

The problem is not police training, police diversity, or police methods. The problem is the dramatic and unprecedented expansion and intensity of policing in the last forty years, a fundamental shift in the role of police in society. The problem is policing itself.

**Alex S. Vitale**

# The End of Policing

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First published by Verso 2017

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1 3 5 7 9 10 8 6 4 2

**Verso**

UK: 6 Meard Street, London W1F 0EG

US: 20 Jay Street, Suite 1010, Brooklyn, NY 11201

[versobooks.com](http://versobooks.com)

Verso is the imprint of New Left Books

ISBN-13: 978-1-78478-289-4

ISBN-13: 978-1-78478-291-7 (US EBK)

ISBN-13: 978-1-78478-290-0 (UK EBK)

**British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library

**Library of Congress Cataloging-in-Publication Data**

Names: Vitale, Alex S., author.

Title: The end of policing / Alex Vitale.

Description: Brooklyn : Verso, 2017.

Identifiers: LCCN 2017020713 | ISBN 9781784782894 (hardback) | ISBN  
9781784782917 (US ebk) | ISBN 9781784782900 (UK ebk)

Subjects: LCSH: Police—United States. | Police misconduct—United States. |

BISAC: POLITICAL SCIENCE / Political Freedom & Security / Law Enforcement.

| SOCIAL SCIENCE / Discrimination & Race Relations. | POLITICAL SCIENCE /

Public Policy / General.

Classification: LCC HV8139 .V58 2017 | DDC 363.20973—dc23

LC record available at <https://lcn.loc.gov/2017020713>

Typeset in Sabon by MJ & N Gavan, Truro, Cornwall

Printed in the US by Maple Press

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## Border Policing

Until the late nineteenth century, the US had no formal immigration restrictions. The border was essentially open, with only customs controls directed at shipping. In 1882, after 200,000 Chinese laborers immigrated to build the railroads and perform farm labor in the West, Congress passed the Chinese Exclusion Act to prohibit their further immigration. Much of the language used in debating the act was explicitly racist and consistent with local bans on the right of Chinese people to own property and appear as witnesses in court.<sup>1</sup> Proponents referred to Chinese immigrants as a “Mongolian horde” and “Johnny Chinaman” and accused them of being immoral and lazy. Small informal units were mobilized to limit unauthorized entry of Chinese immigrants, mostly along California’s border with Mexico. The only restrictions on white immigration during this period banned those who were criminals, infirm, or politically radical. Anarchists were specifically banned in 1903, with Italians targeted for particular scrutiny.

With the rise of mass immigration in the late nineteenth and early twentieth centuries came growing nativist resentment. Throughout this period, groups such as the Immigration Restriction League and the American Party organized around ideas of racial purity, cultural superiority, and religious prejudice to demand an end to open immigration. This was finally achieved in 1924 with the passage of the National Origins Act, which established nationality-based immigration quotas for the first time. To enforce these quotas, Congress created the US Border Patrol.

The new Border Patrol focused on limiting unauthorized immigration from Mexico. Most enforcement was at designated border crossings, with only a few “linemen” patrolling in between. In practice, individuals and even vehicles needed only to venture a few miles from a formal

checkpoint to cross. During Prohibition, illegal cross-border trucking was a major concern for California farmers, whose fields and fences were often damaged, but they received only minimal help from the Border Patrol. Part of the reason for weak enforcement was the strong desire for Mexican workers among growers in Texas and California, who vehemently opposed restrictions on their access to cheap labor.<sup>2</sup> The enforcement that did occur was often profoundly racist, with overt brutality and extrajudicial killings.<sup>3</sup> Historian Kelly Hernandez describes revenge killings and reckless shootings of border crossers.

During World War II there was a great need for farmworkers. The Border Patrol largely ignored Mexican immigration while keeping an eye out for possible enemy combatants, though almost none were discovered. The US government developed the Bracero Program to try to regularize migrant farm work.<sup>4</sup> Employers were obligated to provide decent wages and working conditions, and migrants received official permits to work in the United States. Enforcement was lax, and wages and working conditions were quite poor and well below the standards set for other workers. Women, children, and domestic workers were not covered by the program, so unauthorized immigration continued. In addition, many employers refused to use the new program, especially in Texas. Farmers and ranchers resented federal intervention in their longstanding labor systems, which often amounted to peonage. Workers who complained or organized against low wages and abysmal conditions were simply handed over to the Border Patrol for deportation.

Throughout the early 1950s, the number of people apprehended by the Border Patrol doubled.<sup>5</sup> In 1954 it launched “Operation Wetback” to try to stem the tide through intensive border enforcement and raids in cities and on ranches, forcing more employers to utilize the Bracero Program. More than a million people were deported. In the end, the farmers and ranchers relented, especially after workplace protections were reduced and heavy penalties for worker organizing enacted.

The title of the operation, however, speaks volumes about the mindset of federal officials and the Border Patrol. US border enforcement has been primarily about the production of whiteness and economic inequality. The border has never been truly closed to poor immigrants. They have been allowed in, with tight regulation, or officially denied entry but in practice

allowed to enter in large numbers, with few legal protections from employer exploitation and abuse. Each of these systems places immigrants in a degraded economic position where their rights to organize are denied and they are forced to work in substandard conditions for low wages.

One of the fastest expanding areas of policing in the past twenty years is border policing. Today the Border Patrol is part of the Department of Homeland Security. In 1992 there were just over four thousand Border Patrol agents; following the attacks of September 11, 2001, that number increased to ten thousand; today it stands at more than twenty thousand, making it larger than the ATF, FBI, and DEA combined.<sup>6</sup> The Border Patrol is aided by local and state police and a variety of federal agencies, including the National Guard, the US military, and Immigration and Customs Enforcement (ICE). In fiscal year 2012, the federal government spent more than \$18 billion on immigration enforcement—more than all other federal law-enforcement spending combined.<sup>7</sup> Under the Trump administration, these numbers are likely to increase dramatically with the hiring of more officers and the building of more walls.

Border policing has always been highly racialized. Foreigners to be kept out or allowed in only under degraded circumstances are always defined as outside the American mainstream, and this is generally accomplished by appeals to race. Martha Menchaca's *Recovering History, Constructing Race* describes how racial hierarchies were first established in the border region by the Spanish elite and later by American settlers looking to justify their expropriation of Native and Mexican lands.<sup>8</sup> Even some longstanding Mexican Americans have attempted to achieve whiteness by encouraging the exclusion of new immigrants who undermine their attempts to equate themselves with Americanness—though, by embracing a racialized system of exclusion, they reinforce a racial caste system that in turn defines and treats them as less than full citizens.

From early on, the Border Patrol has engaged in racial profiling. They have argued that “looking Mexican” is sufficient grounds for stopping, questioning, and demanding identification. In 1973 the Supreme Court codified these practices in *US v. Brignoni-Ponce*,<sup>9</sup> in which it upheld the right of the Border Patrol to use racial profiles as the sole basis for vehicle stops and forced identifications. This is based in part on the 1953 federal

law that gives Border Patrol agents the right to suspend constitutional protections within a hundred miles of the border and stop, search, and ascertain the immigration status of any person, whether or not they have any probable cause or even reasonable suspicion. The ACLU maintains that this is a violation of the Constitution.<sup>10</sup> They also point out that Border Patrol abuses have been reported far away from the border as well. In 2008, US senator Patrick Leahy was stopped at least 125 miles from the border, ordered out of his vehicle, and forced to produce identification. When he asked under what authority the agent was operating, the agent pointed his weapon at the senator and said, “That’s all the authority I need.”<sup>11</sup>

The current intensification of border enforcement began in the early 1990s, under the Clinton administration, with the launching of Operation Gatekeeper in California, Operation Hold-the-Line in Texas, and Operation Safeguard in Arizona and the passage of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA). Within a few years, funding for what was then the Immigration and Naturalization Service (INS) doubled, as did the number of Border Patrol officers. These operations represented the first real effort to close the southern border.<sup>12</sup> It involved several new initiatives, including significantly increasing the amount of fencing, immediately deporting immigrants living in the US for a long list of major and minor criminal infractions, creating immigration courts in border areas to facilitate quicker processing and deportation of captured migrants, and creating a massive system for identifying migrants through biometric data collection. The latter two initiatives became the basis for ramping up criminal prosecutions of migrants for crossing the border without authorization.

This process intensified after 9/11. Even though President George W. Bush had campaigned on a platform of more open borders, he oversaw additional fencing, increased Border Patrol hiring, and the intensification of the criminalization of migrants. As a result, the policy shifted from what was euphemistically called “catch and release” to one of “capture and hold.” For decades, most migrants caught crossing the border were asked to waive their right to a hearing to challenge their deportation and then quickly returned to Mexico, spending as little time in custody as possible, which was generally advantageous for both the migrant and the US government. Now, an ever-growing number of migrants are being

prosecuted. A first offense of illegal crossing is punishable as a misdemeanor; a second offense of illegal reentry, however, is now a felony that could result in years of incarceration. In addition, immigrants convicted of other crimes are now being sentenced and incarcerated for their full terms in a US prison before being deported.

In 2005, with massive new funding and infrastructure, the Border Patrol began to implement a series of zero-tolerance “capture and hold” policies under “Operation Streamline.” Over the ensuing ten years more than 400,000 migrants were prosecuted for improper entry and over 300,000 for the felony of reentry.<sup>13</sup> The Trump administration has pledged to expand this practice. The US government has spent \$7 billion on this approach, with much of the money going to private, for-profit prisons. Despite the prosecution and incarceration of three-quarters of a million people at the border, they found no deterrent effect on migrants, who are driven by profound and desperate poverty and the desire to unify families.<sup>14</sup> They also interviewed judges and lawyers and found widespread opposition, with most characterizing it as a politically driven policy lacking any legitimate policy achievements.

In addition, Operation Streamline has corrupted the federal court system. Judges and court personnel near the border cannot keep up with the massive volume of defendants, which has reduced their ability to properly handle these cases or adjudicate other matters. *Texas Monthly Magazine* found that the two busiest federal court districts in the country are in Texas, and that the courts are dealing with the load through mass prosecutions.<sup>15</sup> Dozens of defendants are routinely ushered into court together, often without any real legal representation, are asked to plead guilty, and are then either deported or incarcerated. In 2009, the Ninth Circuit Court of Appeals stepped in and demanded that defendants at least be asked individually about their pleas and their ability to understand what was happening. But that ruling merely slowed down the process without changing its basic character. Even though apprehensions along the border have been declining for decades, nearly 40 percent of all federal prosecutions are now related to immigration. Even prosecutors, who remain committed to a punitive framework, see that this system fails to deter migrants. One noted, “We prosecute people because they have committed violations of statutes enacted by Congress that reflect what our norms are ... We mete out punishment according to some systematic



process. If some people are deterred by it, good. If not, I'm not surprised."

<sup>16</sup> This statement lays bare the bind in which the entire institution finds itself. Police, prosecutors, and judges all see the futility of criminalizing a population driven by extreme hardship to seek out a better life across the border.

Today there are seventy-five thousand noncitizens in US prisons, about half of whom are there for immigration violations. <sup>17</sup> Many are held in for-profit private prisons. ICE uses forty-six such facilities to hold 70 percent of all immigration detainees, despite repeated reports of abuse, overcrowding, and inadequate medical services.<sup>18</sup> In addition, ICE subcontracting opportunities have encouraged a boom in jail and prison construction across the Southwest. Both local jurisdictions and these corporations have a financial stake in maintaining high rates of detention, further perverting the politics of immigration. In addition, large numbers of migrants are held in local jails on immigration detainers or awaiting transport. Conditions in these facilities, whether public or private, are inadequate. In 2010, the *New York Times* documented widespread problems with the delivery of health care services;<sup>19</sup> according to a 2016 report, eight people have died in recent years of preventable causes such as diabetes, because of inadequate health care.<sup>20</sup>

During the great migration of unaccompanied youth from Central America over the last few years, tens of thousands of children have been held in detention and many forced to appear in court without representation, creating a legal and humanitarian crisis. Thousands of families with small children have been held for extended periods in immigration detention while awaiting deportation or immigration court proceedings. These conditions are deplorable, especially for children. The US courts have recognized the inappropriateness of this, especially given that these families pose almost no safety risk. Despite repeated court rulings, the federal government continues to hold families with children in custody.

In addition, the US has issued about a million detainer orders, requesting local and state police to hold someone suspected of being in the country illegally. These detainers ask local police and sheriffs to be the front line of immigration enforcement. Beginning with the border buildup of the 1990s, local police were offered the opportunity of receiving the

official authority to enforce federal immigration law. This authority, under section 287(g) of the IIRIRA, has created a huge dilemma for local police, who have been pressured to participate but in many cases view that cooperation as counterproductive to good policing. Most police believe that, to be effective, they need the cooperation of the community. It is community members who report crimes, provide information, and act as witnesses. In areas with high rates of unauthorized immigrants, fear of police is already very high. If people believe that they or their friends, family members, co-workers, or neighbors may be at risk of deportation, they will be gravely reluctant to bring any issues to the attention of police.

That is why many cities have either refused to participate in 287(g) or designated themselves “sanctuary cities” that refuse to cooperate with immigration enforcement efforts. Unfortunately, these declarations are sometimes rather hollow.<sup>21</sup> New York City has a sanctuary statute, and the NYPD does generally avoid involvement with immigration matters. However, for many years, corrections officials cooperated, even renting jail space to federal officials. More recently, they have moved those operations out of jails, so immigration officials merely station themselves in the courts and apprehend people after their court appearances. Under Obama, ICE tended to focus this effort towards those convicted of violent felonies. Under the Trump administration, any crime might trigger such proceedings, leading to widespread concerns that the hundreds of thousands of “broken windows” arrests that occur each year for minor infractions like jumping the subway turnstile might put many more people at risk of deportation.

In addition, 287(g) is part of a process of enhancing police power by blurring the lines between civil and criminal enforcement. Normally police are required to ensure people’s constitutional rights when they suspect them of a criminal violation. Since most immigration violations are technically civil, the same protections do not apply. This means that police, sometimes under the guise of immigration enforcement, can enter people’s homes without a judicial warrant and hold people in custody without the opportunity to post bond.

Pushback from many local jurisdictions led to a reduction in 287(g) agreements under the Obama administration, but the Trump administration has attempted to ramp up these agreements and bring

sanctions against cities that refuse to participate or engage in other “sanctuary city” practices designed to impede increased deportations.

ICE is another major part of border policing. While most of its work involves inspecting people and goods at official border crossings, it is also tasked with apprehending undocumented migrants once they are in the United States. ICE also runs the detention facilities used to process, detain, and incarcerate migrants. In 2003 ICE created Fugitive Operations Teams intended to focus on finding migrants who have committed serious crimes. Over the last decade and a half, the number of these units has risen from eight teams in 2003 to 129 today, at a cost of \$155 million a year.<sup>22</sup> These units were created to get serious criminals off the streets and out of the country, which is likely to make them a focus of increased funding under Trump. In practice, however, they engage in fishing expeditions in which they enter homes and workplaces on flimsy evidence and undertake dragnet type tactics that ensnare primarily noncriminal migrants. DHS’s inspector general reported that the information used to plan and justify these raids is “grossly inaccurate.”<sup>23</sup> The Migration Institute documented that, from 2003 to 2008, about three-quarters of those arrested had no criminal record. In 2007, despite spending over \$100 million, these teams arrested only 672 people with serious criminal histories.<sup>24</sup> In more recent years, the percentage of serious arrests has declined even further, quotas have been established, and the number of units increased. In 2012, these teams arrested 37,000 people, the vast majority of whom had no history of violent crime.<sup>25</sup>

ICE also created a Worksite Enforcement Unit in 2006 that conducts heavily armed raids of workplaces and reviews employee lists looking for possible undocumented migrants, who are then intimidated into agreeing to deportation without a hearing or access to a lawyer. The Obama administration claimed to have shifted the focus to targeting employers, but employee audits led to mass firings of legal and undocumented workers. Of almost a hundred thousand prosecutions in 2009, only thirteen were of employers.<sup>26</sup>

The border is also the front line of the failed War on Drugs. The US employs a “supply-side” strategy of denying people access to drugs through interdiction and criminalization. Interdiction involves using the Border Patrol, Coast Guard, US military, and ICE to interrupt the flow of

drugs into the country. It has failed. A recent report showed that 80 percent of the people arrested on drug charges by the Border Patrol were US citizens.<sup>27</sup> These arrests are occurring at border crossings, at checkpoints, and during immigration raids and are mostly for marijuana. There is speculation that drug seizures are being driven by the dramatic decline in border crossers and that the agency needs to justify its huge size and budget by seizing drugs instead.

The massive enforcement buildup has made the border a much more dangerous place. Since the crackdowns began in 1996, thousands have died trying to cross in ever more remote desert areas of Arizona and New Mexico. In some years as many as five hundred people die of heat, exposure, and dehydration.<sup>28</sup> They must rely on the criminal underworld of “coyotes” who charge thousands of dollars to facilitate passage but often fail to deliver and in some cases kidnap, rape, and kill those who pay them. Migrants in these circumstances are more likely to be coerced into carrying drugs. In many places a trip through the desert on foot can last days and require more water than a person can carry by hand. Some individuals and organizations have set up water stations along the border, only to see them sabotaged by anti-immigrant vigilantes.

There has also been a dramatic expansion in the number of deportations, which have more than doubled over the last decade to close to a half million a year. Barack Obama deported more people than all previous presidents combined. In the past, the government was reluctant to break up immigrant families if a member of the family was a US citizen. In fact, family reunification was one of the major sources of legal immigration in the postwar period, in keeping with the ideology that immigrants involved with family life are more likely to adjust to American culture and values. Now, we routinely tear families apart in truly heartless ways. There are currently more than five thousand children in foster care whose parents have been deported without them.<sup>29</sup> Young adults who came to the US as very young children have been deported alone to countries that are totally alien to them, where they have few, if any, family connections, and in some cases don’t even speak the local language.

Many of these people are deported to Central America, where they end up in homeless shelters or sleep on the streets and often fall in with

criminal gangs. This tragedy is compounded by the fact that many of these young people and their families fled Central America to avoid the violence of drug gangs in the first place—and, as noted in the previous chapter, US deportations played a major role in the expansion of such gangs in the first place. Many new deportees are forced either to join with these criminal enterprises or be victimized by them. Since some fled to avoid such a choice in the first place, they too often become victims in the failed US politics of immigration suppression. In July 2016, twenty-five US senators asked President Obama to stop deporting people fleeing the violence in that region, citing eighty-four documented cases since 2014 of people being killed after being deported, primarily in El Salvador, Honduras, and Guatemala. As Senator Edward Markey of Massachusetts put it, “We should not be sending families back to situations where they can be killed. That’s just un-American.”<sup>30</sup>

The Border Patrol has also become actively involved in securing major national events like the Super Bowl as part of the War on Terror.<sup>31</sup> Todd Miller describes how agents provide high visibility and high-tech security at such events and simultaneously fan out to bus and train stations to conduct intensive immigration checks of travelers who are completely disconnected from such events, much less international terrorism. Miller also highlights the troubling practices of detaining and searching US citizens because of their political, academic, and journalistic activities. Agents have watchlists; people on these lists can be arrested and interrogated and have their electronic possessions seized when crossing the border. The journalist and filmmaker Laura Poitras was detained multiple times after she worked with whistleblower Edward Snowden and produced a film called *My Country, My Country*, which criticizes US policy in the Middle East. American scholars of Islam and the Middle East have been accused of terrorism, detained without lawyers, and had their personal and electronic possessions searched and seized without a warrant. In none of these cases was there any question about their citizenship.

The Border Patrol has never had any effective accountability mechanism. While it is technically subject to internal investigations and congressional oversight, prosecutions and disciplining of officers are rare. In May 2010, Mexican national Anastasio Hernandez-Rojas died in Border Patrol custody after resisting officers at the San Ysidro crossing.<sup>32</sup> He was beaten and tasered while handcuffed and died a short time thereafter. A

five-year investigation by the FBI, DOJ, and DHS found no criminal wrongdoing, despite a video reminiscent of the 1993 Rodney King beating in which a prone Rojas is surrounded by more than a dozen officers while being Tasered. Since then the Southern Border Communities Coalition has documented fifty additional deaths at the hands of Border Patrol agents.<sup>33</sup> While many of these cases involved migrants using violence, others involved reckless pursuits on sea and land, casual disregard for the lives of migrants, and excessive use of force. Since 2005 only three Border Patrol agents have faced indictments for excessive use of force, two from local prosecutors and one from the Department of Justice. In that later case, agent Lonnie Swartz faces murder charges for killing a twelve-year-old Mexican national by shooting him through a fence while he was allegedly throwing rocks at agents from the Mexican side of the fence in 2012. After four years, the case remains delayed and videos of the incident are sealed.<sup>34</sup> Neither of the other previous cases resulted in convictions. In 2014 the American Immigration Council found that, out of 809 official complaints against BP agents, only thirteen resulted in any discipline.<sup>35</sup> In the most serious case, one officer was suspended; the rest received little more than reprimands. President Obama's main effort to add accountability was to propose \$5 million for body cameras.<sup>36</sup>

The water gets even muddier when military troops are involved. In 1997, US Marines working as lookouts and snipers with the Border Patrol in rural West Texas mistook a goat herder for a drug trafficker and killed him.<sup>37</sup> Investigators harshly criticized the Marines and Border Patrol for sending troops to the border with no training or preparation. A state grand jury refused to indict the marine who pulled the trigger, but the government paid the Hernandez family a settlement of a million dollars.

For decades, National Guard troops have played a variety of support roles along the border, from building roads to staffing radar stations and providing lighting. None have been involved in fatal incidents, because they're not involved in direct border enforcement or law enforcement tasks. This is changing, however. In 2014, then-Governor Rick Perry ordered the Texas National Guard to the border at a cost of \$12 million a month to "enforce state law."<sup>38</sup> This involved thousands of heavily armed troops, with little or no civilian law enforcement training, in domestic law-enforcement operations. This seems to contravene the spirit, if not the



letter, of the Posse Comitatus Act, which outlaws the use of the military for domestic law enforcement. Texas Governor Greg Abbott recently reauthorized the deployment as a “deterrent” to potential migrants and drug smugglers. But many local officials rankle at the militarization of the border and the criminalization of migrants. According to Hidalgo County Judge Ramon Garcia, “There is no public safety crisis here. These are not drug dealers. These are not terrorists. These are human beings looking for something better than what they had.”<sup>39</sup>

Low-level misuse of funds and corruption remain a problem. Since 2003, the DHS has been increasingly pulling local police into the job of border enforcement. While 287(g) asks for police cooperation in identifying criminal aliens, Operation Stonegarden directly subsidized local police to undertake a variety of border enforcement activities, including money for overtime pay and special equipment for drug raids, pursuing suspected illegal migrants, and patrolling the border. There has been almost no oversight of how the money is spent. The *Arizona Daily Star* uncovered massive overtime payments to officers, sometimes in excess of their base salaries, leaving local taxpayers to come up with dramatically higher pensions as officers retire and collect based on these inflated salaries.<sup>40</sup>

A growing chorus of right-wing politicians has championed high- and low-tech ways of closing the border. We are familiar with Donald Trump’s exhortations to “build a wall,” but this is not new. The US government has been trying to build a wall along the southern border for many decades and has little to show for it, other than massive fiscal profligacy and the deaths of migrants pushed into ever harsher and more remote terrains. There is no logistical way to build an effective wall between the US and Mexico. The terrain is too difficult, the cost too great, and the ways around it too many. For one thing, 40 percent of all people in the country illegally come by plane and overstay one of a variety of visas.<sup>41</sup> Walls can’t just be built and left to do their thing. They must be staffed and maintained. Any wall can be breached, climbed over, or tunneled under if no one is watching. That would require a vast army along the fence, which would undoubtedly contribute to more unnecessary deaths. More than 700 border tunnels were discovered between 2006 and 2014, and further wall building will undoubtedly stimulate more tunnel building.

The US is plowing billions into electronic border-protection initiatives.<sup>42</sup> As early as the late 1980s the US was attempting to use technology to pinpoint enforcement efforts. Over the next ten years, the Intelligent Computer Aided Detection and Integrated Surveillance Intelligence System programs spent hundreds of millions of dollars for a system that in the end was deemed “functionally inoperable.”<sup>43</sup> Undeterred, Congress gave Boeing a billion dollars over the next several years to build the Secure Borders Initiative net. After years of cost overruns, mismanagement, operation failure, and critical Government Accounting Office reports, the program was completely scrapped.

In the wake of 9/11, funding for such initiatives became widely available. Hundreds of millions have been spent on sensors that measure ground vibrations, infrared movement, and sounds of human activity to alert Border Patrol units that someone may be crossing. Much of this technology is ineffective; even when it works, units must be available to respond. Additionally, the US is using large numbers of planes, helicopters, and drones to patrol the border and has experimented with balloons to search for unauthorized aircraft crossings, though occasionally some break free from their tethers and cause extensive damage.

## **Reforms**

While the inauguration of President Donald Trump withered much of the will to reform border policing, there are still efforts to rethink how we manage the need for migrant workers, who have become central to several parts of the American economy.

Some argue for a return to a system of foreign worker authorization similar to the Bracero Program. While this program did reduce the flow of unauthorized immigration and created some regularized employment for Mexico’s poorest workers, it did not stem all illegal immigration and did little to improve the living standards of either American or Mexican workers.

Part of the problem is that migrant workers are not limited to agricultural work; migrants work in a variety of construction, production, and service industries, including construction, food processing, domestic work, and cleaning. What the Bracero Program did was guarantee a stable



low cost and compliant work force for agricultural producers who wanted to keep wages extremely low. The program allowed employers to blacklist anyone who complained or attempted to organize. Today's migrant farmworkers are not covered by minimum-wage laws, have few enforceable workplace protections, are routinely exposed to dangerous chemicals, and receive only the most minimal access to housing, health, education, and welfare services. A new Bracero Program won't fix that; it will merely institutionalize it. If we want to raise the standard of living of agricultural workers, we have to allow them to organize, pay them higher wages, and enforce necessary health and safety standards. If US citizens could make higher wages doing this work, more of them might choose to do it. As it stands now, employers prefer to hire undocumented migrants precisely because they know that organized resistance is much less likely among this population.

Unions have at times made the mistake of thinking that excluding new migrants, legal or undocumented, would automatically improve conditions for US workers. While it's true that strikes have been broken by bringing in undocumented scab workers, in many cases this is not what really happens. Instead, employers regularly rely on racial minorities who are authorized to work, consciously taking advantage of the racial antipathies that they themselves have worked hard to create in order to keep workers divided and playing one group against another. It is very hard for unions with predominantly white memberships to tell black workers, whom they've historically excluded, not to cross a picket line. Increasingly the AFL-CIO has come to realize that the only hope for improving the lives of working people is to foster broad solidarity rather than antagonism. While many union locals retain anti-immigrant sentiments, the AFL-CIO's official position is to protect the rights of all workers regardless of immigration status and to encourage organizing along those same lines. Heavy-handed immigration policing will not build a workers' movement; it will shatter it.

One of the mistakes that Trump supporters make is imagining that their own economic conditions will be improved by continuing to exploit foreign lands while excluding those who suffer as a result. That analysis assumes that the wealth generated by that process will somehow trickle down to American workers. The last twenty years have taught us that these global economic arrangements do not include national allegiance on the

part of corporations or sharing wealth within national economies. The wealth of the United States has increased dramatically in the last two decades, but all of that growth has gone exclusively to the richest 10 percent. The rest of us have seen wages and government services decrease. Our standard of living is not declining because of migrants but because of unregulated neoliberal capitalism, which has allowed corporations and the rich to avoid paying taxes or decent wages. It is that system that must be changed.

In 2010, the DOJ's Office of Community Oriented Policing Services (COPS) funded the Vera Institute to study best policing practices in communities with large numbers of immigrants. It surveyed hundreds of departments and focused on eight principles: get to the root causes of crime, maximize resources, leverage partnerships, focus on the vulnerable, engage in broad outreach, train both law enforcement and the community, monitor success and failure, and sustain programs that work. Embedded in these principles is the idealized notion of community policing, critiqued in earlier chapters. This approach places police at the center of solving community problems by enhancing their resources, broadening their reach, and shaping community action and perceptions through outreach and training based on policing priorities.<sup>44</sup>

There is certainly value in having police speak multiple languages, respect cultural differences, and focus on the needs of those most victimized. However, in the Vera study there is very little discussion of the profound conflicts of mission in policing these communities, it is listed, for instance, only one mention of sanctuary cities. In several examples, police are applauded for hiring civilians as translators and community outreach educators. But why should these resources be attached to and under the control of the police department? These should be core functions of local civilian government and exist independently of law enforcement.

If we want immigrants, documented or not, to be more integrated into society, more likely to report crime, and better able to defend themselves from predators, we should instead look to end all federal immigration policing, remove social barriers in housing and employment, and acknowledge their important role in revitalizing communities and stimulating economic activity.

## Alternatives

Border policing is hugely expensive and largely ineffective, and produces substantial collateral harms including mass criminalization, violations of human rights, unnecessary deaths, the breakup of families, and racism and xenophobia. Unfortunately, both dominant political parties have embraced its expansion, whether as part of a system of restricted and managed legalization or as part of a fantasy of closing the border. Rather than debating how many additional Border Patrol agents to employ, we should instead move to largely de-police the border. Borders are inherently unjust and as Reece Jones points out in his book *Violent Borders*, they reproduce inequality, which is backed up by the violence of state actors and the indignity and danger of being forced to cross borders illegally.<sup>45</sup>

Until the Clinton administration, unauthorized cross-border migration was widespread, yet it did not lead to the collapse of the American economy or culture. In fact, in many ways it strengthened it, giving rise to new economic sectors, revitalizing long-abandoned urban neighborhoods, and better integrating the US into the global economy. When the EU lowered its internal borders, there were fears that organized crime would benefit, local cultures would be undermined, that mass migration would create economic chaos as poorer southern Europeans moved north. None of this happened. In fact, migration decreased as the EU began developing poorer areas within Europe as a way of producing greater economic and social stability.

We could do the same thing in North America, but instead have largely done the opposite. The North American Free Trade Agreement had devastating consequences for agricultural production in Mexico, displacing and impoverishing millions.<sup>46</sup> The end of state-subsidized corn farming in Oaxaca led to the collapse of the rural economy there, driving hundreds of thousands to attempt to migrate to the US. Similar processes are widespread in Mexico.<sup>47</sup> Drug-related violence that further contributes to the stream of migrants from Mexico and Central America is also directly related to historical and current interdiction efforts of the US War on Drugs.<sup>48</sup> By opening the doors to capital and goods but not people, we have created tremendous pressure to migrate. Instead, we should be opening the borders and working to develop the poorest parts of the United

States and Mexico. This would create economic and social stability and development that might reduce the extent of migration. The \$15 billion a year we spend now on border policing could go a long way toward that goal. It turns out that most people would rather stay in their own cultural setting than migrate if given the opportunity.

Ultimately, we must work toward developing a more internationalist ethos and analysis. The reality is that people in Central America and Mexico are poor partially because of US economic policies. By consistently subverting democracy, we have helped create the dreadful poverty in those places. In 2009, the US government backed a coup against the democratically elected left-wing government in Honduras. That government is now torturing, executing, and disappearing environmental and labor activists.<sup>49</sup> This was just the most recent in a long string of foreign direct and indirect interventions in the politics of Central America, including Ronald Reagan's backing of dictatorships in El Salvador and Guatemala as well as of the Contras' attempt to overthrow the leftist government in Nicaragua.

Once we understand migration as a global process driven in large part by the policies of our own government, we in the United States should feel obligated to end those practices and open our doors to those fleeing them. Migrants are human beings who are no better and no worse than Americans and should enjoy the same rights and opportunities. As the group Immigrant Movement International notes, migrants have as much right to international movement as "corporations and international elites"; "the only law deserving of our respect is an unprejudiced law, one that protects everyone, everywhere. No exclusions. No exceptions."<sup>50</sup> We should be working to improve the conditions where people come from and allowing them access to the opportunities we have. We cannot and should not rely on ever more intensive, violent, and oppressive border policing to manage problems that we ourselves helped create.

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