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## Separation Beyond Walls: A Discussion of the Practical and Theoretical Implications of Prevention Through Deterrence

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# Separation Beyond Walls: A Discussion of the Practical and Theoretical Implications of Prevention Through Deterrence

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## **Introduction**

In early June 2021, multiple stories appeared in news outlets about 2 deceased migrants being found in the same region of the Sonoran Desert within 24 hours. One of the bodies found was a Mexican national, and it was estimated that he had been deceased for approximately 2 weeks. The other was a beacon report from a group of migrants that a 20-year-old Guatemalan national in their group attempting to cross the border had collapsed and did not survive. The remaining members of the group were taken into custody, with the youngest member of the group being a 16-year-old female migrant from Mexico.

Only a few weeks later, stories flooded the news outlets across the country of mass migrant deaths as a result of a horrific car crash in California. Stories of migrants dying while attempting to cross the border are growing more and more common in mainstream media, and one of the most striking features of these stories is not simply the fact that people are dying in the desert and other dangerous situations, but that even in these situations of trial, the finger pointing and constant assigning of blame is strongly prevalent, as nobody wants to claim responsibility for the constant occurrences of migrants dying in these situations. From the border patrol members being interviewed blaming the smugglers for not caring about the wellbeing or the rights of the migrants, to government officials blaming the fact that people ignore warnings posted on the Mexico side of the border that it is dangerous to cross the desert for these situations, the spread of mis- and dis-information surrounding the situation of undocumented immigrants attempting to cross the border is continuing to expand, and since the loudest and most listened to voices are the people in power, the voices and stories of the migrants are being overshadowed and ignored.

With the stories of the migrants being ignored, it is easier for the people in power to continue pushing the narrative they have been creating throughout the years through their different policies. It is easy to look at the talk surrounding the wall dividing the United States and Mexico as the main means of preventing undocumented immigrants from entering the country, but the wall is simply a symbol of United States native sentiments. The real work being done to try eliminating immigration is being carried out through the lesser-known policies that are doing significantly more harm to the migrants.

### **Policies at work in the Desert**

There are a few policies at work in the desert that are all interconnected when discussing the struggles of undocumented migrants, all posing their own dangers and ethical issues. These policies that make up Prevention Through Deterrence include Operation Gatekeeper, Operation Hold-the-Line, Operation Streamline, among many other policies. It is important to understand how each individual policy works to understand how they work together against the migrants.

Prevention Through Deterrence is a strategy that was implemented in the 1990s. The strategy forces undocumented migrants into the desert as a means to try preventing illegal immigration from Mexico. The harsh terrain of the desert is utilized to police migrants due to many factors such as the extreme weather, the lack of resources, the hungry animals, and the disorientation that the desert creates that gets people lost while trying to navigate their way. With the onset of the strategy in 1994, the claim was that upon entry to the desert, migrants would realize that the terrain would be too harsh for survival so they would turn around and not attempt entry, as well as warning other potential migrants of the dangers of the desert. But migrants in

these situations are so desperate to have a chance at a better life for themselves and their families that the idea of dying while attempting to cross the border still sounds like a better risk to take than remaining in their situations at home. As a result, there have been hundreds of reported deaths in the desert every year throughout the duration of the strategy, and countless deaths that have never been recorded as the bodies have never been found.

Prevention Through Deterrence is comprised of smaller scale policies that target different regions of the border zone by focusing on the same strategies in specific regions. These smaller-scale policies involve Operation Gatekeeper, Operation Blockade (also known as Operation Hold-The-Line), and Operation Safeguard, targeting 3 of the largest border cities that have the largest volume of immigration: El Paso, Tucson, and San Diego ([globalsecurity.org](http://globalsecurity.org)).

Operation Blockade, later renamed as Operation Hold-The-Line was implemented in 1993 to target the cross points and checkpoints in the El Paso region of the border between the United States and Mexico. John Martin did an evaluation of Operation Blockade in December 1993, before the 1994 Border Strategy was released, and cited Operation Blockade as a successful effort to prevent illegal immigration and stated that it “[merited] study for its replicability in other border areas,” (Martin, 1993). This study helped to spearhead other operations in different regions, and by hearing those results in a small sample study, the study helped to foster the support needed to push the Prevention Through Deterrence strategy that began the following year.

Operation Gatekeeper was implemented in 1994 to target the common cross points and checkpoints in the San Diego region of the United States. San Diego was viewed as a particularly important place for the Border Patrol to focus their efforts, largely due to the fact that it is so

close to Tijuana, Mexico, a common gathering and resting place for migrants preparing to attempt to cross the border.

Operation Safeguard was the last section of the border region to gain increased Border Patrol activities in 1994, with a second wave of Operation Safeguard being implemented with extra reinforcement in 1999. It targeted the Tucson region of the border, and also involved the addition of a new fence near Nogales.

When looking at the rising rates of immigrants from Mexico as a result of different difficulties, such as the economic collapse in Mexico that occurred in the 1990s, United States policy makers felt it important to ensure that undocumented migrants were apprehended before entering major cities within the United States. Especially with cities such as Tucson, San Diego, and El Paso being so close to the border, it is easier for undocumented migrants to remain hidden among all the other people upon arrival in the country in the major cities than in the desert where the surroundings are not other people. The policies brought a lot of controversy and disputes of whether these policies are effective and beneficial. Still existing to this day, the policies surrounding Prevention Through Deterrence have remained out of the public eye and are causing more harm than good for so many people. I will be reevaluating Prevention Through Deterrence to highlight some of the implications of the policies, emphasizing how it affects the migrants as well as how fallout from these policies affect United States citizens as well.

## **Terminology**

There are many different terms for migrants in the United States, all carrying different meanings and connotations. With a lot of confusion on the different terms and what

they mean, I think it is important to define them and explain my choice in terminology for this project.

According to Jonathan Kwann with the Markkula Center for Applied Ethics at Santa Clara University, an unauthorized migrant can be defined as a migrant who is living in the country without authorization from the government, but may have originally entered the country legally, such as someone who entered the country on a work visa but stayed in the country after their visa expired. The misdemeanor level for an unauthorized migrant is a civil offence rather than a criminal offense (Kwann, 2021).

Although undocumented migrants may also have the situation of having surpassed the limits of their visa, and may fall into the unauthorized category, the term undocumented is more commonly used to refer to migrants who never had the proper documents to start with and have, as a result, entered the country illegally. Specifically with the case of the situation with the migrants coming through the Southern Border, they are placed into dangerous situations in order to attempt crossing into the United States and are treated very poorly, arguably to the point that they are treated as less than human beings, making their experience and stories even more worth telling.

Another term that appears in mainstream media far too often is the term illegal immigrants or illegal aliens. Kwann says that this terminology is especially prevalent in the United States with the politically conservative population, when referring to anyone who is in the country without proper and current documentation. In popular culture nowadays, the focus of the term illegal immigrant is solely focused on the population of migrants coming from the southern border, even though there are “illegal immigrants” coming from countries all over the world. This term comes with a lot of controversy as different groups such as the United Nations High



Commissioner of Refugees have submitted letters and documents bringing up issues and discussing implications with solely using the term “illegal immigrants” in any situation.

For the sake of this project, since I am specifically focusing on the experience of migrants in the Sonoran Desert, they are migrants who do not have the proper documentation to enter the country legally and in a safe manner. As a result, I am opting to use the term undocumented migrants to refer to the migrants in this specific situation. Along with many scholars, I reject the term illegal immigrants, largely due to the negative connotation this term gives to these people, and the way that it leads to them being referred solely as illegals which dehumanizes the migrants and takes away from their experience. That being said, if illegal immigrant is in a quote from a specific source, I will not change it, but I personally will be using the term undocumented, or referring to them as migrants. Similarly, in chapter 1 while talking about immigration policy throughout time, the term unauthorized migrants may appear a few times to help give context to the immigration situation in this country, but while talking about the specific situation in the desert, the migrants will be referred to as undocumented. The term “unauthorized migrants” leaves too much ambiguity as it is a blanket term that involves people who may have entered the country legally, so in order to be clear with the specific group of people I am discussing in this project, I choose to refer to them as undocumented migrants.

## **The Desert**

When discussing the struggles of migrants, it is important to note the geography of the desert. With temperatures that regularly reach up to approximately 120° in the summer months and nighttime temperatures that can drop as much as 50° from the daytime temperatures, the toll

the weather itself can take on the human body is enough to do significant physical damage. Adding to the negative physical effects on the body, the desert has very little vegetation, meaning that migrants in the desert will have little to no access to food or water aside from the resources they brought with them. During monsoon season, torrential rains can add to the difficulty of the trek across the border, potentially resulting in death.

### **This Project in Specific**

In this project, I will be looking into Prevention Through Deterrence to get a more in depth understanding of some of the practical and theoretical implications of the policies. Throughout this project, I consider practical implications of the policies to be the implications that we can easily pinpoint and identify. This includes physical damage to the migrants, human rights violations, deaths, and the toll it takes on Border Patrol agents as well. I consider theoretical implications of the policies to be the implications that are not as easily identified, for example, a shift in people's mindsets, or the way that these policies have the potential to do more harm by not being closely monitored since the policies occur away from the public eye.

Before discussing the implications of the policies, I will discuss the strategy in depth as well as how it fits into the larger picture of immigration policies throughout the course of United States history. By looking at immigration policies throughout history, it can be noted that this group of policies targeting migrants coming from Mexico is not an isolated occurrence, but instead that the policies reflect similar goals of policy makers throughout history, and not much has changed since the beginnings of the country.

After discussing the policies, I will go into depth discussing two concepts in specific that are at play in the desert region, discussed at length by anthropologist Jason De Leon in his works about immigration. Originally coined by Italian philosopher Giorgio Agamben, the concepts of states and spaces of exception have become a very important aspect of policies created against undocumented migrants, especially when looking at the effects of Prevention Through Deterrence. By exploring how the desert is being used as a space of exception, effects of the policies are emphasized, specifically regarding the migrants' experience.

Another important aspect to consider when looking into this issue is Human Rights. By exploring the ways in which the United States has involved itself with the promotion of human rights in international disputes yet fails to ensure that human rights are being provided to the people residing within the United States, poses some ethical disputes. Additionally, while discussing human rights issues present within the situation with the border, it is important to discuss the grey area surrounding policing human rights, and how it can be particularly difficult to blame any one person or group of people for the violations when there are so many different factors at play in the situation.

Throughout United States history, policies have been rooted in eugenic mindsets, and Prevention Through Deterrence is no exception to this idea. The ability to invisibilize this specific group of people and through our ability to dehumanize and diminish the value of their existence solely based the title they carry as undocumented migrants has allowed policy makers to continue the narrative surrounding migrants. By citing how these policies are supported in modern day political discourse shadows the perspectives of eugenicists in the height of the American eugenics movement during the early 1900's, I will further emphasize the idea that

Prevention Through Deterrence is not a brand-new concept, but a modern-day evolution of past sentiments and policies.

Another aspect of the situation is how the policies have shaped the mindsets of United States natives and their perception of immigrants and immigration. By keeping the harsh treatment of migrants out of sight from the public eye, the government is able to craft their narrative of migrants and the situation as a whole, shaping their mindsets in a way that could further inhibit migrants from fully assimilating into their new country. Additionally, the word choice that is used when discussing immigration issues by people in power, especially with the undocumented immigrants from Mexico, not only further dehumanizes the migrants, but also shapes the perspectives of United States citizens, especially the citizens who have very little prior knowledge about the situation at the border. By examining implications of the policies, not only on migrants, but also on the United States natives, we can get a deeper sense of the strategy and how damaging it is to everyone.

Through the evaluation of the strategy through these different lenses, I am aiming to give a deeper perspective on Prevention Through Deterrence, and the depth to which it affects not only migrants, but also how it is affecting the general population of the United States, and how the dehumanization of these people affects them not only as they are suffering in the desert, but also through the violence that occurs to their bodies posthumously.

## **Chapter 1: Prevention Through Deterrence**

Beginning with the 1994 Border Strategy, Prevention Through Deterrence is a set of policies that are still affecting migrants attempting to enter through the southern border of the United States almost 30 years later. It is important to note that these policies do not occur in a vacuum, there have been examples of immigration policies restricting certain people from entering the country throughout the entirety of American history. Seeing how the policies are at work in the desert will emphasize the fact that the geography of the region is used as a weapon against migrants, and that the results of the policies are not accidental, but intentional as they were recognized before the effects of the policies were fully present.

### **Immigration Policy Pre-Prevention Through Deterrence**

Throughout United States history, there have been policies that both allow and prevent certain people from entering the country, starting with the 1790 Naturalization Act, which excluded non-white<sup>1</sup> people from applying for naturalization as only free white people were permitted to apply. The 1891 Immigration Act expanded the list of restrictions on immigrants, and also marked the first point in which the government granted permission to deport unauthorized migrants, as well as migrants who were excluded by legislature at the border. This policy also made assisting an undocumented migrant into the country a federal misdemeanor, which began to shape modern day immigration policy. In 1904, the Mounted Watchmen were introduced in an attempt to help protect the border, but with a lack of funding and resources,

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<sup>1</sup>During this time, white people were defined as people from Western European countries such as England, the specifications for this specific policy highlighted that the need to have resided in the U.S. for at least two years and have children under 21 years of age. It also granted citizenship to children born abroad to U.S. citizens. (Records of the U.S. Senate, National Archives and Records Administration)

their efforts were irregular. These border security efforts were increased in 1924 with the introduction of Border Patrol, who had two main stations in Detroit, Michigan and El Paso, Texas. Their influence remained constant until World War II where the number of Border Patrol officers doubled, and they were tasked with keeping a tighter grip on the border as well as running alien detention camps (U.S. Customs and Border Protection).

The legislation changed once again in 1952, further expanding the reach of Border Patrol Officers, allowing them, for the first time, to search for people who have illegally crossed the border anywhere in the United States. For illegal immigrants living in the United States, this marked the first time that they could be arrested for entering the country illegally, no matter where they were living in the country. According to the U.S. Customs and Border Patrol website, this led to over 52,000 immigrants being deported to the interior of Mexico in the one year the program was running but was abruptly ended when they ran out of funds. Throughout the 1950's, however, the Attorney General's Office assigned a fleet of officers to ship home Mexican migrants, having a prominent presence in Southern California, Texas, and interior cities such as Chicago.

Throughout the 1960's drug smuggling was brought to the forefront of attention surrounding illegal immigration, however the illegal immigration numbers remained relatively stable until the sharp increase in migrants coming through Mexico in the 1980's and 1990's. In response to the increase in migrant numbers, Border Patrol sharply increased the number of agents along the border as well as introduced new technologies such as motion sensors and increased computer processing systems in order to better locate and catch immigrants trying to cross the border without proper documentation. In the early 1990's, Border Patrol worked with the government to draft the Strategic Plan of 1994, which discussed their struggles in controlling

the border, their new plan to address the situation, as well as assumptions they believed would be results of the policy.

### **Prevention Through Deterrence**

As a part of the Strategic Plan of 1994, Prevention Through Deterrence was born. According to the strategic plan, Border Patrol planned to increase their presence at common checkpoints and border cities, forcing illegal immigrants to traverse “more hostile terrain, less suited for crossing and more suited for enforcement” (Strategic Plan 1994) if they were going to attempt to enter the country. Government officials claimed that the intended result of the strategy was that migrants will determine that the risks of trying to migrate through varying hostile terrains present in the region are too high to continue with their plan to immigrate illegally to the United States, causing them to not only ultimately decide to not attempt to immigrate, but also encourage their friends and family to not attempt either.

One of the most important aspects of the Prevention Through Deterrence policies is Operation Blockade, which includes aspects such as Operation Gatekeeper, which focused on entry ports near San Diego; Operation Hold-the-Line, which focused on entry ports near El Paso; and Operation Safeguard, which focused on entry ports near Tucson, Arizona. Before this Strategic Plan was released, migrants could enter the United States through different border cities where they could easily blend in with a large percentage of the citizens in the cities on either side of the border, allowing them to stay more effectively hidden. As a result, it was difficult for Border Patrol agents to track down undocumented migrants in border cities and deporting them, so Operation Blockade was implemented in 1993. Paired with a significant increase in funding

for Border Patrol and a significant increase in the number of officers, Operation Blockade involves having a strong officer presence at the most common and accessible entry points for undocumented migrants, forcing them to travel through the Sonoran Desert to enter the country in a manner that is out of the public eye, and significantly more difficult. Although the original Blockade technically only lasted a couple months, Border Patrol later made the statement that the operation will continue indefinitely, largely due to the fact that there were immediate results and they cited that significantly fewer people attempting to cross the border through those key entry points (Martin, 1993).

Border Patrol also uses different technologies to help police the desert region to get a better understanding of who is trying to cross. Some of the most prevalent technologies include riding in helicopters and the use of drones to survey larger spaces of land in shorter amounts of time, while also being able to avoid being placed in the harsh environment themselves. The desert is a tool that Border Patrol uses in order to make migrants dehydrated and malnourished, causing the migrants to be more vulnerable. This perceived vulnerability will, in theory, cause the migrants to not as easily hide from Border Patrol and resist arrest, and ideally prevent them from attempting to cross the border again. By allowing migrants to remain in the desert for extended periods of time with no resources, this creates a situation that could be described as slow violence. Slow violence is a term discussed by Leigh Anne Schmidt and Stephanie Buechler in their research on the female migrant experience, and it describes their experiences in inhumane conditions in their home countries, on the migrant trail, and in the destination country (Schmidt and Buechler, 149). On the migrant trail specifically, slow violence makes itself present at various points, including the environment, the negligence of Border Patrol, and many other factors. The Encyclopedia of Death and Dying talked about death by exposure as being a



process, and how first the migrants suffer from heat exhaustion, which comes with symptoms such as weakness, fatigue, and excessive sweating. From there, it progresses into heat stroke which can quickly become deadly. At this point, symptoms include dizziness, increased breathing and heart rate, and tissue/nerve damage begins to occur as a result of the person having lost the ability to sweat to cool themselves down. Once a person begins to reach the point of heat stroke, it is recommended that they get to a hospital to ensure that the body can cool down and check for damage (Encyclopedia of Death and Dying), but migrants are unable to get to the hospital for help for a variety of reasons, including language barriers, lack of access to healthcare or sufficient finances to afford a hospital stay, and the risk of getting deported back to their home countries. This is an example of slow violence because the migrants are being forced into the desert without access to the proper resources to keep themselves safe and healthy. Statistics show that policies lead to slow violence and that this is not an effective manner of trying to control illegal immigration since migrants are still attempting to cross the desert despite the dangers presented in the desert as the risks of staying in their home countries are higher.

In the Strategic Plan of 1994, there are a few points where it is evident that Border Patrol is very aware of the imminent dangers in the desert, but throughout the plan, they make it clear that they will continue with it to carry out their agenda to eliminate illegal immigration. The awareness of the danger they are placing upon the migrants is present in two places in specific. The first is in one of the assumptions made by Border Patrol indicates that “violence will increase as effects of the strategy are felt,” (Strategic Plan 1994) meaning that they realize that the policy would have some pretty serious consequences for migrants. Violence is a word that contains a lot of ambiguity, so it does not always imply human on human violence. It can also consist of slow violence as a result of environmental factors, as evidenced above, or it could also

consist of violence as a result of other animals. The region is full of venomous snakes, bugs and mammals that carry diseases, and many other animals that pose a threat to migrants. There could also be violence and protests as people realize what the government is doing to the migrants and wish for change. By acknowledging that policy makers realize violence will increase without specifying what exactly they mean by that statement they are leaving enough grey area to claim that they did not know about some of the effects the policy would have on migrants.

Another point of the plan where they make it clear that they are aware of dangers in the desert is in the section where they provide a brief overview of the region. They state that “illegal entrants crossing through remote, uninhabited expanses of land and sea along the border can find themselves in mortal danger,” (Strategic Plan 1994). This statement emphasizes the fact that officials know that by forcing migrants into the desert there is a high likelihood that migrants will die along the way but try to claim that after some of the migrants die along the way, other migrants will learn from them and not attempt to try crossing the border without the proper documents. This is reaffirmed by one of the overarching goals of the policies, which is to encourage legal immigration. Despite the fact that these policies are in place to promote legal immigration, legal methods are not always feasible since people with a low socioeconomic status and lack of education do not have as much ease getting accepted for visa programs. This results in a contradiction between the claims of the strategy at the border of promoting legal means to enter the country and immigration policies evolving for more people to get proper documentation.

Since 1994, the evolution of the strategy has not changed in the actions Border Patrol carries out, but in the wording and description of the policies in order to make them appear to be more justifiable in the country. As noted above, and by Jason De Leon in his book *Land of the*

*Open Graves*, the desert terrain was originally described as hostile. Since the creation of this strategy, the description has changed to harsh, and even more recently inhospitable. The connotation of the wording has made the concept of forcing the migrants into this terrain seem not as dangerous and the policies less immoral as the connotation of the word choice in the original draft, and therefore the policy appears to be a humane way of preventing the migrants from entering the country. Additionally, in the effort to make the situation sound less dangerous, in parts where Border Patrol discussed violence that the undocumented immigrants may face in the desert, the wording of phrases that discuss violence against the migrants has been changed to descriptions such as “costly” in order to better cover up the reality of what occurs at the southern border of the United States.

The strategic wording of these policies has allowed for two main consequences: removing the human cost from the effects of the policies and making the policies justifiable while also removing any blame from the government and placing the blame solely on the migrants for deciding to cross the desert even though they know that the risks are extremely high. The concept of placing the blame on the migrant is further evidenced by the presence of signs along the border before entering the desert that have warnings stating “do not put your life in danger” or “no safe water, no rescue services” so that Border Patrol can say that they have adequate warnings posted so migrants have to know how dangerous the trek through the desert region is, yet they decided to attempt crossing anyways, placing this amount of suffering on themselves.

### **The Policies at work in the Desert**

At various points at the beginning of the trek, the signs warn of the extreme dangers present with no clean water to drink, poisonous snakes and other dangerous creatures, and warning about the extreme weather that occurs in the trek. Not to mention, with the vastness of the region, it is very easy to get disoriented and lost in the desert while trying to navigate the way. Many of the migrants crossing the border through the desert are coming to the United States in hopes of finding a better life, but do not have the resources to cross the border in a safe manner, or to have a reputable coyote to help guide them along the shortest path through the desert. As Carl Lumholz stated while working in that region, walking through the desert feels like “walking between great fires” during the heat of the summer months. With temperatures that frequently reach 118°F, it is understandable why he made that comment when describing the desert region.

Due to the vastly different biomes present in different points of the desert, migrants could be placed in situations where they are exposed to extremely different temperatures throughout their experience in the desert. It is home to traditional desert spaces that are hot and dry, but there are also lush forests in the mountain region of the area, and there are many more different regions, each with their own climates and species of plants and animals. Without proper equipment and preparation, the migrants are in a particularly dangerous situation. By placing migrants in the desert, there is a huge amount of risk. As a result of the lack of resources, migrants are facing extremely hot temperatures during the day and extremely cold temperatures overnight, a lot of times with nothing more than the clothes on their backs. According to the National Park Service, it is normal for temperatures to abruptly change by 50°F or more after a storm or between day and night, which would take its toll on a well-equipped person, let alone someone who does not have ample resources in order to best take on this harsh environment.

The non-profit humanitarian group Humane Borders has a series of water barrels in the desert that they periodically go to refill to better achieve their mission of trying to limit the number of deaths due to exposure to the desert environment. Additionally, the group works with the Pima County Medical Examiner's office to help uncover migrant bodies in the Arizona region of the Sonoran Desert and collect data on the bodies found, including basic information such as gender, age, location found, and the cause of death. In many cases, all that can be found is skeletal remains, which makes pinpointing the cause of death virtually impossible. For the bodies that are substantial enough to determine a cause of death, the information is logged and used for statistical purposes in immigration research. Humane Borders records the metrics posted by the Pima County Medical Examiner's office on migrant bodies into death logs, that once put on the website, is transmitted into a map of the region with different pinpoints that match the geographic coordinates where the body was found to help visualize where the deaths occur in the Sonoran Desert. This has been an ongoing process since 2001.

Looking through the death logs on the Humane Border Website, out of the remains found that were not listed as skeletal remains, approximately 55% of the bodies found had died as a result of exposure to the elements while making the dangerous trek through the desert. This emphasizes a few potential causes, whether it is the unpreparedness of the migrants; the distance to which they strayed away from the path in order to hide from Border Patrol agents; the dangers of the environment; or a combination of some or all of the previously listed factors.

Border Patrol is using the desert as one of their most powerful tools against undocumented migrants. They made it evident from the creation of the 1994 Border Strategy that they were aware that Prevention Through Deterrence was going to cause a large amount of harm to the migrants, but that it was a necessary step in order to achieve their goal of limiting the

number of migrants that cross the border illegally. It raises questions of morality as well as effectiveness, but the policies are still at work almost 30 years later in the Sonoran Desert. The policies do not stand alone, as there is evidence of efforts to try eliminating immigration, especially along the border with Mexico, throughout the majority of United States history.

## **Chapter 2: Spaces of Exception and the Bodies that Occupy Them**

Giorgio Agamben is an Italian philosopher who wrote about different political theories and how they are carried out, including two works that will be highlighted in this chapter: *State of Exception* and *Homo Sacer*. In these works, he discusses the philosophy behind different political tactics to govern people and use their power to determine who has access to and does not have access to rights and protection. These works have become crucial to the discussion about Prevention Through Deterrence as they help emphasize the way in which the government is able to create space in which offenses against migrants occur, and the way that migrants are dehumanized at an institutional level through these policies. By drawing parallels between this situation and examples of how states of exception have been used in the past, we can begin to understand how important it is to discuss the implications of these actions and the ways they benefit some parties while doing significant harm to others.

### **Discussion of Giorgio Agamben's work "State of Exception"**

The book *State of Exception* talks about how governments are able to increase and decrease their power over people under different circumstances, citing some contemporary examples to demonstrate how the concept is applied in a practical situation to further emphasize his ideology behind these concepts. As described by Agamben, a state of exception is a scenario that occurs during a particular time of crisis in which a government can decline certain constitutional rights for a specific group of people while also extending the power of law upon them, placing them at an extreme disadvantage in the particular situation. States of exception are commonly implemented during wars or other major conflicts, with the example Agamben used

being the state of exception that was utilized in Nazi Germany against Jewish people, disabled people, and other demographics that were targeted during the Holocaust. States of exception are instilled in order for the state to promote violence against certain groups of people without having to address the consequences that would typically be seen for the same actions.

One aspect of a state of exception that Agamben highlighted is the fact that in these particular situations, knowledge is power and is used as a weapon against people by the governments. Being that the government implementing the state of exception has complete knowledge about the actions that occur during the situation, in order to continue the state of exception without opposition or push back, people who have the knowledge will meticulously determine which pieces of information will be shared with the general public. A lot of times, the information they choose to disclose with the public will continue to push their own agenda in order to gain more support for their actions in that particular circumstance. This process continues and the people in power will continue to share pieces of information and knowledge in a methodical way that promotes their perspective and goals in the particular situation. In the words of Agamben, “the process of both acquiring knowledge, while also suppressing certain knowledge is a violent act during a time of crisis,” (State of Exception, 2005).

The idea of knowledge as a weapon is a particularly interesting perspective that Agamben proposes, especially because in one sense, it has existed for hundreds of years in an attempt to gain an advantage in particular battles. One example of how knowledge can be used to gain an advantage in a battle can be seen in the Battle of Thermopylae in which the Persians were predicted to lose the war due to the fact that the Spartans had a better understanding of the geography of the area. After a traitor told Xerxes about a secret passage through the mountains, Xerxes used that knowledge in order to defeat the Spartans, and the traitor was the one with



complete power, knowing the strategies of both sides and deciding who receives what information.

To cite a more contemporary example, especially prominent after 2005, the United States government has been sending anthropologists to different areas to learn about the people and the culture that exists in the country before sending in the military to carry out missions. This practice is commonly known as the Human Terrain System, which has amounted to a great deal of controversy surrounding the intentions of the military with this primary form of intervention with communities, as well as the acquisition of specific knowledge about these certain communities without the citizens in the community knowing what was happening to them or their fate before they started providing the information to the anthropologists (Michał Pawiński, 2018). According to Pawiński, “it is often the case that those who provide funding will decide the fate of the outcomes and data gathered during the research. In other words, research can be classified, which will impede development and contributions to general knowledge, or which can be used improperly to inflict harm onto the research subjects,” (page 128) essentially meaning that no matter how unbiased, objective, and thorough of a job the anthropologists themselves may have been doing in their fieldwork in the different regions, their funders, in this case the United States government, have the ability to take whatever they said about the situation and determine the outcome for the population studied. This also gives them the power to choose which takeaways from the anthropological research they will spread to the general public to help carry out their personal agendas.

While concluding *State of Exception*, Agamben cited George Bush’s post-9/11 military orders to emphasize the fact that states of exception have the ability to endure for long periods of time. As a way to continue justifying the ongoing conflicts with countries in Middle Eastern

countries such as Iraq and Afghanistan, the narrative created by the knowledge collected from these regions and the information the government chooses to release to the general public has allowed for the conflicts in the Middle East to persist for much longer than they needed to. These narratives created have also prevented help from occurring for people directly affected by the actions of the United States government and the military in order for both parties involved to resolve conflicts and progress forward.

### **Discussion of how the Sonoran Desert Region has become a Space of Exception**

Many people have heard the phrase “the crisis at the border” when government officials discuss their struggles with undocumented migrants trying to enter the country illegally through the border with Mexico. In his book *Land of the Open Graves*, Jason De Leon discussed at length how the Sonoran Desert is a space of exception to combat the crisis. He evolved the concept of a state of exception, coined by Giorgio Agamben, into the idea of a space of exception, in which he defined as the physical and political locations where an individual’s rights and protections under the law can be stripped away upon entrance, essentially meaning the physical and political spaces where state of exceptions occur. This concept is important to note in the Sonoran Desert through Prevention Through Deterrence as undocumented migrants tend to be the primary occupants of this space and are the ones who are being targeted by the state of exception created through the different policies.

One of the concrete examples that was discussed in *State of Exception* to highlight how states of exception are carried out is the concentration camps that were placed in various locations across Hitler’s range during World War II. In regards to these camps, Agamben talked

about how they were intentionally created spaces where they were able to carry out different actions on the targeted groups. Similar to the concentration camps that were highlighted in Agamben's work, the Sonoran Desert is a space in which the majority of the population does not have a ton of knowledge about, so it is a convenient space to utilize and keep all of the actions that occur to migrants out of sight, as it is the space mutually shared by both countries, yet vast enough that the majority of the population does not know what occurs in that space. As stated by De Leon, "this strategy made migration less visible, and created a scenario in which the policing of undocumented people occurred in areas with few witnesses," (De Leon, 31). In a lot of situations, the policing of migrants occurs in front of other undocumented migrants, if in front of anybody at all. This is important to note because undocumented migrants have no power to be able to accurately and thoroughly depict what happened either to police or in a court room if there was ever a questionable situation that got publicized, largely due to the fact that even after making it into the United States, undocumented migrants are in a state of forced marginalization for the entirety of their time in the country, whether that is for a year or for the rest of their life. If they were to witness one of those situations, they would never be able to speak out about it as they would risk being caught by government officials and deported for leaving the margins and making their presence in this country known. Additionally, by creating specific spaces and placing the targeted groups into that space, making this type of migration less visible to the general public, it allows for people living in the United States to ignore the situation. It also allows for the government to justify its power over the immigrants through the cautious release of information about the migrants to the larger population and allows for the injustices occurring at the border to persist.

A final aspect that Agamben mentioned while discussing the concentration camps that also applies in this situation is the fact that as societies live through these states of exception, they are normalizing the situation which allows it to persist over long periods of time, or in some cases, become a permanent state of being. The fact that the Prevention Through Deterrence Policy was first brought into action with the 1994 Strategic Plan and is still occurring today, almost 30 years later leaves the potential for this specific state of exception to be, as Agamben stated, “where the state of exception begins to become the rule,” and the norm for immigration policy in this country.

### **Introduction to the idea of Bare Life**

In a previous but related work entitled *Homo Sacer: Sovereign Power and Bare Life*, Giorgio Agamben discusses the idea of a homo sacer (translation: a sacred human) and how it has evolved into its common use in politics and exclusion theory today. More commonly referred to by immigration researchers as a bare life, the person “is outside or beyond both divine and human law,” and their pure existence in the spaces of exception “emblemizes the sovereign's power over life and death, the power to designate a life that is worth neither saving nor killing,” (Oxford Reference). His discussion of implications of the state of exception on the people who inhabit those spaces ties together two of his most popular works and helps to strengthen his overall arguments on the topic.

In order to emphasize how much power the governments hold in reducing certain people to bare lives, Agamben uses two main terms to refer to people, *Zoē* and *Bios*. He uses these terms, originally used by the Greeks to distinguish between forms of life: *zoē*, ‘natural

reproductive life' confined to the private sphere, and bios, 'a qualified form of life', political life. By being able to determine who is considered worthy enough to be a part of society and who is nothing but a biological being, the government can use their power to convince the "worthy" people that the "unworthy" people have no significance or importance, allowing them to more effectively carry out their states of exception without facing backlash, or as Agamben mentions throughout his paper, killing the bare lives without any fear of facing charges of homicide since there is a subconscious understanding among all of the worthy people that the lives of these other people have no meaning or impact.

### **Discussion of how migrants are reduced to bare lives in the Sonoran Desert**

In the specific situation with undocumented migrants in the desert, there are many ways in which the migrants are reduced to bare lives by the government, and that the general population is subconsciously normalizing this dehumanization. Scholars such as Jason De Leon along with researchers from Amnesty International have looked into these situations and discussed different ways in which migrants are dehumanized and reduced to bare lives.

In chapter 1 of *Land of the Open Graves*, Jason De Leon discusses how something as simple as selecting certain words with specific connotations contributes to the dehumanization of migrants. One example of this is how undocumented migrants are commonly referred to as illegal aliens, or in short, illegals by policy makers and United States citizens alike. The decision to refer to their legal status above the fact that they are humans already puts them in a box of being an "other" in society before they even step foot into the society and ignores the

fact that migrants are humans who both affect and are affected by the people they are surrounded by as well as the situations that they were raised into and forced out of.

Amnesty International published a report on some of the situations in the desert, with one asylum-seeker upon arriving at the border stating:

*“They told me, ‘You don’t have any rights here, and you don’t have any rights to stay with your son.’ For me I died at that moment. They ripped my heart out of me. For me, it would have been better if I had dropped dead. For me, the world ended at that point. How can a mother not have the right to be with her son?”*

Amnesty International, 2019

By causing people to believe that they are not worthy enough of a life to even have a family by their side, the mindset of a bare life also starts to impact their mentality and perception of themselves, which can cause the migrants themselves to believe that they are a bare life as well. Tim Henderson wrote an article on the mental toll immigration takes on people and stated that “the stress of being an immigrant can cause or worsen depression and post-traumatic stress disorder, and may contribute to suicidal thoughts” (Henderson, 2018), essentially meaning that even if the migrants survive their attempt to cross the desert and make it to the United States, there are numerous long term effects this situation has on their mental state, not even taking into consideration their physical state, knowing that they have to work multiple times harder to never be accepted in their new society, and that the society as a whole deems their life as not valuable because of their situation.

There are numerous other ways in which migrants are reduced to bare lives in their experience as migrants, and the fact that in any given year, hundreds of human remains are

found that will never be identified, leaving the families of these migrants to never know if their loved one is dead or alive really emphasizes the fact that it is incredibly easy for people in power to do harm to large amounts of people by simply reducing certain people to a bare life and targeting them in the spaces of exception created to carry out an agenda. Even though policies and society as a whole view this specific group of people as not worthy of life, the impact of their safety and death is crucially important to the people around them, and the ripple effect of migrants dying on their communities causes a lot more pain among the communities, but without the recognition that the migrants' lives are worth anything, it prevents them and their communities from getting the support they need.

### **Chapter 3: Human Rights**

Human rights is a broad topic, but also one of the most important aspects when discussing implications of Prevention Through Deterrence, as it can be argued that a number of human rights violations occur as a result of the different policies being used against migrants at the border. By looking into a brief history of human rights, as well as what internationally accepted documents say about human rights, we can look at specific situations in the Sonoran Desert and discuss potential human rights implications to this scenario.

#### **Human Rights Overview**

Although religious texts such as the Bible, the Hindu Vedas, the Babylonian Code of Hammurabi, and the Analects of Confucius are some of the oldest texts that highlight people's responsibilities, rights, and duties, the emphasis on human rights for all people, regardless of status, race, religion, etc. was not introduced to the international political atmosphere until the 1900s as the world was forced to face multiple large scale human rights violations, and the topic could no longer be ignored.

Human rights is a fundamental topic in many discussions both political and non-political, as it has many layers and effects in society, including discussions such as racism, discrimination based on gender identity/sexuality, religious persecution, immigration and immigrant rights, and so many other common topics. The beginnings of the discussions of protecting human rights in a large-scale manner occurred with the end of World War I with the introduction of the League of Nations, which sought to work towards creating and maintaining peace among nations, as well as promoting rights of individual people.



## **The United Nations Declaration of Human Rights**

Published in 1948, the United Nations put into writing an individual's "basic rights and fundamental freedoms" and affirming their universal character as inherent and inalienable, emphasizing that these basic rights are applicable to all human beings no matter their race, gender, religion, or any factor that has been used against people in an attempt to claim they should not be granted access to human rights or worthy of existence. In response to World War II, where we saw countries all across the world discriminating against people based on different aspects of their being, the United Nations worked to start the healing process by clearly stating basic rights shared by all people so that when international disputes occurred, there was a universally agreed upon document that protected the rights of individual people. With the creation of this document, the goal was to prevent the occurrence of another genocide similar to the Holocaust and giving international bodies such as the United Nations the authority to intervene with conflicts to help resolve them in a peaceful manner while protecting the dignity of all parties involved.

### **Criticism**

As with most anything that gets published, especially in an international arena, there are a number of criticisms that have arisen as a result of the Universal Declaration of Human Rights. One large criticism of the Universal Declaration of Human Rights is that as a document that was not intended to be legally binding, it is being used in a legal context, which is problematic for numerous countries.

Another substantial criticism that numerous scholars have posed when discussing this document is that it promotes the ideals of wealthy western countries as the standard for human rights and does not take into consideration the values of other cultures. At the time of the creation of the Universal Declaration of Human Rights, the majority of the countries involved in the United Nations were western countries, and the decision to adopt the document was primarily agreed on by Westernized countries. An implication of this is that the countries who were not as westernized did not get to provide their input based on their own cultural customs, so the document is not necessarily all encompassing, putting the countries not involved at a disadvantage in situations where the document is being used as a basis for conflict intervention.

### **Grey area within Human Rights Discourse**

Since human rights is such a broad topic area, it is important to note the fact that there is a lot of grey area when it comes to defining, promoting, and policing human rights. Marie-Bénédicte Dembour wrote an article discussing different perspectives on human rights among scholars, creating four groups (within this particular work she refers to these groups as schools of thought) that share commonalities in different aspects of human rights beliefs. By emphasizing these aspects of the schools of thought, she highlighted the fact that people who belong to the different schools of thought are going to have differing beliefs on various aspects of human rights, from something as basic as what human rights are and their origin, to the universality of human rights, looking into what enforcing human rights would look like in an international arena. While discussing the differences in the schools of thought regarding human rights, Dembour emphasized the fact that it is near impossible to generalize anything relating to human rights, because even though she centered her work around these 4 main schools of

thought, she cited that the majority of scholars do not solely fit in to one school, and since they agree with certain aspects of the different schools, they tend fall somewhere in the middle of two or more. This further adds to the ambiguity within human rights due to the vast range of perspectives on what human rights are and what they look like.

From this article alone, we can begin to see how complex human rights are, as there is already a very large variation in perspectives on human rights looking at it from a solely academic lens. When analyzing the practicality of human rights and how countries promote and police human rights, the issue is deepened through different cultural factors that determine which individual rights are deemed as essential, non-essential, or not even worth discussing in an international arena. Even with documents such as the Universal Declaration of Human Rights that aim to set a standard for human rights in an international context, the vagueness within the context of the document leaves a lot of room for interpretation on behalf of the different countries and cultural contexts, and since the baseline established within the document is intentionally not specific in order to please more countries and cultures, it is easy for countries to cite that they are following the document despite the fact that they may not be. Essentially, this means that when looking into human rights issues, especially based off this document alone, violations of human rights are not always easily identifiable, and likewise the offenders have more leeway to justify the actions and argue that there are in fact human rights violations occurring (NWO).

### **Rights of Migrants in the Sonoran Desert**

As previously mentioned, Jason De Leon spoke extensively in his book *Land of the Open Graves* about the ways in which migrants are dehumanized, which leads to further stripping of their access to basic human rights while in the desert. One of the biggest examples of this situation involves the state of exception that exists in the desert where the United States government has been able to take away all protections of the law from the migrants but also use the full power of law against them, leaving them with no rights and very little dignity. Through the state of exception, the migrants are reduced to bare lives, stripping them of their humanity, which the government uses in order to justify the actions that occur against migrants in the desert region. Article 6 of the Universal Declaration of Human Rights states that “Everyone has the right to recognition everywhere as a person before the law,” (United Nations), which has a few implications that are put to challenge with the state of exception. Firstly, the fact that it states that everybody has the right to be recognized as a person, which means that by reducing migrants to bare lives and denying them their humanity, the government and officers working at the border are denying the migrants the basic human right of being recognized as a person before anything else. The intentional choice by the United Nations by stating that people have this right everywhere is crucial to the rights of migrants while in the desert, especially since the whole idea of a state of exception depends on creating spaces in which the “enemy” is viewed as less than human and therefore deserves to be treated as such, with harsher punishments paired with fewer protections under the law. Since the Declaration of Human Rights emphasizes the fact that people’s status as human beings is to be respected everywhere, it delegitimizes the power and the intentions behind the states of exception that countries create in times of crisis.

Issues such as the dehumanization of migrants during the state of exception in the Sonoran Desert act as a ripple effect in regards to human rights violations. By starting with

stripping migrants of their humanity and their worth as human beings, it causes the rest of the human rights laws to become void, as they are no longer recognized as human beings, therefore not worthy of consideration for human rights.

## **Human Rights Issues in the Sonoran Desert**

### The Line Becomes a River

*The Line Becomes a River* is a book written by Francisco Cantú discussing the situation in the border zone through the perspective of a Border Patrol agent, as he was a Border Patrol agent for a number of years, and then through the perspective of somebody who has personal stock in the border issue as he navigates the process for his friend who got caught by Border Patrol trying to return to his family in the United States. Through this narrative, he is able to highlight how broken the Border Patrol system truly is, and how much harm even the agents with the best of intentions cause to migrants in the desert, and how easy it is to lose sight of what is important until the situation becomes personal.

Some of the more noticeable aspects of ways in which the migrants were harmed in different situations throughout the book include the interactions between border patrol and the migrants, necroviolence, and the streamlining process. All of these situations attack the migrants at different points in their immigration process and have evidence of human rights violations through the different phases of the process and through the different interactions that the migrants have with other people.

### Border Patrol

When a migrant gets caught in the desert attempting to enter the United States, the first interaction they have is with the Border Patrol agents who catch them. There are a number of instances in which Border Patrol agents have harmed and dehumanized migrants, discounting their worth and placing them in situations that are more dangerous and emotionally traumatizing for the migrants. Cantu discussed ways in which he witnessed other agents causing harm to migrants, but as recent developments have been unfolding, the situation appears to be continuing to worsen. In September 2021, the organization Human Rights Watch received documents with reports of physical and sexual violence towards undocumented migrants by Border Patrol agents. These documents highlight over 160 reported incidents by the agents between the years of 2016 and the start of 2021. These offenses carry weight from forcing the undocumented migrants to sign paperwork with false information about their reasons for leaving their home country that would ultimately result in them getting denied asylum to instances of extreme physical and sexual violence paired with medical negligence.

The release of this information has been important to highlight the extent to which Border Patrol officers are adding to the overall harm of the migrants in these situations, while also emphasizing the large amount of human rights violations in the desert. For example, Article 14 of the Universal Declaration of Human Rights states “everyone has the right to seek and to enjoy in other countries asylum... This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations,” (United Nations). According to Human Rights Watch, one of the cases was a situation in which an “applicant testified that she told the immigration officers that she was afraid to return. They wrote down that she said she was not. The applicant stated that the immigration officers did not tell her what she was signing when they typed in her signature,”

(HRW) showing that the officers intentionally wrote down false information which would prevent this migrant from potentially receiving the support needed through the asylum process, and in these efforts, they intentionally did not tell her what they wrote down so that she would not have any ability to fight back until after the official process occurred. By taking matters into their own hands, the officers stripped the migrant of her right to seek asylum in a new country when she did not feel safe and secure in her country of origin, which violates her rights as a human being. Even though she is the only case that Human Rights Watch has explicitly cited in this article discussing the data they found of this happening, it is likely that she is not the only case of this occurrence happening, whether documented or not.

### Streamlining

After migrants are caught by Border Patrol officers, they are sent through streamlining trials in the United States legal system. Streamlining is the process by which migrants are tried and sentenced with crimes relating to attempting to enter the country without the proper documentation. Multiple streamline trials can happen in a day, and they are mass trials in which as many as 80 migrants can be tried at one time. Problematic aspects of streamlining trials involve the fact that migrants do not get an opportunity to share their side of the story, especially since most times they are not explained what happens during the court case, they are just told to say “guilty” when their names are called and are then sent to jail to serve their time before being deported.

Article 10 of the Universal Declaration of Human Rights states that “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him,” (United Nations). The streamlining trials directly counter just about every aspect of this article. One of

the first aspects in this article is the fact that the people on trial need to be able to understand their charges as well as their rights and obligations in criminal trials. In many cases with streamlining trials, the attorneys only get to meet briefly with migrants before the trials, which means there is not enough time to explain everything to the migrants so a lot of details tend to get left out, such as how they can get out of being charged through other legal paths such as through claiming asylum status, u-visa eligibility, and many others.

Solely considering the fact that the migrants are going into the trials not being explained how the trials work or their rights underneath the law in a trial, that alone would be a violation of their rights as humans, not considering the fact that the trials are not fair trials as the judge enters the space assuming that they are guilty, and that all they have to do is state that they are guilty and then they will get their sentence based on if they have already been caught while attempting to cross the border before that particular instance.

### **Passing the Blame**

One way in which the perpetuation of human rights violations can continue to occur is by being able to pass the blame for the deaths and other harms caused to migrants off of the government and the agents patrolling the border, and on to other factors including the technologies used to patrol the border, the environment of the desert, and the migrants themselves. By being able to pass the blame on to these other factors, these programs are able to continue occurring without repercussions that would protect the people being targeted.

When looking into publications about human rights, the responsibility to ensure that people have adequate access to these promised rights is not placed on the governments and



politicians in charge of the different countries. According to Onora O’Neill, “The [documents] do not assign states straightforward obligations to respect liberty rights (after all, liberty rights have to be respected by all, not only by states), but rather second-order obligations to secure respect for them,” essentially meaning by this statement that documents such as the Universal Declaration of Human Rights list off basic rights that all people should possess, there is no sort of accountability set up for governments to ensure that human rights are actually being provided to all people, and that as long as they ensure that people are respecting the rights of other people, then that is good enough. Looking back at the grey area within human rights, with no clear-cut responsibility on specific parties to protect the rights of individuals, there is a difficulty with placing consequences on different governments for human rights offenses that occur in their countries as a result of their policies. When looking at the way the migrants were treated in The Devils Highway, the government could very easily pass off the blame by saying that they do not have the responsibility of protecting the human rights of the migrants so they should not be blamed for some of the occurrences within the border region of the desert, even though a lot of these situations are a direct result of the Prevention Through Deterrence policy.

One strong example of this occurrence in the desert is with the large presence of technology being used in the desert against migrants, the blame for different violations can be pushed onto the technology being used over the people behind the technology and the policy. There are places where watch towers have been constructed in the desert, but even though there is not always somebody sitting in the tower patrolling the area, just knowing that the tower is there and could be patrolled is enough to deter them and push them farther and farther off their path, making the attempt to cross the desert all the more difficult and increases the chance of exposure and death. Even though the government intentionally places these towers across the

desert, these physical structures take on the blame for the migrants straying away for simply existing, and since they hold the blame, there is no way to police some of the human rights violations, allowing the violations to persist as long as they have.

## **Chapter 4: Immigration Policy and Eugenics**

First coined in 1883 by Francis Galton, eugenics is the practice or advocacy of controlled selective breeding of human populations [as by sterilization, execution, or isolation from society] to improve the population's genetic composition (Merriam-Webster dictionary). Looking into how eugenics has been a factor in immigration policy in the past, we can see how interconnected past immigration policies and ideologies are with current policies and draw connections between the attempts to better the United States population has affected the way that we treat undocumented immigrants as an example of how we tend to “other” people who are not deemed as ideal American citizens.

### **Eugenics and Defining “The Other”**

Many people have probably heard the term eugenics used in school specifically when learning about the Nazi regime and Hitler’s desire to create the “perfect Aryan race” in Germany during World War II, but there is so much more to the historical context of the concept of eugenics and how it still exists in society today. The History Channel defines eugenics as “the practice or advocacy of improving the human species by selectively mating people with specific desirable hereditary traits,” but has also been expanded and given a negative connotation throughout historical events such as the elimination of people who possess certain undesirable traits.

Within the United States, the desire for ideal genetics has been around for centuries, with the first cited case in the 1800’s, preventing people with epilepsy from marrying in an attempt to phase out that specific condition. During the 1900’s, the Race Betterment

Foundation was organized, and national conferences were held to “[advocate for] race betterment among the public,” (Leung) and by the third conference, it was determined that “most people considered unfit were immigrants, minorities or poor,” (The History Channel). The presence of eugenics did not solely sit in the general public, but it also stood within the United States government, as the government assumed the jurisdiction of monitoring immigration at major ports such as New York City, where Ellis Island was constructed in order to streamline the immigrant screening processes.

### **Mindsets on “The Other”**

In order for eugenics and policies related to restricting immigration to be successful, people in power need to be able to recognize and define who is considered “the other” and make the distinction between us and them. With the case study of eugenics in the United States during the early 1900’s, the different supporters of eugenics had very clear notes of what they considered undesirable and in need of removal from the gene pool of society. Dr. L. E. Cofer discussed criteria for determining who is unfit to be an American citizen, and how it should be promoted in the immigration process in his 1915 letter. He stated that “[immigrants] are subjected to a series of examinations tending to the elimination, in the first place, of paupers and criminals, and secondly, to the elimination of persons with physical and mental defects,” (Cofer, 172). With this statement, he defined which immigrants were classified as the “others” and undesirable, specifically highlighting people from lower classes, people with a criminal history, and anybody with a physical or mental disability, not being inclusive of the fact that people from certain countries were also considered inferior by the majority of people within the United States and should be limited from immigrating to the United States. Additionally, in his

claims with othering these groups of people, he is also separating those groups that are already American citizens as not good enough simply because they belong to those groups. He cited earlier in his letter that he believed that the sterilization or complete removal of these groups would cause an overall increase in the quality of humans present in United States society, which not only pushes for harsher restrictions on the immigrants trying to enter the country, but also promotes the removal of anyone else who fits into those categories, pushing the mindset that if someone does not fit into a particular image of a person, they are not worthy enough to live in this country.

To push forward his position that Americans are the ideal citizens despite the fact that there are people belonging to the undesirable groups, he blamed the existence of the “other” people in the United States on other countries. He stated that “in the eighteenth and nineteenth centuries, Europe attempted to improve its race stocks by the deportation of the less desirable individuals... and in addition used the United States as a dumping ground for its convicts, paupers and insane,” (Cofer, 171). Through this claim, he essentially stated that anyone who belonged to these groups were not wanted in any country, and were therefore dumped into the United States, and that they are not truly American, we just have to deal with their existence because our immigration laws were not harsh enough.

### **Historical Immigration Policies and Eugenics**

The eugenics movement in the United States had a strong anti-immigration platform throughout the 1800s and 1900’s, growing in popularity as prominent business leaders such as John Harvey Kellogg began to take an interest in the movement. Prominent eugenicists strongly opposed immigration, citing that it was tainting the gene pool present in the country. As

cited by Harry Laughlin while lobbying for stricter immigration policies in the 1920's, "the "American" gene pool was being polluted by a rising tide of intellectually and morally defective immigrant," (Lombardo). His influence, along with other eugenicists helped contribute to the Immigration Restriction Act of 1924, limiting the number of immigrants allowed to enter the country, specifically from Italy and Eastern Europe, based on evidence that Laughlin helped collect to prove that they were genetically inferior and would further taint the gene pool in the United States. According to Paul Lombardo in his work "Eugenics Laws Restricting Immigration," upon passing the Immigration Restriction Act of 1924, Calvin Coolidge stated that "America must remain American," and cited that his statement ended up becoming "the rallying cry of anti-immigration sentiment until after World War II," (Lombardo).

Restrictive immigration policies were not only supported by, but encouraged by medical professionals, especially during the early 1900s in the lead up and implementation of the Immigration Restriction Act of 1924. The denial of immigrants entering the country in an attempt to "better" the future generations of American citizens was endorsed by Dr. L. E. Cofer, the assistant Surgeon General of the United States in a letter he wrote about the benefits of eugenics in American culture, both in respect to immigration as well as restricting who is allowed to reproduce based on what genes or health conditions they may have. He began the letter by discussing his perceived benefits of eugenics, stating that "the execution, incarceration or asexualization of criminals, or the segregation of certain other classes—paupers, insane persons, idiots, lepers and the like—tend to raise the quality of the human stock," (Cofer, 170) essentially stating that he believed that by removing these types of people from society entirely, the quality of the general population will inevitably increase. When discussing the integration of immigrants to American culture, Cofer stated that the original goal of United States immigration

laws was to ensure that only the “most suitable” candidates were being welcomed to the country, and that the country could protect themselves from having the lowest citizens from every other country “dumped” on the United States until the laws became too loose, and the country just let anybody come in.

By stating that other countries intentionally send the worst of their citizens to the United States not only demeans the first generation immigrant population in the United States as never being good enough to truly assimilate to the culture and society in the country, but also demeans the second, third, and the following generations, as they did not get to choose the situations they are born into yet have to address and deal with the fallout of these situations that they inherited from their families, and had the added burden of hearing from different prominent figures that they are not worthy of being considered true American citizens.

### **Modern Day Immigration Policy and Eugenics**

Although some of the policies were repealed by the Immigration and Nationality Act of 1965, the eugenic intent behind anti-immigration perspectives is still widely present within the United States. Despite the fact that eugenics is regarded as a negative part of both United States and world history, policies such as the Prevention Through Deterrence and its other related policies perpetuate the eugenic sentiment around immigration policies.

When promoting harsher immigration policies in response to the growing number of undocumented immigrants crossing the border from Mexico, President Donald Trump made sure to make the distinction between “us” and “them” in a public statement during his campaign season, in which he said

*The U.S. has become a dumping ground for everybody else's problems. Mexico sends its people; they're not sending their best. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems to us. They're bringing drugs. They're bringing crime. They're rapists. (Trump, 2015).*

The distinction being made in this statement starts with the strong sense of nationalism in that the United States is the best country in the world, which he continued to reinforce throughout the entirety of his campaign and presidency with his slogan "Make America Great Again." He made the distinction that the immigrants from Mexico, and later in his speech he spreads it to the entirety of Central and South America, as inferior from the American population, citing the fact that he considers them nothing but a bunch of people with problems who will try to cause more problems in the United States, and that their sole nationality is enough to make that assumption about the quality of their character.

A lot of the claims by Donald Trump shadow claims made by different eugenicists in the early 1900's, such as the claim that the American gene pool is superior to the gene pools in other countries and that the introduction of these other people into the United States is somehow decreasing the quality of the people living in society and that they need to not be allowed in as a result, and that the ones that do exist in our society need to be removed in order to continue increasing the quality of the general population. Additionally, through his claim that Mexico is sending people with problems and the lowest class people, Trump is reinforcing the claims by Dr. L. E. Cofer that the United States is a dumping ground for the undesirable population from other countries. In this case, Trump claims that Mexico is dumping their criminals and rapists into the United States, leaving our country to deal with their problems.



Statements such as the statement above by Donald Trump have implications on the country as a whole, enforcing the mindset that some people may already have, and planting the seed of anti-immigration in the minds of other people who have not already considered their position on that particular issue. By promoting the idea that immigrants from Mexico are inferior to the “ideal American citizens,” not only will undocumented migrants continue to be not supported and shamed for their existence in this country, but also American citizens who happen to fit the image of a Mexican immigrant have also begun to see negative perspectives reflected on themselves as well.

## **Chapter 5: Implications of Immigration Policies**

As different immigration policies have been created and implemented at the Southern Border, they all work towards the aim of removing and preventing the entrance of these unwanted biological beings. Policies that solely look at human beings as biological entities fail to consider the fact that human beings have stories and contexts behind them, and that the implications stretch beyond their presence, or the lack thereof, in this country. The implications affect not only the migrants, but also their families and communities, as well as United States citizens, including Border Patrol agents who are placed at the forefront of the execution of these policies.

### **Terminology Used**

#### Line Becomes a River

In part one of *The Line Becomes a River* by Francisco Cantú, he talked in depth about the process to become a Border Patrol agent, discussing some of the aspects of training the agents go through. He cited the fact that in order to participate in this line of work, you have to be able to get yourself in to what he referred to as the “Border Patrol mentality,” essentially meaning that the agents believe that all of their actions are beneficial as they are protecting the United States from the dangers of undocumented migrants. This process of instilling the “Border Patrol mentality,” as described by Cantú, involves the prospective agents watching videos and looking at pictures of drug cartel members murdering citizens and police officers, and many other aspects that lead to the understanding that undocumented migrants pose a serious threat to the United States national security.

Although the majority of the United States population is not Border Patrol agents, and the majority of the pieces used against undocumented migrants in popular culture are not as harsh as the specific situation that Francisco Cantú experienced in Border Patrol training, there are still numerous ways in which the way that we speak about, and news sources publish about undocumented migrants, that our mentalities have shifted to not only turning our backs on what is occurring at the border, but also justifying the actions that are occurring at the border and further harming the undocumented migrants as a necessary evil.

### Political Influence

Although immigration issues have been a conversation topic in political discourse for just about the entirety of United States history, the immigration debate has been gaining more steam in the past few decades, with increased concern for national security after incidents such as 9/11 and the threat of potential terrorism combined with other factors to make the general United States population have an increasingly negative sentiment surrounding immigration.

In 2016 during his candidacy for presidency, a large portion of Donald Trump's presidential campaign involved him bringing to the forefront his strong opinions surrounding restricting immigration, especially from Mexico, and encouraging the general population to agree with his views on eliminating illegal immigration at all costs. Although immigration related discourse has been a popular topic in the political arena for decades, since the campaign of Donald Trump, the frequency at which immigration, specifically illegal immigration, has been brought into discussions has significantly increased. Being such a hot button topic, in the 2020 presidential election, both Donald Trump and Joe placed a lot of emphasis on discussing their views on immigration in an attempt to win over voters who agreed with either side of the debate. Even when it is not election season, immigration has persisted as an important talking point in

the political arena, as Donald Trump passed various executive orders and policies limiting immigration during his presidency, and lots of political commentaries this year have been discussing the fact that they feel Joe Biden has not been following through with his promises to improve the immigration situation under his administration.

I would argue that even though anti-immigration sentiments were prevalent in society before 2016, being a result of those sentiments himself, Donald Trump acted as a catalyst for anti-immigration sentiments to be louder and more blunt in political discourse as well as social media by reintroducing harsh perspectives on immigrants into discussions, and therefore giving more power to the people who oppose immigration and allowing that sentiment to not only persist, but also to thrive in our society.

### **Out of Sight, Out of Mind**

One factor of Prevention Through Deterrence that is important to note is that it is designed to force immigrants into a situation where they are out of sight from the public eye. As Agamben mentioned in his book *State of Exception*, these policies and spaces of exception occur on the fringes of society to stay hidden from the public, so that they can persist with minimal to no backlash from the general population. As a result, the general population is not as aware of the situation as if these policies were occurring in more largely populated cities. Policies such as Prevention Through Deterrence and its related policies, along with other actions against migrants thrive from existing on the margins of society, as a lot of the actions would not be justifiable if they occurred in the public eye. Additionally, as Agamben mentioned in his work, knowledge is power in these situations and is used as a weapon, and if people are unable to see what is really

happening at the Border, the government and the people in power can share the information they want surrounding the border situation and have the ability to hide the information they feel may cause backlash allowing them to continue carrying out their agenda in that region.

Social justice issues tend to act in cyclical manners, being brought to the forefront of the attention of the general public in waves as specific instances of injustice occur, making them no longer ignorable. Different movements grow in popularity when instances of oppression that generally stay occur on the margins of society begin to occur in a public manner, forcing people to confront and address these issues. For example, the support for the Black Lives Matter movement and organization dramatically increased in 2020 after the killings of George Floyd and Breonna Taylor were publicized and the United States population was forced to confront the prevalence of racism in the country.

Since the offenses that occur against migrants happen on the margins of society where they are not seen, the violence against migrants can continue to occur without consequences. Additionally, when evidence of violence against migrants is brought to the forefront of people's attention, the negative mindset surrounding the immigrants that has been pushed allows for people to justify the actions against migrants.

### **What Happens After the Policy?**

There are generally three outcomes of United States immigration policies that migrants could face at any given point. Those three scenarios involve the migrants successfully arriving in the United States unnoticed by Border Patrol, the migrants dying in the desert, or the

migrants getting caught by Border Patrol and having to go through the legal process and ultimately getting deported back to Mexico.

If the migrants successfully make it into the United States without getting caught, their struggles with avoiding the authorities are just beginning. Schmidt and Buechler discussed in their work about female migrants and their experience in the desert how the migrants while in the process of immigrating are in a liminal stage because they are not only physically and psychologically distant from their ultimate goals with immigration, but this forces the migrants to have to stay on the margins to avoid being caught while on the migrant trail, which puts especially women at risk of being harmed and the mental toll it takes on living in a state of instability and forced invisibility. I agree with Schmidt and Buechler's claim about migrants being in a liminal stage while they are trying to make it to their destination country, but also I would argue that once they leave their home country, they live in a liminal stage for the remainder of their lives, even in their destination country as they have to try to stay hidden from authorities so that they end up not getting deported, they take jobs working in fields and other areas that keep them out of the public eye and working in dangerous conditions for employers who have no regard for their well-being resulting in a high number of injuries. Erika Hajati discussed this idea in her dissertation discussing the experience of adolescent migrants transitioning to their lives in the United States, stating the fact that "immigration is a transitional experience, also called liminality, in which one is in between the old and new culture, past and present experiences, and feelings of confusion, ambivalence and uncertainty are intermittent," (Hajati, 1). By discussing immigration itself as liminality and the grey areas associated with the psychological state of migrants, Hajati argues that there is not a sense of home or security once they leave their home country. This is especially a struggle for undocumented immigrants, who

do not get a chance to assimilate into the culture of their host countries but have to constantly stay hidden and in some cases constantly move around to avoid getting caught by authorities, leaving them in that liminal stage for the entirety of their time in their host country, for a number of them, the rest of their lives.

### Necroviolence

A second outcome for migrants attempting to cross the border illegally unfortunately happens to too many migrants as a result of the Prevention Through Deterrence policy, that outcome being their death in the desert. Since the migrants are reduced to bare lives in the desert, their deaths are not deemed significant enough to pay attention to, or to consider the dignity of the people that have died in the desert. In his book *Land of the Open Graves*, Jason DeLeon discussed different points of necroviolence present in the border region. Necroviolence is a term that De Leon created, and he defined it as “violence performed and produced through the specific treatment of corpses that is perceived to be offensive, sacrilegious, or inhumane by the perpetrator, the victim (and his or her cultural group), or both,” (De Leon, 69). Among many other factors, he talked about how the experience in the desert for the migrant bodies acts as a channel that promotes necroviolence. Societies across the world have their funerary rituals that are deemed appropriate to honor the deceased, but for the bodies to remain in the desert, left to the forces of nature, whether they be exposure to the sun and temperatures, the carnivorous wild animals such as vultures, most cultures would agree that this form of death and decomposition does not justice to honor the dignity of the deceased. De Leon also discussed the implications of necroviolence on a wider scale, discussing the effects of these deaths on the families and communities of the migrants. He applied the term ambiguous loss to this particular situation in order to discuss the effects of these deaths on the communities back at home, specifically how

they are left wondering if their loved ones are dead or alive, what happened, all questions that will never be answered but since they never get the closure of knowing if their loved ones are dead or alive, a tiny piece of hope still lives within them that maybe they will hear from their loved ones someday (De Leon, 71). He also highlighted at other points throughout the book the way that the shaping of the mindset of United States natives has allowed them to justify the deaths, claiming that the migrants chose this death for themselves by simply entering the desert, and that their lives are deemed unworthy. This was emphasized in his book as someone he spoke to while helping a deceased body cited “no one will remember this tomorrow. It’s like it didn’t even happen,” (De Leon, 3).

### Operation Streamline

The third outcome for migrants attempting to cross the border illegally is they get caught by Border Patrol and have to go through the legal process of getting convicted, detained, and then deported back to Mexico. One of the most common aspects of this is through Operation Streamline, where migrants were tried and convicted in mass trials (this process was temporarily paused due to the coronavirus pandemic and has not yet resumed). Beginning in 2005, Operation Streamline allowed for the United States legal system to expedite the court process for undocumented migrants who got caught by Border Patrol. During these trials, as many as 80 migrants can be sentenced in a matter of minutes and are then incarcerated for anywhere from six months to twenty years depending on if they have been previously apprehended by Border Patrol in an attempt to enter the country. In his book *The Line Becomes a River*, Francisco Cantú discusses his experiences watching an Operation Streamline court case and discussing how dehumanizing it is for migrants to have to go through. He was able to use some of his Border Patrol connections to track down one of his friends who was detained by Border Patrol so that he



could attend the streamline trial to support his friend. The fact that the process to find one specific person's trial is so difficult for Cantú in this part of the book further adds to the intentionality behind hiding the actions that occur at the border, especially because court records are public information, so therefore there should be no problem accessing that information, but Cantú had to utilize his connections and go through a lot of trouble in order to find the information on his friend.

Some of the things that Cantú highlighted while explaining the streamlining were that firstly, the migrants do not get any access to information about the law and their rights under the law, they are solely just told to say guilty when their name is called. The lack of knowledge about how the legal system is supposed to work allows for the system to continue taking advantage of them by restricting their ability to let their stories be told and for them to stand up for themselves, which further dehumanizes the migrants. Additionally, Cantú noted in his description of the court cases that the migrants still looked and smelled like they had just been retrieved from the desert, which he had strong memories of from when he interacted with migrants in the desert. The sheer fact that they were not even given a place to shower before they were sent to the streamline trials and the fact that they get led into the court room shackled together by the ankles further emphasizes the dehumanization of the migrants and reinforces the fact that they were reduced to bare lives, but in this scenario, the bare life is reinforced in a legal sense rather than just in a geographic sense while they are in the desert.

## Concluding Thoughts

When creating various policies, immigration included, the government is trying to create an abstraction of a hopeful reality. In the case of immigration, the policies have helped the government and citizens of the United States to imagine a future in which the borders are more secure and immigrant flows are reduced, if not completely terminated. These policies have been created in a way that solely looks at these people as solely biological beings and fails to consider the fact that there are countless real-life implications that stretch far beyond simply restricting illegal immigration. Additionally, it is important to note that none of these policies exist within a vacuum, they are the result of previous policies, mindsets, and intentions that have been noted throughout the entirety of United States history. Where we stand now is a continuation, as well as an evolution of the thoughts, perspectives, and actions of the generations that have preceded us.

Through the implementation of these policies that surround Prevention Through Deterrence, the crucial aspect of dehumanizing the migrants and reducing them to bare lives is dependent on the fact that they are forced to the margins of society and forced to be invisible in the eyes of all political entities, as they are now out of the jurisdiction of the Mexican Government and are restricted from entering the public eye in the United States. Since the migrants are forced to the margins of society, their invisibility can cause their suffering and deaths to go unnoticed and undocumented. There are resources such as the migrant death map that help publicly document the migrant bodies that have been found in Arizona, but there are still countless deceased bodies that still remain out in the desert that may never be found.

These policies are a means to control human beings without generating a lot of friction, as the creation of the state of exception in the desert has allowed for the harmful actions to

continue without any amount of justification, and any justification that has been needed has been provided through the image that has been painted of the migrants to citizens and Border Patrol officers alike that they are all criminals and a danger to our country. Through the perpetuation of these stereotypes and prejudices, as there continue to be more and more calls to further secure the border, it is my hope that these implications become realized and discussed, because as it stands, the factors that have been highlighted throughout this project seem to be aspects of the prevention of immigration that seems to be not only overlooked, but rarely even discussed in the first place. The numbers and rates of immigration are important to look at, but they are not effective markers unless we make the effort to pair them with intentions, stories, anything to help give context to the numbers and realizing that even though there are people out there with bad intentions, a very large percentage of these migrants are people looking for a better life, not only for themselves, but for their families and loved ones back in their home countries that they leave knowing they may never see again in the name of attempting to help improve their situations.

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