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Layne Clarke

Western University, bclark84@uwo.ca

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HUMANITARIANISM AS A MORAL ALIBI AT THE U.S.-MEXICO BORDER

i. Introduction

Thousands of migrants attempt to cross the U.S.-Mexico border yearly, braving the harsh conditions of the desert and the various risks posed by traversing the border on foot. While many non-governmental organizations work within the border region to provide short term care in order to save the lives of migrants, no presence overtakes that of the government itself, whose agents patrol the border in search of future detainees. However, in recent years Customs and Border Patrol (CBP) has begun to project themselves into a more humanitarian role, adding ‘the preservation of life’ to their mission statement. The U.S. Border Patrol attempts to frame themselves as a humanitarian actor, turning migrants into victims that need to be saved by the benevolent border patrol agent, while in reality the purposeful publicity surrounding their humanitarianism forms a moral alibi which obscures the relationship between migrant deaths and U.S. policies of prevention through deterrence. Until policy regarding immigration and the border is reformed or overhauled, any humanitarian action CBP takes along the southern border is superficial at best and will have a minimal impact to the safety of migrants.

ii. Background on the U.S.-Mexico Border

The U.S.-Mexico border has been a contentious issue for decades, however in recent years it has taken form as the last line of defence from the ‘Latino Threat’ posed by the imagined ‘invasion’ of a ‘flood’ of migrants crossing the border on foot (Massey 2016). While there have been numerous shifts in policy and practice concerning the border within the past century—such as Operation Wetback, a 1953 militarization policy that apprehended 865 000 border crossers—the origins of modern U.S. border control can be located within the 1994 launch of Operation Gatekeeper (Massey 2016). Operation Gatekeeper sought to halt immigration through San Diego, which was one of the most popular border crossing locations at the time, and

simultaneously aimed to strengthen the U.S.-Mexico Border in California (Massey 2016). While this policy increased the general militarization of the border, it is most notable because it funneled prospective border crossers through the Sonoran Desert into Arizona, forcing unauthorized migrants away from urban centres and into the harsh terrain of the desert in hopes that the hostile landscape would deter them from undertaking the journey (Massey 2016). This strategy is known as ‘prevention through deterrence’ which shifts “...the target of enforcement from the territorial boundary to the migrant’s bodies by funneling them to remote regions where topography, distance, exposure, and fatigue became increasingly operationalized for detection, detention, and deterrence” (Magaña 2014, 151) and turns the desert into a weapon used against migrants.

The effectiveness of prevention through deterrence is disputed, as it has not put a halt to border migration and has only made it more dangerous for individuals to cross the border. Along the U.S.-Mexico border there are 6,900 reported deaths of undocumented migrants from 1986 through to 2012, with 477 corpses found in 2012 alone (Massey 2016); the Missing Migrants Project has reported 1,468 deaths since the project began in 2014 (International Organization for Migrant Rights 2018). In response to the increase in deaths after the implementation of Operation Gatekeeper, the United States’ government put into place numerous initiatives to combat migrant deaths including the Border Service Initiative (BSI), which makes use of public service announcements and collaborates with the Mexican government to discourage border crossings (Williams 2011). The BSI includes Border Patrol Search, Trauma, and Rescue (BORSTAR), a division of border patrol officials who receive additional training with the intentions of giving them the skills needed to respond to emergency situations (U.S. Customs and Border Protection 2014). While we must not downplay the individual efforts officers within CBP

and BORSTAR who seek to prevent migrant deaths, these organizations do not exist within a vacuum and we must consider the institutional political implications and motivations surrounding their actions. Organizations such as BORSTAR act as a band aid solution to the increase of deaths caused by prevention through deterrence, yet there is a strategic lack of acknowledgement of the role government organizations play in the border's history and policy, and how it impacts the lives of migrants as they cross the line of defense.

iii. The Criminalization of Humanitarian NGOs

The state entangles itself with humanitarianism by criminalizing the work of humanitarian groups that assist unauthorized migrants, presenting themselves as the only legitimate provider of human rights assistance (Williams 2011). Non-governmental organizations (NGOs) that address humanitarianism on the U.S.-Mexico border are routinely criminalized by CBP, and individuals with these groups are constantly at risk of being arrested. Volunteers for the faith based advocacy group No More Deaths have been charged with various crimes over the past two decades, with one of the most recent incidents being the federal misdemeanor charges launched against nine volunteers with the organization in January of 2018. The volunteers were charged with entering a wildlife refuge without permits, driving a vehicle in the wilderness, and abandoning personal property—in this case, food, water, and toiletries left for migrants (Ingram 2018). No More Deaths' spokespeople claim that the federal officials have purposely changed the language used on permits to target humanitarian aid workers, forbidding them to leave personal items such as food, water, and blankets for migrants who cross through the wildlife refuge (Ingram 2018). They accuse the border patrol of actively blocking permits to access the area as well as banning certain individuals from acquiring permits needed to perform humanitarian aid (Ingram 2018). In response to this event, the Tuscon Border Patrol

spokesperson was quoted as saying "[a]ll of us have the same idea that we don't want anybody to die or get hurt in the desert. We understand the extreme elements that are out there...so we know the necessity for water" (Ingram 2018). However, this statement is in direct contradiction to the actions of border patrol officials in the area, as during this time No More Deaths released a report showing evidence of CBP officials vandalizing humanitarian aid, including the destruction of water jugs left out for migrants (Ingram 2018). The destruction of aid and the denial of permits by CBP presents a dissonance between their publicized dedication to assisting migrants in jeopardy and the observable actions of those involved. The maintenance of the law and the border as a line of defense is prioritized over the lives and health of migrants, while the volunteer work that individuals do is unrecognized and criminalized instead of praised.

As Williams (2015) discusses in her article, it is widely observed that after 2005, the criminalization of humanitarian NGOs increased and the border patrol subsequently attempted to fill in the gaps made by their own policies. In the process of extending their control over the humanitarian aid provided in the U.S.-Mexico border region, they have carefully crafted the image of the border patrol agent as a humanitarian protector, simultaneously protecting the country and saving migrants from peril. In a CBP recruitment video, one agent discusses their job on the border:

““You come across these groups of people that a lot of times are in distress or in need and US the enforcer now turn into the humanitarian...You’re going out there to apprehend someone when all of a sudden you see someone that’s in a life threatening situation or in need of medical assistance. It’s a good feeling when you’re out there all of a sudden changing gears from arresting someone to saving someone”” (Williams 2011).

Though the border patrol agents ultimately acknowledge their main role in policing the border, they simultaneously construct themselves as primary humanitarian actors who are tasked with saving migrants as well as arresting them. It would be obscene to argue that border patrol officers should not rescue migrants if the opportunity arises, however it is their eagerness to criminalize NGOs and frame themselves as humanitarians that deserves scrutiny. Moreno-Lax (2018) examined a similar conflict between humanitarianism and securitization concerning the operations of the European Border and Coast Guard Agency (FRONTEX), an agency of the European Union tasked with controlling the borders of the Schengen Area. She found that FRONTEX co-opted the language of humanitarianism while neglecting the causes of the crossings and the consequences resulting from securitization (Moreno-Lax 2018). Similar to FRONTEX, the border patrol's presentation of themselves as humanitarian actors works to invisibilize the role U.S. policies have in increased migrant deaths in the Sonoran Desert (Williams 2011). CBP presents itself as a moral actor that works to protect and preserve human life, countering criticisms from NGOs and humanitarian organizations that argue the organization and the policies it supports put migrant lives directly at risk (Pallister-Wilkins 2015; Williams 2016). The framing of CBP as a humanitarian agency happens concurrently with the active criminalization of humanitarian assistance to migrants, effectively "shrink[ing] the spaces of non-governmental forms of humanitarian assistance" (Williams 2016, 33).

iv. The Care and Control Migrants

Since 2005, CBP has constructed themselves as a humanitarian actor, however the care they provide is an extension of the regulation of their bodies by the state in the pursuit of absolute control over the border region and the migrants who cross it (Williams 2015). The construction of migrants as both victims that need to be saved and threats that need to be

controlled justifies the practices of the CBP, presenting situations where different forms of humanitarianism and securitization work in tandem. Migrants are viewed as a risk to the national security of the United States through the ‘Latino Threat Narrative,’ however they are simultaneously seen as at risk to the harsh elements of the desert and the smugglers they hire to ferry them across the border (Massey 2016). Constructed in this way, the victim narrative allowed the United States and CBP to erase the relationship between prevention through deterrence and increased migrant deaths, presenting themselves as a benevolent force that can ultimately save migrants from the desert and the smugglers who bring them there. Unfortunately, Williams (2015) found CBP often provides low-quality care that can create more stressors for an already vulnerable population. She writes that “...hospitals have become impromptu detention centers. Armed agents stand guard over migrants 24 hours a day and agent discretion, not the desires or opinions of medical personnel, determines if migrants are restrained (i.e., handcuffed to their beds) while being treated” (Williams 2015, 16). Migrants in need of medical attention are rarely brought to medical centres, and are frequently treated in the field by the officer at hand before being processed for deportation at the discretion of the border patrol official (Williams 2015). The care they receive in the field is often substandard, as few agents have emergency medical training and most will not be able to properly assess whether a migrant requires medical care (Williams 2015).

Given that most border patrol officers do not possess the training to either assess the health and wellness of migrants or treat them in the field, one may wonder why CBP takes it upon themselves to be the legitimate arbitrator of migrant care. Williams (2015) argues that the border patrol has shifted towards contingent care, and is an extension of necropolitical and minimalist biopolitical modes of governance. Necropolitics refers to the power that sovereign

states exercise over mortality, in which they attempt to dictate who has the right to live and whose mortality can be disregarded (Mbembe 2003). The policies surrounding the border themselves exemplify necropolitics, as prevention through deterrence prioritizes the fears of the general United States populous—who believe they face an imminent invasion of migrants seeking to infringe upon their national identity—over the lives and safety of migrants; dehumanized migrants are rendered as collateral damage in the overall protection of the nation, and thus they do not deserve exemplary care (Massey 2016; Williams 2015). When migrants receive care, it is used to further control their bodies and lives in order to prepare them for deportation. Practices of contingent care can be identified through Redfield's (2005) concept of minimalist biopolitics, characterized by the administration of individuals in temporary situations of life or death that often functions in a way that prioritizes structural dignity over change and acknowledgement of institutional barriers. Migrants have a guarantee of survival when under the governance of CBP, however survival is the limit of their benevolence and in order to reach it migrants must submit to marginalizing and dehumanizing conditions such as constant surveillance and family separation (Williams 2015). The care CBP officials give migrants is presented as a humanitarian gift from the philanthropic officer, while in reality the care they receive is often substandard and contingent upon conditions that cause extreme stress (Williams 2015). The focus on humanitarianism co-opts humanitarianism for CBP's own gain and provides a smokescreen that hides structural issues regarding migrant vulnerability; the actions and procedures used by CBP ultimately uphold the power relations that create vulnerability, allowing exclusionary and dangerous policies to remain intact (Williams 2015).

v. Humanitarianism as a Moral Alibi

Doty (2011) argues that the geography of the desert provides a moral alibi for the United States when migrant deaths come into question. The blame for migrant deaths and injuries can be placed on migrants themselves for attempting to cross the terrain, which obscures the relationships between these deaths and prevention through deterrence policies (Doty 2011). While this line of argument does not look at the push and pull factors that lead migrants to embark on the journey or the structural issues that lead to migrant deaths, it allows the United States and the CBP to shed responsibility for the ‘unintended consequences’ of their policies (Doty 2011). Humanitarianism undertaken by the U.S. government is an extension of this moral alibi, as it provides the CBP with a public relations opportunity to answer the accusations launched against them by human rights organizations. If the CBP is attempting to save migrants and publicly declaring their dedication to humanitarianism, how can the United States be held responsible for increased migrant deaths?

The portrayal of the border patrol as benevolent actors is another arm of the general practice of policing migrants, and it cannot be separated from the forms of governance that put migrant lives at risk (Pallister-Wilkins 2015). Additionally, the internal workings of CBP does not echo their public relations campaign of humanitarianism, as the number of BORSTAR trained volunteers has not matched the growth of the agency (Williams 2011). The voluntary nature of BORSTAR and the lack of medical technicians calls into question whether or not the presented commitment to humanitarianism matches the reality of the situation (Williams 2011). Johnson (2007) argues that ultimately, prevention through deterrence relies on the risk posed by the Sonoran Desert’s terrain, as there is no better deterrent than death. The lack of meaningful efforts to put forth policy that mitigates the risk and death that migrants face counters the humanitarianism put forth by CBP, rendering it nearly meaningless in the grand structural

scheme of immigration. Thus, the humanitarian actions of the CBP and the United States present a moral alibi for migrant deaths, allowing them to shift responsibility off of their policies by presenting themselves as benevolent actors who save the migrants who have placed themselves in danger.

vi. Conclusion

The lack of commitment to the training of medical technicians, substandard or minimal care for migrants, criminalization of humanitarianism, and the maintenance of prevention through deterrence defies claims by CBP officials that they have taken on a humanitarian role in addition to their regulation of the U.S.-Mexico border. Instead, the elevation of humanitarian narratives in the context of border patrol provides a moral alibi for the CBP when migrant deaths come into question, casting them as saviours while absolving CBP and the United States of responsibility for any harm that comes to migrants as a result of their dangerous policies. Until the government of the United States reverses the policies created by Operation Gatekeeper, works to improve the safety of the migrants crossing the border by allowing humanitarian organizations to continue to their work, and undertakes comprehensive immigration reform, any humanitarian action taken by CBP will continue to make only a minimal impact on migrant's lives. Without meaningful change to policies of securitization along the U.S.-Mexico border, migrants will continue to face injury and death while crossing the border and no amount of humanitarian intervention will change the loss of life caused by the border regime.

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