

Scenes From an Occupation

By Joseph Nevins

PALESTINIAN WALKS: FORAYS INTO A VANISHING LANDSCAPE

by Raja Shehadeh (Scribner, 2008), paperback, 224 pp., \$15

CROSSING WITH THE VIRGIN: STORIES FROM THE MIGRANT TRAIL

by Kathryn Ferguson, Norma A. Price, and Ted Parks (University of Arizona Press, 2010), paperback, 240 pp., \$17.95

THE DEATH OF JOSSELINE: IMMIGRATION STORIES FROM THE ARIZONA-MEXICO BORDERLANDS

by Margaret Regan (Beacon Press, 2010), paperback, 256 pp., \$15

MIGRA! A HISTORY OF THE U.S. BORDER PATROL

by Kelly Lytle Hernández (University of California Press, 2010), paperback, 336 pp., \$21.95

USING THE COURTS TO CONDEMN PART of Eloisa Tamez's land, the authorities put an 18-foot-high steel barrier in her backyard, a wall justified in the name of the political black hole called national security. In doing so, they effectively cut off access to the rest of the university professor's property. Her family has held legal title to the land, originally more than 10,000 acres in size, since 1767, long before the land-hungry state and its colonists arrived on the scene. Since then, various factors—settlers and local officials' legal chicanery, the distribution of subdivisions to heirs, and land sales—have shrunk it to a narrow, three-acre strip that extends from Tamez's house all the way to the internationally recognized boundary about one and a half miles away.

Although this saga sounds as if it could have taken place in occupied Palestine, the Tamez family actu-

ally hails from thousands of miles away—in the Rio Grande Valley, near Brownsville, Cameron County, Texas, along the U.S.-Mexico boundary. Like many of their neighbors, the Tamez family gained title to their property from Spanish colonial authorities, but their Lipan Apache ties to the area's land go back much farther. In the era of so-called Homeland Security, however, such roots mean little. As of January 2010, when the Tamez family was profiled in *The Texas Observer*, the federal government had seized land from 199 of the Tamez's fellow county residents and bulldozed some of their citrus orchards, in order to make room for new border barriers.¹ Such developments, predicted Margo Tamez, Eloisa's daughter, in testimony to the Organization of American States in 2008, will cut off Apache families from their sacred sites across the Rio Grande and undercut their ability to subsist on the land, forcing them to move elsewhere.²

Just as the Jewish-only settlements and what Israel calls the security fence are intended to inhibit mobility in Palestine, so, too, are the barriers that increasingly scar the U.S.-Mexico borderlands. In both settings, mere walking—and other forms of everyday mobility—can be threatening to the authorities who seek to control the land and to keep out those deemed permanent outsiders. This dynamic is vividly described by the lawyer and human rights activist Raja Shehadeh, a native of Ramallah, West Bank, in his *Palestinian Walks*. In this simultaneously beautiful, painful, and instructive book, Shehadeh recounts six long walks, or *sarhat* (the plural of the Arabic term *sarha*), which he describes as a kind of aimless wan-

dering, “not restricted by time and place,” in which a hiker goes “where his spirit takes him to nourish his soul and rejuvenate himself.” Not a term applicable to just any walk, a *sarha* “implies letting go,” he writes. “It’s a drug-free high, Palestinian style.”

In relating the walks, which took place in the West Bank between 1978 and 2006, Shehadeh movingly explores the splendor and power of the area's landscape and offers a sobering look at how Israel's occupation has tragically transformed it so as to deny basic dignity to the Palestinian population. A key goal is to try and “record how the land felt and looked before this calamity” with the “hope to preserve, at least in words, what has been lost forever.” Among what has been lost is open space and the right “simply to walk and savor what nature has to offer . . . without anger, fear or insecurity . . . without the fear of losing what they've come to love.” In the context of Israel's ongoing land theft, Shehadeh feels “like one who is told that he contracted a terminal disease,” with his time to live—to walk—“running out.”

Open space and the ability to simply walk are also increasingly under siege in the U.S.-Mexico borderlands, as compellingly illustrated by two recent collections of stories from the U.S.-Mexico borderlands—*Crossing With the Virgin*, co-authored by three members of the migrant humanitarian aid group Samaritans, Kathryn Ferguson, Norma A. Price, and Ted Parks; and *The Death of Josseline*, by the Tucson-based journalist Margaret Regan. Traversing the borderlands, these works make clear, is often a death-defying undertaking for those who enter the United States

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“illegally” from Mexico. The arduous terrain and other environmental factors, combined with the distances that must be traveled to circumvent the ever widening policing apparatus, lead many to perish before they reach their destination. With more than 2,000 migrant corpses recovered in southern Arizona alone since the late 1990s, death has become a way of life in the borderlands region, which Regan calls a “killing field.”

The names and stories of these human beings who meet their untimely demise in the borderlands are largely invisible in mainstream U.S. debate on immigration issues. They include Lucesia Domínguez Luna, who perished in the arms of her 15-year-old son, Jesús, as they tried to reach a husband and father living and working in the United States, and whose story Norma Price poignantly recounts; also among them is Josseline Jamileth Hernández Quinteros—a 15-year-old girl from El Salvador who died of hypothermia in southern Arizona while trying to unite with her family in Los Angeles—whose tragic plight Regan movingly narrates.

These deaths speak to the inherent flip side of “security” in a world of dramatic socio-economic inequalities. Security for those within requires insecurity for those defined as outside the sociopolitical-geographical boundaries of the planet’s relatively privileged portions, an insecurity produced by the very presence of the enforcement apparatus.

THE POLICING OF IMMIGRANTS and regulation of territorial boundaries in the United States are hardly new. Yet it was mostly individual states, not the federal government, that policed human mobility—of citizens and non-citizens alike—until the 1870s. At that time Washington began passing

laws restricting immigration on the basis of social, political, economic, and ethno-racial criteria. The 1882 Chinese Exclusion Act—together with successful efforts by Chinese migrants and their supporters to circumvent Exclusion-related controls by, among other means, entering through Canada and Mexico—led to the first policing of migrants along U.S. territorial boundaries.³

The novelty of the present is the extent and depth of the exclusion and control apparatus. The Border Patrol, now the federal government’s largest law enforcement body, for example, has grown massively since the 1990s: In 1994, the agency had roughly 4,200 agents; today it numbers about 21,000. During that time, the number of immigration detention beds grew from 5,000 to 33,000, manifested by a network of about 350 federal, county, and local facilities where the Department of Homeland Security jailed about 380,000 migrants in 2009, according to the Detention Watch Network. The most visible manifestations of this growth are in the U.S.-Mexico borderlands, where the length of walls, fences, and barriers have increased from a few dozen miles’ worth in the mid-1990s to more than 600 miles today. And it is in this region where about 18,000 of all Border Patrol agents are deployed.

The Southwest was not always the agency’s geographical focus, as Kelly Lytle Hernández reports in her insightful history of the Border Patrol, *Migra!*. In the early years of the agency (established in 1924), the Canadian and Mexican border regions were assigned roughly equal weight—at least as indicated by the allocation of officers. But such relative parity quickly disappeared as federal authorities began to focus the lion’s share of enforcement on the U.S.-Mexico divide and people of Mexican origin.

What explains this shift, among other factors, is that unlike the part of the United States that abuts Canada, all of the U.S. Southwest, except a small portion comprising southern Arizona and southwestern New Mexico, was gained through war (1846–48). (In 1853, Mexico surrendered that small portion, in a land-and people-grab euphemistically called the Gadsden Purchase, in response to Washington’s threats to militarily take the resource-rich territory.) And the region’s southern boundary divides two countries whose dominant ethno-cultural composition and socio-economic levels diverge profoundly. The associated differences have long facilitated Mexico’s role as a source of low-wage and disposable labor for the United States. Mainstream U.S. society has historically framed these as racial distinctions, with all the inequalities and injustices they inevitably entail.

While the intensity of fear and loathing has ebbed and flowed, low-income Mexicans, and Latinos more broadly, have long been represented as the embodied antipathy of all that is hegemonically perceived as good. What has changed are the labels attached to them—“Communist,” “illegal,” “criminal,” and “terrorist” among the most socially marginalizing—and the related ideological smokescreens used to legitimize their exclusion, one of the most powerful being “the rule of law,” which in this case provides ever fewer protections for those caught up in the endlessly widening web of policing. As one Border Patrol agent jokes to Regan, the U.S. Constitution has an “asterisk” for the border region. Whereas the Bill of Rights prohibits unreasonable searches and seizures, Regan explains, the Border Patrol can enter anyone’s land (but not buildings) within proximity of the international divide, and set

up checkpoints along roads to stop drivers—without probable cause.

The border zone is expanding, with the federal government now defining it as a 100-mile-wide strip that abuts the country's edges. This definitional generosity allows the Border Patrol to establish highway checkpoints near White River Junction, Vermont; to conduct sweeps in the Greyhound bus station in West Palm Beach, Florida; or to board east-west-bound passenger trains in Havre, Montana—creating a policing area that includes nearly two thirds of the U.S. population in what the American Civil Liberties Union calls a “Constitution-Free Zone.”⁴ For proponents of such “thickening,” the federal government’s perceived failure to prevent unauthorized migrants from entering or residing in the United States necessitates ever more intense enforcement of the country’s perimeter. It also compels growing policing of migrants within: The federal government has exiled millions of people since the mid-1990s—fiscal year 2010 saw a record 392,862 deportations—and thus the separation of hundreds of thousands of U.S. citizen children from one or more of their parents.


Still, the changes are most profoundly felt in the locales that abut the U.S.-Mexico divide—which, despite its violent origins and the fact that migrants have long faced myriad forms of violence negotiating passage, allowed for relatively fluid movement between U.S. border towns and the “twin” population centers in Mexico until fairly recently. Those days seem quite distant, given the overlapping wars on drugs, “illegals,” and terror waged in the borderlands—the Border Patrol today says that it focuses on “preventing terrorists and terrorists’ weapons, including weapons of mass destruction, from entering the United States,” according to its website.

It is in this context that the wall-building spree arrived in Eloisa Tamez’s backyard. “I feel like we live in an occupied zone now,” the 17-year military veteran told *The Texas Observer*. Onetime mayor of Douglas, Arizona, Ray Borane echoes this characterization in a quote from Regan. He describes Douglas as “an occupied town”—with 453 Border Patrol agents stationed there in 2000, an almost eightfold increase over 1994—while likening it to “a militarized zone.” Regan later cites Mike Wilson of the Tohono O’odham Nation, whose traditional lands are bisected by the international boundary, and who likens the Border Patrol on “the Rez” to “an occupying army.”

Speaking of the U.S.-Mexico borderlands more broadly, *Crossing With the Virgin* contributor Kathryn Ferguson describes the area as a “low-level war zone where there are men with guns—Border Patrol, National Guard, thieves, Minutemen, ranchers, hunters, helicopters, ATVs, horse patrols, and Humvees.” She later reports on a particular encounter: One night, while she and a friend drove northward from the international divide, stadium lights suddenly blinded them. They had encountered “a Border Patrol checkpoint, rigid-faced men with guns telling us to stop.” Despite being in southern Arizona, “I had to remind myself that this was my country,” she writes. “I was not in foreign occupied territory.”

IT IS EASY TO LABEL SUCH CHARACTERIZATIONS hyperbole. But to draw parallels between what transpires in the U.S.-Mexico borderlands and conventional cases of occupation—as in, say, Palestine—is not to assert sameness so much as it is to highlight significant paral-

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els. Most palpable is the systematic dehumanization they both involve, from depriving the indigenous populations of their resources and ways of life to the hunting down of human beings for the “crime” of entering national territory without sanction of the sovereign power.

The inhumanity is not always lost on its immediate producers. Lytle Hernández quotes from a 1978 interview with a Border Patrol agent: “If you look at the human aspects,” the agent said, referring to his work, “we are stopping starving people from coming in to work, [and] it is not pretty to look at.” Or as another agent explained in 2007, “It’s very hard to make this job look pretty. We’re fortunate enough to live in a country where there are lots of opportunities. And most of the people who we run into out here want to make that

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dream happen. Unfortunately, it's our job to stop that dream. That's what we do on an everyday basis."⁵

Israel has its own Border Police, whose duties include apprehending and expelling unauthorized workers who are often, but not exclusively, Palestinian. In a collection of testimonies of female soldiers who served in the occupied territories released in 2010, a Border Policewoman spoke with regret about her work enforcing the boundary between the West Bank and Israel proper: "In half an hour you can catch 30 people without any effort." As to what then happens to these "illegal aliens"—women, men, children, and elderly—she explained: "They would have them stand, and there's the well-known Border Guard song (in Arabic): 'One

hummus, one bean, I love the Border Guard'—they would make them sing this. Sing, and jump . . . and if one of them would laugh, or if they would decide someone was laughing, they would punch him." Such abuse, reportedly commonplace, "could go on for hours, depending on how bored [the guards] are."⁶

While all relatively wealthy countries stymie the hopes, dreams, and livelihoods of the unauthorized migrants they capture, it is the deeply rooted nature of the ties between the supposed "us" and "them" in the case of Mexico and the United States, and Palestine and Israel, that distinguish the practices of control and exclusion. And it is their overlapping historical and contemporary geographies—which defy simple notions of "here"

and "there," despite the efforts of the boundary makers—that raise pronounced ethical issues. In an overt sense, Israel's occupation is particularly harsh in policing mobility.

As part of its efforts to undermine Hamas and further its dispossession of the Palestinians by fragmenting their territory, Israel prohibits Gazans from pursuing university studies in the nominally Palestinian-governed West Bank, and has arrested and deported numerous students back to Gaza.⁷ At the same time, Israel seeks to control Gaza's perimeter, in part by widening it, and violently enforces its will. Israeli soldiers frequently fire on Palestinians, including children, scavenging for construction materials among the ruins created by Israel's January 2009 military assault on Gaza, for instance. In 2010, according to Save the Children, 26 such children were shot near the boundary with Israel, including 16 who were beyond the Israeli-imposed 328-yard no-go zone that extends into the Gaza Strip.⁸

Such levels of violence are not manifest in today's U.S.-Mexico borderlands—the worst of it having been carried out in the 1800s and early 1900s by U.S. and local authorities, as well as Anglo settlers, as they subjugated and dispossessed the Native and pre-conquest Mexican populations. Nonetheless, recent years have seen numerous incidents of U.S. authorities, like the Israelis, firing upon alleged rock throwers or shooting unarmed border-crossers. *Crossing With the Virgin* contributor Norma Price describes the autopsy of 16-year-old Juan de Jesús Rivera Cota, killed by a Border Patrol bullet in 2005, for instance. But, as is normal for situations in which the system of control is strongly institutionalized and thus largely invisible as violence—at least to those who

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embrace it—so, too, are the dominant expressions of injustice and the accompanying brutality, migrant deaths being the most obvious one.

Another is Operation Streamline. Begun in 2005, the now border-wide program (minus California) processes hundreds of apprehended Mexican border-crossers on a daily basis through the federal court system and convicts them of the misdemeanor of illegal entry. Upon pleading guilty (which they invariably do), defendants receive sentences of anywhere from time served to six months and then are formally deported, thus making it a felony if they return and making them liable for anywhere from two to 20 years in prison.

I witnessed this scene in a Tucson courthouse in March 2009 as a federal magistrate convicted the afternoon's 69 defendants, all with their hands chained to their waists and feet shackled. Afterward, the judge, a woman of Mexican descent born and raised in the border town of Nogales, Arizona, spoke to a group of university students visiting the courtroom. In response to a question about the program's effectiveness in dissuading would-be unauthorized migrants, she characterized it as a complete waste of resources. When asked why she continued to do such work, the judge explained that she had kids to put through college. She later described her hometown as "like occupied territory."

That the judge serves the very occupation she decries is unsurprising. It speaks to the contradictions and complexities that human beings embody, and is also a manifestation of how regimes of occupation can co-opt critics. To the extent that the regime has normalized the occupation—so much so that it is not visible as such—it additionally displays the success with which the oc-

cupiers have nationalized the mindsets of many: Today more than half of Border Patrol agents are Latinos, the vast majority from the border region. It thus also illustrates how the dispossession narrows the options for the land's inhabitants, the borderlands including some of the poorest areas of the United States, with socioeconomic indices for broad swaths of the Mexican-origin population especially dire. In the case of Palestinians, many perform construction jobs and labor in the very settlements in the West Bank and greater Jerusalem that exacerbate their plight.

In such contexts, the line between occupier and occupied, guard and policed, is often blurry at best: On January 10, U.S. authorities arrested Marcos Gerardo Manzano Jr., a Border Patrol agent, for allegedly harboring unauthorized immigrants at his home, one of them being his twice previously deported father. Some of his neighbors, almost all of whom are of Mexican descent, in the San Ysidro section of San Diego expressed sympathy for Manzano. "What could he do?" one neighbor was quoted as saying, adding in reference to Manzano's father: "He's family." For U.S. authorities, such allegiance is the core of the problem: "His loyalty to his father was stronger than the loyalty to the Border Patrol," one official stated condemningly, "and that's the sad reality of it."⁹

SUPPORTERS OF OCCUPATION REGIMES justify the injustice in various ways, one being the invocation of the rule of law established by the conquering power. In this regard, the original injustice of colonization is perpetuated and obscured by what historian Arno Mayer has called a "violence of conservation"—physical and institutional brutality deployed to counter,

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and made necessary by, the individuals and groups who resist the social order that was violently brought about by an earlier wrong (a "violence of foundation" for Meyer).¹⁰

A second justification of occupation invokes "might makes right": As one Israeli settler says to Shehadeh in defending his country's presence in what is, according to international law, Palestinian land: "There was a war and we won." His words made me recall a rally I witnessed in Los Angeles on July 4, 1997. The demonstrators were calling for a crack-down on unwanted immigration and for increased militarization of the U.S.-Mexico boundary. Among them was a woman carrying a sign directed at people of Mexican de-

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scent that read, “1848: You lost, we won. Get over it.”

What was lost to the pre-conquest populations and their descendants in both cases was not only land but, for those now cut off from territory to which they previously had access, all the associated rights, like the right to move, live, and work within the area. And for those members of the subjugated populations caught within the boundaries of the expanding entities or (in the U.S. case) who would later migrate to it, their rights in the new country would prove to be conditional and restricted. The theft was an inextricable part of the process to Americanize what is now the U.S. Southwest, and to make an Israel whose territory continues to expand.

What should give hope in the face of such injustices is that occupations

are by definition temporary—or at least they are supposed to be. The United States has the advantage over Israel of having its ill-gotten territory legitimated by an international treaty, albeit one effectively realized at gunpoint, while having a considerable amount of time to dispossess and discipline the indigenous and Mexican populations it inherited and establish effective control. As such, the U.S. “occupation” is seen—at home and abroad—as something else, and certainly not temporary (at least in the foreseeable term). Hence, the conquest truly seems past, at least to many. In the case of Palestine, by contrast, the past visibly lives on, thus the international outrage directed at Israel and the direct resistance by Palestinians living under occupation.

Nonetheless, the distinct perceptions of the two situations speak, perhaps, more to the conventional nature of our definitions of occupation than they do to the depth and significance of the differences between the two sites. While Raja Shehadeh is clearly preoccupied with occupation of a conventional sort, his conception and critique of occupation concern much larger matters. In his book’s last sarha, he encounters an Israeli settler—one of the hundreds of thousands of colonists he despises for “the aggressiveness of their intentions and behavior toward my land.” In addition to stealing land and wastefully devouring the area’s fragile water supply, the settlers are an integral part of the Israeli system of control that stymies mobility. Shehadeh does not hide his rage from the settler. Yet, at the same time, he is able to see a connection with the young man due to a shared attachment to, and respect for, the land.

“I love these hills no less than you,” the settler asserts in response to Shehadeh’s challenge. “I was raised here. The sights and smells of this land are a sacred part of me. This is my home.” Shehadeh accepts the settler’s invitation to join him in smoking a water pipe of hashish. While Shehadeh feels a certain discomfort—“I began to feel guilty at what I was doing, willingly, sharing these hills with this settler”—he also is able to see beyond the clash between occupied and occupier: “But then I thought: these are still my hills despite how things are turning out. But they also belong to whoever can appreciate them.”

Here becomes apparent Shehadeh’s full critique of occupation, and of the two-decade-old “peace process,” which has served to further Palestinian dispossession and render a two-state solution almost unimaginable, given the breadth and depth of



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Israel's presence in Palestine. What is at stake above all is how human beings behave toward the land and one another. In this sense, the problem is principally those who see the land as a blank canvas, one that they can carve up and fill without any regard for the flora, fauna, and physical landscape, and who show contempt for its human inhabitants and their ties to it.

In many ways, Shehadeh embraces practices that precede the very creation of the state of Israel. They include those of his paternal grandfather, a man who lived humbly in Ramallah while moving seasonally between the town and his fields in the nearby hills, and the semi-nomadic Bedouin, a people whose presence in the region goes back centuries. They had, Shehadeh writes, "a different vision of the land," one that "saw it as an integral whole." And then there are the Greek Orthodox monks who lead lives of contemplative seclusion in a centuries-old monastery near Jericho, an oasis of "tranquility and peace" where they do not "bother with the worldly events taking place outside their door." Shehadeh wants to draw "inspiration from this long tradition, and search for a tranquil place" where he "could take refuge and sit out the bad times" and nurse his "despair about Israel's unbridled power" as a "time comes when one has to accept reality, difficult as that might be, and find ways to live through it without losing one's self-esteem and principles."

By continuing to engage in the struggle to free the land, but in a way that goes beyond simple dichotomies of friend and foe and that embraces a belonging to something far beyond the here-and-now, Shehadeh leaves the reader with a vision that transcends the seemingly intractable conflict between Israelis and Palestinians. Acknowledging the land's perma-

nence and the transient nature of any human construct, Shehadeh allows for a peaceful and just coexistence for all who reside in, and have a selfless, love-like claim to the contested land between the Mediterranean and the Jordan River.

Today's U.S.-Mexico borderlands is also one of despair in many ways, but, like any place, it is also one riven with contradictions and instabilities. It is a region deformed by rapacious development, with threatened water supplies, the prospects of long-term drought exacerbated by climate change.¹¹ It is also one blanketed by a U.S. policing apparatus that harms the region's landscape, flora, and fauna. Yet countless migrants continue to challenge the regime of exclusion and overcome it to varying degrees.

As *Crossing With the Virgin* co-author Ted Parks insists, "The migrants will come as long as the forces are in place" that drive them. For these reasons and more, it is thus hard to imagine the settler status quo's long-term survival. However, given the growing intensity of occupation in the form of the ever hardening enforcement regime, it is also difficult to envision its end in the foreseeable term. Nonetheless that need not lead to an acquiescence to the unacceptable in the name of realism.

"Even if we take [unjust social arrangements] as givens for purposes of immediate action in a particular context," writes political theorist Joseph Carens, "we should not forget about our assessment of their fundamental character. Otherwise we wind up legitimating what should only be endured."¹² And given the fundamental character of the U.S.-Mexico borderlands, any just solution to the ongoing, multifaceted war there must challenge its foundational violence, and the contemporary manifestations of that violence.

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Perhaps a similar vision to that of Shehadeh provides the resources to enable us to carry on and to imagine and produce a world beyond occupation. It is a vision that respects the land's power and embraces its beauty, and allows for fluidity in terms of passage and residence. It also appreciates that the land will far outlast the relatively short lifespan of human conflicts and injustices, and will ultimately endure despite the associated destruction.

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