they are left with a mere 40 pesos (less than \$2) for weekly expenses. Women earn less even when working for more hours than men.

As Rosemary Rojas of the Border Agricultural Workers Project explained:

In the United States, Latinas earn 54 cents of every dollar earned by White men, and immigrant women, only 36 cents. In Mexico, women earn less than 30% of male workers, and along the border in the US agricultural sector, women receive \$20 for a 12-hour shift, whereas men earn \$50-60 for a six to eight hour shift.

Also according to Rosemary Rojas of the Border Agricultural Workers Project:

In the United States, Latinas earn 54 cents of every dollar earned by White men, and immigrant women, only 36 cents. In Mexico, women earn less than 30% of male workers, and along the border in the US agricultural sector, women receive \$20-30 for a 12-hour shift, whereas men earn \$50-60 for a six to eight hour shift.

The exploitation of female labor and wage theft is intimately mixed with verbal and sexual harassment, violence and rape. The spike of “femicides” --brutal

rapes and murders of women working in the maquiladora sector in the mid 1990s-- while never having abated, appears to be on the rise again.⁴⁶ Women continue to be vulnerable to rape, disappearance and murder, be they working in the factories or the fields, and whether crossing the international bridge or railroad tracks in the dark of night or in the early morning to and from work.⁴⁷ Terrified, as single mothers and heads of household, they nonetheless have no choice but to take these risks.

They are, as Rojas puts it, the “glue that keeps family and community together,” and so must work where and when they can.



Rosemary Rojas speaking to a worker during the Onion harvest.
(Photo: The Border Agricultural Workers Project)



Movimiento Obrero Matamorens 20/32/Matomoros Labor Movement 20/32. (Photo: Movimiento Obrero Matamorens 20/32, Facebook)

Women at the Forefront of a New Independent Labor Movement

In Mexico, labor activists working to address these unacceptable conditions are also particularly vulnerable targets of state repression and violence. The 2019 arrest and detention of labor attorney, Susana Prieto Terrazas, as Carlos Marentes put it, “Shows us what can happen to those who organize to challenge these conditions.” Labor attorney Prieto put it thus, “Chihuahua sells itself as a paradise without unions.” Rather than serving as independent associations, Mexican unions, or what many disparage as *sindicatos blancos* (employer-led unions)—namely, the Confederation of Mexican Workers (CTM), the Revolutionary Confederation of Workers and Farmworkers (CROC), and the Regional

Confederation of Mexican Workers (CROM)—act, to use Prieto’s words, “as the right hand of corporate departments of human resources and in service to foreign owned companies.” Caught among the forces of a “voracious capitalism,” corrupt unions and politicians, workers are kept in a constant state of precarity and unsustainability.

Led largely by a group of women,⁴⁸ in 2019 workers in the maquiladora industry in Matamoros went on strike demanding a 20 percent pay hike and an annual bonus of 32,000 pesos (or \$1,578 USD).⁴⁹ Without official union support, but empowered by the election of the left-wing party PRD’s presidential candidate, Andrés Manuel López Obrador (AMLO), 70,000 workers led took to the streets signaling their hopes of forming new unions independent of their employers and the state.⁵⁰ After the strikers successfully pressured

The Day Laborers, Industrial Workers, and Maquila Industries Union (SJOIIM) to enter negotiations, 48 factories that they represented met the 20/32 movement's demands. The strikers' success led more plants to launch their own strikes and workers in cities across the border from Reynosa to Tijuana also began to contemplate their own actions.⁵¹

Panelist Susana Prieto was accused by the US government of leading the charge that resulted in strikes at 48 export-oriented maquiladoras, and 20% pay increases together with a \$1,650 bonus for 30,000 workers.

She was targeted for her role in having incited "riots" through illegal and coercive means.⁵² When she later supported thousands of workers who demanded to be sent home with sick leave pay after the pandemic struck earlier this year, attacks against her intensified, and she was detained in Matamoros in June 2020. While she had been released at the time of our meeting, she was forbidden from traveling outside the state of Chihuahua, and was awaiting the court's decision regarding her fate. In the interim, her case has spawned mass mobilizations in Mexico to demand her freedom. U.S. Representative Chuy Garcia, along with another 107 US congressional members, sent a letter to the Mexican President López Obrador stating the following:

We urge you to ensure that all Mexican states comply with the labor obligations in the USMCA [US-Mexico-Canada Agreement], and to ensure that the politically-motivated charges against Prieto and the arrest warrants against her in Chihuahua and Tamaulipas are dropped and that the rights-violating conditions of her release suspended.⁵³

Chile Industry, El Paso–New Mexico Region: COVID19's Essential Workers Underpaid and Unprotected

In the case of the agricultural industry on the U.S. side of the border, we were equally troubled to learn that once again there is little oversight of the

UFW's hard won regulations in the agricultural sector in this part of the country.⁵⁴ The pandemic has only exacerbated the costs of unacceptable working conditions of the people who are on the frontlines of feeding our nation.

The chile peppers industry represents the largest agricultural employer in the El Paso area. It is estimated that of the 12,000 agricultural workers there are 5,000 chile pickers, almost a quarter of whom are single mothers, heads of their households, who work the entire day and return home to care for the needs of their children. Latino and Mexican workers are recruited in El Paso and travel or are bussed to

southern New Mexico or the El Paso Lower Valley where they work for up to twelve hours a day, each individual picker only earning a minimum wage if and when they can pick and unload about forty pounds of product in an hour, per hour. The labor of these pickers alone constitutes about 2/3 of the chile production in the U.S. According to the Border Agricultural Workers Project (BAWP), an organization based in El Paso, the immense and growing popularity of chile related projects has benefited only a handful of corporations and chile growers, such as Franzoy, Anderson, Killer, Hackey, and Carson. As poignantly phrased in the title of a 2013 article in *The Atlantic*, "Actually, Salsa Dethroned Ketchup 20 Years ago."⁵⁵

While the industry has profited and prospered, conditions for the pickers have remained stagnant or, as is more often the case, worsened. With increased reliance on and application of chemicals meant to intensify production, skin diseases run rampant among both the pickers and their families.

Lack of educational infrastructure means the median education level is less than sixth grade. At home, for the pickers who are not homeless, there is often no access to in-home drinking water or electricity.⁵⁶ Ultimately, the lack of any public infrastructure, the fear of losing jobs or being deported, and the lack of access to even a modicum of healthcare means agricultural workers are subject to exploitative labor practices, exploitative wages, toxic working conditions, and greatly decreased average life expectancies. The severity of these conditions cannot be understated.

This situation is particularly heartbreaking given the powerful organizing around grape boycotts in the 1970s and 1980s precisely over the poisoning of grape pickers with chemical sprays.⁵⁷

BAWP continues the struggle to improve the living and working conditions of agricultural workers and their families. Where there is an absolute absence of state support, they labor to fulfill these basic needs. As stated on their website, “the purpose of this project is to promote and protect the civil human rights of both documented and undocumented agricultural workers.”⁵⁸ This means working with farmers, indigenous peoples, and activist groups on both sides of the U.S.-Mexico border.

Since the outbreak of the COVID19 pandemic, the already inadequate and inhumane conditions have taken on new proportions – *workers are transported in dilapidated vans to the fields with no consideration for safety standards, social distancing, access to hand-washing stations or clean portable toilets.* These working conditions, both prior to and during the epidemic, are a blatant violation of field sanitation standards on the books, for which there is no monitoring or enforcement.

As Rosemary Rojas attests,

Agricultural work in the region has become the perfect environment for contagion and for the loss of life of our compañeros [and compañeras] who have children and families who depend on them. They are excluded from the federal programs designed to alleviate the crisis . . . , can't receive

emergency services like food banks and testing because those are all drive through operations and most of [these workers] do not have transportation.

Rojas, spoke to us with particular urgency about the specific circumstances female farmworkers face:

It is very important to understand the conditions affecting women: the savage appropriation of their labor, the violence against women, the racism, the forcing of women into submission, the suppression of their voices, their objectification as disposable and sexual commodities. We now have the added effects of COVID19, effectively reminding us of the perverse nature of patriarchal capitalism.⁵⁹

The pandemic has, itself, led to an increase in domestic violence cases. The Border Agricultural Workers have, therefore, intensified their effort to organize women. Rojas acknowledges, however, that in these circumstances, workers are in survival mode: *“First they must survive the pandemic with their families intact [before they can] resist the repression, and press for the rights to be protected and to end the exclusion of which they have been subjected.”*

El Chamizal, El Paso: Women fighting for Community and Dignity before, during and after COVID19

We are very hidden in El Paso. We are not recognized as citizens or residents.

Hilda Villegas, Familias Unidas de Chamizal and La Mujer Obrera

The El Paso neighborhood of El Chamizal straddles the U.S. Mexico border, and has long served as a dumping ground for industries from both sides of the border. In the U.S., immigrants settle in El Chamizal because it is cheaper and closer to their families in Mexico. As Villegas puts, *“We are the same families,”* who happen to be separated by a river and an international border. One of the most isolated and poorest areas in El Paso, they have long faced extreme social marginalization, alongside the aggravated effects of environmental racism with elevated instances of asthma, diabetes and depression.

As Hilda Villegas of La Mujer Obrera puts it:

The leaders of this city have used systemic racism and a racist bureaucratic structure to control public resources. They take advantage of our not knowing how to speak English. They have closed two important neighborhood-based schools and shipped our children off to school areas, unfamiliar to us.

Now with the pandemic, we are living with the added trauma that we cannot help our children who have been placed in a discriminatory and alien educational system. We have been put in an intolerable position and made to feel powerless to

help our children. Parents in more stable economic conditions can assert, “I have rights and I will take my children out of school.” Others with less means cry, “I don’t have any alternative but to take my children out of school because they’re mistreating them, and I can’t to help them.” Yet those making the decisions for us, are not aware of these enormous disparities. They make us feel powerless.

The number of what have been dubbed “virtual dropouts”--students who have discontinued online education--has steadily increased since the pandemic began. This has been the case particularly for children in the barrio. As Villegas argues, parents and children of the barrio have been left in a kind of information and structural support desert. English Language Learners and Special Needs students are particularly prone to dropping out. What is more, lack of awareness about these structural conditions leaves room to falsely blame those parents, particularly mothers, who lack the resources, the time (due to excessive working hours as frontline essential workers in many cases),

and/or who suffer from the aforementioned illnesses associated with environmentally-toxic zones such as asthma, diabetes, high blood pressure.⁶⁰

Familias Unidas de Chamizal, a project of *Mujer Obrera*,⁶¹ is on the frontlines fighting the uneven effects of COVID19 in the shift to on-line schooling on children and their families. This marks a continuation of their ongoing struggle with the El Paso Independent School District’s (EPISD) discriminatory practices. Prior to the epidemic, the EPISD, had already closed two of the schools used by Chamizal residents, Bell and Burleson elementary schools, due to “under-enrollment.” The families contested those closings then, and are now fighting to have those facilities reopened as Safe Centers for on-line classes (SOCL), as stated on the group’s Facebook page:

[SOCL is] a pilot project based on expert research from scientists, educators and parents. This proposal is designed for those left behind and aims to secure the safety



Familias Unidas del Chamizal Protest, El Paso Texas. (Photo Credit: Familias Unidas del Chamizal. Facebook.)

protocols, resources, staff and the spacing for our children. We are advocating that EPISD form an implementation committee of parents, public health professionals, and educators to help implement adequate virtual learning for underserved students and the long-term recovery plan.⁶²

Familias Unidas de Chamizal, nonetheless, insist on affirming their right and capacity to participate in reshaping a system that excludes them. As Villegas put it,

We have contributed so much to the growth of this city through our work in the factories. And yet our neighborhoods are in these [deplorable] conditions. So, we've decided that these are our spaces that we have earned with our sweat and by the work of our own hands . . . [a]nd that our children deserve a better future.

As such, Villegas and her group seek to sustain and further empower a “*comunidad digna*”—a community whose dignity and capacity to thrive is not constantly under threat of violence or inherently undermined by centuries old, xenophobic structures and laws—but one that longs to keep and recapture their knowledge of working the land, to have access to the resources to educate and raise their children in a healthy climate and, for finally and possibly the first time, a secure future.

Racial Violence and White Supremacy at the Border

Many people in the United States don't know about El Paso. Actually, many people discovered El Paso a year ago when this white supremacist went into a Walmart and started to shoot people, killing 23 persons.

--Carlos Marentes, Executive Director,
Border Agricultural Network

If Ciudad Juárez entered mainstream media in the United States through violence against women, then, as Carlos Marentes laments, El Paso was “discovered” by national media through white supremacist violence directed at Latinos. Indeed, the Trump

administration's demonization of Latino immigrants as “bad hombres” along with his aggressive 2016 campaign promise to “Build that Wall!” emboldened non-state actors to “take border matters into their own hands” and to stop the so-called “Hispanic invasion of Texas.” On August 3rd, 2019, a 21-year-old white man armed with a rifle traveled nearly 600 miles from his hometown of Allen, Texas--a northern suburb of Dallas--to the border town of El Paso, to a Walmart, patronized by a largely Latino and Mexican clientele, where he opened fire, killing 23 people and injuring as many more. The shooting occurred a day after Texas governor, Greg Abbott, disseminated a mailer urging Texans to take matters regarding the border into their own hands.⁶³

The mass murder in El Paso, Texas by yet another young white male shooter stands as a material and tragic point of fact regarding the exact kind of sense actively developing out of the Trump administration's entire narrative around the Latino community, as well as the administration's ongoing response to conditions at the U.S.-Mexico border. Merely two days after the August, 2019 mass shooting in El Paso, locals learned of a manifesto--likely to be, but at the time not yet proven to be, connected to the shooter--expressing explicit white-supremacist ideology. The manifesto specifically refers to the attack and justifies it as a necessary response to what its author calls “the Hispanic invasion of Texas.”⁶⁴

Such racial tensions, of course, do not begin with the Trump administration, but are foundational to the region. The entanglement between whiteness, Americanness, and citizenship at the border has deep roots in the violent annexation of Mexican territory between 1836 and 1848, what is today, the American Southwest. Anglo-American colonization of the region was marked by racial violence, the expropriation of private property, and the subordination of a whole class of Mexicans despite their newly granted American citizenship. El Paso, a gateway for Mexicans fleeing the Mexican Revolution between 1910 and 1920, became a particularly charged site for the continuing racial formation of the American Southwest. While officially recognized as “white” in the U.S. census, this racial designation was always ambiguously applied to people of Mexican origin in the U.S.⁶⁵ In a country where the color of a person's skin is the as marker

of racial difference, Mexican-Americans, Hispanics, Latinos are too often treated as de facto, if not de jure, second class citizens, and seen as “foreigners in their own land.”⁶⁶

This historical structural and discursive ambivalence toward the racial and citizenship status of Latinos in the United States continues to frame contemporary politics in the U.S, particularly as regards the border and border residents. Just as the blatant expressions of white supremacy behind Trump’s rise to power and his presidency are undergirded by the foundational violence of slavery and the seething afterlife of the American Civil War, so too are the conspiracy theories regarding the role of millions of “illegal” voters in “stealing” the election from Trump undergirded by the foundational violence of manifest destiny and settler colonialism. It is within and against these conditions that the presenters in this panel from *Mujer Obrera*, *Familias Unidas de Chamizal*, and the *Borders Agricultural Worker Project* continue their valiant work to uplift their communities.⁶⁷

Elana Zilberg,
University of California, San Diego

Joseph Moreno,
University of California, San Diego

¹ The Border Industrial Program (BIP) was initiated by the Mexican government in 1965, partly in response to the loss of jobs in the agricultural sector and the end of the Bracero program with the United States. However, at least in its inception, BIP actually depended primarily on young female laborers from the interior of Mexico resulting in what has come to be known as the increasing “feminization” of labor in these export-oriented factories.

BIP included the Maquiladora (Export Processing Plant) Program, encouraged foreign investment (at the time, primarily from the United States) along Mexico’s northern border. Mexico drew foreign investors through a series of incentives including lowering restrictions and duties on machinery, equipment and raw materials, not to mention low wages and less antagonistic quasi-state controlled labor unions. The collapse of the earlier dominant Import Substitution Industrialization program in “the developing world” in the 1980s unleashed further trade liberalization policies and a rapid expansion of “maquiladoras” throughout northern Mexico, Latin America and Asia.

In Mexico, the border population grew exponentially as a result of mass migrations of people from central and southern Mexico states, who had been displaced from Mexico’s own crumbling industrial and agricultural sectors. The North American Free Trade Agreement, signed in 1994, further consolidated cities like Ciudad Juárez, as strongholds in this once-emergent, now dominant international division of labor. All indications suggest that the recently signed USMCA, the so-called “new and improved” NAFTA, will not lessen labor precarity at the border.

For an early examination of the BIP in Ciudad Juárez, see Fernández-Kelly, Patricia (1983) *For We are Sold, I and My People: Women and Industry in Mexico’s Frontier*. Albany: State University of New York Press. See also Lugo, Alejandro (2008) *Framged Lives, Assembled Parts: Culture, Capitalism and Conquest at the U.S.-Mexico Border*. Austin: University of Texas Press.

² Mena Martínez, Alfredo, “Llegaron a la ciudad 36 maquiladoras,” *El Heraldo de Juárez*, 18 de Enero de 2020, <https://www.elheraldo-dejuarez.com.mx/local/llegaron-a-la-ciudad-36-maquiladoras-noticias-ciudad-juarez-4715891.html> (Accessed October 17, 2020)

³ According to Susana Prieto, the maquiladoras’ preference for female labor has led to the decomposition of the social fabric with sons and daughters growing up in the streets without oversight.

⁴ see CEDIMAC and Robert F. Kennedy Human Rights 9th Report, 2018

⁵ Montes, Aaron “Protest of violence against women continues Monday in Juarez.” *El Paso Times* March 9, 2020. <https://www.elpasotimes.com/picture-gallery/news/2020/03/09/mexico-femicide-protest-demanding-justice-isabel-cabanillas-monday-juarez/5005098002/> (Last accessed October 17, 2020).

⁶ According to a striker, Sandra Alvarez Puente, “We’re working women. I say that because the movement is 80 percent women—and the leadership, too.” (See Blue, Daniel “A Labor Spring for Mexico’s Maquilas?” in NACLA, March 1, 2019

<https://nacla.org/news/2019/03/01/labor-spring-mexico%E2%80%99s-maquilas>

⁷ See Torres, Jose and Manuel Torres, “The 20/32 Movement – The End of Labor Peace in Mexico,” May | June 2019, <http://www.tribunodelpueblo.org/2019/05/the-20-32-movement-the-end-of-labor-peace-in-mexico/>. Also see De La O, Maria Eugenia and Christian Zolniski, “At the crossroads: challenges and opportunities of union organizing in the Mexico-US border,” in *Dialectical Anthropology* (2020) 44:187–204. <https://link.springer.com/article/10.1007/s10624-020-09584-4>

⁸ Blue, Daniel “A Labor Spring for Mexico’s Maquilas?” in NACLA, March 1, 2019

<https://nacla.org/news/2019/03/01/labor-spring-mexico%E2%80%99s-maquilas>

⁹ Ibid

¹⁰ “State prosecutors said Prieto is accused of threatening members of a local labor board to get them to sign off on wage increases. She is also accused of having prevented staff from entering or leaving maquiladora plants during the walkouts in 2019 and of having used coercion on maquiladora owners to get them to yield to wage increases.” <https://www.elpasotimes.com/story/news/local/juarez/2020/06/10/susana-prieto-terrazas-border-labor-lawyer-arrested-mexico/5336835002/>

¹¹ See <https://chuygarcia.house.gov/media/press-releases/rep-garc-schakowsky-and-107-members-congress-urge-mexican-president-l-pez>

¹² This is all the more troubling given the long history of struggle and important gains of the merger between the Agricultural Workers Organizing Committee (AWOC) led by organizer Larry Itliong, and the National Farm Workers Association (NFWA) led by César Chávez and Dolores Huerta, into the United Farm Workers (UFW).

¹³ *The Atlantic* <https://www.theatlantic.com/national/archive/2013/10/actually-salsa-dethroned-ketchup-20-years-ago/309844/>

¹⁴ See Border Agricultural Workers Project (BAWP) website at <http://www.farmworkers.org/bawppage.html>

¹⁵ Garcia, M. (2013). A Moveable Feast: The UFW Grape Boycott and Farm Worker Justice. *International Labor and Working-Class History*, (83), 146-153. (Retrieved January 15, 2021, from <http://www.jstor.org/stable/43302714>).

¹⁶ *Border Agricultural Workers Project* <https://www.farmworkers.org/bawpdesc.html>

¹⁷ These conditions in the agricultural sector are an expression of systemic gendered violence in the border region. For instance, since the passage of the North American Free Trade Agreement (NAFTA) in 1990s, there have been an alarming number of killings femicides (sex-based killings). These have been directed against mostly young Indigenous and impoverished women who migrate from the interior of Mexico to the border in search of work in the maquiladora industry, and the feminist activists protesting government inaction in solving these cases and stopping the violence. For a discussion of past and current conditions related to femicides in Mexico and Latin America, see Estefanía Castañeda Pérez’ recent article “Today We Protest, Tomorrow We Strike” <https://nacla.org/news/2020/03/18/mexico-paro-nacional>.

¹⁸ These concerns are documented in the “Border Families and EPUSD Official Dialogue on 2020 School Year” posted in the Familia Unidas facebook feed. See <https://www.facebook.com/BorderNetworkForHumanRights/videos/630187721222907/>

¹⁹ *Mujer Obrera* was founded by and for women in 1981 in response to the displacement of thousands of women from the garment industry. As a necessary response to both structural-systemic and discursive oppression against Mexicans and Mexican-Americans, La Mujer Obrera has developed a number of resistance workshops, companies (restaurants, fair trade crafts) daycares, and learning centers. Additionally, their programs such as Familia Unidas, Proyecto Verde, and Museo Mayachen each respectively serve to empower and support women workers in communities along the border, reinvigorate Mexican cultural traditions of environmental care, and preserve historical archives regarding decades of Mexican labor struggles. These do not yet exhaust all the work undertaken by La Mujer Obrera, work primarily designed to revive, empower and, ultimately, change the conditions for women in these communities. (See <http://www.mujoerobra.org/> for further details about the organization and its projects.)

²⁰ For a fuller discussion of these issues and programs see https://www.facebook.com/events/646160729328369/?active_tab=discussion

²¹ In typical fashion, Abbott later commented on the matter with a passive voice, stating that “mistakes were made.” Also in typical form, and key to all of the issues at hand, Abbott summarized the mass murder as a “senseless and hateful act.” See Julián Aguilar, “Who should prosecute the El Paso Walmart shooting suspect? A year after the massacre, local and federal prosecutors still face hard decisions,” *Texas Tribune*, July 31, 2020. <https://www.texastribune.org/2020/07/31/el-paso-walmart-shooting-prosecute/>

²² See “A racist manifesto and a shooter terrorize Hispanics in El Paso.” *The Texas Tribune* <https://www.texastribune.org/2019/08/05/hispanics-terrorized-after-el-paso-shooting-and-racist-manifesto/>

²³ For instance in 1936, El Paso City Registrar, Alex Powell, declared that Mexican-Americans would no longer be registered as “white,” but as “colored” in their birth and death records. See, Overmyer-Velázquez, M. (2013). Good Neighbors and White Mexicans: Constructing Race and Nation on the Mexico-U.S. Border. *Journal of American Ethnic History*, 33(1), 5-34. doi:10.5406/jamerethnhist.33.1.0005

²⁴ See Belton and Fritz (2013) “Foreigners in Their Own Land,” *Latino Americans*. Public Broadcast Corporation (<https://www.pbs.org/video/latino-americans-episode-1-foreigners-their-own-land/>)

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The Deadly Impact of the Southern Border Wall in Borderland Communities: Responses and Proposals for Dignity and Self-Determination.

PANELISTS

Daniel Watman – Binational Friendship Garden

Laiken Jordahl – Center for Biological Diversity

Norma Herrera – Grassroot Coalition to Stop Border Wall Construction

Alejandro Ortigoza – Armadillos

Ana Gloria (Martha) Rodriguez – Member of the Kumeyaay (Tipai-lpai tribe)

MODERATOR

Pedro Rios

American Friends Service Committee,

US-Mexico Border Program

The Indigenous O’odham protesters had pushed past security to a construction site on the Arizona-Mexico border, temporarily halting machines from erecting steel panels through their ancestral homeland ... They prayed, chanted and burned sage to protest the Trump’s administration’s efforts to put up a 30-foot wall through the Organ Pipe Cactus National Monuments ... Officials with the U.S. Border Patrol and the National Park Service repeatedly ordered the group to move ... But when the protesters refused, armed federal agents knocked them to the ground, yanked them apart and drew stun guns in a confrontation caught on camera.(Armus, 2020)⁶⁸

Introduction: A History of Exception and Waiving of Laws

Far more than a barrier, a promise kept, an aegis of American freedom, Trump’s “vanity project”—as Daniel Watman of *Friends of Friendship Park* describes it—further actualizes the expansion of a kind of death, disregard, and exception that has marked this administration since its beginning. Unfortunately, as discussed by multiple participants in this project who have either worked along the border or in some capacity, have kept a watchful eye upon the border over the past several decades, current actions taken at the border stand in difference in degree rather than kind, from those taken during previous administrations of Democrats and Republicans alike. Those degrees of severity, however, have continually been overlooked. No media outlet alone could keep up with such continually unfolding destruction, and it is no surprise that mainstream media has in some cases only cast a mere glance at the humanitarian crises at the border, while still others avoid it entirely.

The panelists focused attention on the impact of both the newly added border wall and upgraded border wall under the Trump administration. According to the Border Wall System on the official U.S. *Customs and Border Protections* (CBP) government website, last updated as of September 14, 2020, approximately

321 miles of 30-foot-high bollard wall, requiring approximately 478 thousand tons of steel and 689 thousand cubic yards of concrete, has been added to the 654 miles of barrier built before the Trump administration. According to news’ reports, as of August 2020, only 5 miles of primary wall have been constructed where no barriers previously existed. Regardless of how far short the Trump administration has fallen from its promise to extend the wall along the full length of the 2,000 mile border, the impact of the fortification of existing barriers and the construction of new ones has been devastating. Whether it be 200-year-old saguaro cacti that function as shelters for migratory birds and bats, protected lands and burial grounds of supposedly sovereign indigenous peoples, or unique and singular migratory pathways of already endangered animals such as ocelots, the U.S.-Mexico border wall continues to destroy, upend, and impede such arenas in significant, irreversible and, with its continued growth, novel ways.

Of course, none of this destruction could occur without the waiving of multiple laws. The ongoing research collected by Norma Herrera of the *Equal Voice Network* reveals that, at this current juncture within Trump’s project, innumerable laws have been waived⁶⁹, including and certainly not limited to the Native American Graves Protection and Repatriation Act, the National Environmental Policy Act, the Endangered Species Act, the Migratory Bird Conservation Act, the National Wildlife Refuge System Administration Act, the National Historic Preservation Act, the American Religious Freedom Act, and the Clean Water, Clean Air Act. Stating that “once again we see the CBP defying the intent of Congress,” Herrera points to both the ineptitude of Congress itself regarding matters along the border as well as CBP’s gangster-like behavior under, and as endorsed by the Trump administration. Once again, while the waiving of multiple congressional Acts for border wall construction is not new,⁷⁰ the current effort reveals an increased general disregard of official avenues and property rights.



The construction of the border and the destruction of the habitat.
Photos: Laiken Jordahl

Texas and Arizona: The Environmental Impact

Preserves, refuges, and parks in border regions within Texas and Arizona have already been and will continue to be greatly and irreversibly damaged. Field data collected by Laiken Jordhal from the *Center for Biological Diversity* reveals the tragic fallout already occurring within Arizona's Organ Pipe park, a national monument and UNESCO biosphere reserve. Jordhal's fieldwork reveals bulldozed ancient saguaros, centuries-old keystone species which stabilize the local soil, house multiple species of birds and bats, and which are religious icons to local indigenous residents. Jordahl's further research in the mountains of the Coronado National Forest, a designated habitat for jaguars, reveal dynamited pathways meant for planned border wall installment. What is more, Jordahl emphasizes that "up until this year, most of the physical Arizona border had permeable wall or fencing that wildlife was once able to pass through which is now being replaced by impermeable metal wall," thereby completely interrupting "singular migratory corridors." Already the corpses of migratory wildlife that once made their journeys without impedence--survival/migratory patterns borne of hundreds to thousands of years of adaptation and evolution--are being discovered along the new and still growing portions of impenetrable, bollard border wall.

The story of environmental destruction is none too different in Texas. According to Herrera, planned additional border wall in this area will disturb one of the most biologically rich refuges in the U.S., interfering with, among many other things, the migratory patterns of the endangered ocelot. "Known as the lower Rio Grande Valley," the *U.S. Fish and Wildlife Service* page dedicated to the area of the Rio Grande Valley closest to the border reads, "the lower four counties of Texas contain a documented 1,200 plants, 300 butterflies, and approximately 700 vertebrates, of which at least 520 are birds. It is to protect this important biodiversity that the Lower Rio Grande Valley National Wildlife Refuge was established." With the completion of the planned

border wall in the area, the preserve itself will be cut in half, with no guarantee that the public will retain access to the river. While not as well-known as its Colorado stretches, the river within the lower Rio Grande Valley attracts fly fishers, white water rafters, and birdwatchers. In fact, according to the *Texas World Birding Center's* online site, the Rio Grande Valley is one of the top birdwatching destinations in the world given its massive range of bird species and the fact that it is home to two rare birds, Green Jays and Chachalacas.



Construction of the wall under the oblivious and indifferent watch of the CBP will continue without any regard to how it affects this extraordinary and unique landscape.

In line with the loss of public access to unique areas along the border, Daniel Whitman of *Friends of Friendship Park* also brings awareness to the possible indefinite loss of the U.S.'s only binational park. Inaugurated August 18th, 1971 by First Lady Pat Nixon, Friendship Park, Whitman claims, was meant to signify a new age of international relations between the U.S. and Mexico, as well as a first step in imagining a future without border walls between the two nation-states. Since its inauguration, the park has had a rather inconsistent and precarious existence. Prior to 1994, the "wall" between the park was a mere barbed wire fence. According to a 2009 NPR article on the area, it was a place where friends and families divided by the border could come together to take part in cross-border parties, concerts, language classes, yoga classes, or simply meet for the first time in decades.⁷¹

The Park has since been destroyed and rebuilt by CBP--rebuilt to only about half of its former size. However, at this time there is currently no public access to the area, meaning the U.S. half of the binational park is watered from the Tijuana side. Plans to once again reinforce the wall, replacing the already double fenced border with a bollard wall whose gaps will be cemented, are already under way.

People on the Frontera: Colonias, Kumeyaay, and the Armadillos

While reliable census data is difficult to collect, as of 2014, it was estimated that approximately 1.6 million people were living in severe poverty settlements along the border of South-West Texas.⁷² (Colloquially known as *colonias*, these border communities have long endured some of the worst living conditions in the entire country. Historically, these settlements are the product of development under the Bracero Program (1942-1964), a guestworker agreement which brought farmworkers from Mexico into the U.S. in order to alleviate a shortage of agricultural workers during World War II. Aware beforehand that selling subdivided deadland in the flood-prone area was illegal, developers nevertheless sold the land to the farmworkers ostensibly under legal auspice. Given

a lack of state oversight in the area, developers then, and without any possibility of legal recourse for the farmworkers, forewent the development of basic utilities. Despite decades of advocating and community organizing from numerous community-based organizations (CBOs) as well as the eventual federal recognition of the settlements in the 1990 Cranston-Gonzalez National Affordable Housing Act, little has changed. The Act itself, however, excludes hundreds of colonias⁷³ from its domain of recognition. To this day, the border settlements of southern Texas continue to be underexamined, undercounted, and inadequately funded.⁷⁴

Additional border wall within the already flood prone zone will increase the chances of catastrophic, irreversibly destructive flooding--a plan presently unfolding under the Trump administration. Locals in the area have officially commented how "they already experience flooding in their communities and that construction could exacerbate the frequency." In response to local public comment on the matter, the CBP states:

CBP conducts hydraulic analysis of each location proposed for border wall construction. Additionally, CBP coordinates with the International Boundary and Water Commission to ensure the proposed locations meet the standards outlined in the Treaty to Resolved Pending Boundary and Mantinat the Rio Grande and Colorado River as the International Boundary, U.S.-Mex. (1970). This treaty prohibits any works in the United States that will cause deflection or obstruction of the normal flow of the Rio Grande River or its flood flows.⁷⁵

Unfortunately, there is little to no historical precedent securing CBP's fidelity to such treaties. As also admitted by CBP in response to further comments upon previous breaks from or waivers of these legal formalities:

On various occasions, the Secretary of Homeland Security (Secretary) has used his statutory authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, Div. C, 110 Stat. 3009-546, 3009-554 (8 U.S.C.

II03 note), as amended, to waive certain laws for the construction of border wall... CBP has and will continue to coordinate and consult with resource agencies and evaluate possible environmental impacts from the projects.⁷⁶

According to panelists Laiken Jordhal and Daniel Whitman, however, and as referenced in the previous section on the environmental impact, when and where there is CBP “coordination”, it is in the first place hardly found and, in the second, stands as mere gesture while construction continues forth regardless of consensus between parties being met or made.

The most extreme example of this rather wanton waiving of laws and regulations, whether in the form of acts or treaties, is seen, as has often been historically the case on indigenous territory, in indigenous lives. “Our families are literally being cut off from each other!” This is repeatedly emphasized by Marta Rodriguez, the representative from Kumeyaay territory, that expands into both sides of the U.S.-Mexico border.

A professor at Kumeyaay Community College, an activist and leader, Rodriguez discussed the daily indignations suffered by herself and others. Traditional ceremonies held near the border, when not outright stopped by border patrol and military personnel, are instead placed under time restrictions, something which CBP has no right to do on Kumeyaay territory. Construction continues into Kumeyaay lands regardless of any extant protections, and regardless of the ongoing meetings being held between Kumeyaay leadership and private contractors. As Rodriguez explains, no one is helping, no one is watching, and no one truly understands the agricultural, spiritual, bodily, and emotional toll of border wall construction in their lives.

According to Norma Herrera, while local officials from Kumeyaay territory were in conversation with CBP about possible effects of border wall expansion into or nearby their lands, construction resumed before any kind of resolution was met. Now hearings are being held in South Texas over the ongoing construction that, if unchecked, will disturb the Eli Jackson cemetery which contains remains of people indigenous to the Rio Grande Valley. “It’s causing

emotional distress among our families, among our children,” Marta Rodriguez stresses. Once again, there are laws which would otherwise protect areas around and within the Eli Jackson cemetery that have not prevented the ongoing construction in any way.

Lives are not only disrupted by the border, they are more often than has been accounted for, extinguished and erased. This tragic truth has galvanized groups such as the “Armadillos,” founded by Alejandro Ortigoza and his brother, who set out on sometimes days-long excursions into the borderlands to find the remains of those immigrants who have tried and, more often than not, failed in their attempts to cross the border. While the intention is to find them alive, they are virtually always dead, sometimes within hours of the Armadillos’ arrival. Once a body is found, Alejandro and his crew research the life of the deceased by whatever means necessary, beginning with any documents and photos that may or may not be on the deceased’s body. When they are able to identify it, the Armadillos remove the body and, if possible, return it to the family; they then place a cross and identifying marker, sometimes a photo, on the spot where it was found.

According to Alejandro, as lamented through tears that unveil the emotional toll of their everyday work searching for bodies in the desert, “many of the individuals we find are people who were recently deported and trying to return to their families in the U.S.” Such tragedy hit rather close to home in Alejandro’s case. One day, one of his neighbors, a father who had gone out for groceries, was detained and deported by I.C.E. without the family’s knowledge. No one knew what happened. The family was left in complete darkness until the day his body was discovered along the border, having died as he attempted to return to his family.

The Armadillos’ heroic project requires far more effort than the crew can currently handle on their own. They have started a Go Fund Me account, but they have also tried reaching out to Border Patrol for help—at least in retrieving the bodies. “But,” states Alejandro, “there is no money in finding remains. Border patrol will only help when the migrant is still alive. In which case they will be detained given there is profit to be made.” Thus, the Armadillos continue

their weekly efforts: finding bodies, piecing together identities, and making sure that somehow, the deceased are remembered as actual human beings with dignified lives, because neither Mexico nor the US appears to care.

The Waiving of Laws and Life: Conclusion and Recommendations

Everything discussed above remains an ongoing problem--the problem at the border. The illegalities of immigrant smuggling and cold-blooded murder are nowhere to be found. Instead, what we find is perennial state terrorization from the Trump administration, the CBP, and other state actors emboldened by this explicitly xenophobic, conspiracy-slinging administration. The bodies keep piling up, --bodies of fathers, mothers, and children seeking safety or a return home as well as those of endemic endangered animals to this continent. Protections, laws set in place over the last century, appear meaningless in the face of such wanton destruction, disregard, and death.

And it is for this reason that we call for an end to the wanton waiving of laws, originally created to protect the inherent dignity of life in all its forms along the border. We call for an emphasis, if not an increased focus, on human rights violations. This should include the introduction of laws that forefront human life and dignity. We call for repairs to destroyed land, land that both holds traditional or religious significance to many members of border communities and also serves as singular migratory pathways to multiple animals.

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- ¹ Teo Armus. 2020, Sept. 23. *The Washington Post*. “You don’t control the border”: Indigenous groups protesting wall construction clash with federal agents. <https://www.washingtonpost.com/nation/2020/09/23/border-wall-construction-protests/>
- ² According to the *National Parks Conservation Association*, 41 laws in Arizona and 31 laws in California have been waived. <http://www.npca.org/resources/3295-laws-waived-for-the-border-wall-construction>.
- ³ See *Congress.gov* House Report 116-45, p.2: “In 2005, the Secretary of Homeland Security was granted unilateral authority to waive all local, State and Federal laws to expedite the construction of fences, concrete slabs, or other infrastructure at the border pursuant to a section enacted in an emergency supplemental appropriations funding package enacted for the Global War on Terror and disaster relief. This authority allows the Department of Homeland Security to bypass any law, regulation, treaty, and ordinance that it deems to be an impediment to constructing the border wall and other infrastructure between ports of entry. Laws that have been subject to the waiver include bedrock Federal environmental laws such as the National Environmental Policy Act [NEPA], the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act, the Migratory Bird Treaty Act, the Clean Air Act, the archeological Resources Protection Act, the Safe Drinking Water Act, the Noise Control Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Archaeological and Historic Preservation Act, the Antiquities Act, the Historic Sites, Buildings, and Antiquities Act, the Wild and Scenic Rivers Act, the Farmland Protection Policy Act, the Coastal Zone Management Act, the Wilderness Act, the Federal Land Policy and Management Act, the National Wildlife Refuge System Administration Act, the Fish and Wildlife Act of 1956, the Fish and Wildlife Coordination Act, the Administrative Procedure Act, the Otay Mountain Wilderness Act of 1999, the California Desert Protection Act [Sections 102(29) and 103 of Title I], the National Park Service Organic Act, the National Park Service General Authorities Act, the National Parks and Recreation Act of 1978 [Sections 401(7), 403, and 404], the Arizona Desert Wilderness Act [Sections 301(A)-(F)], the Rivers and Harbors Act of 1899, the Eagle Protection Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, the National Forest Management Act of 1976, the Multiple Use and Sustained Yield Act of 1960, the Military Lands Withdrawal Act of 1999, the Sikes Act, the Arizona-Idaho Conservation Act of 1988, the Federal Grant and Cooperative Agreement Act of 1977, the Migratory Bird Conservation Act, the Paleontological Resources Preservation Act, the Federal Cave Resources Protection Act of 1988, the National Trails System Act, the National Wildlife Refuge System Improvement Act of 1997, the Reclamation Project Act of 1939 [Section 10], the Wild Horse and Burro Act.”
- ⁴ Jason Beaubien. 2009, Feb. 9. Fence Suppliants “Friendship at U.S.-Mexico Border. NPR.org. <https://www.npr.org/templates/story/story.php?storyId=100155361>.
- ⁵ Danielle Zoe Rivera (2014). The Forgotten Americans: A Visual Exploration of Lower Rio Grande Valley Colonias. *Michigan Journal of Sustainability*. <https://quod.lib.umich.edu/m/mjs/12333712.0002.010?view=text;rgn=main>.
- ⁶ Defined in the act as: 1) within one of four border states (CA, AZ, NM, TX); 2) within 150 miles of the border and not within a metropolitan statistical area with a population exceeding one million; 3) designated as a colonia by the state and/or country it resides within; 4) determined to be a colonia because of a lack of potable water, adequate sewage system, and/or decent, safe, and sanitary housing; 5) recognized as a colonia prior to the Cranston Gonzalez Act (S.566, 1989: SEC. 709).
- ⁷ Danielle Zoe Rivera (2014). The Forgotten Americans: A Visual Exploration of Lower Rio Grande Valley Colonias. *Michigan Journal of Sustainability*. <https://quod.lib.umich.edu/m/mjs/12333712.0002.010?view=text;rgn=main>.
- ⁸ US Customs and Border Protection. 2020, April 30. *Federal Register*. <https://federalregister.gov/documents/2020/04/30/2020-09236/response-to-public-comments-regarding-the-construction-of-border-wall-within-certain-areas-in-the>.
- ⁹ *Ibid.*



Border fence behind outlet mall center at San Ysidro, California. Photo credit: Nanzi Muro

ZOOMING TO THE BORDER FOR HUMAN RIGHTS

*A fact-finding project of the ongoing violations
of human rights along the US-Mexico border*

Organized by El Tribuno del Pueblo / People's Tribune

CHICAGO, IL



Border fence between San Diego, USA/Tijuana, Mexico. Photo: Nanzi Muro