

ZOOMING TO THE BORDER FOR HUMAN RIGHTS
FACT-FINDING DELEGATION EXECUTIVE SUMMARY
OCTOBER 29, 2020

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, the 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, *The People's Tribune* and *El Tribuno del Pueblo* launched "The People to People Fact-Finding Delegation to 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 between 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 given against the background of what is probably the most critical presidential election in U.S. history, and in the midst of the Covid-19 pandemic. The forthcoming 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, and on both sides, of the border, 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 how, 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 COVID19 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 to 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 American and indeed, across the globe.¹⁷

The Mexican government has itself been a willing and an 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

Eduardo Castro, Veterans for Peace

Laura García, Tribuno del Pueblo

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

Joseph Moreno, Ph.D. Student, Communication Department, University of California San Diego

Bob Lee, People's Tribune

Suzanne Oboler, Ph.D. John Jay College-CUNY

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

Magdaleno Rose-Ávila, Building Bridges

Elana Zilberg, Ph.D., Communication Department, University of California San Diego

Notes

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>

³https://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_0.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_0.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_0.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 Zilberg, Elana (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 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 Lytle Hernández, Kelly (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).