

Criminalization of Compassion:
Contentious Relationships Between Nation-Building and Immigrant Aid Workers
on the U.S./Mexico Border

by

Nichole Roether

A Thesis Presented in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Approved April 2021 by the
Graduate Supervisory Committee:

Allan Colbern, Chair
Malay Firoz
Tricia Redeker-Hepner

ARIZONA STATE UNIVERSITY

May 2021

ABSTRACT

This paper assesses the obstacles faced by immigrant aid groups on the U.S./ Mexico border and the resiliency used to challenge these obstacles. The borderlands of the United States and Mexico is a unique landscape for activists and humanitarians to work given the prevalence and amount of entities that police the area and the suspension of certain constitutional protections. The criminalization of activists on the border provides a unique lens in understanding how social movements and nation-building are linked to immigration in the United States. This research aims to provide a rich description of what criminalization is and how it plays out between the government and activist groups along the border. My findings critique the United States and its claim that it is a liberal democracy because it breaks norms and international laws in its assault against activists and humanitarians, many of whom are U.S. citizens. This attack further demonstrates that the violence migrants endure on the border is not just an unfortunate side effect of border policies but very much intentional and by design. In addition to criminalizing activists, this thesis examines the activists' mental health and exhaustion as they relate to their humanitarian work and how this is also intentional violence the U.S. Government inflicts in order to maintain itself as a nation-state.

TABLE OF CONTENTS

	Page
LIST OF TABLES	iii
LIST OF FIGURES	iv
CHAPTER	
1.....	I
INTRODUCTION	1
Research Question	7
Case Study: Why the U.S./Mexico Border	8
Literature Review	13
Nation-Building as Violence.....	15
Militarized Borderlands.....	19
Crimmigration.....	25
State Repression and Social Movements	28
Methodology.....	35
Analytical Framework	39
Overview of Chapters.....	42
2.....	C
CRIMINALIZATION OF ACTIVISTS AND HUMANITARIAN AID	
WORKERS	44
Weaponizing of Immigration Enforcement Against Activists.....	44
Harrasment/Criminalization Examples	52

Bridging Nation-Building and Social Movements with Immigration	54
Cooperative Policing Arrangements	55
CHAPTER	Page
Economy of the Borderlands.....	59
Land Jurisdiction	61
Militarization of the Border as a Precursor to Crimmigration	62
Legal Status/Criminal Status.....	64
Beyond Criminality:The Othering of Activists in the U.S. Borderlands.....	68
3.....	I
IMPACT ON ACTIVIST'S AND HUMANITARIAN AID WORKER'S	
MENTAL HEALTH.....	80
Intentional Arrangement Activists and Enforcement Cultures in the U.S.....	80
Solidarity Culture Versus Enforcement Culture.....	84
Mental Health and Trauma.....	87
Criminal Status Effects on Mental Health	96
4.....	C
ONCLUSION	104
REFERENCES	107

LIST OF TABLES

Table	Page
1. Table List of Organizations Contacted	38

LIST OF FIGURES

Figure	Page
1. Cabeza Prieta Wildlife Refuge Permit	48

CHAPTER 1

Introduction

In 1994 the United States implemented the “Prevention Through Deterrence” program, which tightened border security in border cities such as El Paso and San Ysidro where migrants historically crossed from Mexico. This meant funneling undocumented border crossers into the Sonoran Desert, infamous for being one of the driest and hottest places on earth, in hopes that the dangerous terrain would deter migrants from crossing the border. The desert routes have proven to be dangerous, thousands of people have perished and disappeared while crossing. Yet, people are still coming. Community members in these borderland crossing zones decided to respond to the death they were seeing in their backyard by establishing Samaritan groups that left water, food, and medicine drops. Though there are many groups doing this kind of aid work along the border, one organization, *No More Deaths*, came into the spotlight because of harboring and conspiracy charges brought against one of their members, Scott Warren. He ended up being acquitted after two trials. This attempt at criminalizing compassion shows how the government is not just targeting migrants crossing illegally, but citizens who are working to protect migrants in the borderlands between the United States and Mexico.

Undocumented migrants are not given the same protections as citizens. They live in a limbo state of rightlessness. As Gundogdu (2015) explains in her book, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants*, people can be completely void of rights despite the general belief that human rights secure personhood for everyone. A hierarchy of personhood exists that renders any guarantees of rights fragile for people without national citizenship, making a citizen’s personhood

valued and more guaranteed by law. The deep connection between national citizenship and human rights secures the power of nation-states to commit rights violations such as mass deportation (despite dangerous circumstances people could be sent back to) and indefinite imprisonment in detention centers. This means that the legal, political, and human standing of migrants is precarious, which makes migrants and asylum seekers dependent on favors, privileges, or discretions of compassionate others (Gundogdu, 2015). In the absence of rights, even basic needs such as habitation or food are completely dependent on compassion.

This dependence on the compassion of others is a call to recognize migrants deserve more protections than what is offered by aid groups in the nation-state's attempts to violently maintain the border. Typically, humanitarian work is lauded and welcomed by governments and their population, but on the border, "the government's case here suggests that any act of human compassion or generosity must be delimited by a person's citizenship or immigration status" (Boyce, 2019 pp 195). Activists recognize the personhood in migrants and are attempting to fill gaps left when the government does not recognize that same personhood and therefore denies them access to rights. Accordingly, the criminalization of activists has dire consequences for migrants. The sovereign power of the United States often legitimizes the targeting of activists and humanitarians who seek to aid asylum seekers and undocumented immigrants. Activists are criminalized by the state because, "border controls, justified as legitimate acts of sovereign statehood, end up creating divisions within humanity itself, thereby rendering the rights of migrants (asylum seekers and undocumented in particular) vulnerable to discretionary decisions and uncertain sentiments such as compassion" (Gundogdu, 2015 pp. 93). By doing this,

the United States is demonstrating its intention for violence to delineate who does and doesn't belong in the nation-state.

Both migrants and activists are strategically targeted by the nation-state's border enforcement regime. Migrants have been criminalized and been the subject of policies intent on killing them, while activists have faced severe punishment, both legally and mentally. This is significant considering much of the scholarship on immigration in the United States focuses on immigrants themselves, and not on the activists or humanitarian workers. My scholarship will connect their experience of criminalization in order to expand the critique of the nation-state. As a liberal democracy, the United States is breaking important norms and international laws in its assault against aid workers, many of whom are U.S citizens. By doing more than performing a role based on immigration enforcement, the United States acts as an authoritarian regime in the borderlands through ubiquitous criminalization. This speaks to how important it is to violently maintain borders and therefore divisions that keep certain people exploitable.

Nation-building requires clear distinctions between insiders and outsiders, in this case citizens and aliens. Resources and opportunities are accumulated to the insiders/citizens under the rhetoric of scarcity and security that justifies violent enforcement of borders. This is in line with Max Weber (1965) and his theory that a nation-state is defined by its monopolization of the legitimate use of violence as a means of dominion. It isn't just resources and opportunities granted to citizens, though. These lines in membership also distinguish who has rights and who doesn't, even in a supposed liberal democracy like the United States. Working to defend the humanity of undocumented people in the borderlands means activists and humanitarians are at direct

odds with the government which requires monopolization and control over violence. The harassment and criminalization experienced by those offering life-saving protection says a lot about the United States' right to commit violence and to what extent the nation-state will go to maintain that right.

The criminalization of immigrant activists and humanitarians is happening all over the world, but the focus of my analysis will be on the border regions of the United States with Mexico, across four states from California to Texas. The idea of the “criminalization of compassion” has been used in the United States most recently with the arrest and trial of No More Deaths volunteer Scott Warren. No More Deaths was established as a response to the increase in death and disappearance seen in the Sonoran Desert south of Tucson as a result of increased militarization along the border that has forced migrants to cross the border over increasingly dangerous terrain, due to the Prevention Through Deterrence Policy. The group leaves water and food drops along migrant trails, engages in search and rescue, and brings harm reduction kits to shelters in Mexico for migrants who are about to make the perilous journey across the desert (Corich-Kleim, 2020). Recently, the government charged No More Deaths volunteer, Scott Warren, with harboring and conspiracy after two migrants showed up at the group's base in Ajo, Arizona asking for food, water, and shelter. This punitive attack inspired this investigation into the criminalization of activists on the border.

Criminalizing aid isn't a solely American phenomenon. A report talking about the criminalization of migrant aid work in Europe explained how speed traps were set up outside of refugee camps to target aid workers coming and going to slap them with traffic tickets (Nabert and Torrisi, 2019). Activists' actions are being targeted through things

like speeding tickets or littering charges even though these things seemingly have nothing to do with criminalizing aid. It is important to see how these covert attempts at criminalization are playing out in the borderlands of the United States in order to get a full and accurate picture of the criminalization happening and how it is affecting the way activist groups operate.

Harboring charges are typically reserved for for-profit criminal networks, but the government is using this same designation to label aid workers criminal in order to maintain the violence it uses to separate who has rights and who doesn't. Warren (2019) was acutely aware of the agenda being pushed by his prosecution: "The Trump administration's policies- warehousing asylees, separating families, caging children- seek to impose hardship and cruelty. For this strategy to work, it must also stamp out kindness." Though Warren was acquitted, the United States government made clear that it is willing to subject people who engage in acts of kindness to prosecution when they fail to inquire about the recipient's legal status.

Though Trump has proven himself notoriously anti-immigrant, criminalizing compassionate aid is not unique to his presidency. The sanctuary movement gained notoriety in the 1980s when certain churches aided migrants fleeing war-torn Central America by helping them into the country and offering them shelter in various churches across the country. They took matters into their own hands because the federal government under President Reagan refused to acknowledge the violence migrants were experiencing in El Salvador, Guatemala, and Nicaragua and denied them asylum in the United States (Garcia, 2019). The movement originated in Arizona but also had a strong presence in Southern California, Chicago, Texas, and Philadelphia. The immigration and

naturalization service launched a covert operation, called Operation Sojourner, which employed undercover informants who secretly recorded meetings to find out how migrants were transported and sheltered (Garcia, 2019). This led to the U.S government indicting 12 people in the sanctuary movement for conspiracy for transporting and concealing undocumented immigrants. In May 1986 the jury convicted 8 of the defendants on trial of 18 counts but the judge gave them very light sentences of either probation or house arrest. It also led Democrats in Congress to push through a bill in 1990 that granted temporary protected status (TPS) to people from certain countries in need of safe haven (Garcia, 2019).

Both Scott Warren's and The Sanctuary Movement's cases illustrate how the United States wields its' power to maintain its border through criminalizing migrant aid workers in a myriad of ways. This power isn't maintained at just a federal level but trickles down to state and local regulations as well. As criminal and immigration law become more entwined, states have also moved to penalize immigration and have "introduced well over a thousand immigration-related proposals each year between 2007 and 2011, and another 983 proposals in 2012" including Arizona's infamous 'show me your papers' law, SB 1070 (Garcia-Hernandez, 2013). Criminalizing aid does not just happen by Border Patrol, either. No More Deaths explained in a webinar on the trial of Scott Warren that the Anzo-Borrego wilderness, where they do a lot of aid work, changed the language of its permit system to specifically target humanitarians from leaving water and medical supplies. The regulations particularly mentioned the leaving of water bottles and first aid kits, explicitly targeting No More Deaths volunteers giving aid (No More Deaths, 2019). States and localities haven't used criminal prosecutions to only target

noncitizens, but also those giving aid to noncitizens as well, demonstrating how targeted and intentional it is to maintain disposability for noncitizens.

Research Question

This thesis seeks to reveal how national sovereignty is policed on the U.S/Mexico border through criminalizing humanitarian aid workers and organizations in order to reinforce exclusionary notions of citizenship and/or personhood. The nation-state sets the terms for who has the rights to have rights and how it enforces those divisions. I engage with scholarship that critiques the nation-state's use of power to make people disposable and take it further by demonstrating an outcome beyond disposability. This is an essential feature of how nation-state building and the formation of exclusionary memberships emerge together.

Humanitarian work is often assumed to be an extension of the nation-state and outward-focused to fill gaps in national rights and protections. Undocumented migrants or asylum seekers are seen as disposable and helpless, outside the purview of national governments, as if this help happens in a vacuum in places where resources and governments don't exist. It's also assumed that if a person doesn't have citizenship rights, they'll still have personhood rights and that there is an international system that maintains personhood rights for all humans. When national governments can't provide at least a baseline of personhood rights, powerful countries will step in with resources, often in the form of humanitarian aid, to provide that support. As the world's richest country and symbol of liberal democracy, the United States is defying these assumptions by not only

maintaining an exclusionary and violent immigration system but also by criminalizing humanitarians who are attempting to provide assistance where the state has failed. The criminalization happening to humanitarian aid workers on the border demonstrates that forcibly stopping life-giving aid, therefore personhood rights, is by design of the U.S. government and is a strategy in the maintenance of the nation-state. Migrants aren't just disposable; they are violently and intentionally excluded.

This thesis will demonstrate that nation-building occurs through weaponizing immigration enforcement and its impact on activists and activism on the border. This process is intentional, continual, and relies on violence. I will demonstrate how this violence unfolds and targets immigration activists, both citizens and noncitizens. The nation-state uses criminalization and excludes them as other, in the same way it does other groups it deems undesirable. This nation-building also emerges in the borderlands as an economy built around exclusionary law enforcement practices and militarization.

Case Study: Why the U.S. Mexico Border

My research will focus on groups working on the border because of the significance of this area. Activists giving aid to migrants are working to maintain the community in the borderlands area between Mexico and the United States. Warren (2019) believes in the strength of the borderland community of Ajo, despite the government's attempts to divide the population. Generations of residents have provided food and water for those traveling through the desert through different regimes, populations, and border policies. Indeed, "The borderlands have a rich tradition of this

kind of reciprocity and mutual aid. This includes indigenous practices like the O'odham *Him'dag* which places an ethical primacy on hospitality; more recent initiatives like the transnational Sanctuary Movement; and informal practices of welcome, hospitality, and care maintained for generations on both sides of the border line" (Boyce, 2019 pp. 197). Warren made clear that this reciprocity and mutual aid that has existed in the borderlands would not go away if he were to be convicted: "whatever happens with my trial, the next day, someone will walk in from the desert and knock on someone's door, and the person who answers will respond to the needs of that traveler. If they are thirsty, we will offer them water; we will not ask for documents beforehand" (Warren, 2019). It is clear Warren was driven to help prevent deaths because he understood the social fabric that is the borderlands and rejected the hierarchies placed there by those in power by refusing to see the migrants crossing as disposable bodies. It is important to note that Warren "found himself in a generations-old community effort to confront migrant deaths in the borderlands. His field is geography...and his focus is on the human and cultural geography of the U.S.- Mexico border" and made a point to reject the narratives of the border being the crime-riddled place seen in the media, despite the fact that it is intensely militarized (Devereaux, 2019). Though border enforcement and criminalization of migrants can be seen all over the country in the form of ICE raids, detention centers, etc., the borderlands are of particular interest in studying how criminalization takes place because it's the countries first line of defense in keeping out undesirable people. Additionally, within the 100 miles of the border there are unique legal circumstances that give the government extra-constitutional authorities. This means these powers aren't isolated to the border with Mexico border, but extends to the internal parts of the country,

including 100 miles within any coastline. Immigration enforcement has expansive policing powers in all of these areas where they are supposed to be enforcing civil law, not criminal law. This raises complex legal questions as criminal and immigration law become increasingly blurred.

Borderlands are an important space of contention because borders create a line of belonging and define who is included or excluded in the nation-state. Borders are where the nation-state comes into the closest geographical proximity of undesirable outsiders. They are where this division happens in a literal sense and therefore what defines the nation-state. The southern border exemplifies the lengths the United States is willing to go to maintain power and the separation between the Global North and South. The history of the border has been violent and tense since it was formed in order to maintain the emergence of the United States as a world power in the nineteenth century, while Mexico remained under the thumb of its more powerful neighbor. This means, “The border region is actually one that is marked by power differentials where the U.S., because of its economic strength, imposes more power over its southern neighbor.” (Elenes, 2011pp. 31). In order to maintain this power, binaries are created between legal/illegal, legitimate/illegitimate, and worthy/unworthy that inform the logic of violence along the U.S./Mexico border (Hernández, 2018). The borderlands are the physical place where nationalist ideologies manifest in violent ways. Importantly, the border is not just a place of coming and going marked by violent militarization. It is also a place of residence for millions of people in the crosshairs of this divide.

A series of laws and operations have been enacted that have ruptured the borderland community as militarization steadily increases in the region. Operation

Safeguard, Operation Gatekeeper, Operation Hold-The-Line, and Operation Rio Grande were all programs launched in the mid-90s aimed to stop the migration of people over the borders and involved a variety of militarized methods. With Operation Gatekeeper alone the Immigration Naturalization Service budget doubled to 800 million dollars, the number of Border Patrol Agents doubled, fencing and walls around the borders doubled and underground sensors tripled (Nevins, 2002). Operation Streamline, started in 2005, is a joint initiative between the Department of Justice and the Department of Homeland Security that adopted a zero-tolerance approach to unauthorized migration and led to mass trials where up to 70 people were seen in a courtroom at one time. This caused the number of criminal prosecutions for illegal border crossing to quadruple, cementing the link between criminal justice and immigration (Lydgate, 2010). Though Operation Streamline is seemingly a policy that takes place only in the courtroom, it has proven to make the desert even more deadly for border crossers. Because of Operation Streamline, No More Death volunteers now have to explain to migrants in distress in the desert that if they want to receive professional medical help, they will face criminal charges. Before Operation Streamline, migrants picked up by Border Patrol were just sent back over the border. This new choice means migrants more often opt to keep going even though they probably shouldn't (Burrige, 2009). This demonstrates the government's goal is not just to send unauthorized border crossers back to Mexico, but an explicitly violent attempt at putting migrants in mortal danger. Humanitarian aid workers have an impossible choice in these situations of either potentially letting someone potentially die if they refuse Border Patrol help or face criminal charges of aiding and abetting that could land them in prison for a long time.

Borderland residents are working against powerful forces trying to render an us/them divide that justifies the violence that happens in the enforcement of borders. While spending years studying the Arizona border and the impact of Operation Safeguard, Patrisia Macia-Rojas (2016) noted that “Border residents, I quickly learned, are at once regulators and regulated. As law-enforcement agents suspected smugglers, immigrants, or long-term residents, they have become directly and indirectly involved in policing even as they themselves are policed” (pp. 2). Activists and humanitarians are actively resisting the state’s attempt at making members of the community into extensions of the border. If the goal is to maintain divisions of who belongs in the nation-state and who doesn’t, humanitarian aid workers and activists who maintain compassion and belonging for everyone are in inherent opposition to that goal. Groups such as No More Deaths are a threat to the government because they reject disposability and value human lives beyond borders.

Doing this work means seeing the humanity in people the nation-state doesn’t which inevitably has an effect on the mental health of activists doing the work. The intense militarization and need for the state to maintain divisions translate into an environment of extreme emotional distress for those caught up in it, especially those who maintain a sense of empathy against a regime trying to abolish the humanity of certain people. On top of it, people are criminalized for acting on this empathy and compassion. This has a direct effect on social movements: “Criminalization will impede the attainment of a goal by creating intolerable tension-unless the movement develops coping structures” (Wilson, 1977, pp. 472). Trauma manifests itself in multiple ways in the borderlands, from seeing the physical manifestation of deadly policies to living in a

surveillance police state. This tension and anxiety are another layer to how the state is stamping out any community and punishing those insistent in maintaining the humanity of migrants.

Importantly, No More Deaths is one among many organizations working in the Borderlands to give life and dignity to people regardless of their immigration status. The Southern Border Communities Coalition brings together 60 organizations from California to Texas to “1. Ensure that border enforcement policies and practices are accountable and fair, respect human dignity and human rights, and prevent loss of life in the region. 2. Promote policies and solutions that improve the quality of life in border communities and 3. Support rational and humane immigration reform policies affecting the border region” (southernborder.org/about). The Southern Borders Communities Coalition will be a source to see how the different groups involved are facing criminalization because it has an explicit goal of protecting borderland communities by promoting human rights and the end to border militarization. On top of the organizations in this coalition, I will be talking to other humanitarian aid organizations that offer immediate life-saving aid in desert areas frequently crossed by migrants.

Literature Review

This thesis will bring together crimmigration, social movement, and border literature in order to understand the way violence is weaponized on the border. Activists and humanitarians are being criminalized on the border because they are a threat to how

outsiders devoid of rights are constructed in the way the United States does nation-building. The means in which it does this is seen in the extensive literature on how the Southern borderlands are becoming increasingly militarized through the amount of resources and law enforcement entities being sent to defend the nation-state from outsiders. These borderlands are important because it is a completely unique environment from the rest of the country for activists to work in. The intense militarization and criminalization faced by activists demonstrates how important the hierarchal binary of insiders and outsiders is for The United States to uphold. This criminalization is representative of the phenomenon of crimmigration, which describes how criminal and immigration law are now only nominally separate and are becoming increasingly enmeshed. This punitive turn means immigrants from the South are become more closely associated with criminals, further cemented the dichotomy of insider/outsider and adding another layer to it of citizen/criminal. The race-neutral language of crime also covers up the fact that those dichotomies are also divided along racial lines also.

Social movement scholarship similarly speaks to the violence the United States wields at the border. The forceful reaction from the state against activists attempting to mitigate death of migrants on the border demonstrates how mitigating migrant deaths is a threat to the United States' social order. The criminalization of these activists is also in line with the fact that the criminal label has historically been attached to dissidents of social order, which is what happened with African Americans after the Civil Rights Movement. All of these literatures will be threaded together in this thesis to develop an original analytical framework that allows me to analyze how nation-building weaponizes immigration law. The nation-state creates statuses of people that establishes them as

outsiders and enables cooperative law enforcement arrangements to help target these outsiders. This entwines the borderlands in a deep economy and culture that revolves around the process of violently keeping out outsiders and works towards limiting any social movements opposing this process.

Nation-Building as Violence

This thesis will critique and expose nation-building in the United States in two ways. The first is through national sovereignty over borders, where the government justifies a suspension of certain constitutional protections while deploying massive amounts of Border Patrol Agents armed with military-grade equipment and advanced surveillance equipment. This is used against both residents of the borderlands and migrants attempting to enter. The second is national sovereignty over immigration and criminal status that is applied to both persons and movements. These two statuses are becoming interchangeable and are not neutral. The labels of illegal or criminal target specific people and casts those people as outsiders.

Importantly, these critiques from the American context are connected to larger global patterns of neoliberalism and colonialism because these systems create exploitable people that can be used for cheap labor. When attempting to leave, people from colonized countries are met with violent borders to keep them in that exploited position and away from a population that benefits from their cheap labor. While there is synergy

with these global patterns in my research, this thesis focuses on the specific historical and legal factors that are distinctive to the nation-building process in the United States.

Distinctive in my research will be the use of the terms compassion and humanitarianism. Scholars have frequently critiqued that compassion and saviorism are part of a global humanitarian regime that is just another extension of colonialism. These concepts, on a global level, have demonstrated the ethical and moral disconnect between aid workers and the population they seek to help that can cause further harm. Makau Mutua (2001) points out in his work that global humanitarianism often reinforces the binary that the saviors (almost always from Western countries) are cast as superior and those receiving aid (from colonized countries) as subordinate. He goes on to say that “this international rhetoric of goodwill reveals just beneath the surface, intentions and reality that stand in great tension and contradictions within it” in which the savior validation comes from the conquest of the ‘primitive’” (Mutua, 2001 pp 212). Bornstein echoes this idea in her book by critiquing the fact that global humanitarianism through organized charity and NGOs have accounting systems where one has to prove their worthiness for aid to richer and more powerful donors or countries, again reinforcing a colonial relationship that subjects one side to the other. She adds that aid workers, who often volunteer as a leisure activity outside wage work, do it mostly because of the positive transformative experience for the volunteer, rather than making a substantial positive impact on the people receiving aid. She also defines two different kinds of empathy: liberal empathy and relational empathy. Liberal empathy seeks to assist abstract others in need whereas relational empathy turns strangers into kin (Bornstein 2013). Overall,

amongst human rights scholars, humanitarianism and the associated compassion have negative connotations that only replicate power imbalances globally.

These critiques are valid and important, but for the purposes of this thesis, definitions of humanitarianism and compassion do not align with these definitions set forth by critics of global humanitarianism. The activists and humanitarians on the border are a part of a domestic grassroots movement. Often, they live and were raised in the borderlands which means they are working to protect their own families and communities from violent border policies. They are part of the people being victimized. The compassion they practice is a compassion orientated in a community that looks more authoritarian than democratic, where people are dying attempting to seek a better life. Additionally, for those who did not grow up in the borderlands, but volunteer there, the critique is always towards the United States' policies, the richest and most powerful country in the world, rather than colonized countries deemed 'backward' and in need of being Westernized. The definitions of humanitarianism and compassion used in a global critique, though valid, are not applicable to my research which is a more community grassroots definition of humanitarianism and compassion.

Most important to my thesis' critique is the fact that humanitarianism and compassion on the border are under attack from the government and seen as a threat. Rather than working in tandem with the government to maintain hierarchies, like the global humanitarian movements being criticized, the community-based humanitarians on the border are being criminalized. There is something about the border and saving migrants' lives that is seen as such a threat that creates an authoritarian and repressive

governance within a nation-state that simultaneously touts its' supreme democracy and freedom. Earl (2011) gives a rational explanation that the more a movement threatens authorities the more likely it is to face repression. The link between the meaning of borders and the ways the United States criminalizes activists on the border can be made a little more clear, "when we recognize that it is possible to target people who are dissenters for control, whether or not they commit specific acts of dissent, and when we recognize that one major function of the criminal code is to protect unequal distributions of resources, we are ready to see that 'crime control' and 'dissent control' can never be empirically disentangled. They are specific instances of the more general problem of social control, of the maintenance of social order" (Oliver, 2008 pp. 13). The border is not just a geographical marker between nation-states but a force that demarcates certain people over others in an attempt to create an 'us versus them' dynamic inherent to the individualistic nature of neoliberalism. Some activists and aid groups challenge this binary by resisting the idea that certain people should be excluded and made disposable. It should come as no surprise then that members who participate in these groups are seen as a direct threat to this structuring and therefore are also criminalized.

Migration and border scholars have argued that punitive approaches to migration control arose in order to manage global flows of migrant workers displaced by neoliberal reforms, particularly the expansion of free trade agreements and the adoption of free-market policies that lower labor protections and wages, cut back safety nets, and displace traditional industries unable to compete with global competitors. Therefore, borders act as an ordering mechanism, that is made and being made by capitalist accumulation and colonial relations. Author Harsha Waila (2021) calls this process 'border imperialism'

which “depict[s] the processes by which the violence and precarities of displacement and migration are structurally created as well as maintained, including through imperial subjugation, criminalization of migration, racialized hierarchy of citizenship, and state mediated exploitation of labor” (pp.12). Subsequently, the border is less about the politics of movement, or whether or not that movement should be aided by humanitarians and activists and more about nation-building, labor control, and hierarchies. Criminalizing groups that build comradery across borders helps to maintain the idea of inequality that a nation-state’s exclusionary economy depends upon. Migrants from colonized countries have to be seen as backward/cheap/savage to make them exploitable. This is seen when there is no hesitation in helping U.S. citizens hiking in the borderlands who fall victim to the environment, yet a massive amount of government money, effort, and entities work towards stopping volunteer search and rescue groups looking to help or recover migrants in the same situation. The fact that this is seen as such a great threat to the United States says something about the kind of violence and inequality borders must upkeep.

Militarized Borderlands

The borderlands between the United States and Mexico embody the complex field of border policing as well as the integration of crime control and immigration control. Border Patrol plays a direct role in crime control and works with local law enforcement and residents in a way so entwined anyone in the borderlands is inevitably affected. In her research for her book, *From Deportation to Prison*, Patrisia Macia-Rojas (2016) describes the ways her expectations on border policing were defied: “Enforcement

extended beyond the traditional relations among white Border Patrol agents, growers, unions, and Mexican migrants or between inspectors and border crossers. Instead of historical practices to regulate labor migration and cross-border commerce, I observed enforcement actions designed to manage crime. Security related industries also played a more prominent role in local economies. And, instead of overtly racial language of keeping out ‘wetbacks’ and other players involved in border enforcement drew on a language of ‘rights’ and crime” (pp. 3).

Residents, Migrants, and activists are perpetually affected by the increased militarization seen at the border and viscerally understand to what extent the government will go in order to keep out people they find undesirable. During the extensive time Patrisia Macia-Rojas (2016) spent researching the punitive turn in immigration enforcement, she realized what this meant for border communities where Border Patrol became less of an immigration enforcement and more an entity of local crime control; and where residents, mostly citizens and legal permanent residents, were being arrested and even deported for immigration-related offenses. Despite the common narrative that justifies border militarization, border communities have some of the lowest crime rates of anywhere in the United States. Border Patrol agents even told her that migrants in those towns are transient and don’t stay, yet the communities are consistently targeted in anti-smuggling operations. This is despite the fact that smuggling only constitutes a small number of immigration crimes (Macia-Rojas, 2016). It should come as no surprise then that the charge the government prosecuted Scott Warren for was smuggling as well. Despite the drastic drop of migrants in border towns in Arizona after Operation Safeguard, the Border Patrol agents remained in large amounts. For example, “In

Douglas, Arizona alone there were 550 agents; today that figure has almost doubled. With a population of 17,000, that number translates to one agent for every 17 residents which is lower than the average public-school student-to-teacher ratio” (Macia Rojas, 2016 pp. 135). The culture there now is one of an authoritarian police-state where female residents have been cavity searched, beatings and shooting of residents by Border Patrol are becoming more regular, and residents say the amount of food they buy in stores is being monitored, lest it be too much and you’re accused of smuggling (Macia-Rojas, 2016). Under this scrutiny, neighbors have become simultaneously the police and policed all in the name of border enforcement.

It isn’t just an increase in Border Patrol agents that makes the borderlands militarized, the area has also been at the forefront of experimental surveillance technology. The Border Patrol has at its disposal fixed-wing aircraft and helicopters to monitor the land from the air, electronic motion detectors which have been used since the Vietnam War, heavily instrumented airplanes and balloons since the late eighties, drones with surveillance cameras, widening ranges of electromagnetic radiation, high-resolution visual cameras on high towers, and possibly the use of military or NSA satellites (Heyman, 2013). Border Patrol’s budget is massive, at nearly 5 billion dollars in 2021. As large as this budget is, it doesn’t encompass the billions of dollars allocated to other agencies involved in maintaining the border. Customs and Border Protection has a total budget of 17.7 billion dollars, tripling in size since 2003 (*The Cost of Immigration...* 2021). This doesn’t include other agencies that aren’t explicitly created for border enforcement but still police the area like the Drug Enforcement Agency and the local and state police that work together with Border Patrol. All of this spending is justified to stop

people whose most advanced technology used to cross undetected is usually carpet attached to the bottom of shoes to erase footprints and dark-colored clothing (DeLeon and Wells, 2017).

The militarization is felt by anyone traveling through the borderlands. The government tries to prevent any unauthorized travel to the interior of the country:

Some contraband and some undocumented immigrants remain in the borderlands, but mostly they move northward, precisely because these flows are embedded in U.S. society. This movement north requires transiting the roads of the border region, waiting in safe houses, and being transported through interior checkpoints by car, truck, and airplane. There is thus enforcement not only at or near the boundary, but in a heavily policed zone in the entire borderlands, including large cities, many small cities and towns, and farm districts. Almost all of these areas count majority Latino populaces. Houses are watched, streets cruised, strip malls and swap-meets monitored. Transportation points, such as bus stations, are checked often, and main airports always have watching passengers. Roughly 25-50 miles into the interior, fixed border patrol checkpoints halt traffic on all major highways, constituting a second line of questioning and identification before vehicles enter the rest of the nation. The whole border zone virtually becomes a wall. (Heyman, 2013 pp.103)

This extensive monitoring requires migrants to choose uncomfortable and dangerous means of travel to get North that demands the help of criminal networks for even a chance to get through undetected. It also means residents and citizens can have their daily

life interrupted at any given moment. In the name of searching for smuggled goods or people, the government claims legal justification to harass ultimately whoever it wants.

The 100-mile border zone is under federal jurisdiction and will enforce the will of the nation-state that is meant to uphold binaries of citizen/non-citizen or insider/outsider despite the fact those lines may be more blurred on the interior where some states are passing more progressive policies to protect undocumented immigrants. Progressive states have attempted to mitigate the assault on immigrants by passing more inclusionary state policy, creating a form of citizenship despite federal legal status (Colbern and Ramakrishan, 2021). However, even when long-fought comprehensive immigration reform has happened it has come with the compromise of more militarization at the border. Immigration federalism scholars like Colbern and Ramakrishan (2021) argue that progressive state policies, like those seen in California, can offer a vision for inclusive immigration policy, especially in the absence of federal reform that would create a pathway to citizenship. Importantly, militarization and the harsh exclusionary nation-building on the border has expanded with no end in sight, even in calls for federal reforms. As states are becoming more progressive and offering their own versions of state citizenship to their undocumented residents, the nation-state has continued to build up exclusionary capacities and have sharpened the lines in the sand between citizen and “alien.” John Torpey’s (2000) analysis states hold a monopolization of legitimate means of movement and passports function as a way of displacing and amplifying their administrative power. The emergence and use of passports as a way to control movement is just one way the nation-state upholds the divide between insiders and outsiders. This thesis focuses on how the nation-state weaponizes its border, its immigration laws, and

cooperative federalism to monopolize its power to determine who has rights and who does not.

The ubiquitous and state-of-the-art surveillance also has an impact on the mental health of activists and residents in the borderlands. Surveillance is explicit in its attempts to affect the minds of dissidents/activists in order to maintain oppression. As previously mentioned, the borderlands are heavily surveilled with some of the most advanced technology available by the government in the name of stopping people from crossing the border, but surveillance has been shown to have significant impacts on the way people behave as well. Glen Greenwald (2015), after receiving Edward Snowden's leaked documents of the extensive spying the NSA was doing on American people, demonstrated the effect surveillance can have on populations and the extent of oppression imposed merely through surveillance. In his research, he found that people will radically change their behavior and try and do what is expected of them when they know they are being watched. This also means that "merely organizing movements of dissent becomes difficult when the government is watching everything people are doing" (Greenwald, 2015 pp. 211). This happens because the threat of surveillance generates anxiety that causes people to totally avoid situations in which they may be monitored.

The impact of surveillance also has the ability to further divide people. Often the justification for surveillance, which applies to the border as much as it does to NSA spying, is that if someone isn't doing anything wrong, they shouldn't care about being monitored. However, this justification, "relies on projecting a view of the world that divides citizens into categories of good people and bad people. In that view, authorities use their surveillance powers only against bad people, those who are 'doing something

wrong’ and only they have anything to fear from invasion of their privacy” (Greenwald, 2015 pp. 213) The fact is ‘doing something wrong’ in the eyes of the government encompasses far more than illegal or violent behavior. The state constructs criminality to work to its advantage on the border to keep undesirable people out which also helps build support for surveillance which in turn keeps people from dissenting due to anxiety. However, trauma is also a driving force in entering activism and is a way for people to channel pain into action. The impacts on mental health are intimately tied with the nation-state’s agenda of dividing people and repressing dissent, beyond just creating violent circumstances that lead to trauma in those working on the border.

Crimmigration

Militarization of the borderlands works hand-in-hand with the way immigration law is behaving more and more like criminal law. The criminalization of immigration activists could be seen as another facet of the increased crossover and blending of immigration and criminal law. Juliet Strumpf (2006) coined the term crimmigration to explain the criminalization of immigration law that “has created parallel systems in which immigration law and the criminal justice system are merely nominally separate” (pp 59). Criminal law and immigration are historically separate entities, in which criminal law seeks to address harm to society or individuals in an attempt to prevent further harm, and immigration law is meant to determine who can enter, stay, or is removed from the country. By these definitions, the two shouldn’t have anything to do with one another, but Strumpf, and scholars after her, have demonstrated how the criminal justice system is

becoming more and more entwined with immigration. The fact that activists and humanitarians are being swept up in this phenomenon by being labeled criminals for being in solidarity with immigrants adds a unique dimension to crimmigration. Aid workers on the border are criminalized for their compassion, unlike those that work under a global savior/compassion model which sustains hierarchal support to aid. This and the fact that crimmigration is a result of specific policies of the United States distinguishes it from global phenomena.

The rhetoric implies that it is criminals who are affected by this more punitive immigration system, but often the criminal history of an undocumented person is actually referring to immigration offenses that are charged as felonies such as illegal reentry after a previous deportation. The state is actively constructing a norm that equates migration with criminality that goes beyond just the rhetoric by making it law. The labels ‘criminal’ and ‘alien’ are now so entwined that “the political choice to go after ‘criminal aliens’ makes up the very population that it targets” (Macia-Rojas, 2016 pp. 97). The act of unauthorized migration automatically labels you a criminal, there is no distinction between the two. If the mere act of unauthorized migration is deemed a criminal offense, programs like Prevention Through Deterrence imply the punishment for that crime is death in that the United States explicitly weaponizes the desert so that “illegal entrants crossing through remote, uninhabited expanses of land and sea along the border can find themselves in mortal danger” (Immigration and Naturalization Service [INS] 1994). The government is also making it explicitly clear that anyone who tries to mitigate death in the desert is an accomplice to the crime of migration, thus bringing activists on the border into the crimmigration experience.

The punitive turn in immigration mirrors the mass incarceration seen happening to Black Americans in the United States. Post-civil rights movement in the United States led to a race-neutral language of criminality that enabled the government to continue to embrace racist practices without being explicit in the rhetoric. When immigration became a national concern in the post-civil rights era, policymakers similarly turned to procedure and criminal law to do what race did previously: sort desirable immigrants from the undesirable (Garcia Hernandez, 2013). Macia-Rojas (2016) also made this connection to race and the criminalization happening in immigration enforcement:

The recent rise of “race-neutral” criminal enforcement priorities in the immigration system are rooted in civil rights struggles over due-process and equality under the law. Criminal classifications give the illusion of a race-blind immigration system that, considering the United States’ history of racial immigration quotas on admissions and similar bars to citizenship has never been race blind. Classifying immigrants under the apparently race neutral rubric of ‘criminals’ masks a long history of systematic racial violence in border policing and immigration enforcement. It creates apparently race-blind distinctions between legitimate forms of state violence against ‘criminal aliens’ and illegitimate forms of violence against migrant ‘crime victims’ and ‘vulnerable groups’ deemed worthy of state protection. (pp. 22)

The War on Drugs is now known to be used as a way to have race-neutral rhetoric that allowed for support of mass incarceration since the Civil Rights Movement. It might surprise some people that it is not drug laws that are increasing incarceration trends

lately, but immigration. Equally surprising is that the Department of Homeland Security constitutes the largest armed federal enforcement body and that INS employees were not authorized to carry guns until 1990 (Strumpf, 2006). The policing norms of the criminal justice system are now also ubiquitous in modern immigration policing. This isn't happening by accident, "congress increased funds for detention space and for criminally prosecuting immigration offenses. The idea was to prosecute in criminal courts instead of the immigration courts and to avoid paroling migrants from detention." (Macia-Rojas, 2016). The current state of punitive immigration enforcement has been planned and well-funded.

The northern border with Canada does not have nearly the same enforcement or militarization and White Anglo-European immigrants are not met with the same barriers as black and brown people coming from the Global South. Crimmigration is the result of a specific history in the United States that uses criminalization to label people and keep them on the outside of society. All of this is to say, much like the criminalization and mass incarceration of African Americans in the United States, the criminalization of immigrants and immigrant aid workers has little to do with actual criminality and more to do with maintaining racial divides that exclude those deemed undesirable. The history of the United States using criminality to delineate membership is working against immigrants and border activists as well.

State Repression and Social Movements

It isn't just individuals that are being targeted under the fusion of immigration and criminal law, but the ubiquitous crackdown on activists on the border points to the fact that whole social movements are being targeted. Undoubtedly there are food banks in border towns that aren't targeted while humanitarians leaving food for migrants brings a targeted response because it's an organized effort by activists that resist the governments violent policies that kill people on the border. This is because there are large processes at play in nation-building that are intent on keeping out the racialized other. This parallels how intensely the United States criminalized the civil rights movement and its fight for racial equity. Both involve keeping a racial division. These processes subject U.S. citizens and U.S.-based social movements to criminalization in the immigration context.

The government's crackdown on the immigrant activists and humanitarians is not about law and order and protecting the public, but about control of certain actions and defining deviancy. In describing how political protests are impacted by penalization, John Wilson in *Social Protest and Social Control* (1977) says "it seems clear that what behavior- and performed by whom- is declared deviant in collective episodes is decided, not by any intrinsic feature of that behavior, but by theories of control, social attitudes, individual stereotypes and situated decisions made by those who control. The reverse also applies; different acts performed by different people will interest different kinds of control agents, perhaps no agents at all" (pp 472). This implies that there is something particular about the humanitarian work being done on the border that particularly interests control agents and that saving lives needs to be controlled by those agents. Milkis and Tichner in *Rivalry and Reform* (2019) explain that presidents pay attention to certain movements when there is a perceived capacity to disrupt US social, economic,

and political order or if they espouse political beliefs with contempt for conventional political processes. This can make them prime targets for repression. The government's public explanation for the criminalization on the border is that they are protecting people from human and drug smugglers, but the reality is that they are punishing people for saving others' lives. This means that saving the lives of migrants has the capacity to disrupt US social, economic, and political order. The criminalization of activists and humanitarians bring light to the false narrative that immigration is naturally aligned with nation-building, proving that nation-building is reliant on violently keeping out undesirable people, so much so that any mitigation is seen as a threat. Milkis and Tichner (2019) go on to explain, "Protest groups engaged in illicit and violent activism- such as the destructive tactics of the Environmental and Animal Liberation Fronts or violent anti-globalization protests-clearly draw the most forceful reactions from government officials determined to maintain law and order" (pp 34). It's hard to know what 'the most forceful reactions' means but based on the militarization and repression seen in the Borderlands, we know that this area experiences a great deal more government repression than other parts of the United States. This implies that saving migrants lives is 'destructive and violent' to draw such a forceful action from the government.

In *Social Movements and Mass Incarceration*, Dan Berger (2013) documents how mass incarceration is intrinsically tied to repression of social movements. He explains that in post-civil rights movement in the United States "people were not arrested and incarcerated for dissent or even rioting; they were arrested and incarcerated for crimes" (pp). This point can be validated by what we see in the Borderlands when ordinary crime is applied to residents (e.g. smuggling) and activists (e.g. littering and smuggling). The

reasoning for this is that government attacks were designed to destroy the cohesion that is needed in safe and healthy communities. Patrisia Macias-Rojas (2016) explains how this works in border towns like Douglas, Arizona because “Challenging border policing practices that disproportionately target Latino/a residents is difficult. It is not easy to name and confront shame, mistreatment, and fear produced by activities carried out in the name of safety, security or crime reduction. Understandably, rather than questioning the roots of criminalization or the criminal classifications that mark them, residents blamed the criminality of smugglers, even as they have become primary suspects” (pp. 151). This framing of border protection as local crime control has worked to diffuse local opposition to militarized operations designed to literally kill migrants as a way to deter them. It has become increasingly obvious that the government’s plan through militarization and criminalization is to destroy borderland community and make it a place where everyone is policing each other, either for unauthorized migrating or assisting those for migrating without state permission. All of this has the intended consequence of wearing down activists in order to inhibit resistance. This inevitably becomes a source of emotional stress “by creating intolerable tension- unless the movement develops coping structures, the most important to be found in some community base, or web of primary group affiliations” (Wilson, 1977 pp. 480). Consequently, the stress elicited from social control can either create or diffuse cohesion in resistance.

Pamela Oliver (2008) also explains how certain actions are made criminal in direct response to political movements’ activities. For example, during the Montgomery bus boycott a law was passed that made organizing a carpool illegal in 1956 after leaders organized a carpool system to transport boycotters (Oliver, 2008). Similarly, the Cabeza

Prieta National Wildlife Refuge changed its permit language to say “I agree to remove...objects, debris, water bottles, water containers, food, food items, food containers, blankets, clothing, footwear, medical supplies...” (No More Deaths, 2019) to explicitly target humanitarian aid volunteers who were leaving vital water and medical supplies. Dan Millis was a No More Deaths volunteer whose felony littering charge set the precedence for other volunteers dropping off water and supplies in the critical corridor in which “one reporter stated in an opinion piece, the magistrate and officers appear to prefer the recovery of bodies rather than a small amount of additional litter on the refuge” (Burrige, 2009 pp 82). This is an especially poignant observation that speaks to the literal disposability of migrants crossing the border.

In her review on research of political repression by social movement scholars, Jennifer Earl (2011) summarizes different research on types of repression and its consequences, amongst other things. In her analysis she frequently speaks of the difference between repression from authoritarian states versus democratic ones. She explains that repression is typically targeted in democratic states to protests and activists that challenge political power and authoritarian states are more generalized in their repression (Earl,2011). It’s noteworthy because although the repression on the border may seem targeted, since it takes place in a specific geographical area, the repression generally affects all people who are in the borderlands, whether they’re illegally migrating or citizens, and where giving water to thirsty people is seen as particularly insidious by the government. An important distinction in authoritarian repression is that repression is so ubiquitous the lines are blurred between expected government control and repression:

Instead of selective repression, a large share of the population is subjected to substantial control across much of social and political life, including political engagement. The boundaries dividing social control, political control, and what has classically considered political repression collapse in such a situation. One cannot even distinguish between repression and other forms of control based on impact because limited noninstitutional political participation is overdetermined in authoritarian states (Earl, 2011pp)

The criminalization of activists and humanitarians on the border could possibly fit into a larger picture of an authoritarian control over the borderlands where you can't give water to thirsty people and where the Border Patrol may suspect you of smuggling if you buy too much food. Lines are further blurred because of the myriad of law enforcement agencies in the region and constantly changing state and federal policies. It's difficult for anyone to keep up what is within the scope of the law (Burrige, 2009). All this makes the borderlands a unique landscape in which to study state repression against activists and humanitarians, a place where it's hard to know not only what's legal or not from day to day, but also which governmental agency will target you that day.

This repression has devastating impacts that go beyond the suppression of social movements. It also means people doing the work are being affected mentally; and their health and well-being are at stake. Accordingly, nation-building occurs by making activism harmful to one's health. This is contrary to the popular belief that activism or humanitarianism can be transformative, positive experience to the ones doing it. The impact on mental health and the stories of trauma experienced is where we see the true strengths of violence in the name of national sovereignty.

Nation-building on the U.S. border is also violent in the trauma it inflicts on people there, particularly activists and humanitarians. Doing work on the borderlands inevitably entails experiencing trauma. Working and living on the border means coming face-to-face with the impact border policies have on human lives. Since the implementation of Prevention Through Deterrence has caused more than 11,000 deaths in the desert, which is likely a low number given the amount of people that have gone missing (borderangels.org). Residents can come face to face with distressed people crossing the desert, knocking on doors in search of food and water. The humanitarian groups that exist today were formed by these residents who couldn't help but notice that was happening in their backyards and felt compelled to respond. This response means finding bodies regularly and working with families who are lucky if their loved ones' bodies are even found. Activists working on the border face the herculean task of advocating for the humanization of people the government has deemed disposable. While there are well earned victories, such as the Dream Act, the border militarization that not only affects their activism, but personal lives as well, grows more intense. On top of it, activists and humanitarians are criminalized for acting on their empathy, which seems like a form of state-sanctioned gaslighting when seeing the humanity in fellow humans is deemed worthy of punishment. This is a particular experience to activists and humanitarians on the border that sets it apart from the global critique of compassion. Living and working in this environment inevitably leads to trauma and has an effect on mental health.

Trauma and activism are connected in multiple ways. Trauma is linked with empathy and compassion for others which drives people into activism and the activism

itself can simultaneously be healing and retraumatizing. Ronna Haglili (2020) found that trauma and activism intersect in meaningful themes that include emotional pain and retraumatization associated with activism, healing and transformation through activism, channeling powerlessness to action, and going from feeling alienated to validated. The trauma associated with living in the borderlands, whether its over-policing or witnessing death can drive people into activism because “people who experienced trauma may alert psychological states of helplessness and powerlessness, and process and conditions by which individuals who endured trauma may develop a humane compassionate view of self and others” (Hagili, 2020). Activism is a double-edged sword though, the same trauma linked with empathy and compassion for others can overtake a person and risk invalidating their own experiences. The study focused on people who had already experienced trauma and how that came to be a motivating force in getting into activism and how the activism affected their previous trauma but failed to bring up the fact that certain actions in themselves can be traumatic as well. The participants in the study also all reported that because of retraumatization, they moved to a more moderated form of activism over time, they stopped doing radical actions (Hagili, 2020). The author does not address the significance this mental impact has on movement making; that being affected by trauma can moderate activism. This points to an international suppression of movements by making activism on the border so harmful to mental health and makes the harm on mental health another tenet of nation-building. Mental health impacts and trauma can then be another way the state securitizes social movements.

Methodology

My research will be qualitative in nature as the vast majority of my research was obtained through interviews in order to understand how criminalization and legal repression is fully experienced on the border. Often, laws and criminality can be used in ways they weren't intended or develop patterns that speak to the larger picture of what is going on and these nuanced, less-obvious experiences can only be told by those who have experienced them. The answers to these questions will help build an understanding of how nation-building works through weaponizing immigration enforcement, not just on immigrants but citizens who are helping them as well. The interviews and voices of activists on the border will illustrate an exclusionary form of nation-building and showcase the ironies and contradictions involved in that. We often think of immigration as naturally aligned with nation-building but the criminalization and experiences of activists and humanitarians demonstrate that this is a false narrative.

In order to understand fully what criminalization means for the activists, my interviews provide the key elements of my research. I found most of the groups to interview through the Southern Border Communities Coalition (SBCC), a coalition of organizations across California, Arizona, New Mexico, and Texas working for migrant rights on the border. In addition to some groups within the SBCC I interviewed people from groups involved in humanitarian aid and search and rescue efforts on the border as well. My analysis includes people working in every state on the Southern border to understand how the violent exclusionary processes occur at the border, regardless of the politics of a particular state which will allow us to see the bigger picture of nation-building. My interviews are complemented with news stories and reports by organizations working on the border. Often what happens on the U.S./Mexico border is

told by people who are not from there who rely solely on the information given by Border Patrol and not the people on the ground experiencing and living in the borderlands.

Importantly, my questions will also address how different entities not typically associated with immigration enforcement work to maintain borders as well. State harassment can come in so many different forms and the interviews are aimed to understand the reality and the array of how this can happen and what law enforcement entities are involved.

The second part of my interview questions were aimed to understand how activists are dealing mentally with the work they're doing and the obstacles they are constantly facing, not just criminalization, but the trauma that is almost inevitable when doing this work. Activists have a tendency to invalidate the impact their work and policies has on their mental health in their focus on the population their working for. I hope to highlight the impact policies have mentally on people to illustrate the violence happening through another lens. My intention is to provide the perspective of those who interact directly with border policies to fully understand the impact of them.

I interviewed a total of 8 people from 8 different organizations spanning all the states on the Southern border with Mexico: California, Arizona, New Mexico, and Texas. Because of the pandemic, the interviews took place over zoom where they were recorded for me to go over and analyze at a later date. The interviews took place at the very end of the Trump presidency. Due to the nature of the questions, and the fact that Border Patrol has been known to retaliate on people who expose them, identities will be kept anonymous of the people I interview. The interviews conducted do not represent an official position from the organizations and are solely the views and experiences of the persons working within those organizations. The people interviewed worked in different

capacities addressing different issues pertaining to immigration. Following are the organizations the people I interviewed either worked or volunteered with and a description of what they do, from their website:

Organization Name	State	Description	Website
Alliance San Diego	CA	Founded in 2007, social justice and immigration advocacy group based out of San Diego on intersectional issues in the fields of civic engagement, human rights, educational equity, and tax and fiscal policy. Focus on identifying policy solutions, building coalitions, preparing leaders, and mobilizing people for change.	https://www.alliancesd.org/our_story
Ajo Samaritans	AZ	Humanitarian aid organization founded in 2012 providing relief to travelers in the “west desert” around the area of Ajo, Arizona. Comprised of church members and residents who leave water to help mitigate death and suffering in the desert.	http://www.ajosamaritans.com/mission.html
Border Angels	CA	Advocacy and humanitarian aid organization based out of deserts of California that does work on both sides of the border in attempt to reduce fatalities of migrants. Services include free immigration and employee rights consultation, educational programs, water drops in the desert, day labor outreach, and Caravans of Love to Tijuana to support and aid migrants that are in need.	https://www.borderangels.org/about-us.html
Comunidades en Acción y Fe (Café)	NM	Faith-based grassroots organization that does intersectional advocacy of a variety of social justice issues, including immigration	https://organizenm.org/

Frontera De Cristo	AZ	Presbyterian border ministry located in the sister cities of Agua Prieta, Sonora and Douglas, Arizona. As one of five binational ministry sites of Presbyterian Border Region Outreach, we work with churches, presbyteries, and secular organizations on both sides of the border to do justice	http://fronteradecristo.org/
Humane Borders	AZ	Focuses strictly on humanitarian assistance and maintains a system of water stations in the Sonoran Desert for migrants. Water stations located on government and privately-owned land with permission from the owners	https://humaneborders.org/
No More Deaths	AZ	Organization working to end death and suffering in the Mexico–US borderlands through civil initiative: people of conscience working openly and in community to uphold fundamental human rights; focusing on direct aid that extends the right to provide humanitarian assistance, witnessing and responding, consciousness raising, global movement building, encouraging humane immigration policy	https://nomoredeaths.org/about-no-more-deaths/
Rio Grande Valley Equal Voice Network (RGVEVN)	TX	works to advance the human rights and quality of life for historically marginalized groups in the region and advocates for the intersectional reform of immigration, housing, health care, the labor force, and education justice, while bearing in mind the specific set of challenges that immigration status, income, language and other identities that matter can play in these sectors.	https://rgvequalvoice.org/

Analytical Framework

The United States maintains a narrative that it is an inclusionary democracy, a nation of immigrants and free speech, where immigration is aligned with nation-building and social movements are not only protected but often seen as a beacon of moral progress. However, this narrative is false and constructed to hide the fact that the United States builds its nation on a binary of insiders and outsiders that is upheld in violent ways. This is backed up by a long history in the United States that targets civil rights movements it finds threatening and the way particular immigrant and criminal law becomes more entwined. The movements that exist on the border grew from specific issues and policies in migration that have happened in the United States. Specific histories and policies have created the unique way violence is weaponized in border enforcement. This thesis will demonstrate five dimensions in which it does this:

1. **Legal Status and Criminal Status:** Criminal and legal status are both constructed, not from any wrongdoing, but as a tool for exclusion. This has been seen in the mass incarceration of African Americans and the criminalization of activists involved in the Civil Rights Movement, and the same tactics that have historically been used are also being used against immigrants and activists on the border. It does that through race-neutral language while upholding racist notions of belonging in the nation-state.
2. **Political Development of Law Enforcement Arrangements:** Nation-building occurs in a particular kind of arrangement between nation, state, and local law enforcements that exist in the United States' government. If Border Patrol had to

do everything on their own, nation-building would be weak. Because different forces work together, their effect is multiplied, and border enforcement becomes a lot more powerful. These arrangements point to how threatening the activist movements on the borders are to garner such an encompassing and strong response. Political development happens through unlikely alliances between Border Patrol and other jurisdictions such as U.S. Fish and Game and the Bureau of Land Management

3. Economy of the borderlands: In the borderlands there is a militarized law enforcement economy, marked by an immense amount of resources and technology we've seen being sent to the area. There is a neoliberal trade economy that depends on legal statuses and law enforcement. The entire economy of the borderlands depends on law enforcement trying to keep those deemed "illegal" out of the country, whether it is smugglers themselves, those trying to stop the smugglers, or working in any capacity for CBP. The financial system functions on the idea of exclusionary membership in some form, furthering a culture of us versus them.
4. Culture of Othering: Everything happening in the process of nation-building creates a cultural divide where one side is law-enforcement and the other side is activist. This shows up in robust ways, so much so that activists often neglect their own mental health because they are so deeply invested in their activism. This othering that happens makes the ideas of compassion and humanitarianism unique in the borderlands, where solidarity with migrants brings an othering from the mainstream culture. Binaries aren't solely created around who is considered legal

and who isn't or who is a criminal and who isn't, but also in terms of solidarity versus enforcement.

5. **Securitizing Social Movement Spaces:** The impact activism has on mental health also works to minimize movement building because of the trauma and exhaustion faced by activists and humanitarians on the border. The sadness with witnessing deadly policies accompanied with criminal labels paints a different picture than one of a savior or hero often associated with humanitarian work that is often welcomed in mainstream society. The impact on mental health reveals the intentional violence that is being used in the nation-building process in the United States. This works towards erasing the work that is happening by activists on the border.

Overview of Chapters

Chapter 2: Chapter two will cover the experience of criminalization the people I interviewed have faced doing work on the border. These experiences demonstrate the importance of legal and criminal statuses are in the process of violent nation-building by the United States. The experiences are rife with contradictions that demonstrate death and violence on the border is by design of the United States government, not just an accidental side effect of immigration control. The interviews also show how different law enforcement agencies, including some not at all associated with immigration enforcement are working in tandem with Border Patrol to criminalize humanitarian aid workers leaving water for migrants. The borderlands community is so entrenched in violently

keeping out migrants that it is deeply woven in both the culture and the economy, a process designed to divide both citizens from non-citizens and criminals from non-criminals

Chapter 3: Chapter three will bring in the mental health of the activists and humanitarians in the discussion. The trauma, both primary and secondary experienced by the activists and humanitarians, add another dimension of violence that is happening in the process of nation-building on the border. The mental impact of this work also leads to an othering in the culture that separates activists from law enforcement and the people who support it. Witnessing traumatic events in border work means it's hard for activists and humanitarians to relate to mainstream culture as well. There is also an impression that humanitarianism and activism have a positive transformative effect on those doing that work, but the interviews will reveal this is not the case and the work is often exhausting and can be detrimental on mental health, rather than transformative. This is not to say the work isn't healing, either as many of the people interviewed expressed the fact that they could not sit and watch violent policies affect their lives and community and not do anything about it. Activism provides a productive way to channel that discontent and helplessness.

Conclusion: Even though the militarization at the border is constantly increasing, the activists' work is not pointless. They are providing counter-narratives to the status of criminality or illegality that is placed on people to make them outsiders, which can't be understated. Although my analysis is specific to the history and policies of the United States, it is my hope that this analytical framework can be expanded to other countries and larger global patterns.

CHAPTER 2

CRIMINALIZATION OF ACTIVISTS AND HUMANITARIAN AID WORKERS

Weaponization of Immigration Enforcement against Activists

Due to intense media coverage the indictment of Scott Warren has become the emblem of how the criminalization of activists happen on the border. Though criminalization is pervasive and has affected everyone I interviewed, the vast majority of these times don't result in overt criminalization. In fact, a parking ticket issued by a National Park Ranger in the Organ Pipe National Park was the most overt example of criminalization experienced from the people I talked to (No More Deaths/ Ajo Samaritans 2021). That doesn't mean that activists and humanitarians aren't made very aware their presence and work is not welcome. The constant barrage demonstrates how something as simple as attempting to save lives through water drops is seen as enough of a threat to put incredible effort into slowing down the people doing the work, either by physically holding people up, or mentally through constant surveillance.

To exemplify this point I will focus on one interviewee's experience who works in a binational church that has congregations on both sides of the border. For clarity I will give him the pseudonym Joseph. Frontera de Cristo's immigrant justice work began after the violent effects of border militarization were being seen firsthand by residents in the town the church is located. The purpose of the church soon became to respond to the needs of the border communities, which means a faith grounded in the fact that borders don't delineate a person's worthiness in the eyes of God. What this looks like in practice for him and other people involved in the church is providing aid for border crossers (and

working with other humanitarian aid organizations in Arizona), advocating for immigration reform, and running a migrant resource center on the Mexican side of the border that aids migrants who have been returned and documenting the abuses they experienced. He has been working in the area since 1999, when the effects of Prevention Through Deterrence were really coming to light in the area he lives. I had assumed working for a church in the name of Christianity would have granted a certain amount of privilege and immunity from government harassment, but over the course of our interview he had plenty of experiences to share with me that proved he was not immune.

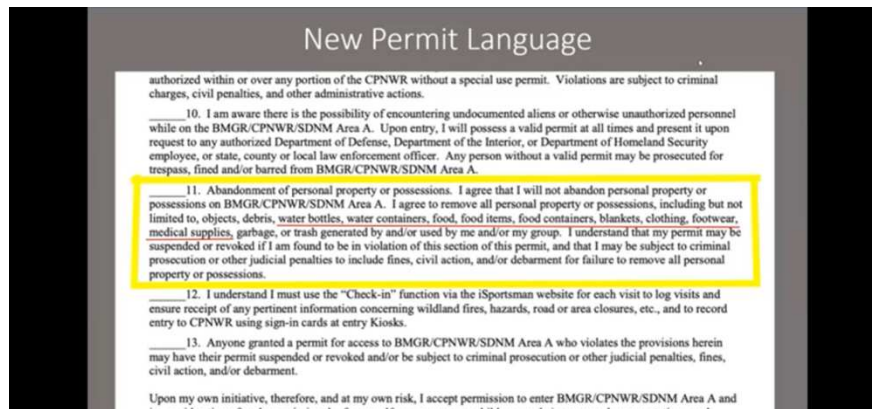
In one instance, he was driving home at night and encountered a family on the side of the road he found out had just crossed the border. They were trying to get back to Mexico after being separated from their group and had said Border Patrol passed them several times and never picked them up. Joseph dropped his wife at home and came back to help the family get back to Mexico, but they were gone. The week after this incident he was at a Border Patrol Station for an educational presentation on how border policies would be upheld. To his surprise, the agent giving the presentation told the story, exactly as it happened, about the family on the side of the road and told the group they would be arrested if they took the family in a car back to Mexico. Joseph described the incident as eerie and it was quite obvious the Border Patrol was watching his movements. Not only that, it was surprising that he could get in trouble for bringing people *back* to Mexico. After all, isn't the point of immigration enforcement for people to not come in the country? One would think he would be doing the Border Patrol a favor by helping people get back to Mexico.

He told me several people from his congregation have been arrested because they have been spiritually guided by their religion to help everyone in need and legally guided by the fact that it is not their legal duty to ask anyone their immigration status. One of them was an elderly lady who let migrants come into her house to eat and shower after they knocked on her door. When the Border Patrol found this out, she was threatened to be charged as a principle in a smuggling ring. They didn't end up charging her but released her at 2am after confiscating her car, which she never got back because it would have cost her a thousand dollars.

Joseph has also been followed by Border Patrol while driving several times and once encountered Border Patrol sitting outside his office because they supposedly had intel that his office was a "stash house." One time while driving the church's van he got stopped three times within one hour. A friend of his, who is a Border Patrol agent, once warned him that they were running the plates of cars in front of a stash house and Joseph's name kept coming up and warned him to be careful. At another meeting he introduced himself to a new Border Patrol agent in town and the agent responded with "I know who you are." His friend in the Border Patrol later told Joseph that was because they had a file on him. Joseph continues to work on the border and believes if it is illegal to help people, then it is illegal to be a Christian (Frontera de Cristo, 2020). While Joseph's experiences have been with Border Patrol, those doing humanitarian aid in the desert encounter a vast array of law enforcement entities that are keen on yielding certain laws and regulations that were not written for the purpose of immigration enforcement.

It is not just Border Patrol or even people involved in law enforcement that are working to criminalize and harass humanitarians. Entities associated with protecting the country's wildernesses are collaborating with Border Patrol to expand Border Patrol's power and multiply its effect. When Scott Warren was arrested on harboring charges, eight more No More Deaths volunteers also faced felony misdemeanor charges. Four of the volunteers had the charges dropped, but the remaining four were facing a year in prison for entering the Cabeza Prieta Wildlife Refuge without a proper permit, abandonment of property for dropping off one-gallon water jugs and cans of beans for migrants. One volunteer was also convicted of operating a motor vehicle inside the refuge (Carranza, 2019). They were ultimately sentenced to 15 months' probation (and prohibited from entering the reserve) and charged \$250 each in fines. Ryan Devereaux, a journalist who has been following the criminalization of humanitarian aid groups on the U.S./Mexico Border for The Intercept was able to access communications via the Freedom of Information Act. These communications showed the Cabeza Prieta Wildlife Refuge manager sent emails to Fish and Wildlife Service and the Air Force (which manages the nearby Barry Goldwater bombing range) letting them know they are not issuing permit access to the four volunteers charged. It was also revealed that a visitor services specialist at the Cabeza Prieta Wildlife Refuge was sending text messages to a Border Patrol agent letting him know when No More Deaths volunteers were applying for permits (Devereaux, 2018). On top of this, the Cabeza Prieta Wildlife Refuge changed its permit language to say "I will not leave water if I sign this document to get this permit. And so then when you do leave water, or if they catch you leaving water, then they have something with which to criminalize you and something with which to charge

you because they said you sign this thing that says you wouldn't do that.” (No More Deaths/ Ajo Samaritans 2021). No More Deaths explicitly went into this area of Cabeza Prieta because more people were dying there than any other migrant routes in Arizona. Intent on making sure this death is not mitigated, something as simple as a hiking permit has been turned into a weapon by the nation-state to ensure as many migrants are dying as possible.



The repercussions of what happened to the “Cabeza 9” in Arizona were felt for other humanitarian aid organizations that leave water, food and medical supplies in the deserts of California. One of the people I interviewed works for the organization Border Angels which does similar humanitarian work as No More Deaths, but in California. They have made the choice to not publicize certain abuses they know the Border Patrol is participating in, such as the destruction of their water drops. They knew if they did publicize this, they could face retaliation like No More Deaths received after they released a report and video of Border Patrol actively destroying water bottles left in the desert (Border Angels, 2020). That retaliation still ended up having an effect on Border Angels, even though they have never made public the destruction Border Patrol is doing in California. He told me after the simultaneous arrest of Scott Warren and the indictment

of the other four volunteers for abandonment of property, Border Patrol and the Bureau of Land Management really ramped up their harassment of Border Angels:

But that specific point once those few from the Cabeza 9 were charged, Border Patrol had a Bureau of Land Management Officer come up to us in one of our groups and tell us, I wasn't there, but it was one of our route leaders that was leading a route in a certain area, [The BLM officer] came up to them and told them that Border Patrol was looking for the coordinates of where we're leaving supplies and if we could give it to them. And the route leader that was there she replied no, like sorry we can't provide that. And the BLM officer then told her well you know what you're doing could technically be considered littering if you don't help us out, trying to blackmail us into doing that, we stood firm, stood strong because we clean up at least 30/40 pounds, if not more, a week from the desert of trash. That's stuff we've left, and we've taken back items that have been consumed and haven't been consumed...Trash that people crossing have left behind and discarded items we haul out. There's a lot of recreational shooting that goes on in the desert, we've hauled that stuff out. There's a lot of trash that Border Patrol leaves, we haul that out. We want to do more to offset our footprint and BLM knows that, they do. (Border Angels, 2020).

This story demonstrates two important points: That the Bureau of Land Management is working with Border Patrol explicitly to harass Border Angels workers and volunteers, just as the Cabeza Prieta Wildlife Refuge staff did; and the harassment isn't about protecting the desert ecosystem from litter and trash. If it was, Border Patrol wouldn't be leaving trash that humanitarians are cleaning up for them, and these other litterers would

also face harassment from BLM officers. Instead the harassment is directly linked to the intense maintenance of borders and the nation-state will construct narratives that appear to be a natural part of enforcement but is actually intentionally violent to maintain exclusionary nation-building.

It is common belief amongst activists on the border that the arrest of Scott Warren and the Cabeza 9 was an act of retaliation from the Border Patrol after No More Deaths released hidden camera footage of agents destroying water left in the desert by humanitarians. Intentionally condemning migrants to death in this way is bad publicity, even among conservative Americans advocating for more border militarization. This is because it is at odds with the narrative Border Patrol that they are the saviors for people lost and “trafficked” in the desert. But all the examples of harassment, many that existed long before that report, indicates this is much more than retaliation. The CBP Law Enforcement Explorer Program, a volunteer program that trains high schoolers to be Border Patrol, has even been involved in the harassment of members of Border Angels. These teenage interns followed a group of Border Angels volunteers with telescopes and destroyed the water drops that were left for migrants. After the volunteers confronted the teenagers about it, they told their boss in CBP and every car with Border Angels volunteers was pulled over at a checkpoint and harassed (Border Angels 2020). Coaching young interns to destroy water drops and harass humanitarian aid workers demonstrates that impeding lifesaving aid is a systematic effort ingrained in the Border Patrol’s agenda and training and therefore integral to nation-building.

Littering, or abandonment of property, has been a method to criminalize humanitarian aid workers specifically, but the threat of smuggling of drugs and/or people

has been most pervasive intimidation tactic used to impede activists in the borderlands. The person working for Border Angels spoke about times when Border Patrol or BLM officers confronted his group asking for IDs or meeting them where their cars were parked to make sure “no one was being trafficked” (Border Angels, 2020). A community organizer in the Rio Grande Valley in Texas talked about experiencing random accusations like this as well, even before she became an activist:

I used to work in the rental car industry. I was a manager and sometimes I would have to deliver vehicles to Corpus Christi, which is a coastal town that’s like South Central East Texas. And you have to cross that final checkpoint, and they stopped me, they were like well we think that you have drugs. And that wasn’t the first time that happened, we think you have drugs, because I guess if you’re a single female you must be transporting drugs. Like you can’t even do a normal action let alone an *action* action, you know (Rio Grande Equal Voice Network, 2020).

It was the accusation of human trafficking that almost landed Scott Warren 20 years in prison. A No More Deaths volunteer I spoke with talked about the fear he had and the insult to their character knowing that Border Patrol did not recognize them as a humanitarian aid organization and instead as human traffickers (No More Deaths, 2020). Being labeled a smuggler or trafficker isn’t reserved for activists, but the community as a whole. Macias-Rojas (2016) recognized that the “most common practice is to target residents as suspected smugglers, and not just on the basis of their Mexican ancestry” (pp. 134). The smuggling accusation is becoming increasingly inescapable in the borderlands as Border Patrol become the main law enforcement entity in the borderlands.

Harassment/Criminalization Examples

There have been a few examples in mainstream media of overt criminalization humanitarian aid workers have experienced in the borderlands. Examples like Scott Warren who was facing severe charges that could have landed him in prison for 20 years obviously garnered attention. What is missed in focusing only on these extreme cases is the prevalence of harassment activists and humanitarian aid workers experience on the border, even though it's equally as shocking. Over the course of my 8 interviews, the people I talked to described being victims to the following types of harassment from the state while doing the work they do:

- Keeping a database of license plates (Border Angels, No More Deaths, Ajo Samaritans)
- Adding activists and humanitarians to government watchlists and/or being told that there is a file on them (Border Angels, Frontera De Cristo, Rio Grande Valley Equal Voice Network, Humane Borders)
- Getting surrounded by law enforcement and heavy interrogation (Border Angels, No More Deaths, Ajo Samaritans)
- Being informed they are being watched closely (Border Angels, Frontera de Cristo)
- Surveillance through hidden cameras and sensors (Border Angels)

- Being pulled over at border checkpoints (No More Deaths, Border Angels, Rio Grande Equal Voice Network, Alliance San Diego, Comunidades en Acción y Fe, Humane Borders)
- Retaliation for being vocal and critical on social media (Border Angels, No More Deaths)
- Swarming by ATVs and/or helicopters (No More Deaths, Border Angels, Ajo Samaritans)
- Accusing an organization's building of being a "stash house" (Frontera de Cristo)
- Being pulled over randomly while driving (Frontera de Cristo, Humane Borders)
- Adjusting backcountry permit regulations to explicitly target aid workers (No More Deaths and Ajo Samaritans)
- Closing certain backcountry roads (No More Deaths and Ajo Samaritans)
- Smuggling accusations (No More Deaths, Ajo Samaritans, Border Angels, Rio Grande Equal Voice Network, Frontera de Cristo)
- Impounding cars (Frontera de Cristo)
- Parking tickets (No More Deaths, Ajo Samaritans)

Bridging Nation-Building and Social Movements with Immigration

These examples from activists and humanitarians provide a unique lens in which to view nation-building. Their stories highlight the contradictions between the narrative

and how nation-building is actually happening on the border. Citizenship matters so much that the United States is criminalizing citizens and attempting to take away their citizenship. It does this through constructed narratives of littering or smuggling in attempt to make it seem natural when in reality it is a deliberate plan to violently keep out outsiders through any means necessary. It goes further than just keeping out immigrants who haven't gone through a bureaucratic legal process. Violence and division are at the core of this agenda, otherwise the government shouldn't have a problem with Joseph bringing a family *back* to Mexico. Activists' experiences help us to see the bigger picture of what is happening. The criminalization of humanitarian aid workers and activists bridge nation-building and social movement scholarship because it demonstrates just how threatening the mitigation of the loss of migrant life is to the nation-state.

The history of the Immigration and Naturalization Service and, by extension, the Border Patrol is one of unbridled legal constructions in the name of exclusionary immigration policy. In her book, Deborah Kang (2017) explains "The INS functioned not only as a law enforcement agency, but also as a law-making body; the agency not only administered the nation's immigration laws, it also made them" (pp. 2). This has meant that since as early as 1920, INS has created a sectional immigration policy that exists in the borderlands. Even when the Administrative Procedures Act was passed in 1946, INS was exempt. This would have given INS a basic set of standards that would ensure agencies, as they devise laws and policies, remain responsive to the American public. Instead INS and its mobilized enforcement, Border Patrol, build the border management capacities of the nation-state. This means the way the border is enforced is not held to any sort of moral standard and can violently keep out anyone it deems other.

This construction of border enforcement through militarization and separate laws has proceeded crimmigration (which really started taking place in the 1980s) in terms of its sophistication, political, and economic development. Immigration federalism (policing the interior parts of the country), through cooperative policing arrangements, and crimmigration, compounded the developments on the border. Militarized borders and crimmigration have been weaponized for the purpose of nation-building that is violent, full of contradictions, and morally bankrupt. It is expected that democratic nations should embrace social movements and humanitarianism but instead the United States is criminalizing them.

Cooperative Policing Arrangements

To understand how criminalization happens to those doing humanitarian aid and immigration activism on the U.S./Mexico border, it is important to describe the environment residents, activist, and migrants find themselves in when working here. The borderlands are characterized by the 100-mile border zone where the Border Patrol, among other law enforcement entities, operate and where certain constitutional rights are legally suspended. This makes a very difficult environment for anyone challenging the government and its policies. The 4th amendment protects Americans from random and arbitrary stops and searches, but in this 100-mile border zone the U.S. government has suspended these basic constitutional rights, most viscerally seen in the form of checkpoints. These checkpoints are where Border Patrol agents inspect vehicles to deter illegal immigration and smuggling (ACLU, 2018). The Border Patrol is not the only law

enforcement entity in the borderlands. Over the course of my interviews, the list of agencies that have harassed the interviewees include: Border patrol, state and local police, the FBI, the Bureau of Land Management Agents, ICE, Fish and Wildlife Agents, National Park Service Police, and the DEA. These different jurisdictions also mean that the law is constantly changing, whether it be through different immigration policy, local agents being more emboldened by presidential rhetoric, or permit regulations in different national parks or wilderness areas.

The border isn't militarized in this way to explicitly target activists and humanitarians, but the ways in which it is militarized have been weaponized to criminalize the people I interviewed. While driving out to spots to do water drops for migrants, one volunteer described how the extrajudicial situation in the borderlands works against them: "We would get pulled over like every day, basically being asked like what we are doing and like who we were, being asked for our papers, which they're legally able to ask for within 100 miles of the border" (No More Deaths/Ajo Samaritans, 2021). When asked about what makes working in the borderlands different than other areas of the country, the checkpoints frequently came up, regardless of what state the person was working in. Often cities or towns along the border are completely surrounded by checkpoints that entrap undocumented people and let everyone else know that they are constantly being watched.

On top of the fact that normal constitutional protections don't exist in the borderlands, the activists I interviewed consistently brought up the diversity of entities who work together to police people in the borderlands. A community organizer in New Mexico described what this is like for activists and residents in border cities: "At the end

of the day, border communities experience militarization and over policing all the time. We not only have a regular city police or sheriff's department, but we also have Border Patrol, we have ICE, we have FBI, we have DEA, we have state police. I've been to an ACLU training where I think we have at least nine different law enforcement agencies patrolling our communities at all times. And so, just in that sense, you know we're over-policed" (Comunidades en Acción y Fe, 2021). It's important to note that this kind of policing, at least through Border Patrol, does not exist on the Northern border with Canada. As of 2019 the Northern border sector had 2,073 agents and the Southwest Border section had 16,731 agents (Customs and Border Protection, 2019). This means the Southwest border section has 8 times the agents as the Northern section.

The tension doesn't lie just with the agents themselves, but their families who support them as well. A community activist in the Rio Grande River Valley in Texas, when asked who targets her, answered: "The agencies, their friends, and their families, we're a small community it's very, very easy to be able to identify who are the rabble rousers on the left, you can't really do that on the right, you don't know. There are 3,000 boots on the ground for CBP [Customs Border Protection] alone, that's not ICE, that's just CBP. And they all have families, and they all have friends. And you know, multiply that by everyone else who's also sympathetic and then you put yourself out there...I was telling my boss I don't feel comfortable putting up signage saying what I stand for in my neighborhood" (Rio Grande Valley Equal Voice Network, 2020). This demonstrates the threat extends beyond just those in uniform, but an environment in which humanitarians and activists are working is constantly tense regardless if there is direct interaction with law enforcement.

Perhaps more surprising to people not doing humanitarian work on the border is that Border Patrol aren't always the biggest concern for harassment in the borderlands. When leaving water and supply drops, volunteers have to hike into remote wilderness where migrants are funneled as a result of Prevention Through Deterrence. This means areas where they work are policed by not just Border Patrol, but Fish and Wildlife, National Park Service, and Bureau of Land Management; entities typically associated with protecting the country's natural environment. An interviewee who refers to Fish and Wildlife officers as "fish cops" explained to me how this works:

I mean as aid workers, in a way, Border Patrol in terms of desert aid and putting water out in the desert, search and rescue, and search and recovery, Border Patrol is less of, I don't want to use the word threat, but I'm going to use it because they don't have any jurisdiction over things like traffic, driving violations and things like that. They can only ask us whether we're U.S. citizens or not and when we say yes then there's really nothing else they can do, unless they suspect us of carrying drugs or having weapons, neither of which we ever carry...although irritating and aggressive and kind of emotionally stressful, Border Patrol can, in many ways, do less to us than land management enforcement (No More Deaths/Ajo Samaritans, 2021)

Criminalizing specifically desert aid work which almost always involves working in federally protected land where migrants were intentionally funneled. Several interviewees mentioned all these entities collaborate with each other and keep each other up to date with the activities of humanitarian aid workers. When these policing arrangements cooperate, they connect to make the 100-mile border zone extremely volatile which

important for nation-building. The Border Patrol's power would be weak without these alliances working together to keep divisions strong.

Economy of the Borderlands

Though these examples imply an ideologically divided area of those who police and support the policing of the borderlands and those who are working to end or ease the effects of border militarization, this divide is not always so clear cut. The economy of the borderlands is very much tied up with the same industries that create this militarized environment which controls everyone's livelihood whether they agree with it or not. In an interview with a high-ranking law enforcement officer, Patrisia Macias-Rojas (2016) uncovered how cross-border consumption, law enforcement, and drug and human smuggling sustain border economies. He explained to her that border patrol agents grew from 40 agents fifteen years ago, to fifteen hundred today. Additionally, the DEA, FBI, U.S. Customs all have full staffed offices and contingents that didn't exist before. The government is now the major employer in Cochise county, Arizona where there is little other industry. The economy is maintained by combatting immigration, smuggling, and the drug trade that maintains this market. At least thousands of jobs depend on border enforcement, not just in Cochise county but all along the border. There are plenty of ways criminality is constructed on the border to keep the industry busy, from illegal immigration to drug and human trafficking. This affects the work of activists who are working towards dismantling border militarization and violence, the very thing paying

the bills of the community. A community organizer in Brownsville described how it affects her work and day-today life:

Because our economy down here has been so impoverished for so long and there's been so many people who have just been itching to get a leg up...there's all these jobs, take your pick between working at ICE, CBP, or the Texas Department of Public Safety all three are working hand in hand to police people of color. You know they're racially profiling everybody. But when you're doing the work and you're trying to make noise, you have to be conscious of the fact that you're not in a safe space when you're saying it out...people became more interested in border militarization because of the rapid rewards it gives them. If you don't have a college education and you can just step into a job that starts you off with \$50,000 or more and the baseline down here is usually \$30,000 for a family, I mean that makes a difference and speaking out when somebody possibly works with CBP, who's friends with somebody at the Brownsville Police Department maybe, you know there's that kind of vibe (Rio Grande Valley Equal Voice Network 2020).

Her testimony demonstrates why her work (ironically also sustained by the militarization in border communities) is seen as such a threat to many of the people in communities she is working the change for the better. It also demonstrates how the political development and support for law enforcement happens. The economy itself a key part of exclusion and violence, fortifying how nation-building happens in The United States.

Land Jurisdiction

Humanitarian aid workers and activists are constantly having to think about what land jurisdiction they are on, too. With aid workers and activists this means assessing the risks associated with each jurisdiction and making sure all volunteers are aware of those risks, like entering Fish and Wildlife jurisdiction and being aware of violating wilderness permits by leaving water jugs (No More Deaths, 2020). For the organizer in New Mexico, it's knowing, when they went to a Tuscon courthouse to protest the mass trials under Operation Streamline, where exactly on the sidewalk they should stand because "if you stood on this side of the sidewalk we were on federal property, and if we were to get arrested while on federal property what that could mean for our safety" (Comunidades en Acción y Fe, 2020). An activist in San Diego echoed this concern of jurisdiction: "We always advise people to at least know what land you're on and which agency it is before you do an action because who you're being arrested by and what you're being charged with, if that's federal or local is going to have a very different result" (Alliance San Diego, 2020). Activists have to be hyper-aware of who is policing them and what land jurisdiction they are standing on at all times. I was often told that this is a regular part of discussions they have with their team when doing an action. This exists to some extent in the United States beyond the border as well, but as previously mentioned the borderlands have an excessive amount of entities constantly policing them, so the consideration is much more complicated than other places. This happens in all states along the border as well. Just because California has progressive state policies doesn't mean activists can't be

criminally charged on federal land, thus invoking punishment from a federal government that will go to violent extremes in order to maintain its borders and criminalize activism.

Militarization of the Border as a Precursor to Crimmigration

The militarization is becoming more pervasive and intense as time goes on, regardless of political parties and administrations in office. Residents and activists know this has happened long before the infamy of the Trump administration: “You know the criminalization of immigrants as a whole has been happening more and more in the last 25 years. Immigration laws have gotten stricter, border militarization has gotten worse and more well-funded. So, this idea of criminalization border communities, it was not new in the last four years. It just was very blatant, especially as they were going after people like Scott Warren, right. And yeah, but border communities, this cognition is not new to us right we have internal border checkpoints we have Operation Stonegarden, Operation Streamline, things that have criminalized Brown bodies for a really long time” (Comunidades en Acción y Fe, 2020). The militarization at the border has deep roots and to blame it on one administration would be downplaying how integral this violence is in maintaining borders and therefore nation-states.

Policing permeates every aspect of life on the border, not just those who criticize border policies. This is why it’s different in the borderlands, “because the presence is there, and it’s a constant reminder that we don’t have freedom of movement in our region” (Alliance San Diego, 2020). This same sentiment is echoed by another activist, in another state, doing completely different immigrant rights work: “It’s so present all the

time, like law enforcement is so present all the time, militarization is so present all the time” (No More Deaths/Ajo Samaritans, 2021). Though all the people I spoke with expressed an increased boldness happening under the Trump administration, they also all expressed that criminalization and militarization is not new under his administration. It has been steadily building under both Republican and Democratic administrations. An organizer for the Rio Grande Equal Voice Network told me how interrupted her regular life was even outside of the activism she does:

There's like 100-mile constitution free zone where you just lose your rights and Border Patrol can do whatever they want with you. There's nobody that can actually say like, I feel safe and secure. You know, doing whatever I'm doing even if CBP decides to question me because like you don't have the rights that you normally do, they can just take you in if they want to. And that's what makes it so scary. I think that's an important thing to note about all of this and that's why that there's so much fear there because they have the ability to just take you. Lots of people have been taken and even if they've been US citizens, like, even at our checkpoints (Rio Grande Valley Equal Voice Network, 2020).

I also interviewed people doing an array of immigrant rights work from community organizing to policy advocacy to sanctuary work to humanitarian aid from democratic states like California and New Mexico, to conservative ones like Arizona and Texas, and the pervasiveness of militarization and over-policing was something they all felt. It is ironic for the government to say that legal status matters so much that checkpoints made to supposedly keep out undocumented immigrants are being used to de-naturalize citizens. This is contradictory and points to the fact that nation-building doesn't just

happen naturally through immigration but is constructed to be more exclusionary and focused on keeping out those it deems undesirable, even if the undesirable people are already naturalized citizens.

Legal Status/Criminal Status

The consequences activists and humanitarians face are great and can include losing their citizenship, either by losing the legal status through de-naturalization and/or gaining criminal status that also strips away rights and denies them the benefits of citizenship in a democratic nation-state. If the state would have accomplished its goal in convicting Scott Warren, he could have been imprisoned for 20 years in order to set an example of what happens when you resist violent border policies. Scott Warren's acquittal was a relief to many people, but it would be negligent not to mention that he is a white citizen with no previous record, which affords him great privilege when facing any sort of criminalization. There's a reason Scott Warren has been named far more often than the two men who were arrested with him. Kristian and Jose were taken to an immigration detention center after receiving aid from Scott Warren at a No More Deaths camp. A No More Deaths volunteer expressed her annoyance at this: "The amount of attention that goes into the criminalization of one white versus the criminalization of 75 people of color who have done nothing wrong except walk across an imaginary line in hope of improving their lives...really, really, really annoys me" (No More Deaths/Ajo Samaritans, 2021). Scott Warren got acquitted, Jose and Christian spent time in a detention prison and were subsequently deported.

However, it is not just a matter of white activists having privilege over the undocumented non-white population they're working for. Activists themselves also come from vulnerable populations that experience either more criminalization or have a lot more to lose if they are convicted of anything. A community organizer in New Mexico noticed that more and more naturalized citizens are losing their citizenship and being deported. That, coupled with increased criminalization of activists, meant for her that "the last four years really brought to light a lot of new fears for organizers like us. Definitely the criminalization of advocates at the border was really scary. I'm a naturalized citizen and knowing that could actually be taken away...like the denaturalization process is real and it exists. It was really scary especially because just the work that we do, the harder things got with the Trump administration, the harder we pushed. We didn't let their tactics push us into silence and I think that is a scary thing" (Comunidades en Acción y Fe, 2020). The No More Deaths volunteer who was annoyed that Jose and Christian weren't mentioned in the media is not a citizen. She is a Green Card holder from the United Kingdom and never mentioned to me a fear of her permanent residency being revoked. The risk of advocating for immigrant rights on the border is one that cannot be talked about without intersectionality.

This was most apparent in the interview I had with a man who works repairing big water stations set up in the Sonoran Desert by Humane Borders. He was the only one who couldn't answer if he was targeted by law enforcement entities because of his humanitarian aid work. This isn't because he's never targeted or criminalized, but because "my life is as it always was. If a cop pulls up behind me, I am a male of color between the ages of 18 and 55 and therefore I'm a suspect. So that part never changed

and that definitely didn't stop after I got busted a couple of times and I'm never going to beat that rap...It was always like that, the being pulled over, getting the random search when I fly, it's always been like that. So, I wouldn't know whether it was different because I do border work or not. It's just always been that way...It's not a surprise that anytime they roll up behind me and run my plates, they're going to see my arrest record." (Humane Borders, 2020). He clarified that his arrest record was not directly related to the border work he does but also recognizes that it isn't unrelated, that there was no surviving the economic system for him any more than the migrants he now helps. Systematic racism is a part of his personal life and the work he does. He knows if Scott Warren wasn't white, he'd probably be in prison right now. Just as the white kids he grew up around who never had their doors kicked in during drug raids (despite also being involved in drugs), similarly the Border Patrol isn't going after white people from the United Kingdom or Canada who have overstayed their visa. Scott Warren got acquitted and what that meant for him was that:

There's no divorcing the issue from systematic racism, there really isn't. The criminalization of people of color, the expressions look different, but all the base assumptions are the same. When an unarmed black person is murdered by police and when an entire population is pushed out into the desert that is guaranteed to kill them, it's motivated by the same thing. So, in my opinion criminalization is just a fancy word for systematic racism and systematic racism exists now without the plantations. It exists through a new plantation called the criminal justice system. Now what black people have in common is they are hunted, and they are rounded up and they are incarcerated at great expense to the taxpayer who bears

this expense for fear of the boogeyman. And at a great profit to private prisons.
(Humane Borders, 2020).

This connection has not gone unnoticed by academics, either. While critiquing the rise of racist nationalism and its connections to migration and border control, Harsha Waila (2021) explains “Police, prisons, and borders operate through a shared logic of immobilization, containing oppressed communities under racial capitalism. Notably, the word ‘mob,’ a criminalizing vocabulary used to link large groups of poor, racialized, people to social disorder, including inner cities and at the border, derives from the word ‘mobility.’ Even as explicitly racist prohibitions on people of certain races or national origins have been removed from most states’ immigration policies in an era of alleged ‘color blindness,’ mobility continues to be restricted and contained along class, color and caste lines” (pp 15). Many people advocating against border militarization are personally entrenched and persecuted by the same system they’re working to upend, making the threat of criminalization all the more intense and omnipresent.

Labeling people by their criminal or legal status is important in nation-building because it establishes who belongs outside the nation-state. These labels are a constructed façade that are weaponized in the fight for immigration enforcement to keep out undesirable others. These labels are intentionally race-neutral to hide the racialization and othering that is happening in nation building that is deemed illegitimate today. The labels let the nation state coerce labor and citizenship that merges into racist nationalism.

Beyond Criminality: The Othering of Activists in U.S. Borderlands

It seems like a stretch for anyone to assume those leaving water in the desert for migrants are human smugglers. The people making these types of threats don't believe these activists and humanitarians are actually heads of complicated smuggling rings either. The criminality put on migrant advocates is constructed, and the interactions the people I interviewed further shows this. The state needs to construct these narratives of crime in order to justify the violence it inflicts to maintain borders and keep people they find undesirable out. Rather than just going by what is written in law, this demonstrates a concentrated effort to stop the work of border activists and migrants, because they have to stretch laws and form them in ways that work for their agenda.

The interactions my interviewees had with different law enforcement entities emphasize that the criminality the state tries to place on them is purely constructed for the sake of an agenda and is not actually rooted in wrong doing. The pastor I spoke to was told explicitly, "we may not be able to convict you, but we can make your life difficult" by a Border Patrol Agent (Frontera de Cristo, 2020). Other people also implied that constant harassment was all law enforcement could manage because they know activists aren't doing anything illegal. That is not to say activists and aid workers are getting off easy, or that law enforcement can't accomplish a lot on harassment alone. The person I talked to from Humane Borders explained to me that, "they don't have to win, they can drag you through court for years like Scott Warren. If you can't afford good legal defense, good luck, because they just have to charge you it doesn't matter if you're convicted. Just indicting and charging you is enough to bankrupt you" (Humane Borders,

2020). Another person I interviewed told me you can only find out about harassment and abuse by Customs and Border Protections from word of mouth because they're "sneaky" and won't leave a paper trail (Rio Grande Valley Equal Voice Network, 2020). If they are so honorable in what they're doing, what is the shame in leaving a paper trail? The state knows it is hard to charge people, so they harass instead in order to wear people down and stop the work at any cost.

Because they know they're not doing anything illegal, interviewees made it a point to be very open about what exactly they're doing. Border Angels made parking placards for their cars to explicitly send the message that they're not hiding, and they know they aren't doing anything wrong (Border Angels, 2020). During Scott Warren's trial, lawn placards with No More Deaths' motto "humanitarian aid is not a crime" were abundant in front of Tucson's houses. No More Deaths operates under Red Cross humanitarian aid principles as well as legal principles established throughout the world (No More Deaths/ Ajo Samaritans ,2021). Humanitarian aid workers on the border aren't just justified by their moral principles but protected by international law. Yet, the United States is still trying to make them into criminals.

Despite a righteous conviction in what they're doing, it doesn't mean the threat doesn't instill fear. After Scott Warren was arrested a No More Deaths volunteer told me it made him realize serious charges like that could come down at any moment, based on the whim of the Border Patrol, not based on actually committing a crime (No More Deaths, 2020). There is no predicting when it can happen next if it is completely random and not a result of breaking the law. The state can essentially make whatever it wants

criminal. My contact in Humane Borders knew this deeply, being criminalized early on because of his skin color and already having his own arrest record:

I mean racism serves a purpose, but the fundamental purpose always was economic and it's still economic. So, criminalization, and this applies to the border as well as black people, is when you decide to make an entire population illegal. And the way you do that is you make something illegal that everybody does. So, for example, I want to make everyone in a certain demographic a felon and unable to possess a firearm or vote. What I do is make something everybody does illegal, like smoking weed. But I only enforce those laws in those people's community" (Humane Borders, 2020).

Maybe humanitarian aid is protected under international law, or the first amendment for those operating under religious conviction, but smuggling isn't; and neither is littering. So, the state constructs these narratives of criminality in the borderlands that justifies what they're doing. This construct of criminality (of both migrants and activists/humanitarians on the border) is a means to an end that keeps undesirable people from being included in membership of the nation-state.

Nation-Building Through Weaponizing Border Enforcement

To understand why a rich, liberal democracy would systematically target humanitarian workers and activists in this way, we have to understand the immense, systematic cruelty the United States inflicts on migrants. There is a targeted agenda by Customs and Border Protection to actively endanger the lives of people crossing the

border. The Practice of Prevention Through Deterrence, with the explicit purpose of making sure migrants die in order to deter more people from coming, has already shown this. How the immense amount of resources the Border Patrol has at its disposal and how they are used also shows this.

Though state repression of different social movements through criminalization is not unique to the borderlands of the United States, there is something about immigration that interviewees noticed draws more attention. A No More Deaths volunteer pointed out to me that others volunteer at food banks and they don't think twice about it, but for some reason giving food to people in the desert is viewed as wrong by the state (No More Deaths/Ajo Samaritans, 2021). Comunidades en Accion y Fe (Café) in Las Cruces, New Mexico works on a lot of different issues for their community, beyond immigrant issues, including raising the minimum wage and paid sick leave. When I asked the person who works for Café if certain actions are more criminalized than others, specifically her work in immigration issues versus economic security she said "I've never been afraid of speaking about paid sick leave or minimum wage that potentially we would be arrested or sought after. You know the immigration; I think because it's a federal agency that is very powerful and well-funded. I think there is always that fear about like what kind of criminal charges will be brought against activists for protesting such agencies" (Comunidades en Acción y Fe, 2020). More than anything, it is advocating for migrant rights that draws the federal government to use its immense resources to criminalize activists.

There is mounting evidence that death of immigrants is the explicit goal of the U.S. government when it comes to border protection. Activists, humanitarians and

migrants themselves are increasingly made more aware of this. No More Deaths interviewed migrants for their report on the Border Patrol's interference with humanitarian aid, and one man they spoke to said "The want to kill us. They are murderers. They treat us no better than animals. They know that without food and without water and without rest we will die. We are dogs to them. We have families, and they have families too, but they never think of that, or see that we could be the same as them. The difference is they don't have to leave their homes because they have what they need here...It's not that people are dying; they are killing us. We are being killed." (*Interference with Humanitarian Aid...*2018). This comparison to animals was echoed by an employee for Humane Borders who stated that migrants are being hunted, whether it be ICE all over the country or Border Patrol in the southwestern borderlands (Humane Borders, 2020). This has extended beyond Border Patrol as different agencies cooperate in its dehumanization agenda. Departments such as Fish and Wildlife also act as though "on the Cabeza Prieta National Wildlife Refuge, the deaths of undocumented humans inspire less concern than the survival of endangered pronghorn" (*Left to Die...*2021). Dehumanization such as this has been used for violent agendas of nation-states throughout history as a means to justify deadly actions.

Every person I talked to doing humanitarian aid work leaving water in the desert told me about incidences in which Border Patrol destroyed the vessels of water they left behind. This is further evidence that the goal is for migrants to die. No More Deaths collected data from 2012 and 2015 and found at least 3,586 gallons of water they left were destroyed, mostly by Border Patrol (*Interference with Humanitarian Aid...* 2018) Unlike No More Deaths and Border Angels, Humane Borders leave out big barrels of

water marked by a flag for people coming through. Though the method of water distribution is different, and they get permission from landowners before they set up barrels, they still see their water drops vandalized by Border Patrol:

The vandalization, that's really barbaric. It's just, it's shocking, why anyone would destroy water in the desert, that's a whole other level of hate. You know, because you can break down in the desert too, the water doesn't care where you're from, it's there to save lives but it's shocking. Little things. So, some of the tells on the border, if you find water bottles that are empty when Border Patrol catches you they make you pour out your water. That serves no purpose other than the dehumanizing humiliation. They make them pour out their water and actually they don't bring their stuff, they just leave their shit, wherever they're busted it's just scattered on the ground. They make them dump their belongings out, dump out the water. When you find water bottles that still have water in them and are capped, it means they made it to their pickup spot because there's still water. So, the Border Patrol have an M.O., when they drain a water barrel. (Humane Borders, 2020).

As previously mentioned, teenage Border Patrol interns are also being taught to do this demonstrating these are not acts of vindictive individuals but a systematic policy (Border Angels, 2020).

Despite the fact the Border Patrol is involved in a multi-state campaign of destroying water left for migrants in distress, they ironically have the monopoly on emergency response in the desert. When a call comes in about a migrant who is missing or in distress in the desert, the 911 calls are transferred to Border Patrol. No More Deaths

conducted a study on how Border Patrol responds to these calls and found that for 63% of the distress calls they received, there was no confirmed search and rescue whatsoever. In the 37% of cases where Border Patrol did respond, “the quality and scope of the efforts were severely diminished when compared with government search and rescue standards for cases involving US citizens, most less than a day” (*Left to Die...2021*). Because the Border Patrol did not respond adequately to crises of its own making, humanitarian organizations started doing search and rescue and/or search and recovery to help missing people. Rather than cooperating, or even just letting these organizations do this work, “Border Patrol obstructed family and humanitarian search efforts in at least 25% of all cases received by Derechos Humanos missing migrant crisis line: criminalizing and harassing Search and Rescue volunteers, denying search and rescue access to land jurisdictions, failing to share critical information, denying access to eyewitness in detention, bureaucratic run around, and providing false/misleading information” (*Left to Die...2021*). This is just from cases that are reported from one organization out of many doing this. Many bodies are never recovered and returned to their family meaning migrants are not only devalued when they’re alive, but also in death.

Besides having 911 calls routed to them, Border Patrol also has its own Search, Trauma, and Rescue unit (BORSTAR) it created in 1998 to supposedly respond to the crisis of death in the desert. The Border Patrol, in fact, has immense amount of resources at its disposal that there really is no reason they shouldn’t be able to conduct proper search and rescue. The U.S. Border Patrol’s annual budget is 4.7 billion dollars, which is more than the annual budgets of the FBI, The Secret Service, DEA, Marshals Service, and Bureau of Alcohol, Tobacco and Firearms combined, by far the most heavily

resourced federal law enforcement agency (*Left to Die...* 2021). Border Patrols lack of response to people dying or missing in the desert is especially disturbing when we look at how their resources are actually spent: harassing humanitarian aid workers. A volunteer with No More Deaths told me they had been “swarmed by Border Patrol while we’re out in the desert, being questioned really, really heavily; having armed government officials standing next to us, having ATVs swarm us, being buzzed by helicopters” (No More Deaths, 2020). They clearly have the capabilities, equipment, and budget to remove a person from a perilous situation or return a body to their loved ones, but instead they harass humanitarian aid workers trying to fill search and rescue gaps on a meager budget. Even with these resources the Border Patrol has, they still recruit help from other agencies like Fish and Game and Bureau of Land Management to harass and criminalize humanitarian aid work.

Paradoxically, while Border Patrol is able to buzz humanitarian aid workers hiking in the desert on foot, it claims a lack of resources to respond and put in proper rescue efforts despite positioning themselves to be the first responders in these emergencies. To make them seem more legitimate they also use a language that equates apprehensions with rescues, when in fact 57% of the rescues they claim in press releases have actually just been routine apprehensions. No More Deaths did a study on the press releases of Border Patrol rescues and found that, “Along with holding press events where Border Patrol agents demonstrate their emergency response techniques, CBP issues regular press releases touting the ‘rescues’ carried out by agents...Border Patrol released at least 157 rescue related press statements. Upon closer examination, however, many of these press releases describe scenarios in which Border Patrol ‘rescued people’ from life-

threatening circumstances that were in fact created by the agencies own enforcement operations” (*Left to Die*, 2021). In response to public pressure Border Patrol has attempted to paint itself as a humanitarian organization and now has a monopoly on emergency response services, even though it is directly responsible for any peril a migrant finds themselves in. Besides not responding to emergency calls, the Border Patrols method of chase and scatter when it moves to apprehend groups of migrants has shown to be directly responsible for why a lot of people find themselves in dangerous situations. Chase and scatter means people drop their belongings in order to run from agents and often become disorientated and lost which, according to No More Deaths study, has meant Border Patrol is twice as likely to directly cause a person to go missing than they are to participate in locating a distressed person. Upholding a narrative that they’re actually saving people shields the United States’ enforcement strategy and the violence it uses to uphold its borders as legitimate.

The Border Patrol, and by extension the U.S. government, love to push the narrative that not only are they rescuing citizens from dangerous criminal migrants, but also migrants from themselves. The construction of criminality is at the core of every narrative the Border Patrol uses to justify its agenda. The ‘coyotes’ or guides who bring people over the border are painted as ruthless criminals, when the reality is they are cut from the same cloth as the people they are guiding: people just trying to get a leg up in an unfair economic system. They die just as easily as those they guide in the desert (Urrea, 2004). At the time of writing this, the media is full of stories of “unaccompanied” minors showing up at the border, giving the impression these children’s parents are abandoning them and letting them go on a dangerous journey alone when in reality most of these

children are with a sibling, another family member besides their parents or another unofficial guardian (Al Otro Lado, 2021). This justifies another form of family separation and a narrative that further dehumanizes migrants. Criminalizing activists and humanitarians on the border is another construction created by the government to justify its violence in maintaining the borders. Painting itself as rescuers on the border while simultaneously constructing these criminalities serves the purpose of upholding the myth that we are in a liberal, fair and righteous democracy. Activists and humanitarians are disrupting this narrative and exposing the murderous agenda really behind the Border Patrol, and by extension the United States, and the violence it yields to maintain the borders of the nation-state. This is why they are seen as such a threat.

What's important to note is that when someone is distressed enough to call in for emergency care, they are ready to turn themselves in as well and are aware they will be facing deportation. Deportation is better fate than death. This means that when someone calls distressed and they rescue them, they'll still accomplish their goal of keeping them out of the country but choose for them to die instead. The desert ends up being simultaneously a perfect weapon to use against migrants and a perfect alibi for Border Patrol to use as more people die crossing it. But what mounting evidence from activists, humanitarians, and researchers prove is that death is very much intentional:

The terrible things that this mass of migrating people experience en route are neither random nor senseless, but rather part of a strategic federal plan that has rarely been publicly illuminated and exposed for what it is: a killing machine that simultaneously uses and hides behind the viciousness of the Sonoran Desert. The Border Patrol disguises the impact of its

current enforcement policy by mobilizing a combination of sterilized discourse, redirected blame and ‘natural’ environmental processes that erase evidence of what happens in the most remote parts of Southern Arizona. The goal is to render invisible the innumerable consequences this sociopolitical phenomenon has for the lives and bodies of undocumented people (León and Wells, 2017 pp. 3)

This is the heart of the Border Patrol’s enforcement agenda, rather than an accidental tragedy. Activists are targeted because they make it less easy for the state to explain the death happening in the borderlands as natural, a natural occurrence that happens in the harsh environment of the Southwest United States.

The narrative the United States upholds creates divides between people, of criminals and victims, citizens versus “illegals.” This sentiment is in line with what Juliet Strumpf saw in her seminal paper naming the word “crimmigration,” which she feels supports the ideas of membership theory. The overlap of criminal and immigration law, to her, demonstrates clearly who is and isn’t a member of U.S. society by physically separating individuals from being a member of the United States, whether it be through incarceration or deportation, by way of establishing lesser levels of citizenship (Strumpf 2006). She goes on to say both criminal and immigration law are, at their core, systems of inclusion and exclusion. They are similarly designed to determine whether and how to include individuals as members of society or exclude them from it. Both create insiders and outsiders. Both are designed to create distinct categories of people: innocent versus guilty, admitted versus excluded or as some say, “legal” versus “illegal.” Viewed in that light perhaps it’s not surprising that these two areas of law have become entwined. When

policymakers seek to raise the barriers for noncitizens to attain membership in this society, it is unremarkable that they would turn to an area of law that similarly functions to exclude (Strumpf, 2006) This all creates a group of outsiders who non-criminal citizens need protection from and a system in which the outsiders are excluded from the benefits and privileges of society. Because activists and humanitarians resist this exclusion they are seen as a threat to the state and are therefore heavily criminalized.

CHAPTER 3
IMPACT ON ACTIVIST'S AND HUMANITARIAN AID WORKER'S MENTAL
HEALTH

Intentional Arrangement of Activists and Enforcement Cultures in the U.S.

Borderlands

In many ways the borderlands are defined by a physical line that demarcates two nations, justifying a heavily militarized presence and suspension of constitutional rights in order to prevent unauthorized migration. But it is also a place that permeates the culture and minds of the people living and working there, beyond the physical. An originator of borderland theory, Gloria Anzaldua (1987) speaks to the tension between the land and culture of the area, and the border itself that defines the nation-states: “The U.S./Mexico border *es una herida abierta* (an open wound) where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of two worlds merging to form a third country- a border culture” (pp. 3). This open wound Anzaldua describes represents the physical reality of the geography and the lived reality and culture of the people who find themselves there. It is this culture that drives activists to make change on the border while simultaneously drawing severe state repression insistent on quelling any attempts to repair this wound.

Living and growing up in this area of constant state repression and militarization no doubt has an effect on the mental health of residents and activists working there. Someone who works for Alliance San Diego told me what it was like moving to

San Diego and noticing how different it is living in a border city: “We are within that 100-mile zone and it means we have a double deportation force, we have a heavily militarized presence. Imagine what that means for a child growing up in our region versus elsewhere. I didn’t grow up in San Diego, and then to come to San Diego and see what’s here, it is shocking” (Alliance San Diego, 2020). There have been studies that have attempted to look at the impacts growing up in this environment has on mental health. One study found that long term exposure to militarized zones and the excessive presence and encounters with law enforcement is important in understanding mental and physical health in adulthood and this type of environment may well contribute to widening health inequalities between social groups (Sabo, etc. 2014). It’s something those outside of the borderlands don’t understand. They read stories of immigration and fail to see what it is doing to the communities that live on the border. A community organizer in Brownsville, Texas tried to put into words this missing reality of what it is like on the border:

I don't think anybody understands ... our issues down here at all. They're just like yeah family separation that's like the one thing that everybody seems to understand, but they don't understand the rest of it. Like the collateral damage the human suffering like the fact that we're a border community you know border rights like losing our rights, not having any like how historically like we're in a cage down here they call it *la jaula de oro*, the golden cage ... this area that you can't leave that you're stuck there forever, but you at least you have American children that will be able to prosper and grow and be able to make something of

their lives. It's a beautiful place here but like, it's a cage. It is a cage. (Rio Grande Equal Voice Network, 2020).

There is a unique impact working in the borderlands has on the mental health of activists and humanitarians. Activists, like this one in Texas, don't need to be explicitly criminalized to feel like they are already a prisoner when there is the constant militarized presence like there is in the borderlands.

Seeing the effects of neoliberal trade policies and increased criminalization of immigration is what has driven many of the people I interviewed to act and get involved in the work. The state constructs ways to other migrants, but if someone doesn't fall for those constructions and fails to see the disposability in people, there is a compulsion to help those people forced into distress by the state. Witnessing this violence creates a trauma that obligates activists and humanitarians to act. A member of a church on the border town of Douglas, AZ got involved in humanitarian services in the 1990s when the North American Free Trade Agreement (NAFTA) was enacted: "And so it was not uncommon for our partners on both sides of the border to encounter a great deal of suffering because of this new funneling program that was done by, you know, larger economic and political policies that made this area, a primary crossing point for folks entering without documentation, and so one of our partner churches in Agua Prieta...became like a refuge for many people, hundreds and hundreds, if not thousands of people. During that period of time people would show up battered and bruised, whether physically or emotionally, and seeking refuge, whether it be physically or emotionally, or spiritual refuge" (Frontera de Cristo, 2020). NAFTA was signed in 1994, the deal greatly benefited corporations that set up factories along the Mexican side of the

border where they didn't have to pay Mexican workers the same wages they would workers from the United States while maintaining closer proximity than other countries with 'cheap labor'. Along with the construction of these factories (maquiladors), NAFTA "hastened a trend away from small farmers" and favored corporations over people, driving masses of people to migrate north to the United States for work when subsistence farming became a thing of the past (Robbins, 2013). Doubly infuriating for activists is knowing that policymakers and the majority of the population don't understand that this is the root cause of immigration into the United States. A humanitarian aid worker in Arizona explained to me that people from the general population have never heard of NAFTA, much less name it as a major push factor for immigration. This is whether they're academics coming down to research what's happening on the border or people fiercely anti-immigration. (Humane Borders, 2020). Instead, activists are left fighting narratives of "surges" and "invasions" making the work all the more exhausting when the people who can make change and the general public aren't seeing what you're seeing. People working on the border are forced to reckon with a deep understanding that the solutions lie in governments and nations while not being able to stand by while witnessing the effects of powerful forces they often feel unable to make change against.

People from the interior can only imagine through what they read in the news what it is like in the borderlands, a place that is portrayed as only being a violent stopover for passer-throughs on their way somewhere else. Contrary to that portrayal, there is a culture in the borderlands with deep roots and identities that make the conditions of the borderlands personal. One humanitarian aid worker I interviewed is Native American and compelled to do humanitarian work because of his connection to the land, that has

existed and been inhabited for far longer than any border, “So a lot of my connection to the desert and to this work, I think is probably influenced by my relationship to the desert. I am a Native and I don’t want to paint with broad strokes but being native really has to do with your connection to your ancestral land” (Humane Borders, 2020). Another interviewee came to the United States undocumented, and though a naturalized citizen now, came to do the work she is doing because of the “personal experience with pain and trauma” she wants to change (Comunidades en Acción y Fe, 2021). Another person I interviewed grandparents were in Japanese internment camps during World War II and knows that the environment that leads to those extremes starts with immigration law, which is why she got involved in the work (Alliance San Diego, 2020). Even if the people I spoke with who weren’t quite so personally affected by border politics (everyone within the borderland area is somehow personally affected), the sentiment was that once you become aware of what was happening, there was a moral responsibility to act.

Solidarity Culture Versus Enforcement Culture

On the other side of the coin, sometimes people come into the work because they are not OK with the fact that certain people are experiencing more oppression than them. Privilege has also been a motivating factor for people getting involved in activism and humanitarian aid work on the border. A volunteer for Ajo Samaritans and No More Deaths is British and felt it was unfair that she was granted opportunities non-white immigrants from the South did not get (No More Deaths/ Ajo Samaritans, 2021). In a way that was reminiscent of survivor’s guilt (a trauma that happens when someone

survives a situation in which others have died and they feel undeserving of being alive), another No More Deaths volunteer said to me: “What keeps me going is that we still have these policies that affect these people crossing and treat their lives as dispensable. And what keeps me going is meeting people and knowing that they’re good people, certainly better than me. Like if the U.S. government wants me to be here... I don’t really work that much or that hard like the people who are crossing the border, all they want to do is work and be here and it doesn’t make any sense” (No More Deaths, 2020). Even if someone is not personally affected by the United States immigration policy, it can still have a negative impact on mental health when seeing the violence inflicted on underserving people because of discriminatory hierarchies placed on people by the government.

Doing activist work on the border isn’t only a Sisyphean task against what defines the most powerful nation-state in the world. Getting into activism or humanitarian aid has also been a healing way to channel the injustices people experience in the borderlands into something productive. The interviewee with Alliance San Diego expressed gratitude that she was lucky she was able to live out her values. If she weren’t being paid for what she was doing and working somewhere else, she would still be volunteering because she is a biracial woman of color and is impacted by many social justice issues. So, she chooses to fight:

But at some point, you know I think I really realized that this is the work that I am called to do. You know even if I left this work, I'm going to face discrimination I'm going to face all of these issues in any given workplace right like. It's not like I can turn off what's happening in the world just

because I go to a nine to five job. Maybe you can do that if you're not a person of color but for me right like I could go to a nine to five job but it doesn't stop my sister who's darker than I am from getting racially profiled, it doesn't stop my mom from getting yelled at and harassed at work by a freaking crazy racist guy. It doesn't stop the crazy people in the BART from yelling and screaming at my sister and all the other Asians on the BART, it doesn't.... I do have a level of privilege right because I am a US citizen, I am not directly impacted when it comes to immigration, but all of these other issues that impact us like, I can't turn it off. And so I think, you know, at some point, I realized that it wouldn't matter what workplace I went to, at the end of the day I would still feel tired or exhausted or I would still have to confront some of these issues that I'm working for (Alliance San Diego, 2020).

Many people would be affected by border issues whether or not they were activists, but they find the activism empowering. Like the community organizer in New Mexico who told me, “I also do believe that a lot of the work we do is power work, it’s work that our people can feel empowered, and being able to share your story publicly that we always talk about, turning pain into power. And I feel like that’s really important work” (Comunidades en Acción y Fe, 2020). Getting involved in activism that pushes back on forces that personally affect you is a way of telling your story and of pulling away from the dominate narrative that perpetuates ineffective military solutions. The Humane Borders aid understood he was up against forces much greater than himself and that was

challenging, but the work made him feel less powerless and a much better alternative than going to bed every night thinking about the problems in the world. He also said that helping people takes the emphasis off yourself and can help build you up a little more (Humane Borders 2020). This is not to say activists have found ways to completely heal and their work is free from traumatic and challenging circumstances, but that it does give people a way to channel the hopelessness and anger they feel into something productive.

Mental Health and Trauma

During the course of my interviews, the stories I heard were impactful, not just for me, but on those I was speaking to who often got emotional recalling experiences that stuck out in their memory that has impacted their mental health. We often hear about the trauma migrants face while crossing and the people who witness, or are first responders, or are tasked with the responsibility of trying to convince policymakers that the violence they're witnessing needs to be addressed, often to no avail. It is important to share some of these stories in order to understand the trauma experienced in doing humanitarian aid and activism on the border and to empathize with the impact these experiences have had and get a real idea of the effect of the violence inflicted by the United States, both directly and indirectly.

When asked about a moment that most impacted her mental health, the community organizer for Café in New Mexico told me about a moment when she was helping a family find sanctuary and saw firsthand what immigration policies were doing to families:

In 2018, or maybe 2017, I got a call, we have a rapid response hotline that we created for people to call us if they felt like Border Patrol was at the school or there was a raid. And we had trained a bunch of people to respond to those kinds of calls, right, we had an online system, it was a whole thing. Very, very impressive program actually. And we got a call from a mom. It was a Friday afternoon and we got a call from a mom saying, I just finished my immigration interview and they gave me a week, they're going to deport me, and I have my daughter, who's eight years old. They were going to deport her right then and there, but she begged them 'please let me go, I got my daughter and things to take care of, my house.' She thought about it long and hard and instead of reporting to her next appointment which would have been her actual deportation she called us and asked about sanctuary. And you know immediately we called the Holy Press Retreat Center and asked if he would take them a mom and her daughter, and Father Tom said yes because he doesn't see it as a political statement, he sees it as a mission to care for people. And, you know, I help place a mom and eight-year-old daughter in sanctuary for several months that happened, and it was honestly one of the most traumatic things that I have ever experienced. And that was me, experiencing it. You know I got to come home and be free. And she and her daughter didn't, and it was pretty terrible to watch what this administration was doing to families. (Comunidades en Acción y Fe, 2020)

She wasn't the only person to viscerally realize that violent immigration policy doesn't have any mercy, not even for children. A humanitarian aid worker told me the thing that most impacts his mental health is finding children's clothes in the desert where he leaves water, not knowing what their fate was (Humane Borders 2020). While working in

shelters for migrants released from detention centers, a worker for Alliance San Diego was also affected by the indifference Border Patrol and ICE had towards children:

It was a really difficult time for me mentally and emotionally to be able to process everything that was happening. And to give you a sense like we are working with folks who may or may not have been separated from family who had gone through a really tumultuous, sometimes violent journey. Trying to figure out how do you provide for their needs and shelter and have food for folks when, when there's nothing. Like how are we all of a sudden taking care of this when there aren't the resources; to hearing their stories of what happened to them, while they were in Border Patrol temporary custody to having to deal with things that for me I had never had to deal with. So, for example Border Patrol released a child and his father, and the child had chickenpox. So, the families were on average staying in Border Patrol temporary custody for like five days, which means this child had not just like one or two little, like this kid had it all over. So, that means that kid for five days was in Border Patrol custody, without getting medical attention. And so, having to see that, see the lack of humanity, and the way people are treated, for me that's really stressful and really difficult to process even if it's not happening directly to me. That is probably the stuff that's the hardest for me, mentally. (Alliance San Diego 2020).

She went on to say things have always been stressful doing the work she does, but experiences like this, and witnessing these things go beyond stress and can become deeply traumatic. Her experience with the child with chickenpox isn't unique. I have also volunteered in shelters for migrant families released from ICE detention and children

coming in with measles, lice, or malnutrition was a regular occurrence. Grappling with the indifference and cruelty people inflict on children, the image of innocence, is something not easily squared away in one's mind.

Many other people I interviewed witnessed death firsthand, also experiencing the just how far the government is willing to take immigration control. Every single person I've talked to who does humanitarian aid in the desert has had the misfortune of coming across human remains while doing water drops. Most people working in immigrant rights, unlike the policymakers, see the impacts of policies like Prevention Through Deterrence firsthand. A No More Deaths volunteer told me what this looks and feels like:

I have found remains human remains, human bodies in the desert and that is like something that I never want to do. That happens at times, and there is protocol that we have to go through and like I just like, you know, struggle through it, and we get it done. I mean, I'm basically like just totally, totally just saddened by the whole experience; the whole policy that treats a human life as if it is a policy. And, yeah, I guess like just experiencing that is, is really hard for me but it's much harder for the people that are doing it so like, I don't know (No More Deaths, 2020).

He later told me he found bodies in the Organ Pipe National Park and told me if that were to happen to a hiker in any other National Park it would make headlines and there would be huge investigations. When he reports a death, no one seems to care and it's just like any other day (No More Deaths, 2020). Dehumanization and rightlessness are often discussed in regard to migrants by academia or media, but to witness how these manifests to humans, whose lives you care about, is especially traumatic for humanitarian aid

workers. Another humanitarian aid worker made a point of telling me the name, Alberto Lopez, of the first person whose body she helped recover the first summer she volunteered with No More Deaths in defiance of the dehumanization inflicted on people by deadly immigration policies (No More Deaths/Ajo Samaritans, 2021). The devaluing of certain people's lives becomes especially poignant as activists develop close relationships with people whose rights aren't recognized. The pastor at a binational church is married to a Mexican citizen and in ministry with Mexicans who can't cross the border freely. He told me a story of a couple of men who showed up at the church in Mexico hoping to find their cousin they were afraid died in the desert and they asked the pastor that if he could just return the body at least, that would be okay. He told me they held each other and cried. He knew no one in his family would ever have to cross a desert and is just trying to use his privilege in an effort so people are treated with the dignity they deserve (Humane Borders, 2020). Witnessing the death of immigration policies firsthand isn't the only unique experience faced by humanitarians, but also how little migrant's lives matter even in death.

Though it's perhaps the most obvious, seeing death is not necessary to viscerally understand how migrant's lives are denigrated. A volunteer for No More Deaths also worked in Washington D.C. pushing for policy change and told me working there was also traumatic. That trauma, she says, comes from the frustration of trying to get a bureaucracy to move any slight way, which she didn't want to diminish even after stories of her seeing death in the desert (No More Deaths/ Ajo Samaritans 2021). A community organizer in Texas echoed this feeling and the pain involved in fighting against hierarchies placed violently on people by the government: "I will connect it to the Black

Lives Matter movement and it's just like the overall callousness and mistreatment of human life. Like, to diminish somebody else's life because law and order, the rule of law, whatever you want to call it... No matter how you slice it for me, it's like you're fighting for who are given nothing, are treated so low, are paid so little even when they're here, they're essential workers, but they're unskilled labor like the paradox of, you know, existing in a world that doesn't value your life. And then you try to help people realize they're wrong. That is, as tough” (Rio Grande Equal Voice Network 2020). Both of these stories is a common experience for activists in which they feel they are screaming into the void about real people’s lives and the institutions who have the power to save them, aren’t listening.

Experiencing trauma, secondary or otherwise, inevitably has an effect on activists and humanitarians who make sacrifices in order to cope. Many people I talked to, because they’re so focused on the work and the people they’re helping, often don’t realize the impact it is having on. A person with Humane Borders told me, not only because of the work he’s doing, but his life as a person of color being targeted by the system means he can’t stop to process the impact it has on him: “I would love some self-care. You know if I dedicated my life to defining myself as trauma, I would never fucking get out of bed. My life would be nothing but trauma. So, one of the pages in my book is this: we can define ourselves by our weaknesses, but I prefer to define myself by my strengths and that really has sustained me in this life. If I stop to cry, I’m never going to be able to stop. I just got to keep moving” (Humane Borders, 2020). He was not the only person to tell me they had to suppress their pain in order to keep going. An organizer in Texas told me “I disassociate a lot. I have to because it's just so sad. It's so sad and so

frustrating that there has to be disassociation there to get the job done. You can hear some like really horrible stories, and like, it might shock someone else and for me I'm just like yeah, because that's, that's the way that it is. I think you have to do that especially if you're communicating that to other people. You can't get locked up in the in the pain and the misery of it because you have to be strong and stable to help somebody else. So, there's that; a lot of internalization.” (Rio Grande Equal Voice Network, 2020). Working on the border is a balance of maintaining empathy for the population you're working for while not allowing the same empathy for yourself and what you're going through.

The activist at Rio Grande Equal Voice Network is reminded of the trauma she has seen when interacting with people who are shocked by things that seem normal to her. This was another common occurrence with the people I interviewed, many of whom found it hard to relate to people not involved in the work. A volunteer for No More Deaths told me often after a particularly hard shift in the desert, he can't hang out with his friends for a while, that he just needs to be alone because

It is so sad and incredibly jarring to see how these people are criminalized how they are fought in this incredibly asymmetric warfare where they are predominantly trying to get back to the country that they live in or have lived in, to seek asylum, or make a better life for themselves and their family. Seeing and hearing their stories about what they had to do to cross the US Mexico border, as well as potentially like the Mexican/Guatemalan border is incredibly sad and it just, I mean at points it just, it just weighs on you really heavily, and I think everybody feels it differently I just feel very like stressed and as if I like can't

really be around people, and have to do a lot of processing on my own. (No More Deaths, 2020).

This distancing from other people can be a result of the fact that when having to interact with people not involved in the work, they realize for the first time that they are being affected by the trauma they see in their work. A humanitarian worker for various organizations in Arizona told me that while she's working, she's in a constant high stress situation. She doesn't realize how traumatic what she has been experiencing is until she's out of it and confronted with the realization that she can no longer relate to people not involved in her work (No More Deaths/ Ajo Samaritans, 2021). Another person told me the stress and trauma accumulated to a point of them thinking about suicide (Confidential). What starts as an obligation to address injustices you see in your life can lead to feeling isolated from the people in your life who don't viscerally understand the cruelty inflicted on migrants.

The fact that many times activists aren't directly experiencing trauma also keeps them from realizing the impact their work has on their mental health as well. Vicarious, or secondary trauma happens when someone engages empathetically with survivors and become affected by it as well (Mehlmann-Wicks, 2020). Given the fact that engaging empathetically with migrants is a prerequisite to even get involved in work which is intensely criminalized by the government means that vicarious trauma is widespread for activists and humanitarians in the borderlands. I found that, often, the people I interviewed were hesitant to validate the secondary trauma they were experiencing because they know just how much worse the migrant population they're working for have it. The humanitarian aid worker told me when he does the work it makes him realize he

doesn't have any problems, contradicting what he said earlier that if he did stop and think about it the trauma would paralyze him (Humane Borders, 2020). This means that often what people told me would best help their mental health is more humane immigration policy, even if immigration policy doesn't affect their life directly in anyway. A No More Deaths volunteer explained to me:

Being recognized by the government would be a huge deal you know. I always feel as if the suffering or whatever that I experienced is nowhere near the experience that people who are actually crossing the desert and actually are like face on with the policies that are enacted by our government. But basically, what I experienced is nowhere near what the people who are crossing experience. And what would greatly help my mental health would be to see media and government folks portraying these people differently. (No More Deaths, 2020).

Many of the people I talked to have mental health help available to them if they were to ask for it. Many people said that their biggest barrier was getting around to actually utilizing mental health resources available to them. Most people also said that policy change and a government that respected the rights of all people is what would help their mental health the most, implying that perhaps conventional mental health care wouldn't even help that much.

Unfortunately, nudging the government, particularly towards more humane immigration policy, is a daunting task. A person working for Alliance San Diego told me even when she is able to help someone or have some sort of victory, the amount that's given never gets near to meeting the needs of the community (Alliance San Diego, 2020). For the organizer in Texas this means knowing people are waiting for weeks on her

organization to do something while barely treading water and putting all their faith in her organizations. She said having people rely and count on her with their lives “feels horrible...the powers that be, you know law enforcement, whoever they may be, they make sure you can’t do anything to help. Seeing people suffer because your hands are tied is the worst part mentally.” (Rio Grande Equal Voice Network 2020). People who attempt to alleviate trauma and suffering get caught up in a cycle that inevitably results in vicarious trauma and the only way for anyone to be relieved of it is through compassionate and humane immigration policy, a daunting task when the nation-state itself is defined by violent border enforcement.

Criminal Status Effects on Mental Health

Humanitarian aid workers and activists aren’t just affected by vicarious trauma from the work they do. In addition to that, their empathy and compassion is punished by the government in the form of criminalization. In the previous section it was made clear the single best thing that could be done to improve the mental health of the people I spoke with was to enact more humane immigration law because vicarious trauma happens when there is deep empathy with immigrant’s suffering. Instead, the U.S. government is trending in the other direction and painting immigrant advocates as criminals in attempt to punish them for their empathy towards migrants. Upholding borders depends on people lacking empathy for the people those borders are trying to

keep out, making the attempt to criminalize that empathy or solidarity all the more painful.

Although, perhaps surprisingly, no one I spoke to told me the criminalization they were facing was the biggest detriment to their mental health. This doesn't mean it wasn't brought up or that it doesn't have a big impact. A humanitarian aid worker told me it was like pouring salt in a wound and that each policy or punitive turn the government takes towards immigration felt like another little cut (Humane Borders, 2020). Normally the compassionate intentions of humanitarian aid workers are lauded by society and governments but a humanitarian aid worker for Border Angels told me, "like hearing all this stuff being spoken about you, how it feels, you're doing this with your best intentions and you're caring about people. And then for someone to say what you're doing, and giving yourself to, and risking your own life to tow people out...to try to criminalize that it's just horrible" (Border Angels, 2020). When the pastor was told by his friend in the Border Patrol that they had a file on him, his response was "I wish we deserved it" (Frontera de Cristo, 2020). It doesn't help either when those involved in border and immigrant regulation have managed to "neutralize any goodwill that they may have inside them," through their criminalization of activists and humanitarian aid workers (Rio Grande Equal Voice Network, 2020). The conundrum of this is that rich nation-states like the United States are criticized for not providing basic needs and leaving it to often sparsely funded compassionate humanitarian groups to pick up where the government should provide. In the borderlands, the United States is making it very clear they don't want anyone to address this need and will label you a criminal if you act on your compassion for migrants in need.

Seeing their good intentions being mislabeled and criminal becoming the mainstream description of the work they're doing has negative impacts on people working in border communities as well. Knowing how they are being mislabeled by the government means they also understand other criminal constructions the state makes to meet its end and produces more empathy with groups targeted by the United States. The worker with Humane Borders told me one of the things that scares him most is something like when Trump says the United States needs to designate antifascists as a terrorist organization, he knows these labels, like ones placed on him, are an excuse for the state to commit violence against certain people without opposition (Humane Borders, 2020). He personally knows these constructions are all connected to different violent agendas from border enforcement to the invasion of the Middle East. With these labels comes the fact that anything they do is considered radical and dangerous by the state, even if it's just the most basic implementation of First Amendment rights to peaceful protest. The community organizer in Texas explained how this feels:

You can't even do a normal action, let alone have an *action* action... How can you be a radical, unless you really have, like, absolutely no fear at all so the people that you see conducting actions down here are the most radical. They are the people who are wanting extreme, extreme change or just people who are just tired of the harassment; a lot of people in the immigrant community, that are supporters of the immigrant communities, sons, daughters of people that they think toil and suffer, they're out there trying to fight for those rights, but nothing happens like nothing changes down here like nobody's held accountable, if there's

any type of misconduct, it doesn't really get addressed. (Rio Grande Valley Equal Voice Network, 2020).

She went on to tell me about an undocumented man involved in a partner group of the Rio Grande Equal Voice Network who was involved in some organizing for farmworkers rights who was dragged out and beaten severely for attending a barbecue during Covid-19 lockdown restrictions. He eventually died from his injuries. Knowing that you're participating in peaceful protests in the name of human rights and being labeled a radical criminal, while the same agency that gives you that label actively kills people with impunity and are considered heroes or peacekeepers is a form of gaslighting that activists are constantly facing.

Securitizing Social Movement Spaces

One of the most surprising themes that came up in my discussions about mental health with the people I interviewed was concept of saviorism. Saviorism happens when, usually white people, try and save people they see as more disadvantaged. That results in the "savior" feeling better about themselves for helping rather than do anything to dismantle the hierarchies that placed the disadvantaged there in the first place. Though it surprised me at first that this concept would have any impact on activists' and humanitarians' mental health, it made sense with further thinking. A main reason saviorism is critiqued is because it makes the privileged 'saviors' in the dynamic feel better about themselves and get to go home, away from the people they thought they helped, and never think of them again. Rather than feeling better about themselves, the

people I interviewed are negatively impacted by the work they're doing because it's a constant battle and not something they can just leave behind.

Many people mentioned to me that people expect their work to be healing, that is must feel so good to help other people, leaving these activists feeling misunderstood and isolated. An activist with Alliance San Diego told me the people who romanticize the work she does, "don't realize how much work is being done and the amount of pressure we feel around the work. I think sometimes it gets painted as an ideological dream job that we get...but I don't think people realize that for a lot of us this is not ideology. This is about our lives, the lives of our families, lives of our communities and people we care about. So, I think sometimes the broader public doesn't always realize that... and the intense amount of pressure and stress" (Alliance San Diego, 2020). In New Mexico an organizer I talked to said the same thing, that people don't understand how deeply exhausting and emotional the work is and how much time and energy is spent thinking about these things (Comunidades en Acción y Fe 2020). It's not work you can just helicopter into and do your good deed so you can sleep a little better at night, it's the opposite. It's not work people can 'leave at the office.' The fact that so many people wanted to make it clear to me that this wasn't the romanticized work the general population seems to be, highlights the paradox of liberal democracy nation-building. We expect a democratic nation to reflect the moral compass of its' constituents and yet, the government pushes back against any immigrant activism in ways that make their life very difficult. Activists and humanitarian aid workers are right in the middle of this tension, and essentially are living double lives, which clearly affects their mental health.

The difference doesn't lie just between activists and non-activists, people working on the border feel a particular kind of pressure in the work they do. An organizer told me how she came to understand this at a retreat she went on with activists in all kinds of work and issues:

When I went to when I went to the retreat and we, and I was sharing all of these ideas with all these activists who work in so many different issue topics across the nation and some in Canada even. They just seem so chill and happy. And the only people who felt miserable or were just trying to find a new way were the immigration activists. They were the only ones who just were like we are trying everything. We are trying new narratives, we're staying high, we're not attacking anybody like we're doing everything we can to appeal to the better senses of the American public; trying to reach these levels that appeal to white soccer moms and suburbia, trying to find that connection. Nobody else gets that. 'I work at a nonprofit that, you know, plays with kids after school so they're not by themselves or I work environment environmentalism in California, save the redwoods' like it's not the same. We are not the same. You are not dealing with the amount of emotional labor; the pain, the loss that immigration activism goes into. And that's just one, one facet of all the work that I do, because I'm also doing other work for other stuff, you know, but immigration was such a big year. (Rio Grande Valley Equal Voice Network, 2020).

Going by this story and her interaction with other activists, the same tactics used in other organizations aren't working for immigration activists. What immigration activists are trying to do rarely sees progress and so directly affects their personal lives. What this activist was witnessing at the retreat was how important it is for the nation-state to uphold its boundary through violence and militarization. The United States is claiming to be a democracy that values social movements and the will of its people, but it stops at immigration, further demonstrating an exclusionary immigration model is the explicit goal and not just a random occurrence.

Not all aid organizations are criminalized like immigrant aid organizations. Many NGOs can operate without harassment and even get support from the government. This is because many NGOs uphold the agenda of the nation-state, by further dividing people into another us versus them dynamic. In this case, one side is the saviors with the answers (typically professionalization and bringing people into a legal workforce) and the other are the helpless people who need rescuing, often from their backward culture. The truth is “at these sites, neoliberal and militarized state and imperial practices are often sustained by development, peacemaking and humanitarian projects, thus illuminating the new contours of securitized states that function as imperial democracies” (Mohanty 2011 pp). Maintaining the dichotomy of saviors and save-ees does nothing to mend the hierarchy that places some people as more exploitable than others. If a person is deemed helpless, it enables a lesser-than label that enables exploitation, and therefore perpetuates the problems of neoliberalism being discussed. The paternalistic logic of many NGOs maintains systems of oppression and hierarchies.

Though groups like No More Deaths literally save and rescue people, it is done out of a tradition rooted in the borderlands of responding to the needs of travelers and is not rooted in “fixing” anything wrong or backward the migrants may be doing. Instead, it is done in comradery and resists any kind of us versus them logic and that is why it has been perceived as more threatening by the state. A former volunteer for No More Deaths trying to break into immigration work says work away from the border feels like the traditional charity model and that No More Deaths and other organizations on the border attempt to work from a solidarity model, centering the people directly affected by violent border politics (No More Deaths/Ajo Samaritans 2021). Though important and necessary to get to the root of what is causing injustices, activists working from a solidarity model are more negatively affected by trauma because of the genuine empathy required from solidarity.

Allowing for only certain types of aid and organizations to exist freely without criminalization is a way the nation-state securitizes social justice movements and keeps up a facade of some sort of morality. The nation-state looks like an ethical democracy when it allows certain organizations that follow the NGO model mentioned previously to exist and even thrive. Limiting and preventing resistance to the way nation-building is happening in the United States is another way exclusion happens. The nation-state securitizes social movements by making activists vulnerable through criminalization if they don't ‘dissent’ in exactly the way the state finds acceptable. This is another way the nation-state constructs the narrative any humanitarian or activist organization attempting to undo violent border policies that kill people doesn't receive the same grace from the

state. By undoing violent border policies, they are also attempting to undo the racist nationalization that is at the core of nation-building.

CHAPTER 4

CONCLUSION

This thesis is not an attempt to minimize the strength of activism happening on the border. People continue to fight and work against violent border policies because of an incredibly strong sense of morality that resists labeling anyone as other or viewing them as disposable in spite of obstacles thrown at them by the most powerful nation in the world. This moral compass is an important counter-narrative needed for a more inclusive and ethical immigration system that doesn't delineate people and deem some disposable. The work and the visions people are fighting for show that an alternate universe can happen and that it doesn't have to be this way. They show that a more ethical, moral, and inclusive society is possible.

Though borders are getting more violent despite more inclusive policies enacted in certain states, progressive state citizenship provides another example of a counter-narrative. Colbern and Ramakrishnan broke the idea that citizenship is a binary where those who don't have it are incapable of having any rights in the United States (2021). They have shown that citizenship is not exclusive to the nation-state and individual states can offer their own forms of citizenship and rights despite what the federal government defines citizenship to be (Colbern and Ramakrishnan 2021). These ideas break binaries of citizen/noncitizen and therefore insider/outsider and leads us to imagine other possibilities.

Similarly, sanctuary cities offer another counter-narrative to a violent exclusionary immigration system. By not working with the federal government's plan to deport people, sanctuary cities offer a glimpse of what an inclusionary immigration system could look

like. Citizens and non-immigrants in these cities are able to realize the need to expel people is based on false criminal labels and not the reality of the human experience, that exists beyond certain statuses imposed on them. Though deportations and criminalization still happen in sanctuary cities, the idea still offers other inclusionary imaginaries that are necessary for moving to a more ethical immigration system. Similarly, the lived experiences of undocumented people in the United States also offer a counter-narrative for some of the same reasons. It is easy to vilify and believe imposed criminal statuses to those we can't relate to, and stories and experiences from undocumented people fight that dehumanization. Sanctuary Cities and the lived experiences of undocumented people both offer ideas of community free of divides.

This thesis' critique of nation-building and sovereignty contributes more than counter-narratives as well. It helps us think through the limits of global critiques of colonialism and neoliberalism relating to humanitarian workers. Domestic-grassroots activists like the ones interviewed for this thesis offer a sharp contrast to foreign humanitarians that global critiques argue as upholding a savior-savage hierarchy. The humanitarian activities on the U.S.-Mexico border were in many ways part of the impacted community, showing that more needs to be done to understand and conceptualize the complex power relations between activists and impacted populations.

This thesis also demonstrates how different historical, legal, and social forces have joined together to produce significant violence as an explicit tool for nation-building in the United States. Though my findings speak to specific incidences in the United States, the analytical framework of the thesis can be applied elsewhere. Italy and other countries throughout Europe have garnered similar notoriety for criminalizing immigration

activists and humanitarians who are helping migrants who frequently die on their journey to a better life. Overall, the findings of this thesis speak to a lot of global questions of migration patterns and white nationalism that needs to be explored.

REFERENCES

- ACLU. (2018, June 21). The Constitution in the 100-mile border zone. Retrieved from <https://www.aclu.org/other/constitution-100-mile-border-zone>
- Alliance San Diego employee in conversation with author, October 2020.
- Al Otro Lado [@alotrolado_org]. (2021, March 19). Not all children crossing the border are ‘unaccompanied’ and yet they are lumped into those stats just because they aren’t traveling with their parent or legal guardian. This is also yet another form of family separation. [Instagram photo]. Retrieved from <https://www.instagram.com/p/CMnOOKuAVLf/?igshid=608fhrof58zp>
- Anzaldúa Gloria. (1987). *Borderlands = La frontera: the new mestiza*. San Francisco:Aunt Lute Books.
- Berger, D. (2013). Social Movements and Mass Incarceration: What is To Be Done? *1.Souls* (Boulder, Colo.), 15(1-2), 3–18.
<https://doi.org/10.1080/10999949.2013.804781>
- Border Angels employee in conversation with author, October 2020
- Bornstein, E. (2013). *Disquieting gifts: humanitarianism in New Delhi*. Foundation Books.
- Boyce, G. A. (2019). The Neoliberal Underpinnings of Prevention Through Deterrence and the United States Government’s Case Against Geographer Scott Warren. *Journal of Latin American Geography*. doi: 10.1353/lag.0.0120
- Burridge, A. (2009). Differential criminalization under Operation Streamline: Challenges to freedom of movement and humanitarian Aid provision in The Mexico-US Borderlands. *Refuge: Canada's Journal on Refugees*, 26(2), 78-91.
doi:10.25071/1920-7336.32080
- Carranza, R. (2019, March 02). Border aid volunteers sentenced to 15 months of probation, must pay fines. Retrieved April, from <https://www.azcentral.com/story/news/2019/03/01/border-aid-volunteers-sentenced-15-months-probation-must-pay-fines/3006562002/>
- Colbern, A., & Ramakrishnan, S. K. (2021). *Citizenship reimaged: A new framework for state rights in the United States*. Cambridge, United Kingdom: Cambridge University Press.

- Comunidades en Acción y Fe (Café) employee in discussion with author, January 2021
- Corich-Kleim, P. (2020, April 27). No More Deaths • No Más Muertes. Retrieved from <http://nomoredeaths.org/>
- Customs and Border Protection. (2019). Border Patrol Agent Nationwide Staffing by Fiscal Year. Retrieved from https://www.cbp.gov/sites/default/files/assets/documents/2020Jan/U.S.%20Border%20Patrol%20Fiscal%20Year%20Staffing%20Statistics%20%28FY%201992%20-%20FY%202019%29_0.pdf
- De León, J., & Wells, M. (2017). *The land of open graves living and dying on the migrant trail*. Oakland, CA: University of California Press.
- Devereaux, R. (2019, August 10). Criminalizing Compassion: The Unraveling of the Conspiracy Case Against No More Deaths Volunteer Scott Warren. *The Intercept*. Retrieved from <https://theintercept.com/2019/08/10/scott-warren-trial/>
- Devereaux, R. (2018, September 16). Justice department attempts to suppress evidence that the border patrol targeted humanitarian volunteers. Retrieved April, from <https://theintercept.com/2018/09/16/border-patrol-no-more-deaths-prosecution-arizona-immigrants/>
- Earl, J. (2011). Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control. *Annual Review of Sociology*, 37(1), 261–284. <https://doi.org/10.1146/annurev.soc.012809.102609>
- Elenes, A. (2011). *Transforming borders: Chicana-o popular culture and pedagogy*. Lanham, MD: Lexington Books
- Frontera de Cristo employee in discussion with author, October 2020
- Garcia Hernandez, C. (2013). Creating Crimmigration. *Brigham Young University Law Review*, 2013(6), 1457–.
- Garcia Professor, M. (2019, December 11). More Central American migrants take shelter in churches, recalling 1980s sanctuary movement. Retrieved from <https://theconversation.com/more-central-american-migrants-take-shelter-in-churches-recalling-1980s-sanctuary-movement-120535>

- Gundogdu, A. (2015). Borders of Personhood. In Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants (pp. 90–125). New York, NY: Oxford University Press.
- Greenwald, G. (2015). *No place to hide: Edward Snowden, the NSA, and the U.S. surveillance state*. New York, NY: Metropolitan Books/Henry Holt.
- Haglili, R. (2020). The Intersectionality of Trauma and Activism: Narratives Constructed From a Qualitative Study. *Journal of Humanistic Psychology*, 60(4), 514–524. <https://doi.org/10.1177/0022167820911769>
- Help Southern Border Communities Coalition Change the Southern Border Region. (n.d.). Retrieved from <https://www.southernborder.org/about>
- Hernández, R. (2018). Coloniality of the U-S//Mexico Border: Power, Violence, and the Decolonial Imperative. Tuscon, AZ: University of Arizona Press
- Heyman, J. (2013). Constructing a Virtual Wall. *Governing Immigration Through Crime*, 99-114. doi:10.1515/9780804785419-006
- Humane Borders employee in discussion with author, October 2020
- Immigration and Naturalization Service. (1994). Border Patrol Strategic Plan: 1994 and Beyond. Washington, DC: United States Department of Justice.
- Kang, S. D. (2017). *The INS on the line: Making immigration law on the US-Mexico border, 1917-1954*. S.I., UK: Oxford University Press.
- León, J. D., & Wells, M. (2017). The land of open graves living and dying on the migrant trail. Oakland, CA: University of California Press.
- Lydgate, J. (2010). Assembly Line Justice: A Review of Operation Streamline. Retrieved from https://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf
- Macias-Rojas, P. (2016). From Deportation to Prison: The politics of immigration enforcement in post/civil rights America. New York, NY: New York University.

- Mehlmann-Wicks, J. (2020, September 07). Vicarious trauma: Signs and strategies for coping. Retrieved from <https://www.bma.org.uk/advice-and-support/your-wellbeing/vicarious-trauma/vicarious-trauma-signs-and-strategies-for-coping#:~:text=Vicarious%20trauma%20is%20a%20process,doctors%20and%20ot her%20health%20professionals>
- Milkis, S. M., & Tichenor, D. J. (2019). *Rivalry and reform: Presidents, social movements, and the transformation of American politics*. Chicago, IL: The University of Chicago Press.
- Mohanty, C. (2011). *Imperial Democracies, Militarised Zones, Feminist Engagements*. *Economic & Political Weekly*, *Economic & Political Weekly*, March 26, 2011.
- Mutua, M. (2001). Savages, Victims, and Saviors: The Metaphor of Human Rights. *Harvard International Law Journal*, 201–245.
- Nabert, A., Torrisi, C., Archer, N., Lobos, B., & Provost, C. (2019). Hundreds of Europeans ‘criminalised’ for helping migrants – as far right aims to win big in European elections. openDemocracy.
- Nevins, J., & Nevins, A. (2002). *Operation Gatekeeper: The Rise of the "illegal Alien" and the Making of the U.S.-Mexico Boundary*. New York, NY: Routledge.
- No More Deaths. (Producer). (2019). *Waters Not Walls: A Webinar with No More Deaths* [Video]. <https://nomoredeaths.org/webinar-water-not-walls-resisting-thecriminalization-of-aid-in-the-borderlands/>
- No More Deaths volunteer in discussion with author, November 2020.
- No More Deaths/Ajo Samaritans volunteer in discussion with the author, February 2021
- Left to Die: Border Patrol, Search and Rescue, and the Crisis of Disappearance (Rep.). (2021). Retrieved 2021, from No More Deaths website: http://www.thedisappearedreport.org/uploads/8/3/5/1/83515082/disappeared_report_part_2.pdf
- Interference with Humanitarian Aid Death and Disappearance on the US–Mexico Border (Rep.). (2018). from http://www.thedisappearedreport.org/uploads/8/3/5/1/83515082/disappeared_report_part_2.pdf

- Oliver, P. (2008). Repression and Crime Control: Why Social Movement Scholars Should Pay Attention to Mass Incarceration as a Form of Repression. *Mobilization* (San Diego, Calif.), 13(1), 1–24.
<https://doi.org/10.17813/maiq.13.1.v264hx580h486641>
- Rio Grande Valley Equal Voice Network employee in discussion with author, December 2020
- Robbins, T. (2013, December 26). Wave of illegal immigrants gains speed after NAFTA. Retrieved from <https://www.npr.org/2013/12/26/257255787/wave-of-illegal-immigrants-gains-speed-after-nafta>
- Sabo, S., Shaw, S., Ingram, M., Teufel-Shone, N., Carvajal, S., de Zapien, J. G., ... Rubio-Goldsmith, R. (2014). Everyday violence, structural racism and mistreatment at the US–Mexico border. *Social Science & Medicine*, 109, 66–74.
<https://doi.org/10.1016/j.socscimed.2014.02.005>
- Stumpf, J. (2006). The Crimmigration crisis: immigrants, crime, and sovereign power. *The American University Law Review*, 56(2), 367–.
- The Cost of Immigration Enforcement and Border Security*. (2021, January 20). Retrieved April 12, 2021, from <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>
- Walia, H. (2021). *Border & rule: Global migration, capitalism, and the rise of racist nationalism*. Chicago, IL: Haymarket Books.
- Warren, S. (2019, May 28). I gave water to migrants crossing the Arizona desert. They charged me with a felony. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/outlook/2019/05/28/i-gave-water-migrants-crossing-arizona-desert-they-charged-me-with-felony/?noredirect=on>
- Weber, M. (1965). *Politics as a vocation*. Philadelphia: Fortress Press.
- Wilson, J. (1977). Social Protest and Social Control. *Social Problems* (Berkeley, Calif.), 24(4), 469–481. <https://doi.org/10.2307/800140>
- Urrea, L. A. (2004). *The Devil's Highway*. New York, NY: Back Bay Books.

