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by

Abel Arias Jr.

2017

The Report committee for Abel Arias Jr.

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Necropolitics vs. Immigration: (in)justice at the border

APPROVED BY

SUPERVISING COMMITTEE:

Jason Borge, Supervisor

Jossianna Arroyo-Martínez, Cosupervisor

Héctor Domínguez-Ruvalcaba

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Abel Arias Jr.

Report

Presented to the Faculty of the Graduate School

of the University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Masters of Arts

The University of Texas at Austin

August 2017

Necropolitics vs. Immigration: (in)justice at the border

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Abel Arias Jr.

The University of Texas at Austin, 2017

SUPERVISOR: Jason Borge

Using concepts and theories proposed by Achille Mbembe, Sayak Valencia, and John D. Marquez, I explore two different cases in which undocumented immigrants have died at the hands of legitimate and illegitimate necropower. I explore Mbembe's concept of legitimate necropower and apply it to the death of Chuy, an undocumented immigrant who died in a detention center in Eloy, Arizona in 2015. For this, I visit the podcast "What Happened to Jose de Jesus," presented by Daniel Alarcon. I then explore Valencia's concept of illegitimate necropower and apply it to the deaths of a group of undocumented immigrants in the movie *Desierto* (2015). I examine particular movie components, scenes, and observations and explain how, even though it's a fictitious story, real life elements can be found. Upon establishing how legitimate and illegitimate necropower work, I use the work of Marquez to tie them together and show how the end goal of necropower, whether it's legitimate or illegitimate, is to protect and maintain the sovereignty of the United States. Finally, to show some of the societal responses and consequences of American necropower, I explore the work and help that has been offered by activist individuals and groups such as Ricardo Dominguez with the Transborder Immigrant Tool and Enrique Morones with the Border Angels.

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Introduction

In the United States, federal immigration agencies and organizations like ICE (Immigration and Customs Enforcement)/DHS (Department of Homeland Security) and non-federal ones like Minutemen¹, do everything they can to stop the flow of people from south of the border. The effort to stop immigration has been so strong that Mexican immigrants have been criminalized. As a consequence, numerous immigrants have died by the hands of those patrolling the border². In other words, the people who patrol the border, whether they work for the State or not, exercise what Mbembe and others would call *necropower* over the immigrants. Necropower comes to be when someone has the ability to dictate who lives and who dies with the goal of maintaining the sovereignty of the State. In our case, the State is the United States. What distinguishes the deaths caused by those who patrol the border is that the official (legitimate) agents are backed by the law, while the unofficial (illegitimate) agents are not. At the same time, if instead of being detained, they are killed, immigrants are deported or locked up in immigrant detention centers. Even after being detained and under the care of the State, numerous immigrants have died in the detention centers. With this in mind, in order to prevent being captured and detained, many immigrants try to cross the border through areas that are more remote. This increases the risk of dying. Because of this, in addition to being a place in which

¹ In his book, *Waiting for Jose*, Harel Shapira explains that the Minutemen spend their time mainly protesting legislature, writing letters to elected officials, and going to places where illegal immigrants may go to look for day work so that they can record those who hire them. “But the most meaningful activity the group does – the one that has garnered them the most attention and that brings Minutemen from middle America to the country’s edges – is patrolling the border” (Shapira 19).

² A few of the more notable cases are the deaths of [Sergio Adrián Hernández Guereca](#) (2010), Anastasio Hernández (2010) and Francisco Javier Domínguez Rivera (2007), who died at the hands of border agents, and the deaths of Eusebio de Haro (2000) and Raúl and Brisenia Flores (2009) who died at the hands of border vigilantes.

two countries meet, the border is also a meeting point between life and death. Either way you look at it, immigrants enter the realm of American necropower when they cross the border.

To better understand how this necropower subjugates and takes the lives of so many immigrants, this article will analyze the podcast “What Happened to José de Jesús” from Radio Ambulante, which deals with the death of Chuy, an undocumented immigrant who died at a detention center in the United States; the movie *Desierto* (2015), which shows the murder of a group of undocumented immigrants who were crossing the border in Arizona. In both cases, the undocumented immigrants are dehumanized and victimized by individuals who are exercising necropower. In this article, I will use the theories on necropower offered by Achille Mbembe and Sayak Valencia as well as the concept of “the racial state of expendability” proposed by John D. Marquez in order to show how undocumented immigrants are already symbolically dead upon crossing the border into the United States. At the border, immigrants lose their rights, causing them to be dehumanized to the point of being seen as “savage animals” who, according to what Mbembe deduces in his analysis on borders, should be exterminated. In other words, the border region is a place where American dramas and necropolitics (situations in which necropower is exercised for social and political reasons) develop with the purpose of stopping and subjugating the “inferior” races. Lastly, we will look at some of the rehumanizing activism that has come as a response to the injustices that undocumented immigrants face.

Legitimate necropower

Mbembe’s theories are put to the test with the mysterious death of José de Jesus (Chuy), an undocumented Mexican immigrant who was locked up in a detention center in Eloy, Arizona. Radio Ambulante, an online radio program in Spanish that is part of NPR, presents the podcast “What Happened to José de Jesús,” in which Daniel Alarcon narrates the events that surrounded

Chuy's death in 2015. The podcast includes music and sound effects that accompany the interviews and testimonies of those who were involved in the case. These elements support Alarcon's radio activism and make the injustices Chuy went through further stand out. Chuy was crossing the border to reunite with his children in Las Vegas, Nevada. According to his testimony, a coyote had attempted to kill him as they approached the border. He was able to evade the coyote and turn himself in to the Border Patrol. From there, he was taken to a detention center in Eloy, Arizona. There, he was completely isolated. He was not even able to communicate with his family. Days later, he was found dead in his cell. He had died of asphyxiation with a sock in his throat. The detention center classified his death as a suicide. However, after an investigation from Latino USA, it was discovered that Chuy had died due to negligence on behalf of the detention center.

To better understand the reasons behind Chuy's death, we'll take a look at Mbembe's ideas on the State's power over life and death. In "Necropolitics," Achille Mbembe bases his discussion on the politics of death or *necropolitics*, on the concept of sovereignty. For Mbembe, sovereignty is achieved when one has the power to dictate who lives and who dies; in other words, biopower³. In order for sovereignty to be achieved, the rights of the "other" will have to be devalued. In a lot of cases, and in ours, race and racism aid in the subjugation of these "others." If the enemy or the other belong to an undesired or "inferior" race, it is easier to dehumanize them and use biopower. Mbembe explains:

That race (or for that matter racism) figures so prominently in the calculus of biopower is entirely justifiable...race has been the ever present shadow in Western political thought and practice, especially when it comes to imagining the inhumanity of, or rule over, for foreign peoples...racism is above all a technology aimed at permitting the exercise of

³ Mbembe retakes Michel Foucault's concept of biopower (the subjugation of bodies with the purpose of controlling society) and re-elaborates it substituting the bio with the necro.

biopower, “that old sovereign right of death.” In the economy of biopower, the function of racism is to regulate the distribution of death and to make possible the murderous functions of the state. (Mbembe 17)

In other words, when a group of individuals is placed in “otherness,” simply based off race, they are being classified as expendable. Mbembe says that this is what the West has been doing throughout history in order to achieve total dominion, or in other words, exercise sovereignty.

Chuy’s case shows how he was placed in this otherness right from the beginning. Chuy was an undocumented Mexican immigrant who crossed the border illegally and was captured by border agents. He was racialized and locked up with other immigrants who belonged in the same otherness. The State took over Chuy’s life (and death) from the moment he was locked up in the detention center. This is an example of the State’s biopower that Mbembe analyses. To get to this point, Chuy had to enter a state of exception; he had to lose certain rights.

How do you subjugate someone into a state of exception? How do you take the rights of the “others?” To be able to do this, according to Mbembe, you must have a war mentality and dehumanize the enemy. The subjugated other becomes a savage or an animal who can be eliminated. This has happened in the colonization of diverse groups throughout history and continues to happen in the border region with immigrants. Mbembe makes a parallel between the colonies and the borders. For the colonizer and oppressor, these two environments are inhabited by savages:

Colonies are not organized in a state form and have not created a human world...They do not imply the mobilization of sovereign subjects (citizens) who respect each other as enemies... It is thus impossible to conclude peace with them. In sum, colonies are zones in which war and disorder, internal and external figures of the political, stand side by side or alternate with each other. As such, the colonies are the location par excellence where the controls and guarantees of judicial order can be suspended – the zone where the violence of the state of exception is deemed to operate in the service of “civilization”. (Mbembe 24)

In other words, by being superior, the colonizer has the duty of controlling the savages. If in the process people die, it doesn't matter because it happened for the common good of the "civilized" people. This mentality makes the colonizer commit atrocities without thinking or accepting the fact that they are doing something unjust. According to Mbembe, the behavior of the colonizer has not changed in the modern world. He revisits the ideas of Frantz Fanon⁴ about colonization and explains that when the subjugated or colonized finally obtain control over their town or colony, the place gains a bad reputation. This makes the place become condemned and lose all value. Mbembe explains, "In this case, sovereignty means the capacity to define who matters and who does not, who is disposable and who is not" (Mbembe 27). In other words, necropolitics has no limits when you're dealing with obtaining or maintaining absolute control over a group of people. You can't fight against the colonial power because there will always be a justification for their actions. In our case, you can't fight against the State since at the end of the day, the "others" will always be expendable. The same thing can be seen in the border region. Those who inhabit the area (the undocumented immigrants) are the savages that need to be detained and controlled. If they die in the process, it doesn't matter because their lives don't matter and, furthermore, they shouldn't have been there in the first place.

Here we also see the death of Jose de Jesus. Chuy entered the state of exception as soon as he crossed the border and he remained in this state even after he was taken to Eloy. Aside from being captured in the "savage" region, the dehumanization he suffered was even worse once he arrived at the detention center. Chuy was only allowed to call his family once. After that, he was denied any type of communication. He wasn't allowed to call his family and any

⁴ In, *Wretched of the Earth* (4-5), Fanon analyzes Western colonialism and the effects suffered by the colonized people.

time they called, they were told he was not available. Chuy had suffered from depression before crossing the border and it is unknown if he was able to continue taking his medication upon being locked up. According to Alarcon, the forensic report did not report any kind of antidepressants in his blood, so there is no way to know if Chuy arrived at the detention center with his medication or not. The podcast explains that Chuy had shown aggressiveness and had talked about suicide. As a consequence, he was locked up in a cell by himself and had been under surveillance. However, after a few days, the extra security was removed. All of these actions contributed to the dehumanization of the immigrant. First, Chuy suffered a social death and then, maybe due to the medical negligence, he suffered a physical death. Reflecting upon Mbembe's ideas, Alarcon's narration makes it clear that after being detained, Chuy's rights were suspended and he was treated like a savage.

With Chuy's death in mind, we should also consider the concept of "war machines." According to Mbembe, the traditional army is no longer the only way of obtaining total control with the use of death. Now coercion and extortion have become the preferred method:

Coercion itself has become a market commodity. Military manpower is bought and sold on a market in which the identity of suppliers and purchasers means almost nothing. Urban militias, private armies, armies of regional lords, private security firms, and state armies all claim the right to exercise violence or to kill...Nonstate deployers of violence supply two critical coercive resources: labor and minerals. (Mbembe 32)

It is no longer necessary to show an official badge before shooting because even the military has been privatized. It doesn't matter if they're not part of the State because the State gave them permission and power to kill. The private groups or companies provide the materials and bodies and the State gives them their blessing. These "war machines" are implicated in the constitutions of regional and transnational economies. A contemporary example can be seen in the immigrant detention centers (like the one in Eloy). The State has given them the power to do as they please

with the undocumented immigrants. As a result, a large number of immigrants has died at the hands of these detention centers (like Chuy). With this in mind, one can see how the detention centers become part of the American “war machine.”

Chuy died under the power of the American “war machine” and when his family tried to investigate the death, the State protected the detention center. According to Alarcon, when the guards realized something was wrong with Chuy, they took too long to open the cell. When they finally opened it, they handcuffed him. They said they thought he was having a seizure. When they realized he wasn’t breathing, they took the handcuffs off. However, no one looked in his mouth. Because of that, they did not see the sock that was lodged in his throat. After the investigation, ICE published a report admitting that the guards had not handled the situation well. Even after this, there were no repercussions for the detention center. Chuy’s death was simply collateral damage from the war against immigration.

Even though Mbembe’s work focuses mainly on Western sovereignty and contemporary colonialism, the concept of necropolitics can be applied to what happens in the border region between the U.S. and Mexico. Mbembe compares the colonies to the border regions and calls them savage spaces that are inhabited by uncivilized people. Since the inhabitants are not civilized, their rights don’t matter. This facilitates the development of states of exception. In our case, it’s evident that the border region between the U.S. and Mexico is a region that’s in a permanent state of exception. The savages are the immigrants and the civilized citizens are the border agents or the border vigilantes who spend their time and energy patrolling the border. Necropolitics can be clearly seen in the U.S. immigration system; particularly in the detention centers for undocumented immigrants. These centers are controlled by private companies that also control prisons. Because of this, even if they’re called detention centers, these places have

the appearance of prisons (if they were not really prisons at some point), they function as prisons and treat the detainees like prisoners. They are spaces of alienation and exclusion. If race is considered, like Mbembe proposes, the disparities multiply. The minority bodies are subject to a social death and, in a lot of cases, a physical death. This is the work of necropower and the “war machine” and while the machine destroys the lives of the detainees, capital is accumulated for the State.

If we consider the concepts of Mbembe’s necropolitics and necropower, we can see how the State, that is supposed to care for the undocumented immigrants who cross the border looking for work or asylum, turns its back on them and hands the responsibility to the private companies. Will these private companies carry out the duty of the State? Will these companies give the immigrants their due rights or will they be stripped of all rights and treated like prisoners? Mbembe helps us understand how, in many ways, the State has used death to control, oppress and enslave “others.” He also helps us understand how death, in times of terror and violence, can be a double-edged sword and a last resort to maintain or regain agency. In other words, suicide may be the one thing the oppressor cannot take.

Illegitimate Necropower

The concept of necropolitics explained by Mbembe helps us understand how the State and its official agents obtain and maintain power and sovereignty at whatever cost. If death is necessary to obtain this goal, it will be used and backed by law. However, there are also unofficial groups that use necropower to obtain their objectives. In a lot of cases, they do what they do in the name of the State and in other cases, they do things because they feel the State isn’t doing their job. These groups use State resources and influence to carry out their objectives. Following Mbembe’s steps from a contemporary Mexican perspective, the

philosopher Sayak Valencia conducts an analysis on the manipulation of death on the behalf of non-State individuals.

In *Capitalismo gore*, Valencia elaborates Mbembe's necropolitics and applies them to contemporary Mexico. Mbembe mainly focuses on the State and says necropolitics arises when there's a fight to maintain or obtain sovereignty. In other words, necropolitics is a weapon used and employed mainly by legitimate agents under the orders of the State. Valencia explains that in Mexico, this weapon has reached the hands of individuals who do not work directly for the State. Valencia's argument comes from a point of view that does not consider the Mexican State to be criminal. Even though many argue against this point of view, I will use her ideas since they will allow for a better analysis of border region necropolitics. According to Valencia, in recent times, necropower has been taken by "monsters." These monsters are those who form part of mafias and Mexican criminal organizations. These monsters have developed a power to control and oppress that parallels that of the State's. In other words, these monsters who become criminals when they break the laws imposed by the State, are able to employ their own necropower thanks to the same State. Specifically, the monsters' necropower comes to be through the dependency their illicit behavior creates on the economy. A monster is able to exercise necropower when they decide to separate themselves from the State, but maintains the support and tools offered by the State. The results of this can be seen in the incredible success the drug trade has had in Mexico. So it doesn't matter if necropower is exercised by legitimate or illegitimate agents, because at the end of the day, it will be legitimized by the power of the State.

We can see how Mexico's drug trafficking benefits from the State. In a lot of cases, members of the government have been involved with the drug cartels that dominate the drug

trade. In a lot of cases, the cartels have benefitted from these government connections.

According to Valencia, this is the work of necropower:

Entendemos por necropoder la apropiación y aplicación de las tecnologías gubernamentales de la biopolítica para subyugar los cuerpos y las poblaciones que integra como elemento fundamental la sobreespecialización de la violencia y tiene como fin comerciar con el proceso de dar muerte.

(Translation: We understand necropower as the appropriation and application of government technologies of biopolitics to subjugate the bodies and the communities that integrate as a fundamental element the overspecialization of violence and has as an end goal to commercialize the process of giving death.) (Valencia 147)

In the case of drug trafficking, the government technologies can be military weapons that are obtained illegally or even political connections that are created with corrupt officials. Either way, the privileges and power that the drug traffickers obtain helps them propagate fear and obtain total control over diverse Mexican communities. With the weapons, power, and authority, the cartels can decide who lives and who dies. If we compare Mbembe's ideas with Valencia's we can see how the cartels' necropower reflects the war machines of the colonizing countries. The difference is that in Mexico, necropower is employed by groups that are supposed to be against the State. The use of necropower by illegitimate individuals that can be seen in Mexico is not unique to this country. You can also see clear examples on the other side of the border, in the U.S. Due to the negative attitudes toward immigration in the United States, there are not only State run anti-immigration organizations like ICE and DHS, but there are also non-governmental groups like the Minutemen. These groups use State resources and influence to create and exercise their own necropower in the border region between the U.S. and Mexico. The membership of these groups has been increasing during recent years due to racial tensions. Particularly, this topic has been hot in the media and television. The movie *Desierto* (2015), shows examples of these tensions and also the racism and necropower that these non-state individuals exercise.

Desierto is a suspense movie that shows how a border vigilante from Arizona decides that the Border Patrol is not doing enough to protect the border and decides to take his own action. The movie begins with a group of immigrants who are crossing the desert in a truck. The truck breaks down and they immigrants are forced to continue the dangerous trek on foot. This way, the viewer begins to see the perils of crossing the border through the desert. At the same time, we meet Sam, a racist vigilante who patrols the border with the company of his dog, Tracker, his rifle, and a bottle of alcohol. After a brief encounter with a border agent, Sam finds out a group of immigrants is crossing the border. Sam pulls out his rifle and begins shooting at them, killing them one by one. Scared, the survivors turn back and run for their lives. Tracker tracks them down and Sam begins the chase. Sam ends up killing all but two of the immigrants: Moises and Adela. Sam shoots Adela and Moises decides to flee, leaving her wounded, but well hidden. The last chase scene shows how Moises is forced to kill Tracker. Exhausted, Sam and Moises end up chasing each other behind a boulder. In a last attempt to defend himself, Moises attacks Sam. Sam falls off the boulder with a fractured leg and Moises takes his gun away. Even after everything that has happened, the immigrant decides not to kill Sam, but leaves him in the desert to fend for his own life. He returns for Adela and they both head to what seems to be civilization. The movie ends with the sounds of airplanes and cars while the camera turns to the desert one last time.

If we return to Valencia's ideas, we can see how Sam's character is a representation of the "monsters" that have achieved their own necropower. While the border agents have rules and laws that they're supposed to follow, someone like Sam could be considered exempt. Sam literally decides who lives and who dies. Unfortunately, he decides they should all die. In the scene where Sam confronts the border agent, you can perceive the agent's distrust of Sam. The

agent finds a man with his dog and a rifle in the middle of the desert and this man criticizes the agent for not doing his job right. Even though it's clear that Sam is hunting immigrants, the agent can't do anything. This way, the vigilante gets away with not following the rules, since he's simply exercising his rights as a white American man. In other words, he's got the right to carry arms and drive around the desert without anyone being able to say anything. Sam's rights allow him to exercise his necropower. Additionally, we can question the border agent's apparent distrust of Sam and say that he's just looking the other way. If this is the case and the official is showing Sam approval, the State, through the border agent, is contributing to Sam's necropower⁵.

In addition to presenting an example of how illegitimate individuals have created and employed their own necropower, *Desierto* shows how immigrants are forced to enter precarious situations. Aside from having to cross the desert on foot in the intense heat, immigrants confront other dangers like dehydration, dangerous animals, and dangerous terrain. The movie shows the speed at which water runs out, the danger of stumbling onto a snake nest, and how easy it is to end up with an injury. Even though it is assumed that each immigrant had a motive for crossing the border, the plot focuses on Moises's motives. Moises had been living in the U.S. He had begun the process to obtain legal residency when he was pulled over for having a broken light. He was arrested and locked up in a detention center in California. From there, he was deported, forcing him to leave his son without a father. After being criminalized by the American immigration system, the only other option for him to return to his son was crossing the border illegally.

⁵ Lawyer, Carlos Spector proposes the concept of "authorized crime," that could be applied to situations like this one.

Even though the movie wasn't a huge success, it presents various important and controversial topics in regards to immigration and its dangers. The vigilante's malice comes off as exaggerated and his characterization a little superficial, but the social and political messages are very direct and clear. *Desierto* shows a snapshot of what currently happens in the border region due to our current anti-immigration climate. The audience is able to see how by simply getting close to the border, or the realm of necropolitics, immigrants lose all human rights and become endangered. On one hand, we have Mbembe's necropower, employed by legitimate agents that belong to or work for the State and on the other hand, we have Valencia's necropower that is employed by illegitimate agents that do not belong to the State, but obtain their resources and influence from it. In both cases, there comes a moment when the subjugated groups lose their human rights. When this happens, the subjugated groups become the living dead. John D. Marquez takes the concepts of "the living dead," sovereignty, and necropolitics and develops the concept of the "racial state of expendability." Just like Mbembe and Valencia who talk about the repercussions and effects of necropower, like the unjust deaths of the subjugated groups that are considered collateral damage, Marquez contributes to the topic and presents arguments that show what happens to the victims of necropower. In doing so, Marquez helps explain some of the causes and motives behind the many unjust deaths like those of Chuy and the immigrants in *Desierto*.

In "Latinos as the 'Living Dead': Raciality, expendability, and border militarization," Marquez takes necropolitics to the U.S.-Mexico border. He questions the militarization of the border in the 90s and confirms that the violence and deaths along the border have been the result of the mission to maintain the American sovereignty. According to Marquez, the only thing that border militarization has achieved is to increase the number of deaths. Marquez explains that the

military presence is mostly found in urban areas. This causes immigrants to try and cross the border through more dangerous areas (like we see in *Desierto*). Also, since the increase in military presence at the border, the number of deaths by firearm has also increased. Many defenders of border militarization claim that this increase in deaths is simply collateral damage. In addition to the increase in deaths, the mere presence of the military at the border makes it so that any Mexican who approaches the border becomes criminalized. Even though the State knows immigrants are dying in large numbers along the border, nothing has been done about it and the system remains strong.

To try and explain the reasons behind this, Marquez proposes the racial state of expendability. This model combines diverse theories that deal with the relationships between race, systemic violence, law, sovereignty, and Western thought with the idea that the United States has victimized the Latino population at the border. Marquez rethinks what Foucault⁶ says about sovereignty and states:

Sovereignty is then a philosophical/political concept with juridical significance that is derived from discourses, and a desire for social truths, regarding those who have been deemed to be expendable or, in essence, killable – as compared with those whose lives (full citizens) are to be protected at all costs by the sovereign. (Marquez 477)

According to this concept, immigrants who cross the border are expendable individuals that can be killed without repercussions. These “non-citizens” can be murdered, led to their deaths, or simply be abandoned and left to die. Here we see Mbembe’s ideas about immigrants as “savages.” On the other hand, Americans or “complete citizens” are those who need to be

⁶ Foucault gave a series of conferences at the Collège de France (1975-76), titled “Society Must Be Defended” in which he explains that the sovereign only reaches absolute power when there is a threat of danger or death. In other words, the sovereign has the power over life and death; necropower.

defended at all cost. American sovereignty dehumanizes immigrants in order to protect the security of its citizens, something that isn't really being threatened to begin with.

Marquez also looks at Mbembe's necropolitics and the research done by Denise Ferreira da Silva⁷ on the Rio de Janeiro police's racial violence. Marquez explains, the capacity for acts of state sanctioned violence toward racial others and with legal impunity is not derived from a need to legitimate conspiracies for economic exploitation. It resides within the very socio-logical architectures of sovereignty and the law" (Márquez 479-480). So it's the structure of the American sovereignty that permits violence against the bodies that are not white. Any body that can be racialized, the Latin American body in our case, is subject to the State's violence. The high number of border deaths supports this argument. The racial state of expendability then, is "a concept to mark the base effect of raciality, the capacity for obliteration with legal impunity, and that I situate directly within the borderlands and its history" (Márquez 480). According to Marquez, the United States is a colonizing country that has, in order to maintain its sovereignty, Orientalized Mexicans. In the fight for sovereignty, there has been a constant status of there being a foreign "enemy." The result of this war, like we've already seen, is a constant invasion full of violence. Marquez says that this has not been the result of sovereignty, but rather part of it. In other words:

From the outset, Latinos have been produced as a primary threat to US sovereignty...US sovereignty has been produced in rather direct and sustained opposition to Latinos, to Latinidad, and to Latin America...the current geo-political border is a physical manifestation of that; and...this perception of Latinos as a perpetual foreign nemesis or foil has been deployed as justification for an assortment of anti-Latino policies and conditions across the United States for over a century now, many of which have been

⁷ In "No-Bodies: Law, Raciality and Violence", Ferreira da Silva explains how injustice happens when bodies are racialized. By being "other" bodies and belonging to "inferior" territories, it is assumed that the inhabitants are violent people. This means that when these bodies are murdered, they don't deserve much attention, especially if the death was caused by a member of the State.

operationalized via the threat or practice of state sanctioned and systemic violence.
(Márquez 481-482)

This can be clearly seen if we consider the history between the United States and Mexico. Historically, the U.S. has tried to expand its borders and its dominion. Even though there was success with the treaty of Santa Ana, it was a violent process. Similar results can be seen in the numerous invasions and treaties that have happened between the U.S. and Central and South American countries. These events have helped instigate hatred and distrust toward Latin Americans. This shows us that violence has not necessarily been a consequence, but rather a part of the structure of the American sovereignty.

In addition to the deaths caused by the redirection of the immigration flow, there has also been a surge in deaths caused by American immigration agents (like we saw in Chuy's case).

According to Marquez, this is due to the war atmosphere that the criminalization of Latin Americans and border militarization has created:

Border militarization is an act of militarization, and militarization is a condition that is inherently linked to the phenomenon of war. War is a phenomenon that is inherently linked to the/an acknowledgement of an enemy who has been declared to be in need of obliteration or quarantine. It is then easier for agents of law enforcement to be more casual about their use of violence as a result of the very rhetoric associated with their initiative. (Márquez 486)

The militarization of the border transforms any crossing immigrant into the enemy. In this atmosphere, if an American border agent decides to kill an immigrant for any reason, there will be no repercussions. According to Marquez, the agents who patrol the border have also militarized their weapons and gear (the same thing can be seen in illegitimate groups like the Minutemen⁸). They now carry automatic weapons and gear that would normally be used by an

⁸ A specific example of this can be found in *Waiting for Jose*, where Harel Shapira describes Mark, a member of the Minutemen with whom he spent time with during his research. Shapira says that Mark was a member of the Marine Corps and carries with him more military equipment than any other Minutemen while he patrols the south

army at war. There has been a desensitization toward the treatment of immigrants and the idea has risen that the U.S. is at war against immigration. Because of this, whenever an incident is reported that involves the death of an undocumented immigrant at the hands of a border agent, no one says anything. Marquez presents various cases in which children, men, and entire families have been murdered by immigration border agents. In all of the cases, the undocumented immigrant was killed out of “fear” or because they posed a “threat.” However, none of the immigrants were armed, a lot of them were running for their lives, and some of them hadn’t even crossed the border yet. *Desierto* presents this reality. Even given the facts, none of the agents were charged. On the contrary, these agents have been protected and defended and the deaths have been deemed necessary in the name of the American sovereignty. Additionally, the immigration agencies have not given the names of any of the border agents who committed the murders. Marquez explains:

The namelessness of the agent reflects how he is transformed from a person who killed into a mechanism of the sovereign state, programmed to perform a duty that been normalized as routine, just and necessary. Exposing his name would, essentially, reverse this transformation and verify death as not an unintended consequence, but as a deliberate act of homicide. (Márquez 492)

The maximum expression of sovereignty is found in the capacity to dictate who lives and who dies. The immigration agents are important parts or components of the war machine that maintains and protects the American sovereignty. Additionally, here we also see how the racial state of expendability manifests itself. Latin Americans who come close to the border become expendable beings who can die or be killed at any moment. In other words, they become what Mbembe calls “the living dead.”

Arizona border. Something that caught Shapira’s attention was Mark’s Kevlar bulletproof vest that he uses whenever he patrols the border in Arizona (Shapira 110).

Consequences and responses

These concepts of necropolitics and necropower can be used to understand the role the immigrant plays in the United States. The privatization of the detention centers has caused the detainees to lose their rights, and in many cases, to die. The “war machine” maintains the control and sovereignty of the United States, at whatever cost. On the other hand, militant groups and vigilantes have obtained resources to create their own necropower and “protect” the border without having to follow the laws. This has all turned immigrants into living dead. In the podcast that talks about Jose de Jesus, we saw an example of a person who became the living dead and who died at the hands of the State and in *Desierto*, we saw an example of how an entire group of living dead died at the hands of an illegitimate agent. Using the concepts of necropower and the living dead, Marquez showed us how border militarization has exacerbated the precarity of the immigrant. We have seen how the current anti-immigration climate isn’t something recent, but rather something that has been developing over decades. The situation at the border pushes immigrants into a “racial state of expendability.” This allows legitimate and illegitimate agents to assume a military role and, in a lot of cases, kill immigrants without repercussions. Either way you look at it, once they get near the border, immigrants become living dead.

In Chuy’s case, even though there are two videos showing his death, the detention center refused to give them to his family or to Latino USA. As Marquez explains, giving the names of the negligent guards would mean that they are accepting that they did something bad. By maintaining the names anonymous, they can maintain the idea that Chuy’s death was just an unfortunate event inside the system that upholds American sovereignty. On the other hand, if we consider how the United States is supposed to take responsibility for any immigrants who cross

the border, them accepting any kind of culpability would implicate the country as having made a mistake. At the same time, the guards' negligence shows the necropower that exists within the detention centers. Even though they had the chance to help Chuy, they chose to let him die. His death was simply collateral damage. The border's "war machine" turned Chuy into the living dead as soon as he crossed the border, even though he was running for his life and asking for help. He entered a "racial state of expendability." Yes, they had him locked up waiting to be deported, but they dehumanized him and stripped him of his rights. You can also say his racialized body suffered a social death as soon as he entered the detention center since he was denied any type of communication with his family. As Alarcon says, each time his family called, they were told he was unavailable. Necropolitics and necropower have a strong presence in detention centers in the United States and Chuy and his family were victims of their power. As Alarcon explains in the podcast, a lot of people protested his death. In addition to the protests in Eloy, Congressman Raul Grijalva got involved. Events like these can have strong societal responses.

Even though the themes presented by *Desierto* are dramatized, there have been similar cases in real life⁹. Furthermore, these themes reflect a lot of Marquez's ideas. First, the movie shows the results of the border's militarization. Without being able to cross the border through a civilized or safe place, immigrants are forced to cross through remote areas and face the perils of the desert. Even after avoiding patrolled areas, the immigrants run into Sam, an armed border vigilante who patrols the border ready to shoot. Marquez says that the militarization of the

⁹ A specific example is the deaths of Raul and Brisenia Flores, who were murdered in their home by a group of Minutemen led by Shawna Forde. On May night in 2009, Forde and her accomplices pretended to be police officers and entered the Flores home in Arivaca, Arizona and shot them to death. According to the Minutemen's testimony, they had entered the house hoping to find drugs and money. However, nothing was found. When Raul became wary of their identity, the Minutemen opened fire and ran. Gina Gonzales, Raul's wife pretended she was dead and survived.

border has increased the number of deaths by firearm. In addition to the justified deaths caused by legitimate border agents, there have also been deaths caused by illegitimate border vigilantes like Sam. The fictitious vigilante shows how immigrant bodies are considered “expendable.” This racialization of their bodies can be observed when the Border Patrol stops Sam when they see him driving through the remote desert. Sam steps out of his truck and asks the agent, “What’s the problem, officer? Do I look Mexican to you?” (*Desierto*). Here, Sam is establishing his white male privilege. Before the agent can say anything, the vigilante is making it clear that he is a white man with the right to be wandering around the border desert.

Later, when Sam begins murdering the immigrants one by one, we once again see the idea of “expendable” bodies. Since the immigrants are not citizens (at least that’s what Sam assumes), they are expendable and they can be killed; their lives don’t matter. As Mbembe would say, the immigrants are considered “savages.” Also, the immigrants’ classification as “savage animals” can also be seen in the way Tracker is treated. Sam treats his dog with more respect than the immigrants. In fact, what ends up making Sam snap into uncontrollable fury is when Moises kills Tracker. Sam cries his dog’s death but shows no remorse for the immigrants’ murders. The dog’s humanization and the immigrants’ dehumanization that we see in *Desierto* reiterates the “expendability” of bodies that are considered “others.” Throughout the movie, the vigilante goes to extremes in order to kill all the immigrants since he’s in a state of war against the “other.” By exercising this necropower, Sam becomes part of the American “war machine.” Even though he’s not a legitimate agent “protecting” the state under the orders of the State, Sam is contributing to the subjugation and death of racialized bodies. The immigrants from *Desierto* entered the “racial state of expendability” when they crossed the border into the U.S.

Mbembe's, Valencia's, and Marquez's ideas can be clearly seen in the death of Jose de Jesus and *Desierto*. The injustices Chuy suffered were real and remain unpunished. Similarly, the movie showed how easy it is to murder undocumented immigrants at the border without consequences. What remains clear is that racialized bodies are subjugated and thrown away by necropower, whether it's by legitimate or illegitimate agents. However, even though the podcast and the movie present these injustices in such a clear and direct way, they do not offer any type of solution or way to fight against them. Alarcon simply narrates the events and presents some statistics on immigrant deaths. He does not openly condemn the events nor talk about the diverse activist and humanitarian organizations that are currently fighting for immigrant rights. Similarly, *Desierto* only focuses on showing how easy it is for a border vigilante to murder immigrants without any intervention. The movie does not show any message that instigates resistance toward the border injustices. The director could have included scenes that showed ways to defend yourself from vigilantes like Sam, but this did not happen. Maybe this was not the goal of the podcast and movie. At the same time, we should consider that the podcast and movie are products of activism themselves. The podcast presents a death full of injustices and even though it does not openly condemn the detention center, it narrates the events that dehumanized and took Chuy's life. In a similar way, *Desierto* does not say that all border vigilantes are murderers, but shows how immigrants are dehumanized to the point where they are treated like "savage animals." Through the narration and cinematography, the podcast and the movie show activism and transmit an important message: undocumented immigrants are suffering injustices upon crossing the border in the United States.

The podcast and the movie are only two examples of the activism that has risen due to the injustices from recent years due to the injustices that are faced by immigrants. The injustices

cause by the immigration system in the U.S. have also encouraged diverse responses from a lot of immigrant rights defenders. Two examples are the elaboration of the Transborder Immigrant Tool and the Border Angels from southern California.

In 2007, Electronic Disturbance Theater (EDT) collaborated with 2.0 b.a.n.g. lab to create the Transborder Immigrant Tool (TBT). In “Poetry, Immigration and the FBI: The Transborder Immigrant Tool,” Leila Nadir talks about the program and shares her interview with Ricardo Dominguez, one of the TBT creators. The critic explains that the TBT is a “mobile-phone technology that provides poetry to immigrants crossing the U.S.-Mexico border while leading them to water caches in the Southern California desert” (Nadir 1). The purpose of this program is to save or try to save the lives of undocumented immigrants who are crossing the border into the U.S. The poetry offered by the TBT offers two functions: it directs immigrants to the nearest water sources, roads, border checkpoints, towns, etc., and also to provide emotional and vital support for its users. The program can be used on any phone that has GPS and that is “hacked.” The creators, Ricardo Dominguez, Brett Stalbaum, Micha Cardenas, Amy Sara Carroll, and Elle Mehrmand, explained that the idea was to help the immigrants who crossed the border into the U.S. and then expand the program to borders all over the world. However, the program was very controversial and Dominguez and his colleagues were accused of promoting illegal immigration. The program was investigated by various republican congressmen, by the FBI, and by the university they work for (UCSD). The main accusation was that they had committed cybercrime. They were also accused of using federal funds to help illegal immigrants cross the border. The answer the team gave was simple: the TBT is a form of art. The team members are activists and their work combines civil disobedience, art, and activism. In the case of the TBT, it

was electronic civil disobedience. Even though there were various investigations, they were not found guilty.

If the purpose of the TBT was to save the lives of immigrants who were going to cross the border anyway, why so much resistance? The TBT is an example of a response to the injustices suffered by immigrants. Because of the militarization of the border, undocumented immigrants are forced to cross through dangerous mountains and deserts. If they're going to risk their lives crossing anyway, why deny them the help? The TBT opponents saw the program as a threat to the American sovereignty and tried to do everything they could to destroy it. The TBT is a response to the necropolitics that dominate the border day after day. It's been ten years and the TBT has not been finished. Maybe in the near future the TBT will be able to help undocumented immigrants continue to fight necropolitics and its deadly effects.

Another example of organizations that help and defend immigrants is the Border Angels. This is an organization that was founded by Enrique Morones, who dedicates his time to helping immigrants and defending their rights. Particularly, this group provides help to immigrants who cross the border in southern California. The group members are volunteers who travel the desert and mountains along the border and leave water during the summer and food, clothing, and blankets during the winter for immigrants. The idea is to save the lives of those who try to cross the border for a better life. The Border Angels also organize and participate in marches and protests that are pro-immigration.

In his autobiographic testimony, *The Power of One, The Story of the Border Angels*, Enrique Morones talks about how the organization grew and began to collaborate with other organizations in order to provide help and resources for the immigrants at the border. Morones explains the process:

We formed our own non-profit group, and we started putting our own orange flags out, going further into the desert where you need four-wheel drive. We also started going to the other side of the border to put out water and working with a Mexican group called *Grupo Beta*. We continued going out to the Imperial Valley in the summers when the temperature routinely reaches 120 degrees... Today we have a lot of water stations on private land. (Morones 104)

The help the Border Angels and other groups provide has expanded along the border. Since the militarization of the border due to the 9/11 attacks, the immigration flow has focused on Arizona and some parts of Texas. The Border Angels have collaborated with organizations from these states since they are more familiar with the terrain. This way, there has been more effort in helping immigrants.

The work the Border Angels do has not been easy. The volunteers also risk their lives walking around the desert. They also have to stay hydrated and they have to be careful with dangerous animals and insects. Additionally, the organization has had confrontations with the Minutemen. Morones tells about how he's been threatened by members of anti-immigration organizations and in many cases, the water stations he sets up in the desert have been vandalized or destroyed. Just like the proponents of the TBT, the Border Angels have received a lot of resistance and their job has not been easy. Dominguez, with the TBT, and Morones, with the Border Angels, have fought to counter the negative effects necropower at the border has on immigrants. Even though it doesn't seem like the two activists have collaborated, Morones has defended Dominguez's work with the TBT. In an interview with BBC, Morones said that the only thing Dominguez and his team are doing is saving lives¹⁰. With the current political climate, activists like Dominguez and Morones need all the help they can get to be able to carry

¹⁰ Marcia Facundo interviews Enrique Morones in "Celular para cruzar ilegalmente" (2009).

on their mission to help and provide support for the future generations of immigrants in the United States.

Conclusion

With the help of Mbembe, Valencia, and Marquez we were able to analyze legitimate and illegitimate necropower along the border. Particularly, we saw how it was used with Chuy in the detention center in Eloy and how it was used with the immigrants from *Desierto*. Mbembe showed us approved necropower is approved and used and how it's been consistently used by the State in order to maintain sovereignty. We saw how the oppressing force forces the dominated group into a "state of exception" and that way, gains the power to decide who lives and who dies. In other words, the oppressor uses death as a form of control. By being considered civilized citizens, the oppressor has permission to end the lives of the "savages." Valencia showed us that necropower can also be exercised by illegitimate individuals or those who do not belong or directly work for the State. This way we saw how vigilante groups like the Minutemen (or Sam in *Desierto*) are able to kill immigrants without repercussions. Similarly, Marquez gives us the concept of "racial state of expendability" that the state, in order to maintain its sovereignty, forces the oppressed into a place with no rights. In other words, the immigrant becomes an expendable being and whatever may happen to them, the State will always be justified. In Mbembe's, Valencia's, and Marquez's concepts we see the idea of the living dead. In the case of Jose de Jesus, he became the walking dead as soon as he crossed the border in to the U.S. His death was the result of the guards' negligence, but was classified as a suicide. In other words, the State denies any culpability. In a similar way, even though the fictitious vigilante in *Desierto* murdered an entire group of immigrants, his privileges as a white American allowed him to have no legal repercussions. There have been numerous cases similar to Chuy's and the immigrants

from the movie (but in real life) and a lot of defenders and activists have protested and began movements in order to have justice served. The activism of Dominguez and the Border Angels shows that the fight against necropower's destruction is an ongoing battle. Maybe in the near future, especially with our current political climate, there will be more projects and organizations like these so that society, on both sides of the border, can finally see the injustices that are being committed in the name of American sovereignty.

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