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Original Article

# Challenging the border patrol, human rights and persistent inequalities: An ethnography of struggle in South Texas

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**Abstract** The escalating militarization of the US–Mexico border since the mid-1990s has been well documented. This article explores one community’s resistance to it through ethnography of events that took place in El Cenizo, Texas at the turn of the millennium. Following the passage of a “safe haven” ordinance in 1999 declaring city officials would not reveal residents’ immigration status, residents endured the Border Patrol’s increased presence and abuse of power. In response, this border town founded a Human Rights Commission and spent the next 2 years collecting testimony and documenting the Border Patrol’s violations of residents’ rights. This resistance questioned the inequities inherent in the agency’s targeting of borderlands communities and contested the erasure of its residents as social actors and citizens by reclaiming their rights. The discourses and practices employed in the struggle claimed a right to equality while simultaneously asserting a right to difference. My analysis engages this duality by exploring how the people of El Cenizo articulated it through both words and actions. The article contributes to an ongoing dialogue surrounding issues of rights, citizenship, immigration, and social movements and contributes to the growing body of ethnographies of the borderlands by offering a glimpse into the lives and activism of one South Texas immigrant community.

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## Introduction

In the summer of 2000 tensions peaked between the City of El Cenizo, Texas and the United States Border Patrol. Residents of this border town were tiring of the constant harassment and disruption of their daily lives that had been mounting throughout the previous year, which spurred city officials to action. City Commissioner Flora Barton met with an official of the Laredo sector of the Border Patrol to discuss the problems. Over coffee, one morning she reflected on their conversation:

... You know, [he came here to El Cenizo and] we had a meeting ... . It was in English, you know, and some in Spanish, and I just had to ask him. I asked him, "All this time that you've been here, have you heard me ask you if you were legal?" And he said, "No." And I said, "Well, how am I supposed to know that you really are a US citizen? Do you carry your papers everywhere you go? *Everywhere* you go? If you want to go jogging around five, six o'clock in the morning, are you going to carry your wallet and everything with you?" He said, "No." And I said, "Well here in El Cenizo, if you go to the store, you have to carry your papers with you. If you want to take just a dollar, or five dollars ... you have to carry your birth certificate and everything with you. If you have your *mica*<sup>1</sup> to be a legal resident, you have to carry the *mica* too, *everywhere* you go. And I think that's ridiculous." And he said, "Yeah, it is ridiculous." Because if you're walking, they stop you. If you're in your vehicle, they stop you. If you're in front of your house or in the streets playing, they stop you. They stop you from playing! They've never stopped my girls ... But my son? My [son's skin] is a little bit darker, and they have stopped him a lot of times. Now I hardly ever send him to the store because I'm afraid, you know he's growing up and everything, and if they don't respect him, he might not respect them back, and who's gonna win? Not him. Not my son.

1 The term *mica* is used loosely in the borderlands to refer to a person's immigration documents.

The United States Border Patrol has long been an imposing force along the northern edge of the US–Mexico border. Following the passage of new immigration legislation in 1996, the agency intensified its presence and attempted to dominate, through fear, technologies and violence, the transnational populations living in the area. In El Cenizo, residents intensely experienced this presence through violations of their individual and collective rights. Going beyond notions of legal status, in 1999 they began to organize to curb such abuses. In the process they questioned state definitions of citizenship and social membership and the role of the Border Patrol as enforcer of such boundaries. While demands in this immigrant community focused on "dignity" and "respect," the ethnography that follows demonstrates that its claims to equal rights are rooted in residents' recognition of their difference as inhabitants



of the borderlands. This article chronicles El Cenizo's collective resistance movement to defend the rights of its borderlands inhabitants, illustrating that simultaneous rights claims to equality and difference are not mutually exclusive; rather, as this case shows, they sometimes go hand in hand.

## Life and Political Participation in El Cenizo

El Cenizo sits on the banks of the Rio Grande on the outskirts of Laredo, Texas, the most important trading port between the United States and Mexico since the initiation of the North American Free Trade Agreement in 1994. Although Laredo is the second fastest-growing city in the country, it is also the poorest, and affordable housing is in short supply (US Census Bureau, 2001). In response to the region's growth and many immigrants' desire to gain an economic and citizenship foothold through homeownership, El Cenizo was formed in 1983 as a "colonia," a low-income, peri-urban settlement devoid of the most basic of services and distinguished by a majority Mexican immigrant population and "self-help" housing construction (Ward, 1999; Velez-Ibañez *et al*, 2002a; Vélez-Ibañez *et al*, 2002b; Dolhinow, 2005; Núñez, 2006). For many years El Cenizo's residents lived without water, wastewater infrastructure and paved roads. At the turn of the millennium they continued to lack many amenities the average American takes for granted, including local law enforcement, emergency medical services, a fire department and traffic signals. Most residents have gradually built their own homes with the help of friends and family, and the median household income in Texas colonias is estimated between US\$7000 and \$11 000 annually (Border Low Income Housing Coalition, 2008).

El Cenizo has grown over the years from a fledgling settlement with "plantation" politics controlled by an oppressive Anglo developer into one of the largest and most well-known colonias, today claiming a population of over 7000 (US Census Bureau, 2000). As they fought throughout the 1980s to hold the developer accountable to his pledges to provide utilities, and, when these efforts fell flat, learned to navigate the Texas legal system in demand of basic services, El Cenizo's residents gained valuable experience in community organizing. They incorporated as a municipality in 1989, and 10 years later began to use their status as a city – and the opportunities for local governance this offers – when making collective claims to rights and resources. Due, in part, to this history of struggle, El Cenizo residents live each day with an acute awareness of society's discrimination against them based on race, class, ethnicity, language, and geographic location, and since the founding of their community they have at times perpetuated and at others resisted these inequities.<sup>2</sup>

In 1999 El Cenizo received national and international press coverage in response to its passage of two controversial ordinances. The first mandated that all city business be conducted in the predominant language of the community,

2 For a more complete discussion of colonias generally

and El Cenizo's political history specifically, see Stuesse (2001).

3 I have written elsewhere about the predominant language ordinance, the national backlash El Cenizo endured in its wake, and the city's response to outsiders' hateful discrimination. See Stuesse (2002).

4 The Immigration and Naturalization Service (INS) was reconfigured after the terrorist attacks of September 11, 2001 as Immigration and Customs Enforcement, part of the newly created Department of Homeland Security.

5 For more on activist research, see, for example, Gordon, 1998; Hale, 2001, 2006, 2008; Harrison, 1991; Holland *et al*, forthcoming; Hyatt and Lyon-Callo, 2003; Paredes, 1993; Sanford and Angel-Ajani, 2006; Speed, 2008; Sudbury, 1998; Vargas, 2006.

6 Further discussion of activist anthropology and

Spanish.<sup>3</sup> The second declared El Cenizo a “safe haven,” prohibiting city officials from providing information about residents to outside parties, including federal agencies such as the Immigration and Naturalization Service and its law enforcement arm, the Border Patrol.<sup>4</sup> The media paid great attention to these initiatives coming out of a virtually unheard of Texas town, propelling the community to the center of the ongoing debate over the meanings of being “American.” El Cenizo was accused of attempting to “drop out” of the nation, and the people of El Cenizo were portrayed as a group of decidedly political revolutionaries (Whitworth, 1999). The sense that this town had chosen to challenge the nation's unity prevailed in public opinion, and it seemed that the Border Patrol agreed.

I first contacted El Cenizo's City Hall in the wake of this sensational media attention, interested in better understanding the history of the ordinances and the motivations of the city's elected officials in passing them. Throughout a number of phone conversations with the Mayor and City Commissioners, they repeated a simple message: “Why, instead of criticizing us, don't people try to help us?”; “Small, low-income communities need help”; “We have our doors open to anyone who is willing ... who can give us a hand instead of pointing fingers.” In response to this analysis of the media's actions and its tacit criticism of the classic anthropological notion that one can be an unperceived and apolitical observer who leaves little to no trace of one's presence, I made plans to spend the following summer in El Cenizo, conducting research while volunteering at City Hall.

As a politically engaged anthropologist, committed to scholarship in dialogue and collaboration with people organizing to change the conditions of their lives, I found myself answering phones, designing letterhead, setting up computers for office use, researching grant possibilities for the city and planning community events.<sup>5</sup> I spent much of my time supporting a group of young people organizing to develop a local park so they could have a safe space to play (Stuesse and Vielma, 2000; Stuesse, 2001). In the two following years, I made frequent visits back to El Cenizo and served as a volunteer consultant for the city's Human Rights Commission. As an “observant participant,” I listened to and spoke with residents at community meetings, at *quinceañeras*, on the streets, in their homes and at City Hall (Vargas, 2006, 18). Volunteering with the city, I spent most time with elected officials, city employees and active community members, a methodology that enriched my data by offering me privileged perspective and insight into the social processes under study.<sup>6</sup>

## Protecting the Nation's Borders

As Commissioner Barton's quote above suggests, skin color plays a critical role in the social hierarchies of the borderlands, and research has repeatedly



demonstrated how race, language and dress marks individuals and communities as targets for law enforcement and nativist sentiment (Chavez, 1997; Heyman, 1998; Lugo, 2000; Stuesse, 2002; Brotherton and Kretsedemas, 2008). If civil society and the state perceive low-income, dark-skinned and Spanish-speaking migrants to the United States as a threat to national unity, the physical border with Mexico represents the fissure, where the “Third world” leaks into and contaminates the “First” (Alvarez, 1995; Chavez, 1997; Anzaldúa, 1999). Since its creation in 1924, the US Border Patrol has existed to “guard” this border, to protect “us” from the “invader.” In fact, Guillermo Gómez Peña suggests that, “for the North American the border becomes a mythical notion of national security. ... . A place of conflict, of threat, of invasion” (Fusco, 1989, 55). At the turn of the new millennium, this statement rang truer than perhaps ever before.<sup>7</sup>

Border Patrol activity intensified at the close of the twentieth century, largely owing to increased funding initiated by the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996. This legislation drastically increased the number of Border Patrol agents, funded the construction of a triple-layer fence at the border from the Pacific Ocean eastward, instituted a biometric system of immigrant identification and provided state-of-the-art equipment for the apprehension of illegal border crossers, among other initiatives. In the years following its passage, US Border Patrol agents began to wield some of the most sophisticated technologies in the world, including motion and heat sensors, night vision scopes, stadium-style search lights, and covert air, land, and sea patrols. This process has been referred to as the “militarization” of the border. By the late 1990s the Border Patrol began to favor “blockade” measures, seeking to stem the flow of immigrants into urban areas. They were given names that conjure up thoughts of combat and defense, such as El Paso’s “Operation Hold-the-Line,” San Diego’s “Operation Gatekeeper” and Southern Arizona’s “Operation Guardian” (Dunn, 1996; Cornelius, 2001). Even the National Guard was called in to “defend” threatened points along the border.<sup>8</sup>

Anthropologist Michael Kearney has drawn a direct link between the implementation of such militaristic strategies and a heightening sense of the border as nationalist peril, stating, “These new forms of discipline correspond to a movement from an offensive jingoist nationalism to a nationalism on the defensive, a shift from a nationalism of expansion and domination to a defensive nationalism concerned with a loss of control of its borders” (Kearney, 1991, 60). Whether or not these strategies actually curb illegal entry into the United States, they do create a public sense that the government is working hard to protect its citizens. In fact, the creation of such an impression may be the ultimate goal, as truly curbing undocumented immigration could prove disastrous for the US economy. Several scholars have pointed to these tensions in arguing that US immigration

my experiences as a politically engaged researcher can be found in Stuesse (2001, 2008).

7 For a different ethnographic perspective on the contemporary institution of the Border Patrol, see Maril (2004). For more on Border Patrol history, see Lytle Hernandez (2010).

8 Similar efforts continued to increase exponentially as widespread concern for “national security” grew in the months and years following September 11, 2001. Most of the events I explore in this article take place before 9/11

or immediately thereafter, and I therefore limit my analysis of border enforcement and community resistance to the pre-9/11 world.

enforcement serves as a “symbolic politics” purposefully lacking in efficacy (Calavita, 1994; Andreas, 1998; Heyman, 1998; Heyman, 2008; Stuesse, 2010). Other immigration theorists have noted that, while the United States is happy to have migrant bodies as labor power, it is the personhood, the rights that come attached to humanity, that are denied (Perea, 1997; Chang, 2000; De Genova, 2002; Flores, 2002). Thus, the government must appear in the public eye to be blocking migrant entry to the United States without actually affecting the flow of workers dictated by transnational capitalism.

As important as the images of the Border Patrol produced for mainstream consumption, the increased technological intensification of the Border Patrol conveys a sense of power that enables the federal government to more rigidly control borderlands populations. These practices do not simply affect undocumented migrants. They create a constant sense of anxiety and apprehension among communities throughout the borderlands, regardless of residents’ immigration status (Lugo, 2000; Núñez and Heyman, 2007).<sup>9</sup> This analysis is supported by sociologist Julia Sudbury, who argues that fear has been a key variable in the political mobilization of minorities over time, wielded as a “critical weapon in controlling black women and preventing them from organizing” (Sudbury, 1998, 85–86). Likewise, fear is used to control the attitudes and actions of perceived “less-” or “anti-American” populations in the borderlands. El Cenizo is one such community, and in and around the city, the Border Patrol is omnipresent.

### Forging Community amid Border Patrol Intimidation

As a result of the increase in technologies and manpower, by the late 1990s more and more people in the Texas border region were being stopped, questioned and harassed by Border Patrol officials. Perhaps ironically, often these are Mexican American agents interrogating and intimidating other Mexican American and Mexican individuals. When one considers the very low percentage of non-Mexican descendants living in this part of South Texas, coupled with the knowledge that Border Patrol agents earn \$34 000 a year plus overtime – far above the average salary for the region, the irony dissipates. The Border Patrol, although dominated by Anglos, operates through individuals from diverse backgrounds. In El Cenizo, the agency’s presence notably increased in late 1998, shortly after a new city administration took office. This concurrence sparked rumors throughout the first part of 1999 that local officials were providing tips about and names of undocumented residents to federal agents. In a symbolic statement to allay these fears and establish a trusting relationship with residents, in August of 1999 the

9 Citing the American Friends Service Committee’s Immigration Law Enforcement Monitoring Project, borderlands scholar Josiah McC. Heyman refers to this as “the ‘*cotidianidad*’ (everydayness) of the INS” (American Friends Service Committee, 1990; Heyman, 1998).



administration passed an ordinance declaring El Cenizo a “safe haven.” The legislation states:

El Cenizo was created from a long heritage of immigrant families. In order to create better unity between the community and the governing body the city council has enacted this ordinance disallowing any city employee or elected official to disclose the national origin, immigration status, or citizenship of any of its residents to any agency or individual. Violators are subject to termination or impeachment. (City of El Cenizo, 1999)

By enacting the ordinance, the administration declared that they were in no capacity to either ask or tell regarding any resident’s legal status. This action, along with the simultaneous passage of “predominant language” legislation, attempted to create a stronger sense of community and a more participatory democracy in El Cenizo. In an interview I conducted with then-Mayor Rafael Rodríguez in the weeks following the passage of the ordinance, he explained, “I have no idea what percentage of our residents are undocumented, and I don’t care. They’re paying their taxes just like everyone else, and our role here is to serve the community.” In his eyes, citizenship or legal residency was not the issue at hand; rather, fulfilling one’s shared responsibilities as a resident of the city was grounds for social membership.

The notion that all residents, regardless of legal status, are members of the community and possess valid claims to rights is prominent in the politics of El Cenizo and is central to the concept of “cultural citizenship.” Such affirmation is key, for, as numerous scholars have suggested, it is only through their struggles to be recognized as members of the nation and as holders of rights that minority groups have at times achieved recognition (Ong, 1996; Benmayor *et al*, 1997; Rosaldo, 1997; Dagnino, 1998). In fact, as cultural citizenship theorist William Flores illustrates, because of their cultural differences, minority groups’ struggles for equal rights have often entailed demands that go beyond those made by dominant society: “Each group has had its own particular needs and struggled for specific sets of rights that have expanded the rights of the entire society” (Flores, 2003, 296). In other words, claims for full membership in society, while demanding equality, are often accompanied by claims to difference. Such is the case in Mayor Rodríguez’s comment, above, in which his recognition of El Cenizo residents’ unique geographical location and immigration status is paralleled by his call for equality. In this way, peripheral groups become “new” citizens, not only “demand[ing] existing rights, but creat[ing] new ones” in the process (Flores, 1997, 258).

The safe haven ordinance was rapidly and widely criticized for “wrongfully encourag[ing] disrespect for law enforcement,” potentially “lead[ing] to

dangerous confrontations,” and “hobbl[ing] progress rather than provid[ing] relief” (*Houston Chronicle*, 1999). In retrospect, Mayor Rodríguez felt people misunderstood the city’s intent and that his administration may have made a mistake in using the words “safe haven” in the legislation. As we chatted at dusk one evening, sitting side-by-side in wrought iron rocking chairs on the cement-slab patio behind his home, he explained, “‘Safe haven’ means ‘*puerto seguro*.’ El Cenizo is not a ‘*puerto seguro*,’ it’s a peaceful community. ‘*Puerto seguro*’ is as if you were covering something up; giving people asylum. We are just trying to live calm and peaceful lives.” In the wake of the negative press coverage, some residents began to criticize their elected officials for passing the legislation, yet their sentiments did not echo those of the press. Rather, there was a quiet murmur spreading around town that by virtue of living in El Cenizo, the controversy might make them even greater targets of the country’s obsession with immigration control. During a break from work at City Hall one afternoon, I asked Commissioner Barton to tell me more about the concerns arising within the community. She explained that some people “felt uncomfortable because they worried that they were gonna have *more* harassment towards their children and their family members when it came to the Border Patrol.” Unfortunately, the skeptics were correct, and residents became quickly aware that the Border Patrol had heard the city’s declaration.

In the weeks that followed, Border Patrol agents initiated a campaign, in the words of Mayor Rodríguez, to “harass and intimidate the residents of El Cenizo.” They erected a temporary checkpoint on Zapata Highway, the road traveled daily by El Cenizo residents who work in the nearby city of Laredo, and stopped every vehicle that passed for approximately four hours. Curiously, the checkpoint was situated so as to stop traffic in the southbound lanes of the highway – likely those people on their way home to El Cenizo after a day of work in Laredo. Northbound traffic, which would contain vehicles heading away from the border, passed undisturbed. “It’s just suspicious,” resident Miriam Cantú confided. “Why would they stop the traffic heading south? It’s like they want to remind us who’s in charge.” Cantú wasn’t alone; in fact, I heard several El Cenizo residents label this action as an act of intimidation against them and their families.

In addition to the suspicious checkpoint, community perceptions suggested that vehicle stops by roving patrols increased dramatically. As a result, the county-run Community Center in El Cenizo stopped allowing undocumented children to ride in its vans and buses for fear of being held accountable for not being able to produce papers for all passengers. One focal point of the Border Patrol’s vehicle detentions was the county’s public bus service, *El Aguila*. Many El Cenizo residents, particularly those with more precarious economic situations who cannot afford a vehicle, depend on *El Aguila* on a daily basis to get to and from Laredo. Quoted in a legal essay publicizing and analyzing the





Border Patrol's searches of *El Aguila*, an anonymous resident described a typical scene:

When the bus came up to the turn, just before the highway, the Border Patrol car used its lights and sirens to pull the bus over. It was seven o'clock and I was on my way to work that morning. This was the third time I was aboard *El Aguila* when it was stopped. Two armed Border Patrol officers boarded the bus and announced that they were going to check for illegal aliens. The officers proceeded to tell every passenger to present documentation indicating residence or citizenship. They did not ask, they demanded. I told myself this time it was going to be different because I would refuse to provide documentation; after all, I was a United States citizen and had the right to remain silent. The Border Patrol officers did not take my exercise of rights well; they hassled and insulted me until they were convinced that I was a United States citizen. (Ortiz, 2000, 290–291)

Detainments typically lasted between 20 and 45 minutes, and passengers missed appointments and even lost jobs for consistently arriving late. Moreover, those residents without papers lived in constant fear of being deported, and some quit their jobs or moved elsewhere, where their presence would be less visible. This ethnography supports Núñez and Heyman's analysis that populations of smaller and more rural borderlands communities face greater levels of entrapment than more urban locales owing to the Border Patrol's manipulation of their more limited transportation options (Núñez and Heyman, 2007).

In addition to patrolling the highways, the Border Patrol also increased its presence in the city of El Cenizo, a tangible threat to many who could look out their windows at virtually any hour of the day to see one of the agency's official white and green trucks speeding up and down the streets. Many residents commented on the hostility they felt from agents. One mother recalled that once she saw a Border Patrol vehicle parked in front of her house, so she approached it and said, "Excuse me, may I help you?" The agent curtly replied, "I'm not asking for help," and turned away. "How," she asked, "are we supposed to trust and respect a person in uniform when we receive no respect in return? When we know that if we are in need we will have to show proof of US citizenship before getting help?"

In a letter written to a Laredo chapter of the League of United Latin American Citizens (LULAC) the following spring, Mayor Rodríguez detailed specific actions of the Border Patrol that intimidated the residents of El Cenizo, including parking in front of Kennedy Zapata Elementary School when parents drop off and pick up their children, entering private properties and peering into windows, and routinely stopping individuals walking down the street, requiring them to prove their citizenship status. He also described a case in which Border

Patrol agents looking for a fleeing suspect detained, handcuffed and nearly arrested a 15-year-old boy right in front of his home. The officers were preparing to take him away for deportation until neighbors managed to convince them that the boy did indeed live at the residence and was a US citizen.

At a meeting of the Lawyers' Committee for Civil Rights Under Law of Texas – Immigrant and Refugee Rights Project, which Border Patrol officials attended in San Antonio in 2000, Commissioner Barton candidly asked one agent if the increased harassment came in direct retaliation to the passage of El Cenizo's safe haven ordinance. His response shocked her. Upon her return from the meeting, she recounted to me:

He actually replied, "What do you expect? What do you expect from us? How do you think we're going to see you now after what you did? You know, you do something like this and we're gonna have to act on it." And I said, "Excuse me? Are you really admitting this?" And that's when he stayed quiet (Figure 1).



**Figure 1:** El Cenizo and its Human Rights Ordinance, “tasty little morsels” for the Border Patrol. Source: (El Mañana de Nuevo Laredo, 2000).



## **Demanding Respect: The Formation of *Unidad y Firmeza***

The Border Patrol's actions throughout 1999 and 2000 instilled fear and uncertainty in the residents of El Cenizo. These abuses of power, blatantly disregarding federal regulations stipulating that Border Patrol officials must establish "reasonable suspicion" before detaining an individual, attempted to dominate the entire community – US citizens, legal residents and undocumented persons alike. In resistance to this marginalization and erasure of legitimacy – as citizens, social actors and legitimate members of their community – residents organized to demand accountability from the Border Patrol.

In the summer of 2000, El Cenizo residents began to speak out. Sandra Martínez, a grandmother in her late forties who was born and raised in California, lives with her extended family in a decaying home and in numerous broken-down vehicles scattered across her lot. Martínez says that because she refuses to send her grandchildren to live in the streets, she does not qualify for state or federal aid programs that might help improve her living conditions. One hot and dusty afternoon, she shared with me her experiences of nearly being deported because Border Patrol agents refused to accept her birth certificate as valid. Once released and back at home, she endured their daily ridicule and persecutions until she finally built a fence around her yard so they could no longer enter. Commissioner Barton questioned these and similar actions:

Why should I have to carry my birth certificate and those of all my children when I walk to the store in the evening to buy a gallon of milk? In Austin or Chicago or Alabama no one is expected to be able to prove their citizenship at every hour of the day, and just because we live near the border doesn't mean we should be treated any differently than the rest of the country in this respect.

Throughout the summer, similar discussions about individual and collective rights of people living in El Cenizo could be heard in private homes, local businesses and City Council meetings.

During my time there, I sought to grasp how people in El Cenizo thought about the "rights" they were invoking. In a community meeting, one resident stated:

In reality, there are many of us living in the United States, young and old, who don't know our rights as human beings. Some people have even died without ever knowing they had human rights. Our human rights are taken away from us and violated, and we don't even know what they are or how to defend them. It is only when you understand the law, when you know that you *do* have rights, that you can say, "Wait, what is this? My rights are being violated."

Statements such as this revealed a recognition of the existence of an intangible group of rights to which residents of El Cenizo felt they did not have access. “Rights” seemed to represent an abstraction to which they believed they were collectively entitled, but out of which they were being cheated owing to their lack of understanding of the protections available to them under US and international law. Violations of these rights were not understood in the abstract, however; they were felt through concrete experiences, such as those illustrated throughout this article.

In response to local outcries against the intensified harassment and abuse by the Border Patrol, a small group of longtime residents formed a group, which they named *Unidad y Firmeza por Nuestros Derechos Humanos* (Unity and Strength for Our Human Rights). This organization was comprised mostly of individuals active in local politics, and thus had a big impact in terms of political force and consciousness raising. It was slow to attract membership, however, and the group wondered whether residents’ fears of being singled out by the Border Patrol for belonging to a controversial organization might make them reluctant to officially join. Especially for individuals without documentation, taking this step entailed a risk that few were willing to take.

Despite limited participation, *Unidad y Firmeza* quickly initiated a campaign to educate residents about their rights. The group collaborated with attorneys and law clerks at Texas Rural Legal Aid’s (TRLA) Colonias Project to produce an informational packet that neighborhood children delivered to every doorstep. The bilingual bulletin included an open letter to the residents; information on immigrants’ civil and political rights; a “Know Your Rights” card to hand to an official in the event of detainment; and an anonymous ballot for an informal election. The ballot asked specific questions related to one’s personal knowledge of abuses at the hands of the Border Patrol and polled people about the role they thought the city government should play in addressing these abuses. A section of the letter to the residents implored:

*Unidad y Firmeza por Nuestros Derechos Humanos* is a group recently formed in response to the growing number of people, ourselves and our families included, who hold one degrading experience in common: we have been victimized by the Border Patrol, our Constitutional rights and “guarantees” violated ... . We have a right to a life free from these abuses ... . In order to prevent these abuses from reoccurring, we have joined together ... . But without your help, change is impossible ... . Please help us make El Cenizo, our city, a city of peace and not one of abuse.

The returned ballots overwhelmingly voiced strong support for the movement, and many articulated humiliation experienced at the hands of the Border Patrol. Several directly identified race as the key factor motivating disregard of their rights.



*Unidad y Firmeza* sought to raise public awareness and create a community-based group through which people could organize against the Border Patrol's erasure of their rights. These aims echo those of another borderlands community described by Flores, in which people chose to respond to abuses by creating a "reverse" Border Patrol, complete with green cards and "illegal alien" buttons. These acts of political significance, like the formation of *Unidad y Firmeza*, allow persecuted immigrant groups to abandon their role as "passive onlookers forced to hide" by recasting them as "political subjects acting upon and changing power relationships" (Flores, 1997, 272–274). In this way, *Unidad y Firmeza* represented one path toward local empowerment, serving both as a venue for anonymous voices to share their concerns and as a more formal platform from which citizens could pressure elected officials to take an official stand against the Border Patrol's actions.

### El Cenizo's Human Rights Commission

By the end of the summer *Unidad y Firmeza* had convinced El Cenizo's governing body to establish an official Human Rights Commission to act as mediator between the community and the Border Patrol. The city created a five-member committee to:

... monitor and review law enforcement activity, handle citizen complaints, and recommend action to protect and promote the interest, rights, and privileges of persons in this jurisdiction; to avoid strife and unrest; to preserve the public safety, health, and welfare; and to secure for all persons in this jurisdiction freedom from discrimination. (City of El Cenizo, 2000)

The Commission was to act as an independent civilian review board that would conduct investigations of human rights abuses by the Border Patrol and make recommendations to the city based on its findings. The legislation stated that it intended to "restore legitimacy of the law enforcement institutions of democratic governance by clearly articulating the limits of their authority."

The original five members of the Commission included two longstanding El Cenizo residents and outspoken community activists – to ensure it remained accountable to local people – and three high profile individuals external to the community (a Laredo attorney, a psychotherapist and founder of a local LULAC chapter, and a popular religious leader and director of Catholic Missions in several area colonias) to situate the Commission within a thick web of allies. Creating the Commission from a network of local leaders lent legitimacy to its actions, a critical move for the group that would represent El Cenizo's claims for space, rights and recognition before the state and civil society.

In late 2000 and throughout 2001, the Human Rights Commission worked, in collaboration with TRLA, to build partnerships between El Cenizo residents and students from Saint Mary's School of Law in San Antonio, Texas. The Commission trained and "deputized" these volunteers, and in resident-student pairs they went door-to-door collecting testimonies. The first complaint received by the Commission, alleging that a resident was held at gunpoint by a Border Patrol agent, received coverage in the *Laredo Morning Times*:

The sun hadn't risen yet when Jesús Olivares saw the flashing lights in his rearview mirror. It was just another morning for the 44-year-old father, who pulls down extra cash delivering the Laredo Morning Times after his night shift at the gas station. He was tossing newspapers into a darkened ranch road when the agents stopped his truck, Olivares said. Then, he said, an agent held a gun to his head and questioned him. "It was like I was a criminal – it was terrible ... I was angry and frustrated and scared. I couldn't even talk." (Stack, 2000)

The article encouraged others to come forward, and by early 2002 the Commission's deputies had collected over 40 personal testimonies describing human rights abuses at the hands of the Border Patrol in El Cenizo.

The Commission then collaborated with legal advisors and scholars, including myself, in the preparation of the first draft of its report. The United Nations' 1948 Universal Declaration of Human Rights provided a framework around which residents' complaints were organized (General Assembly of the United Nations, 1948). The themes included several that are central to basic human rights, such as freedom, dignity, life, liberty, security, family, home, and privacy, and rejected arbitrary arrest and detention and cruel, inhuman, and degrading treatment. The draft report documented outrageously blatant abuses of authority, including an account of two adolescents who were waiting at the bus stop when they were pushed to the ground, handcuffed and held at gunpoint by an agent; a report of a teenage boy who was run over by a Border Patrol vehicle, which then abandoned the scene; a story about a woman riding the public bus whose newborn baby was taken from her when she couldn't produce proof of citizenship; and the testimony of a man walking down the street who was detained and handcuffed to a bench in the back of a Border Patrol vehicle for hours while the agent drove in circles around the city, and he slipped back and forth across the bench as the handcuffs cut into his wrists until they were swollen, bloody and almost completely numb.

The draft also included complaints that on the surface appeared less egregious, such as the Border Patrol's habitual detainment and search of public busses described above; sitting for hours at a time in front of someone's private home; brandishing weapons in public spaces; and one account from a woman who answered a knock at her door at 3:00 a.m. only to encounter an officer asking for



a cup of coffee. Although these episodes may appear innocuous or fail to violate US laws, taken as a whole and contextualized within the historical and political milieu of the US–Mexico border, it is clear that they endanger the Universal Declaration of Human Rights’ most basic protections, including the rights to personal security, freedom of movement and residence within the borders of each state, special protection of children, and freedom from physical and verbal abuse.

The Commission held a public hearing in El Cenizo, inviting residents to share their testimonies in person and allowing the Commission to further analyze the complaints. Although a handful of individuals came forward at the hearing, most complainants were unwilling to speak publicly for fear of reprisal. Those individuals who did testify brought to life the powerful stories of abuse that the Commissioners had previously only read on paper. The act of public testimony may have also represented a “coming to voice” for some of the victims. Social movement scholar Patricia Hill Collins highlights the significance of such actions when she writes that the breaking of silence is a “moment of insubordination in relations of power, of saying *in public* what had been said many times before [in private]” (Collins, 1998, 50).

Following the hearing, the Commission pledged to finalize its findings and release a public draft of its report. However, over time the composition of the Commission had shifted, with few of the original members remaining. Attempts to replace them had proved largely symbolic, as the new members were unfamiliar with and disconnected from the Commission’s history. Although it had worked over 2 years to thoroughly document a wide range of human rights abuses, much of its momentum during this period came from the energies of students and supporters, including myself, external to the Commission. When the time came for the Commissioners to act, they were unable to agree upon a set of recommendations for the city. Some felt the report should include strictly the “facts” of people’s testimonies, whereas others believed their role was to make a more principled statement and policy recommendations based on the Commission’s findings. Amid the discord and distance from the Commission’s creation, a report was never produced. Moreover, the Commission was unaware of any similar efforts emerging in other areas, and was thus poorly positioned to draw upon or fuel the work of others seeking to monitor and reform law enforcement in the borderlands.<sup>10</sup> Despite the Commission’s failure to bring its written findings to public light, its unfinished work plainly illustrates that, through both *de jure* and *de facto* policies, the US Border Patrol’s practices in El Cenizo are in grave danger of violating provisions of international human rights law.

### **Borderlands Identity, Social Membership and Strategic Deployment of Rights Discourse**

The Commission’s anticlimactic finale notwithstanding, perhaps the greatest theoretical lessons from this struggle are to be found in the process itself. It is

10 The American Friends Service Committee, the Texas Civil Rights Project and the Border Rights Coalition/Border Network for Human Rights are a few organizations that potentially could

have helped El Cenizo's Human Rights Commission link its efforts with similar work elsewhere for broader impact. See, for example, Border Network for Human Rights (2005). For a discussion of some of the limitations of local organizing, see Orr (2007).

important to remember that collective resistance movements like that of El Cenizo take place amid very basic struggles of everyday survival. Historian Thomas Sugrue reminds us that “economic and racial inequalit[ies] constrain individual and family choices, ... [setting] the limits of human agency” (Sugrue, 1996, 5). At the same time, we must keep in mind that, because communities like El Cenizo are battling over issues vital to their very survival, their residents are also precisely the people who ultimately “do not have the luxury *not* to fight back” (Kelley, 1997, 158). With these necessities and constraints in mind, then, how might we understand and explain El Cenizo's collective resistance? In a world where notions of rights have been historically compartmentalized into discrete, clean categories, finding a framework through which to make sense of this borderland community's claims to rights is challenging, as its articulation of rights cuts across and through traditional categories. Just as “... so-called border people are constantly shifting and renegotiating identities with maneuvers of power and submission, ... often [adopting] multiple identities” (Alvarez, 1995, 452), within these multiplicities they also strategically wield manifold discourses on rights as deemed advantageous to their struggles.

“American, Mexican, Chinese, Black, Japanese, in God's eyes we are all equals,” Mayor Rodríguez once announced at a city meeting. The elected officials of El Cenizo, in representation of their constituency, carefully framed their struggle using the dominant liberal discourse of equal rights, asserting that all individuals are created equal and using the non-threatening concept of “respect” to assert their claims. This theme emerged throughout my research: “We got their attention to actually move forward in trying to get the agents to respect the people. ... we're not stopping them from doing their job, we just want respect!”; “We're gonna have to make them understand that we're human beings, like everybody else. You know, we're no animals ... . We're human beings”; “We've just got to make them stop the abuse, because this is not a joke. I mean, we get no respect at all. Why can't they roll down their windows and be friendly? Even our children feel threatened”; “You know that what we are asking for is not a big thing! We aren't telling [the Border Patrol] not to do their job at the river. That's fine. But if they're going to come just because they want to see who they can catch ... . No, no, no. The main thing is just to show us a little respect.”

Many liberation movements in the United States since the mid-twentieth century have utilized what Chela Sandoval has called the “equal rights mode of consciousness in opposition” (Sandoval, 1991). By suggesting that all individuals are created equal, that differences are only skin deep, the discourse of equal rights allows peripheral groups to “demand that their own humanity be legitimized and recognized” (Sandoval, 1991, 12). This is, in part, strategic, as minority communities often recognize that their claims will be more readily accepted if they emphasize their similarities with, as opposed to their differences from, dominant society. By speaking of equal rights, then, residents of El Cenizo





seek to legitimate their claims in the eyes of the state and civil society by explaining and defending themselves with the same liberal discourse embraced by large sections of the population.

Blanca Silvestrini reminds us that claims for equality under the law are not always made in opposition to claims to difference; rather, she argues, Latino cultural citizenship often entails a “quest for multiple paths” (Silvestrini, 1997, 53). In the case of El Cenizo, as residents assert an entitlement to equal rights, we can also discern a claim to difference in the very demands they make. By speaking out both behind closed doors and in public, by forming a community organization to act on the problems they collectively identify, and by pressing their elected officials to systematically compile and analyze their experiences of abuse at the hands of a government agency, El Cenizo residents critique a social and political institution that not only intimidates on the individual level, but also excludes on the collective level based on race, economic status, geographical location and cultural attributes such as language – all identity markers that set borderlands communities apart from dominant US society. In demanding that Border Patrol agents “do their job” at the border but not interfere with peaceful life in a borderlands community, El Cenizo residents’ difference from dominant American society – their liminal status as inhabitants of the borderlands – reveals itself as central to their rights claim. How might the Border Patrol fulfill its mandate directly north of the border without pursuing people based on racial and cultural difference? I asked many in El Cenizo this question, and though it was never completely resolved, Commissioner Barton’s response attempted to reconcile the conflict by redefining what makes a person “illegal”:

The main thing that we’re doing is that we just want the Border Patrol to respect the residents, either way, if you’re legal or illegal or an “alien” or not an “alien,” you know, if you’ve gotta do your job, do it. But why don’t you work where the people are crossing [the river]? Crossing the street from one house to the other doesn’t make you an illegal person. What really makes an illegal person is when you cross the river. And *that’s* the people they’re supposed to be asking for their papers. Not the people that *live* in El Cenizo. Because they’ve struggled so hard to get what they have right now. Their homes, their lots, their cars, their children’s education. *Especially* their children. And I don’t see why we have to be harassed all the time. I just don’t see the picture. If somebody would explain to me why we have to be harassed if we live in the US, because we *are* a part of the US, you know. If we live here, *why* do we have to be harassed? Do it another way.

This reconception of an “illegal” body as one in the process of border crossing, but not those in residence just steps north of the border, effectively

attempts to reshape the *modus operandi* of the Border Patrol, and hence, the regulatory practices of the state in US society.

In fact, El Cenizo's collective resistance challenges the very role of the government and the limitations set by the state upon borderlands communities, thus moving beyond the discourse of equal rights and liberal multiculturalism at the very moment they embrace it. This strategy exemplifies a trend in minority claims to rights:

At the same time that they assert and defend their differences from the nation as a whole and other groups within it, the ethnic and "identity" groups and other new social movements of the past two decades have tended to appeal to universal standards of equality, justice and rights, as the basis of their collective claims against the state for recognition of equal rights, cultural value, and economic opportunities on a par with those of other groups within the same state. Differentiation at one level thus begets uniformization at another, and relativistic assertions of difference give rise to appeals to universal principles. (Turner, 1997, 281)

El Cenizo's strategies illustrate how a liberal discourse of equality can become rearticulated into more radical goals with transformative potential through faith in the very principles of the system already in place, those of democratic governance. Stemming from the community's desire for all residents to be considered full members of society, equal to people living anywhere else in the country, the City Council passed the "safe haven" ordinance. This legislation, passed by an elected body to increase confidence in the city administration and participation in local decision making, falls well within accepted boundaries of discourse on liberal governance. Over time, however, the legislation gained transformative potential that was ultimately able to articulate a radical challenge of the border, pushing at the very limits of a dominant but contested social construction while all the while reaffirming its position through the tropes of equality and democracy. In this way, though never completely escaping the bounds of hegemony, people in El Cenizo demonstrate how marginalized communities might challenge the state through creative use of the system itself. They tack back and forth; they are within, yet beyond. They claim a right to equality *and* right to difference, implying that "difference shall not constitute a basis for inequality" (Dagnino, 1991, 15; Benmayor *et al*, 1997; Silvestrini, 1997). They illustrate a path forward that allows them simultaneously "to claim and to deny their specificity," to borrow the words of Nancy Fraser as she grappled with what she called the "redistribution-recognition dilemma" (or, later, the redistribution-recognition-representation triad) of people subject to intersecting forms of economic, cultural and political injustice (Fraser, 1997, 16; Fraser *et al*, 2004).<sup>11</sup> In their struggles with the Border Patrol for dignity and respect, residents of El Cenizo transcend liberal notions of citizenship by basing

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11 For a critique of and alternative



their practices and claims to rights on their sense of belonging and community membership, or cultural citizenship. In this way, their rights claims attempt to create a space within the existing system while at the same time striving to reshape it.

solution to Fraser's "dilemma," see Honneth (2004).

## Lessons

What lessons or policy recommendations might we glean from this ethnography of struggle at the US–Mexico border? First, El Cenizo residents' experience demonstrates the need for all Americans, particularly those in positions of power in the federal government, to rethink our country's policies of immigration enforcement. Those who "guard" the border can never turn a porous, living and breathing space into a sterile, impenetrable wall. Beliefs to the contrary have led to the existence of an institution that relies on a myriad of ethnic, classist and racial profiling tactics in order to carry out its mission in borderlands communities and beyond. Not only is this sort of profiling prohibited under federal law, but any policy that has the effect of terrorizing a particular segment of the US population must be interrogated and reconsidered.

Second, El Cenizo's experiences offer important lessons for municipal governments and local law enforcement. The city's elected officials took courageous steps in asserting that their principal responsibility is to ensure the safety and wellbeing of local residents. While more and more municipalities in the post-9/11 United States have begun to collaborate closely with immigration officials, others have passed resolutions stating that the enforcement of immigration laws is outside the purview of their abilities (Major Cities Chiefs Immigration Committee, 2006; National Immigration Law Center, 2008; U.S. Immigration and Customs Enforcement, 2008; U.S. Immigration and Customs Enforcement, 2009). Like El Cenizo's administration, those who have rejected calls to embrace immigration-related duties recognize that their ability to protect and serve their residents would be hindered were they to take on the responsibilities of the Border Patrol, as it would damage their relationships with residents and make it less likely that individuals would report crimes or cooperate with law enforcement for fear that they would be turned over to immigration authorities. Indeed, local bodies choosing instead to act as immigration officials have reported such problems, and would be wise to consider alternative policies such as those enacted in El Cenizo.

Finally, El Cenizo's experience demonstrates the importance of locally rooted, community-led initiatives to hold elected officials accountable. As this ethnography illustrates, such initiatives may be strengthened by cultivating a diverse web of allies or by collaborating with politically engaged activists or

researchers who can contribute technical support, labor power, political capital, or other forms of knowledge and resources to the organizing effort. Moreover, El Cenizo offers an example for other communities looking to cultivate social membership, responsibility or a sense of belonging regardless of formal citizenship status. The path taken here, of reclaiming a people's simultaneous right to equality *and* right to difference by appealing to standards of international human rights, could be used as a model and adapted to local needs throughout the borderlands and beyond.

By contesting the marginalization and oppression of borderlands peoples, El Cenizo's politics challenge United States citizens to broaden their accepted notions of "Americanness" and membership in society to include communities that have traditionally been excluded from such formulations. And as migration to the United States shows no sign of dissipating in the foreseeable future, such communities might be better understood as spaces that represent "normality" in our increasingly transnational world:

The borderlands are just such a place of incommensurable contradictions. The term does not indicate a fixed topographical site between two other fixed locales (nations, societies, cultures), but an interstitial zone of displacement and deterritorialization that shapes the identity of the hybridized subject. Rather than dismissing them as insignificant, as marginal zones, thin slivers of land between stable places, we want to contend that the notion of borderlands is a more adequate conceptualization of the "normal" locale of the postmodern subject. (Gupta and Ferguson, 1992, 18)

By attempting to bring to the center what has long been liminal, Gupta and Ferguson empower us to work to re-humanize immigrant and borderlands communities in the eyes of dominant society.

Today we can see more clearly than ever that "the US has thrived not because of its efforts at cultural homogenization, but despite them" (Flores and Benmayor, 1997, 5). El Cenizo's struggle with the Border Patrol, although locally specific, couched in liberal discourse, and adhering strongly to notions of equality and democracy, nevertheless affirms this community's pride in its cultural difference and challenges the limits imposed by civil society and the state on groups deemed peripheral. Leaders in El Cenizo are forging community, advancing participatory democracy, and asserting their status as equal members of society in the United States both in recognition of and despite their differences from dominant society, and these lessons speak loudly at the local level and beyond. We have much to learn from such activism from below, as it has the potential to positively effect social change, not only in the lives of El Cenizo residents, but throughout the country and the world.



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