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“Social Justice Painted on the Wall”

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John Carroll University

Justicia Social Pintada en el Muro
“Social Justice Painted on the Wall”

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Introduction

During my undergraduate career at John Carroll, I have had the opportunity to go on two immersions to the border between the United States and Mexico. I became interested in the topic of immigration through my coursework at John Carroll. The semester before my first immersion, I took a class called “Migrant Voices” where I learned about the dense topic of immigration, including push and pull factors and the complexities of both legal and illegal immigration. When I learned about the immersion trip going to the border, I felt compelled to go to form my own perspective on these serious issues. I wanted to see the border for myself and learn even more about the subject. I completed my first immersion experience just before the COVID pandemic in March of 2020. Then, almost exactly two years later, in March of 2022, I set off again to visit the border. This time, I led a group of students. Though I only spent two weeks total at the border, the experience has been transformative in how I view immigration, myself, and the world. My experience at the border has inspired this paper. I have decided to take such a small piece of the border and try to share it with you, my readers and viewers. The purpose of this project is to combine visual art I observed on the border wall in Nogales, Sonora, Mexico with thorough explanation and commentary connecting the artwork to immigration and social justice issues.

The purpose of immersion experiences is very different from a mission trip. We are not going to volunteer, but rather, we are there to educate ourselves and do something with the information we have learned. Both of my immersion experiences were completed with the Kino Border Initiative. The Kino Border Initiative is a bi-national organization that works in the area of migration. They do this through direct aid for migrants, educational efforts, and participation in collaboration with other organizations. The Kino Border Initiative’s mission “is to help make

humane, just, workable migration between the U.S. and Mexico a reality. Its mission is to promote US/Mexico border and immigration policies that affirm the dignity of the human person and a spirit of bi-national solidarity” (Kino Border Initiative). Kino works directly with migrants who have, one way or another, made their way to the border of Arizona. Kino’s building is located just inside of Nogales, Mexico. In that building, they cook meals for migrants, house migrants, clothe migrants, and offer medical, legal, and psychological support. This is the first goal in their mission statement. The second is the education piece. They do this in many ways, one of which is hosting immersion groups. Kino hosts groups from all over the United States to “spend time with migrants, learn from their stories, and understand the broader context of the border and immigration” (Kino Border Initiative). The Kino itinerary is packed with programming that exposes students to a multitude of perspectives. During my immersions to Kino, I spoke with migrants, ranchers, border patrol officers, lawyers, judges, social workers, and more. This is an important component of the experience as it lends students a variety of perspectives with which they can form their own opinions. These two weeks were filled with meetings with migrants, assisting the Kino team in providing humanitarian services, participating in sessions with border patrol and immigration lawyers and judges, a strenuous hike in the desert, conversations with ranchers whose land is on the border, and reflections on legal issues and the immigration system. After completion of the experience, Kino urges groups to take back what they have learned and share it with their community at home, John Carroll and Cleveland in our case. I wanted to share this experience with everyone I could, but encountered many challenges in doing so. One challenge is simply condensing a week's worth of face-to-face experience to make it accessible for others. After completing two immersion experiences, I wanted to try to relay some of what I saw and learned at the border in a visual way.

This project is unique in its structure as I will attempt to utilize visuals of border art to discuss immigration issues in relation to social justice. Dividing the city of Nogales, Mexico and Nogales, Sonora, Mexico is the border wall. The wall cuts through what was once one large community where people could move through freely. Now, the cities are physically divided by large beams of rusting metal. The city is unique in this way and is a perfect place to see the effects of policy made far away from the city itself. Each time I visited Nogales, Sonora, I was intrigued by the graffiti, paintings, and statues placed on or near the border wall. After having been there twice, I saw how important this art was in demonstrating much of what I had learned about the border. This art was not meaningless graffiti, but art that humanizes real people and demonstrates the faults of various institutions. In this paper, I will share some of these works of art and use them as an introduction to discuss various topics concerning the border.

José Antonio Elena Rodríguez

The Case

In 2012, 16-year-old José Antonio Elena Rodríguez was shot and killed by Border Patrol agent Lonnie Ray Swartz, who was shooting from Nogales, Arizona, through the border wall, into Nogales, Sonora, Mexico. Agent Lonnie Ray Swartz shot José 10 times in the back causing his death (Binelli). Swartz alleges that José was throwing rocks at the agents through the border wall; however, security footage does not support this claim. Legally, the case was challenging because the assailant and victim were in two different countries during the crime. Lonnie Ray Swartz was eventually acquitted of a charge for second-degree murder. Swartz's trial is only the third where a Border Patrol agent faced a jury for an on-duty killing (Binelli). The binational case was a complex one that raised many questions about the integrity of Border Patrol and

militarization of the border. Border Patrol practices have become a topic of debate and the agency has received much scrutiny for inhumane treatment.

On the evening of October 10, 2012, the night of the fatal shooting, a police officer named John Zuñiga received a call to respond to suspicious activity on the street that runs alongside the border wall in Arizona. Nogales police can assist when illegal activity is happening stateside; however, border security is the jurisdiction of Customs and Border Protection (Binelli). Another police officer had arrived at the scene first where he witnessed two men dressed in camouflage with large bundles taped to their backs, climbing the fence into the United States. He visually identified the bundles as marijuana, called for backup, and chased the men on foot (Binelli). He had lost them and feared being harmed, so he waited for Officer Zuñiga and Border Patrol agents to arrive. Soon after he arrived, Zuñiga saw two men attempting to scale the fence into Mexico. By that time, the bundles were gone. The officers attempted to order the men down when they noticed rocks being thrown in their direction. “Rockings” sometimes occur at the border wall to distract agents or make them take cover (Binelli). These officers also alleged that they heard gun fire which, in turn, caused an agent to discharge his service firearm; the agent, Lonnie Ray Swartz. The victim of the shooting was not one of the men climbing the wall, but José Antonio Elena Rodríguez standing in Mexico. He suffered 10 gunshot wounds on his back side, mainly on his head and back (Binelli).

The following day, the incident was brought to high-up officials in the U.S. government. Video footage was pulled from the cameras that line the border wall. The footage was interesting in that it did not display the same story the agents reported (Binelli). The video has not been released, but James Tomscheck, head of the Office of Internal Affairs, has described and commented on the video. He explains that the video shows the two men attempting to scale the

wall to enter Mexico. He describes the officers as well: “They do not appear to be displaying any concern for their safety whatsoever... There are no weapons drawn. People have their hands on their hips, standing there watching. If you were to give a title to the video up to that point, it would be: ‘It’s Another Day at the Border’” (Binelli). After another agent arrives, things change dramatically. According to Tomsheck’s description of the video, “the agent walks to the fence, pulls out his gun and begins firing. The agent did not interact with the other law-enforcement officers on the scene” (Binelli). Further, Tomsheck explains that the video, “demonstrated that José Antonio was certainly not throwing rocks at the time he was shot”(Binelli). Despite this video footage and investigations on the incident, the case was still polarizing citizens of the U.S., Mexico, and law enforcement.

The family of José was informed of his death by Mexican authorities, but no one from the U.S. had contacted them (Binelli). His grandmother, a U.S. citizen, reached out to a lawyer immediately. Lawyers explained to her how complex this case was because it involved two countries. If José were in the U.S. during the time of the shooting, he would have had constitutional protections. Likewise, if the agent had been in Mexico when he shot José, Mexico could have charged him for the crime there (Binelli). However, the overlap made the case extremely difficult. After two years of waiting, José’s family made a civil case against Swartz. Just as the civil case appeared to be moving forward, in September of 2015, it was announced that Swartz had been indicted by a federal grand jury in Tucson for second-degree murder (Binelli). In October, Swartz appeared in a Tucson courtroom for the first time. Swartz was the first Border Patrol agent to be prosecuted for a cross-border shooting. Lonnie Ray Swartz was eventually acquitted of these charges and tried again for lesser charges, but he was again acquitted (Galvin).

The Art

During my first trip to the border, Kino staff showed us the building in front of which José was shot. They were able to show us where bullets had hit the building; small dents were left unpainted where the bullets had struck. Painted on the building, a medical center, was José, along with his name and birth and death date (Figure 1). Family and friends also left items such as flowers, candles, teddy bears, and treats in front of the building where José died. Also associated with José is the word “presente” or “present,” in English. This word demonstrates how José remains present in the lives of his family and friends and will be remembered not for his death but by his life and his family’s struggle for justice. José’s family fought fiercely for their deserved justice, but Swartz was never found guilty. Still, the Nogales community remembers José and he is “presente.”

The building has since been repainted, but the memorial altar where José died remains. Now, a large painted portrait of José sits just in front of the border wall in the area from where José was shot (Figure 2). The painting is captivating and José is painted in various tones of blue. This may convey the community’s feelings of sadness and despair both for José’s passing and the threat to justice the border wall encourages.

Paseo de la Humanidad “Parade of Humanity”

Background

The *Paseo de la Humanidad* is a sculpture that now sits just in front of the border wall in Nogales, Mexico. Artists Alberto Morackis and Guadalupe Serrano, along with Professor Alfred J. Quiróz, utilized scrap metal to create this sculpture in 2004 to depict social problems on the border. The sculpture consists of various human figures and symbolic objects that represent

elements of the economic, political, and social relationships between Mexico and the U.S (Parra). As detailed below, each of the seemingly abstract images on the sculpture demonstrate complexities in the relationship between the U.S and Mexico thus demonstrating issues of social justice.

Border Patrol

U.S. Customs and Border Protection expanded immensely after 9/11. During the second term of George W. Bush, the number of Border Patrol agents nearly doubled from 11,000 to 20,000. Tucson, especially, has expanded: “In 1995, the number of agents in C.B.P.’s Tucson sector, which includes Nogales, was roughly 400; today, it has grown to more than 4,000” (Binelli). Border Patrol agents have faced much scrutiny in their practices. The agency claims they offer humanitarian assistance to migrants, but many situations have demonstrated this is not put into practice. Agents are often referred to as “la migra” in Spanish. Graffiti and demonstrations in Mexico clearly articulate the overall fear and distrust in la migra. Many agents are aggressive with migrants and corrupt (Urrea). Sometimes humanitarian groups leave water for migrants, but some Border Patrol agents intentionally destroy these water sources (Carroll).

The U.S. Border Patrol is depicted quite clearly in the *Paseo de la Humanidad* (Figure 3). The agent is wearing army green like the agents and the head is the agency’s emblem. The agent’s body is a piece of the original corrugated steel wall from the 1990s-era border between Nogales, Mexico and Nogales, Arizona (Parra). Thus, demonstrating their connection to the wall and separation of the countries. They are also carrying a baton displaying the use of force and violence many migrants encounter with Border Patrol agents.

Another image of the U.S. in the *Paseo de la Humanidad* is Lady Liberty. Her face is the Statue of Liberty, but her body is not. The body of Lady Liberty includes a bomb for its torso,

missiles for its legs, and bombs for its arms (Parra). These components symbolize U.S. militarism. This is quite alarming as the Statue of Liberty is a symbol of immigration in America. Further, she also has a word balloon with unintelligible text in Latin (Parra). The unclear Latin text parallels how many non-English speaking migrants feel when speaking with U.S. officials and reading paperwork solely in English. This demonstrates a confusing immigration process with many barriers.

North vs. South

The creators of the *Paseo de la Humanidad* utilized walking stances to demonstrate various people and objects specifically moving from Mexico to the U.S. or vice versa. Going north from Mexico to the U.S., there are various crops. Trade is very common between the U.S. and Mexico, “With a growing population and a market-oriented agricultural and food sector that is open to international trade, Mexico is the United States’ largest agricultural trading partner” (Economic Research Service). Many of the fruits and vegetables we purchase from grocery stores come from Mexico. Further, “In 2021, Mexico accounted for 15.5 percent of U.S. agricultural exports and 22.3 percent of U.S. agricultural imports (as defined and categorized by the World Trade Organization (WTO))” (Economic Research Service). Moving north and being chased by Border Patrol is a red person with highway lines as veins on their body (Figure 3). The artists utilized these road map veins to represent the long-distance journeys many migrants make on their way to the U.S. (Parra). Also moving north is a mother carrying a baby on her back (Parra). We can assume that the mother is traveling north to better the lives of herself and her young child. The journey north is long and grueling and carrying a child makes the trip even more difficult and dangerous.

Various other characters walk from north to south, or the U.S. to Mexico. Two people are carrying a deceased body south (Figure 4). We can imply that the person was a migrant who died during the strenuous journey north. Due to the harsh climate of the desert and lack of water, crossing the border is extremely dangerous. In 2019, over 300 unidentified bodies were recovered at the U.S./Mexico border (Ruiz). These are just bodies that have been recovered. The amount of migrants willing to take the risk to come to the U.S. through the desert demonstrates how hopeful they are that the U.S. will provide them with a more safe, secure future and how desperate they are for this security. Also moving south is a person carrying a washing machine (Figure 4). This is significant in demonstrating the remittances that immigrants send to their families in their native countries. Oftentimes, those that have migrated north save funds and items to send back to family members in their native countries.

Cruces de los Desconocidos “Crosses of the Desconocidos”

The Nogales community memorializes the lost lives of migrants who die on their journey north with crosses along the border. Some crosses bear names and ages of deceased migrants; others are marked desconocido, meaning a body was found and has not been identified. If a migrant dies on the U.S. side of the border, border counties investigate identity, but this is a challenging task. Proper identification requires specific forensic evidence and specialized scientists. Often, there is simply not enough information. Immigrants cannot be placed in databases such as CODIS to match DNA. Families are often left wondering what happened to their family member and what happened to their remains.

Migrants crossing the US-Mexico border on foot often do not carry identification, or they carry false identification to prevent them from endangering themselves or their families. If a migrant dies and is on the U.S. side of the border, it becomes the responsibility of the border

counties to investigate identity. Identifying bodies is a challenging task. Families can wait forever without the word or confirmation of their family member's status. In the few cases where identity is discovered, the repatriation process can begin, but this involves numerous government agencies to coordinate reuniting families with their loved ones. Many families never learn the fate of their family members. To honor los desconocidos, you can find crosses on the border wall marked "unknown" (Figure 5). Artists have also painted candles on the slats of the border wall in memorial of lives lost in the desert (Figure 6). Border communities in Mexico come together to respect and honor the lives lost from their side of the border knowing that they will never be able to know their name. It is heartbreaking that one side of the border humanizes strangers in this way while the other marks them as simply illegal.

Conclusion

Overall, the artwork on the border wall in Mexico demonstrates social justice issues created and further repeated due to poor immigration policy in the U.S. and problems in other countries perpetrated by U.S. involvement. After my experiences at the border and learning about the dense policy and legality of immigration, I have learned how deeply rooted this systematic problem is in the U.S. It is not an issue of legal or illegal; it is a humanitarian issue of life or death for many migrants.

Image Gallery

José Antonio Elena Rodríguez



Figure 1:

The medical building José was shot in front of has become a memorial of José and his family's monumental case for justice.

Figure 2:

A large portrait of José Antonio Elena Rodríguez sits in front of the border wall near the place Lonnie Swartz fired from.



Paseo de la Humanidad “Parade of Humanity”



Figure 3:

The sculpture of the Border Patrol agent is made of the old border wall. The agent carries a baton and a bullet over his head points at a fleeing migrant.

Figure 4:

Migration patterns are demonstrated through these characters moving north or south. The items around them suggest the purpose of their migration.



Las cruces de los desconocidos "Crosses of the Unknown"

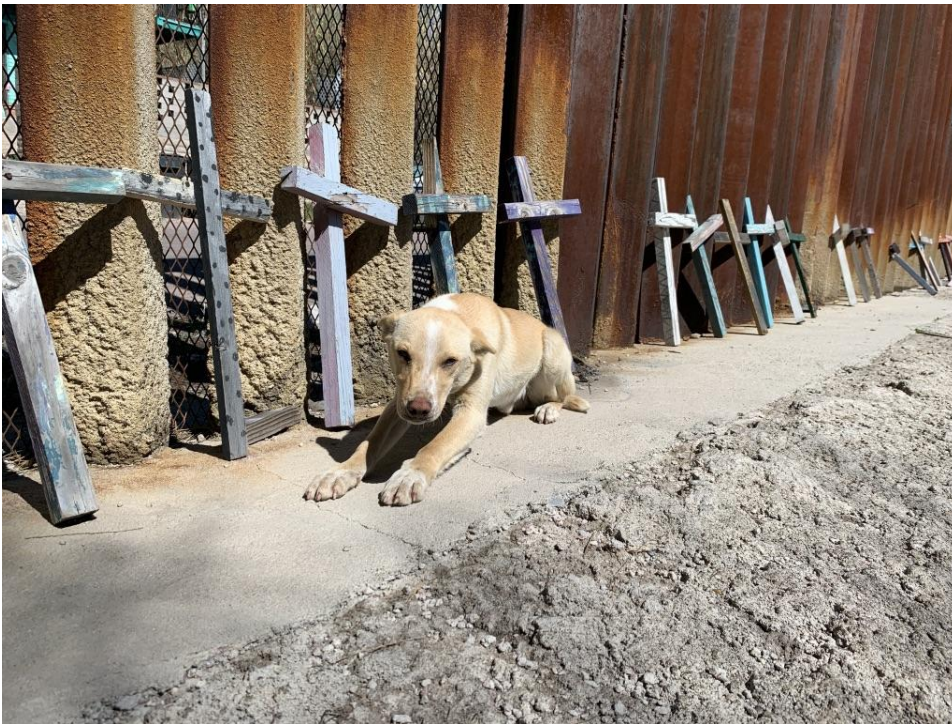


Figure 5:

A stray dog sits in front of memorial crosses for lives lost crossing the border.

Figure 6:

Candles are painted along the border wall in memoriam of lives lost during migration.



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- ***All photos are taken and owned by Emily Fagan-Zirm. Figure 5 or “El Desconocido” was recently published in the spring 2022 publication of *The Carroll Review*.

About the author:



Emily Fagan-Zirm is a Spanish and English double major at John Carroll University. She is graduating in May of 2022 with plans to pursue a career in communications. Emily is passionate about issues of immigration and she has traveled to the U.S./Mexico border twice. She hopes to continue to be a part of the conversation concerning immigration and volunteer in various capacities for just immigration rights.