1. The militarization of the US–Mexico border in the twenty-first century and implications for human rights

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The US–Mexico border was gradually militarized by US authorities through immigration and drug enforcement during the last decades of the twentieth century (Dunn 1996, 2001). (Mexican authorities have also engaged in border militarization measures to varying degrees, about which Heyman discusses the contemporary features in this volume.) Border militarization emerged after decades of relatively subdued border enforcement during mid-century, though there was massive border militarization in the early twentieth century (Hernández 2010; Levario 2012). The target of this control has long been Mexicans and more recently Central Americans (and other Latinos), wherein Latino US citizens and migrants have intermingled and frequently been mistaken by the authorities. And the adverse human rights impacts have fallen on these groups as well, with citizens more able to challenge it (Dunn 2009). The border militarization process has greatly expanded in the first two decades of the twenty-first century as well.

Border militarization as a concept merits elaboration. I define militarization as police acting like the military and the military acting like police as well as their mutual collaboration and integration, particularly military involvement in domestic law enforcement and security matters (Dunn 1996, 2001). Though there are some important limitations on the domestic use of the US military – they are generally prohibited from arrest, search, and seizure activities – a wide range of other military support for police is allowed otherwise. And much of this has been pioneered in border enforcement before being allowed more widely elsewhere (Correa and Thomas 2018). More specifically, I focus on the use of military-style equipment by police bodies as well as the use and integration of military, paramilitary, and police and other security forces to control targeted civilian populations – all of which is part of US military doctrines. I also conceptualize a continuum of border militarization as a constructed typology based on US laws and actions dating back to 1982 through the 1990s, consisting of various forms and degrees of border militarization (Dunn 2001). This includes a broad array of military support for border law enforcement agencies (e.g., Border Patrol), from less to more severe, including: loaning or granting of military equipment, military construction and maintenance support, military troops providing training and advisors, military transport support, military aerial reconnaissance/surveillance, small-scale deployments of military ground troops near the border, integration of military and law enforcement efforts, large-scale military troop deployments near the border, and military troops granted authority to search, seize, and arrest civilians and property in the border region (generally prohibited for the military within the US with a few exceptions; see note 1). This process of US border militarization has now been exported abroad in a variety of settings within the US sphere of influence (Miller 2019a).
The dangers of border militarization were highlighted in the tragic 1997 shooting death of an innocent Mexican American teenager by US Marines in a rural area of border on a clandestine surveillance mission for the Border Patrol (Dunn 2001). This tragedy did significantly limit the use of armed ground troops on the border for several years, until after September 11, 2001. However, in the current century the border militarization has accelerated.

Several key concepts help us to better understand the broader implications of border militarization. One key theoretical idea is that powerful bureaucracies tend to undermine human rights, particularly those of disadvantaged groups, including most migrants, more often through malign neglect (i.e., structural violence) and sometimes repression (i.e., direct violence) (Sjoberg 1999). Bureaucracies (both governmental and corporate) are the chief organizational, structural means for exercising power in the modern world, and as such loom large in human rights problems, particularly as they often lack accountability, especially in their dealings with disadvantaged groups. At the same time, human agency can change bureaucratic structures, though this is an asymmetrical relationship weighted toward the latter (Sjoberg et al. 2001; Sjoberg 2009). This chapter is focused primarily on the bureaucratic structure element, but certainly migrants and many aid and solidarity workers exercise tremendous agency. And there is a clash in the main frameworks used for migrant rights, between the nation-state-bound citizenship framework and the international human rights view (Dunn 2009, 2014), with the former characterized by more enforcement power, and this is a more common if not dominant approach in immigration studies (e.g., see Nichols 2019; Nyers 2019; Diaz-Barriga and Dorsey 2020). Nonetheless, the rights of migrants as non-citizen border crossers fit better into the human rights perspective, and that is the view adopted in this chapter.

Another idea that aids our understanding of border militarization is that self-interested “political entrepreneurs have long constructed a political narrative of an ‘immigration threat,’” which has driven the ever-increasing border immigration enforcement militarization process (Massey et al. 2016). This is despite the fact that immigration poses no significant threat – neither economic (NAS 2016a) nor physical, nor terrorist (Schmitt et al. 2019) nor elevated crime (Horton 2018; NAS 2016b; Light and Miller 2018) – while increased border enforcement has had little of the intended impact on migration. Nonetheless, three important social actors have long projected xenophobic and racist fear onto border immigration, often in a sensationalistic manner as a “Latino threat,” to advance their own agendas – i.e., politicians to mobilize votes, media pundits to generate viewers and readers, and border enforcement bureaucrats to secure larger budgets (Massey et al. 2016). Trump obviously fits this, but with much more openly racist demagoguery (e.g., he declared Mexican migrants to be rapists and drug dealers during the 2015 announcement of his presidential campaign [Lee 2015] and has frequently characterized Central American migrants as violent criminals and dangerous gang members); however, the process predates him.

I have conducted most of my research on border militarization over more than three decades based largely on government documents and other reports and press, though I have also periodically conducted field research in the border region, at times very extensive as a years-long resident, and including many in-depth interviews, most recently in 2017. The remainder of the chapter is organized chronologically for the 2000s, with the key break point being the Bush and Obama administrations – which exhibited much continuity – versus the Trump administration and its more extreme measures.

While representing different political parties, the border enforcement policies of the Bush and Obama administrations share a good deal in common; the same bipartisan continuity in border militarization was present in the 1980s and 1990s as well (Dunn 1996). While there were some differences, they are relatively small compared to the more drastic expansion of border militarization under the Trump administration.

1.1 Equipment and Barriers

An enormous amount of sophisticated materials has been deployed to aid immigration enforcement along the US–Mexico border during the twenty-first century, fueled by ever expanding budgets, such that a Border Security Industrial Complex has emerged to provide them (Miller 2014), smaller and analogous to the massive Military Industrial Complex. This was fueled by explosive budget growth for the Customs and Border Protection (CBP) section of the Department of Homeland Security (DHS), which more than doubled from 2003 to 2016, reaching some $13.2 billion, while its Border Patrol unit nearly quadrupled to $3.8 billion from 2000 to 2016. The importance of this is underlined by research finding that an increase in military equipment has been found to increase police violence (Delehanty et al. 2017). The most obvious border enforcement measures in this regard are physical border barriers, such as fencing and walls. Though Trump has made this his signature issue, a great deal of this was built previously during the Bush and Obama administrations. Following the near unanimous passage of the “Secure Fence Act” in 2006, border fencing/wall was expanded nearly from approximately 100 miles to 700 miles (of the 1,900 mile border), approximately half of which was 10–15 feet high and the remainder lower-level vehicle barriers (Johnson 2015; see also Correa 2013; Maril 2011). This drastic fence expansion was very similar to that proposed in a 1993 report by Sandia National Laboratory at Kirkland Air Force base in Albuquerque, part of the nation’s weapons security system (Nevins and Dunn 2008).

Accompanying the expansion in physical fencing/wall was a similar expansion of a “virtual wall” of electronic surveillance, most based on military-related technology. By 2015 this included ten military-grade (though unarmed) predator drones/unmanned aerial systems for surveillance (Munsil 2015), and some 119 other aircraft (including dozens of military-grade helicopters). A host of land-based surveillance systems drawing on the same type of specialized security technology often used by US military forces was also deployed on the border (some of which was military surplus, granted to the Border Patrol) – including some 11,863 underground sensors, 272 remote video surveillance systems (fixed to towers, etc.), 179 mobile video surveillance systems (Johnson 2015), 195 local video surveillance systems, and 261 Forward Looking Infrared Radars (Miller 2014: 39). The DHS attempted to construct an even more sophisticated, comprehensive “virtual wall” of near total border surveillance, termed the Secure Border Initiative (SBI), headed by the Boeing corporation, a leading military contractor. However, this failed to perform adequately and was discontinued in 2011, but a similar attempt was resumed in 2014 with the Israeli military surveillance corporation Elbit and continues into the present. Another obvious militaristic form of equipment used by the Border Patrol is some 16,000 M4 rifles, the same model widely used by the US military, which are essentially standard issue for most field agents (Chiaramonte 2014) along with side arms/pistols. Prior to 2000 M4 (or also M16 rifles) were not so widely issued to agents. The use of
military rifles has been justified by the use of similar arms by Mexican drug smugglers in the border region; nonetheless, Border Patrol agents have long generally experienced far fewer assaults and agent deaths than do regular state and local police in the US (Frey 2013; Ortega 2018), as their principal focus is on typically non-resisting migrants. This use and sharing of military equipment by police agencies has become more visible and controversial in episodes of militarized police facing protestors in recent years, though its border roots go back to the early 1980s (Correa and Thomas 2018).  

1.2 Strategy and Tactics

During the 2000–2016 period border enforcement strategy and tactics became increasingly militarized, particularly after 9/11, although there was much continuity also with measures adopted during the 1990s (Dunn 2001, 2009). The primary strategy remained the Border Patrol’s “prevention through deterrence” strategy, begun in 1994 (pioneered in El Paso, Texas in 1993) in the Border Patrol’s first formal national strategy, written with the assistance of the Pentagon’s Center for Low-Intensity Conflict (Dunn 1996, 2009; Andreas 2009). It consists of massing enforcement resources (agents, fencing, lighting, etc.) in border urban areas to deter (or greatly reduce) unauthorized immigration in these traditional and most convenient crossing areas (Maril 2004; Andreas 2009; Dunn 2009; Nevins 2010; Rosas 2012; De León 2015). Unauthorized border crossers were diverted to more difficult and dangerous rural border sections of deserts, mountains, and brush lands – with the thought that these “natural barriers” would reduce crossing (Dunn 2009; Nevins 2010; De León 2015). However, these measures did not reduce unauthorized crossing but only pushed it out of sight and also greatly increased the hardships and deaths of border crossers, roughly doubling annual bodies recovered to 300–500 per year, and especially focused in the desert of Southern Arizona, with untold more bodies unrecovered (De León 2015). This selective “prevention through deterrence” doctrine remained the principal approach in the 2004 Border Patrol National Strategy, though with a new post-9/11 focus “[T]he Border Patrol has as its primary mission preventing terrorists and terrorist weapons from entering the United States” (Border Patrol 2004: 2). However, this would be accomplished mainly by focusing on unauthorized immigrants and their smugglers, and narcotics and other contraband, as these were seen as means for terrorist entry as well. As a part of this, the Border Patrol strategy came to focus more on Transnational Criminal Organizations (TCOs) involved in the smuggling of people, drugs, and other contraband (Border Patrol 2012), to which the “prevention through deterrence” strategy forced nearly all unauthorized migrants to turn for assistance in the now more difficult crossing process. While the Border Patrol likes to highlight its efforts against drug trafficking, it is important to note that its efforts are relatively modest, as 80–90 percent of drugs (except marijuana, the least dangerous and increasingly legal) seized near the border during recent years were discovered at official ports of entry (POEs)/crossing stations, not between POEs where the Border Patrol is the principal enforcement body (Isacson 2019a).

The selective “prevention through deterrence” strategy was supplemented with a new “Consequence Delivery System” (CDS) approach (Border Patrol 2012), which began in 2005 along the Arizona section of the border with the increasing formal criminal prosecution of unauthorized border crossers and jail time, a major departure from past practices. By 2016 the CDS was operating along the entire border and was the main enforcement tactic (Slack 2019), placing deported migrants at serious risk from escalating drug cartel violence on the Mexican
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side of the border (Slack 2019). At the same time, the “prevention through deterrence” strategy also remained in place, though the Border Patrol also emphasized “managing risks” and “mobile response” based on intelligence about various “threats” (Border Patrol 2012). The Border Patrol also maintained a Special Coordination Center acting as a liaison with the Department of Defense and its Joint Task Force–North (JTF–N), with both units located on a border military base, Fort Bliss, in El Paso, Texas (Border Patrol 2012).

The other primary strategy that was greatly expanded during the 2000–2016 period was the supplemental use of the military to assist the Border Patrol primarily in immigration enforcement – a more obvious, direct form of border militarization. There were two primary vehicles for this, the previously noted JTF–N border military unit and two relatively large-scale (up to 6,000 troops) National Guard deployments for immigration enforcement: “Operation Jumpstart” from 2006 to 2008 and the smaller scale “Operation Phalanx” from 2010 to 2016 (Sliney 2016). JTF–N was formed in 2004 with a mission to support law enforcement agencies in the interdiction and disruption of “suspected transnational threats” such as “international terrorism, narco-trafficking, [and] alien smuggling” as well as “transnational criminal organizations” (JTF–N 2015). This mission is nearly identical to the Border Patrol’s, which is the main law enforcement body with whom JFT-N worked, though data is limited due to the national security nature of the work. However, by 2015 JTF–N had completed over 6,000 missions since 1989 when its predecessor was formed, Joint Task Force–6 (JTF–6) (JTF–N 2015) – an average of 230 missions per year, though at a slower pace since 2000. The range of mission operations was quite vast, some 33 types of activities spread across four broad categories (JTF–N 2015):

1. Operational Support – including aerial reconnaissance and surveillance, ground surveil-
lance and Listening Post/Observation Post [the latter involving deployment of armed
ground troops],
2. Intelligence Support – mainly threat assessment and analysis,
3. Engineering Support on southwest border – mainly construction of barriers and roads,
4. General Support – mainly Mobile Training Teams of soldiers to teach everything from
interview techniques to mission planning to tactical operations and marksmanship as well
as “threat mitigation.”

The Operational Support is the arguably most militaristic type offered to the Border Patrol by JTF–N, and constituted some 53 percent of their missions for 2011 (GAO 2011: 22).

However, the controversy surrounding a tragic 1997 shooting of an innocent 18-year-old, Esequiel Hernandez, in rural Redford, Texas (on the Rio Grande boundary area) by a US Marine on a JTF–6 covert Listening post/Observation post mission for the Border Patrol did somewhat restrict the use of armed ground troops along the border. The Pentagon suspended such for nearly two years after the incident and resumed them with closer supervision (Dunn 2001). As of 2011 they no longer allowed armed mobile patrols, but rather stationary and unarmed ground deployments (GAO 2011: 27). Other deployments, such as National Guard troops, however, were armed.

Nonetheless, by 2004 with the formation of JTF–N, the military resumed the use of ground forces along the border and now to explicitly aid immigration enforcement, as well as the previous focus on only drug enforcement (Dunn 2009). This included several hundred members of Army Stryker armored vehicle units (tank-like armored personnel carriers with heavy machine guns and sophisticated surveillance equipment) in the New Mexico/Arizona
border area on at least three occasions from 2010 to 2013 (Isacson and Meyer 2012: 24–25; JTF–N 2015). In addition, a great deal of other less obvious military assistance has also gone on over the years across all the four types of support categories (particularly engineering and construction), with JTF–N typically having some 300–750 troops engaged in a wide range of support activities along the border at any one time.

The other principal strategy using the military has been the relatively large-scale deployment of National Guard troops to aid the Border Patrol in “Operation Jumpstart” from 2006 to 2008 and “Operation Phalanx” from 2010 to 2016. The first entailed the deployment of some 6,000 Guard troops and second some 1,200 and eventually decreased that to 300. Their main activities were to provide help with border surveillance (ground and aerial) as well as support roles behind the scenes such as maintenance and intelligence analysis (Dunn 2009: 218–219, 225–227; GAO 2011, Sliney 2016; National Border Patrol Council 2016). This was the first deployment of military troops explicitly designated to aid in immigration enforcement (rather than drugs, terrorism, or TCOs), and they aided in the apprehension of nearly 200,000 unauthorized immigrants. This was the largest deployment of military troops on the border by the US since the Mexican revolution, 90 years earlier, and resonated with the growing anti-immigration sentiment nationally. Both operations were intended as stop-gap measures to boost the Border Patrol while the unit was rapidly expanded from approximately 10,000 agents to 20,000, with special preference for military veterans (many returning from wars in the Middle East).

At the state level, Texas undertook a unique effort starting in 2006 through at least 2017 to direct a portion of the state’s Department of Public Safety (DPS, like State Police) to patrol the border with military equipment and agents armed with military-grade weapons (M16 rifles, 30 caliber machine guns, and the like), from helicopter patrols to armored river boat patrols. The governor also ordered 1,000 Texas National Guard troops to the border to aid this effort. The rationale for this extreme approach was to meet the supposed threats of drugs and terrorism on the border (Del Bosque 2015; Sliney 2016). The border was treated as a “war zone,” a fear fueled by increasing drug gang violence in northern Mexico, despite the fact that the violence has stayed on the Mexican side of the border, US border cities have some of the lowest violent crime rates in the country, and crime dropped 33 percent from 2009 to 2014 in the 12 border counties in South Texas (Rosenthal and Collette 2015). And bi-annual Texas state spending on border security doubled to some $800 million for 2016–2017 to “take down [border] crime cartels” (Kauffman 2015). This militarized approach at the state level led to a tragic incident in October 2012 in which a DPS officer accidentally killed two unauthorized immigrants from Guatemala. The officer fired 18 high-powered rifle shots from a helicopter into the bed of a fleeing pick-up truck, which he thought contained drugs but turned out to hold a group of unauthorized immigrants (Del Bosque 2015).

Beyond government efforts, small private border militia vigilante groups emerged in the 2005–2006 period to monitor the border against immigrants, drug cartels and potential terrorists (Doty 2009; Shapira 2013). These non-state actors saw themselves as supporting and supplementing the supposedly under-staffed Border Patrol – and its state-led militarization – and many agents were sympathetic. The border militias were not large but more so symbolic performances amplified by the media that helped shape US immigration policy debates, though with some tragic results, and they largely disappeared by 2015. They made a comeback during the Trump administration, however, though remained small in number.
It is important to recall the Border Patrol was the principal recipient of all of this border military (and militia) assistance, typically working in tandem and with close coordination with elements of the military. In addition, the Border Patrol considers itself a paramilitary force, something distinct from typical police units, as noted by a former agent (see Cantú 2018). And within it there are specialized more obviously militarized units, such as its Mobile Response Teams and Special Operations Group. Further, the unit had at least ten “forward operating bases” – a military tactic in wars in Middle East and elsewhere – among remote stretches of the border in New Mexico and Arizona and hoped to expand them (Santos 2015; Miller 2014).

Also noteworthy is that this massively expanded militarized border enforcement had little effect on unauthorized migration. While Border Patrol apprehensions fell sharply (roughly 60–70 percent) from the early 2000s to 2016, as noted earlier Massey and colleagues (2016) determined that the massive increase in border enforcement had little effect. Instead it was more affected by economic factors (e.g., recession and falling labor demand), demographic shifts (falling Mexican birthrates), and the proliferation of temporary worker visas for Mexicans (growing from some 100,000 to nearly 850,000 per year during this period). Further, the much increased and expensive formal criminal prosecution of unauthorized border crossers had only a very limited deterrent effect (Martinez et al. 2018). Meanwhile, starting in 2014 the now reduced unauthorized migration shifted to become a majority Central American issue for the first time, mostly refugees fleeing violence, including many children, who willingly turned themselves in to Border Patrol so they could apply for asylum. While overwhelming in a few areas, this was largely unaffected by border enforcement resources, but more so required social services. This refugee influx receded from 2015 to 2018, before a large increase in 2019 and much expanded border militarization.

2. THE TRUMP PERIOD, 2017–2020

The Trump administration with its hyperbolically racist view of migrants as extremely dangerous (even calling them “animals”) has greatly amplified and expanded the pre-existing border militarization process, as much escalated and purposefully harsh and cruel border immigration enforcement has become a signature political issue for Trump, particularly the proposal to build a 30-foot-high wall for the entire 1,900 mile border. This was fueled in part with increased budgets for the CBP section of DHS and its Border Patrol unit, as their budgets rose approximately 25 percent over the first three years of the Trump administration, reaching $17.1 billion and $4.8 billion, respectively. While the border wall proposal has consistently been opposed by a majority of the public, including in border states such as Texas, and congress has consistently refused to fund it, the Trump administration has pushed ahead on the project (by using “emergency powers” to transfer funds from the Pentagon budget to the wall). By early 2020, the administration had constructed only 101 miles of new wall barriers, but very optimistically pledged to have some 450 miles completed by the end of the year, and has allocated some $18.4 billion, theoretically enough for 885 miles of border wall (Miroff 2020). Trump initially proposed a 30-foot-high concrete wall, but designs have shifted to 25-foot-high steel bollards (thick poles) placed very close together, which allow agents to see activity on the other side of the border, topped by five feet of thin, solid steel (to deter climbers), and with razor wire in some locations. This entire wall construction process, dating back to previous administrations but now much expanded, has been actively challenged for years by...
local activists and land owners, especially in South Texas, and particularly Hispanic residents (Díaz-Barriga and Dorsey 2020). Thus far, the wall has proven vulnerable to numerous efforts to cut holes to allow entry, and many climb it (some with ladders) – a practice that caused 64 cranial or spinal injuries from falls from the border wall/fence recorded by one border region Arizona hospital over five years through 2017 (Ramey et al. 2019).

Beyond the much-hyped border wall, the “virtual wall” of surveillance devices continues to be developed, as the Border Patrol has continued to acquire and deploy ever more sophisticated high-tech surveillance in the border region. The Elbit Corporation (Israel’s largest military contractor) has continued to deploy an array of more advanced surveillance technology (cameras, radars, sensors, etc. tied to a specific tower) for the Border Patrol particularly in the Arizona section of the border region, and hopes to one day provide surveillance coverage for the entirety of the southern and northern land borders as well as ports and harbors along the coasts (Parrish 2019). Another technology long deployed but refined and advanced is the blimp-like (large balloon) aerostat outfitted with radar and posted along the border for aerial and ground surveillance, but it is limited in bad weather. All told a host of major security- and military-focused corporations competed for $5.6 billion in equipment and technology contracts from CBP (the Border Patrol’s parent agency) during 2017–2018, approximately the same level for the prior decade, as the Border Security Complex continues unabated (Miller 2019b).

The border wall and plethora of expanded border surveillance equipment are a key feature of the Border Patrol’s 2020 strategy as they expand their “zone of security” and strive to gain “Operational Control” of the border (Border Patrol 2020a). Much like previous versions, the highest priority is to prevent terrorism and the activities of “Transnational Criminal Organizations” engaged in various forms of smuggling (drugs and migrants). Beyond the physical barriers and hardware, the strategy is to “Strengthen Impedance and Denial,” which means “Deterring cross-border illicit activity” (Border Patrol 2020a: 8) – i.e., essentially the same “prevention through deterrence” strategy in place since 1994, which in practice has not prevented illegal entry so much as push it out of urban areas and into more dangerous, remote desert and brush country areas and led to increased migrant costs, risks, injuries, and deaths. Another returning element from the 2012 strategy is an emphasis on supporting the “Consequence Delivery” system through “Detention and Prosecution Support” for partner agencies to discourage illegal entry via criminal prosecution and legal sanctions (jail time) for unauthorized border migrants (Border Patrol 2020a: 9). This is to be further buttressed by a “layered approach” of enforcement and “tactical mobility” throughout the border region, not only near the border.

The Border Patrol’s strategy is largely a rehashing of its previous doctrine, but the Trump administration came into office with a particularly punitive view toward immigration and laid out a number of harsh, unprecedented measures right away, including several directly related to the border (in addition to the wall). Their strategy was laid out in a January 2017 memo from the Secretary of Homeland Security (the parent agency of the Border Patrol and other immigration enforcement units), himself a retired army general, and much of this has since been implemented. Many of the 16 key measures presented focused on expanded detention in the border region and more aggressive criminal prosecutions, deportations, and other removals of migrants, including of refugees to contiguous countries on their transit route – i.e., Mexico (as they awaited US decisions on their request for asylum) – with a special focus on unaccompanied minors (mainly Central Americans). Most relevant for border enforcement, beyond the
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wall expansion, was a call to increase the size of Border Patrol by 5,000 additional agents (to approximately 25,000 agents) as well as the expansion of the granting of federal immigration enforcement authority to state and local police agencies in border states (DHS 2017b) – which is otherwise handled by federal police typically, though there are many exceptions.

A much more extreme border militarization measure was proposed in an earlier draft of the DHS memo, to authorize “members of the State National Guard [in border states and adjacent states] … to perform functions of an immigration officer in relation to the investigation, apprehension, and detention of aliens in the United States” (DHS 2017a). This would have provided up to 100,000 National Guard troops to round up unauthorized immigrants in border states (Burke 2017). While this was removed from the final memo, it does provide a view of what key Trump policy makers desired to do, namely an unprecedented level of border militarization that very likely would have been directed at people of Latino appearance as suspected immigrants, who are the vast majority of the border region’s residents and overwhelmingly US citizens.

A year later in the spring of 2018 the Trump administration began to deploy up to 4,000 National Guard soldiers to aid border enforcement, with duties very similar to prior similar National Guard border deployments under the Bush and Obama administrations, discussed previously – i.e., ground and aerial surveillance, construction, maintenance support, intelligence analysis, etc. This deployment occurred despite historically low levels of Border Patrol apprehensions of unauthorized border crossers in 2017 and slightly elevated but continuing low levels in 2018. However, it was part of a series of escalated harsh measures implemented in the border region in 2018, the most notorious of which was the family separation policy and drastic increase in migrant detention (discussed below).

In the fall of 2018 the Trump administration, just days before the mid-term congressional election, announced the deployment of up to 15,000 military troops, including active duty forces, on the US–Mexico border in response to caravans of several thousand Central Americans headed through Mexico to the border, which Trump portrayed in alarmist terms as threatening criminals and some sort of invasion (Sonne and Ryan 2018). This was dubbed “Operation Faithful Patriot,” and ultimately led to approximately 6,000 active duty troops deployed along the border, but there was relatively little for them to do as a mass influx of migrants failed to materialize and they are prohibited from the most direct law enforcement (arrest, search, and seizure), as noted previously. However, active duty troops did set up 25 miles of dangerous razor wire on border fencing and walls. At the same time, there were several thousand National Guard troops on the border as well, making for approximately 8,000 to 10,000 troops deployed, though many of the active duty troops were removed in less than two months. Critics ridiculed it as an expensive, media attention stunt to turn the election in Trump’s favor, but if so it failed, as his party lost dozens of seats and control of one House of Congress.

Nonetheless, it marked a period of increased military deployment along the border of 5,000–7,000 troops (active duty and National Guard combined) at any one time throughout 2019 and 2020. Much of this activity is similar to missions dating back nearly 30 years, discussed previously. However, a 2019 briefing by the commander of Northcom, the parent unit of the military’s border coordinating unit, JTF–N, sheds new light on the military efforts to support the Border Patrol. At that point, JTF–N was overseeing some 2,500 troops engaged in 155 missions in the border region, primarily for the Border Patrol. Nearly all entailed some sort of ground surveillance, such as mobile surveillance camera units. Further, as a part of its
“threat fusion running estimate” the military was monitoring and alert to not only criminal activity but also “Protests/Anarchists” and “Unregulated Militias” vigilante groups (US Army Northcom 2019: 7). Among the former the briefing specified were groups protesting the detention of children and families, including religious groups – i.e., legal activity protected by the constitution. To have the military engaged in monitoring such protest groups is extremely troubling, and certainly seems to come close to violating legal guidelines. By April 2020 the Trump administration was considering replacing the 2,500 active duty troops on the border with National Guard forces (Brown 2020).

As noted previously these border military deployments were part of a larger array of extremely punitive measures to restrict immigration from 2018 onward. Inadmissible entries and apprehensions more than doubled from 2018 reaching some 850,000 in 2019, but dropped sharply in the first six months of fiscal year 2020. During this period, the detention of migrants grew enormously and in a variety of locations (official detention centers, contract temporary facilities, child detention centers, family detention centers, etc.). At one time, some 4,000 children were held in tents in a temporary detention center in the desert near El Paso, and the government and its contractors held a record-level 70,000 children in total nationwide during 2019. The Border Patrol’s role was primarily apprehension and transportation of unauthorized immigrants as well as those legally applying for political asylum, as there was a large influx of mainly Central American asylum seekers, mostly families and children. The Border Patrol wound up detaining far more people (many times their designed capacity, such as 50 people per room with one toilet) for far longer (months in some cases) in their temporary holding cells designed to hold people for a few days at most (Romero et al. 2019; OIG 2019). They even failed to provide soap and adequate food, claiming legal requirements to keep detained children in “safe and sanitary” conditions did not specify such items (Flynn 2019). This cruelty was intentional to deter further migration, and at least six children died (accidently or through negligence) in Border Patrol custody and several more in other detention settings from 2019 to 2020. Another move that caused massive outrage and protest was a draconian policy for several months in mid-2018 of family separation of children from parents and other adult family members, though it started earlier in 2017 and has since continued at a smaller scale, and which led to the infamous “kids in cages” in temporary detention centers and left untold thousands of families separated (most eventually reunited) (GAO 2020). The military was called upon to develop plans to hold up to 20,000 migrant families and children in the border region (McLaughlin 2018), but thus far has not been called upon to implement it. It is important to note border detention conditions under the Obama administration were also terrible and very overcrowded at times (and they even used a military base to briefly house and detain some child migrants, supervised by the Department of Health and Human Services). However, conditions have generally been much worse under the Trump administration and often made intentionally so by policy makers.

3. HUMAN RIGHTS IMPLICATIONS

Obviously, many of these border militarization and related enforcement actions entail a wide range of human rights abuses, some already noted (such as the horrid detention conditions). However, at least two additional features merit at least brief elaboration. The first is that border immigration enforcement has long been directed with little meaningful oversight and
accountability, and not only toward immigrants but Latino residents suspected of being such, the vast majority of whom are citizens and legal residents, and has included the structural violence of substantial denials of due process and reduced access to basic rights. This constitutes long-running ethnic–racial profiling, which the federal government allows in border immigration enforcement, and also includes several state-level laws (in Arizona and Texas) that compel state and local police to engage in immigration questioning of suspects, again nearly always Latino, and collaborate with federal immigration enforcement. This is structural “legal violence” (Menjívar and Abrego 2012) and it has long also been accompanied by significant (typically extralegal) direct violence, such as a long history of questionable shooting and other deaths of suspects, including 33 deaths from 2010 to 2015 but only one criminal charge of an agent (Santos 2015) (later found not-guilty). In addition, a ground-breaking random survey of recently deported migrants in six Mexican border cities found that 11 percent reported being physically abused by US immigration authorities, mainly Border Patrol, and much higher proportions reported verbal abuse, lack of food, and lack of medical attention when needed (Slack et al. 2018).

The second big human rights issue is the structural violence of the never-ending deaths of unauthorized border crossers pushed by “prevention through deterrence” Border Patrol enforcement efforts to more remote, dangerous desert crossing areas (Martinez et al. 2014; De León 2015), with 250 to 500 human remains recovered annually through 2019 (Border Patrol 2019, 2020b), and untold thousands of others never recovered in the high traffic, dangerous rural deserts and dry brush country (De León 2015; Boyce et al. 2019). The American Public Health Association (APHA) in 2009 designated these mounting border crosser deaths as a formal “public health crisis” and called upon the Border Patrol to adopt “strategies that do not endanger the lives and health of migrants (APHA 2009). Activist groups have challenged these human rights crises for years, putting the Border Patrol on the defensive, and have won a few legal cases, but they continue nonetheless. During recent years the Trump administration has stepped up legal repression of such activists by prosecuting (for the first time in more than a decade) several humanitarian aid volunteers for providing assistance to unauthorized migrants crossing the dangerous deserts of Southern Arizona – while leaving private militia groups unmolested for their vigilante efforts – though the most high profile, felony case ended in acquittal for the accused.

Other more drastic human rights abuses have stemmed from the hyping by Trump and other conservative politicians and conservative media of the border as a site of “invasion” by immigrants falsely portrayed as overwhelmingly dangerous criminals. These alarmist portrayals led to two massacres by racist anti-immigrant murderers: one of 12 people at a Pittsburgh, PA synagogue in October 2018 (because of their supposed role in aiding refugees headed to the border that President Trump was villainizing) and another of 23 Latino people (US and Mexican citizens) at an El Paso, Texas store in August of 2019 by a white supremacist trying to prevent a “Hispanic invasion” of Texas (in a region where Hispanics have been the majority since before the establishment of the border in 1848).

Finally, in contrast to these tragedies and abuses, it should be noted that local migrant assistance groups in the border region during 2018–2019 undertook exceptional heroic efforts, especially in El Paso, Texas, and the Lower Rio Grande Valley of Texas, to house, feed, and otherwise assist tens of thousands of migrants dumped on their community streets after border enforcement authorities eventually released many from detention, often overwhelming predominantly low-income local communities (Isacson 2019b). And in contrast to the massively
funded border enforcement agencies, no migrants have died in the volunteer humanitarian aid efforts despite the exhaustion (and secondary traumatization) and much fewer resources of those aid groups.

4. CONCLUSION

Border militarization has a long trajectory in the contemporary era, decades prior to Trump’s bombastically xenophobic, openly racist escalations. While it began in earnest in the 1980s and expanded notably during the 1990s, both the Bush and Obama administrations (2001–2016) each further deepened border militarization by doubling the paramilitary Border Patrol, increasing its use of much sophisticated military technology and equipment (e.g., the “virtual wall” of surveillance equipment) as well as some less sophisticated (e.g., 700 miles of new border fencing/wall). Most notably, the Bush and Obama administrations both established the use of military forces along the border explicitly for immigration enforcement – in the Bush case up to 6,000 National Guard reserve troops. Previously military troops were technically only allowed to assist in border drug enforcement (generally with the Border Patrol), though in practice this typically aided immigration enforcement as a “side benefit.” Both administrations pursued a legislative strategy for “comprehensive immigration reform” that proposed large-scale legalization programs for millions of undocumented immigrants residing in the US and expanded temporary worker visas in exchange for increased enforcement, especially border enforcement – e.g., the Obama administration backed a “compromise” that included $40 billion for border enforcement and another doubling of the Border Patrol to 40,000 agents. Both administrations failed to achieve the former (legalization and visas, though some of the latter), but they did both massively increase border enforcement resources and militarization.

Consequently the Trump administration inherited a massive border militarization apparatus, which was overwhelmingly aimed at Mexican and Central American immigrants – as well as US legal residents and citizens who might appear to be such (i.e., Latinos in the border region). Trump is an openly racist “political entrepreneur” who seized upon these powerful bureaucratic tools in implementing intentionally crueler, more openly xenophobic and racist immigration policies, particularly in the border region. This was based on Trump’s fearful and false political framing of Mexican and Central immigrants as dangerous criminal invaders (e.g., claiming most were rapists, drug dealers, violent gang members, etc.). This approach helped him win the presidency, amplified by conservative (and sometimes mainstream) media in often dramatic fashion in their quest for viewers, and has been opportunistically used by border enforcement agency bureaucrats to secure more resources – the same tri-part constellation of politician–media–border bureaucrat that has driven escalated border militarization for decades (Massey et al. 2016), only now in more exaggeratedly racist fashion. Thus the Trump administration escalated the already existing border militarization process, most notably by proposing and beginning to build a much higher, more imposing border wall to eventually run the entire 1,900 mile length of the border, as well as continuing to expand the “virtual wall” of surveillance. The most extreme militarization, however, has been the deployment of up to 10,000 military troops along the border in 2018–2020, a majority of whom since late 2018 have been active duty forces supplemented by National Guard reserve forces, with upwards of 5,000 still in place as of mid-2020.
Two of the only remaining more extreme features of border militarization that have yet to be breached are (1) an even more massive deployment (e.g., tens of thousands) of troops to face the supposed (non-physical) threat of migrants at the border, and (2) the use of military troops in arrest, search, and seizure activities (legally prohibited for active duty troops outside mass civil unrest, but allowed for National Guard reserve troops). The latter is a key feature of authoritarian regimes and was briefly raised by Trump in June 2020, in response to massive largely peaceful (though with some violence against property) protests throughout the US against police violence against African Americans, but the current military leadership and many former military leaders have decidedly disagreed. In the meantime, state governors called up several thousand National Guard troops to help police.

The increasing use of the military during recent decades in border law enforcement against civilians has arguably paved the way for military involvement in civilian law enforcement more generally outside the border region. What was directed against the migrant “Other”/“Latino threat” in the border region (Massey et al. 2016) can be turned on US citizens in the interior, particularly racial and ethnic minorities (and to some extent has been by militarized police for years—see Kraska 2007; Balko 2013; Schrader 2019). This was made easier by the fact that migrants generally lack many rights in the dominant and more enforceable citizenship rights framework tied to the nation-state, resulting in less accountability and oversight of border police and militarization. Thus agents of bureaucratic power structures could treat migrants with less concern in a coercive border militarization immigration enforcement system laden with both substantial structural violence and significant direct violence (e.g., strategies that pushed unauthorized crossers into more dangerous desert crossings with increased injuries and mortalities, making asylum claims nearly impossible at the border, intentionally separating parent and child migrants, intentionally detaining them in horrifically overcrowded, dangerous conditions, otherwise physically abusing or mistreating migrants, etc.). Now some of those same militarization tools are being used (more widely) in civilian law enforcement in the interior (by militarized police and several thousand National Guard troops, and active duty troops perhaps) against citizens protesting racist police violence.10

In contrast, the international human rights framework views all people, citizens and migrants, as having basic civil, political, social, and economic rights. While these are much less enforceable than those in the more dominant citizenship framework commonly used to frame immigration studies (e.g., see Nichols 2019; Nyers 2019; Díaz-Barriga and Dorsey 2020), they do provide disadvantaged and repressed groups a well-recognized, non-nation-state-dependent moral basis for making claims against unjust bureaucratic power structures (state and corporate) to achieve fair, humane treatment and recognition (Sjoberg 1999, 2009; Sjoberg et al. 2001). As such this enables further human agency versus what is often overwhelming organizational and state power. Thus the tensions, injustice, and violence present in border militarization of immigration enforcement highlights the clash of the citizenship–national sovereignty view of rights versus the international human rights perspective (Dunn 2009, 2014). While less enforceable, the latter is an important, adaptable means for human agents to promote human dignity and fair, just treatment for all, citizens and migrants alike and not only in border regions, by powerful organizations. This is perhaps not an either/or dichotomy, as both rights frameworks are useful. Nonetheless human rights should retain a primary position, for although they are admittedly imperfect, they provide a more universal moral framework that is much less subject to the whims and destructive machinations of nation-states (and
corporations) than are national laws (and corporate policies) and are more adaptable to diverse human agents and their struggles for dignity.

NOTES

1. On police militarization more broadly, see Kraska (2007), Balko (2013), and Schrader (2019).

2. The 1878 *Posse Comitatus* law prohibits the military from engaging in arrests, searches, or seizures within the US, with the exception of times of insurrection or mass civil unrest (Dunn 1996: 105–108). Such uses of the military have been rare since the early twentieth century, the most recent being 1992 (Los Angeles riots following grave racial injustice by police). However, in June 2020 President Trump threatened mass deployment of military troops in the face of widespread peaceful protests and some violence (most against property) regarding (another) police death of an unarmed Black man in Minneapolis, MN, George Floyd, although such a move is opposed by the Secretary of Defense (Stewart and Ali 2020) and a number of high ranking ex-military officials. This law, however, does not limit the police use of National Guard reserve military troops under the control of state governors. Beyond this, the law allows a very wide range of other forms of military support for law enforcement (US Code, Title 10, Section 284 2020), many of which were first allowed in border drug, immigration, and customs enforcement dating back to 1982 (Dunn 1996) before being allowed and adopted by police throughout the US (Correa and Thomas 2018). The primary rationale for much of this was drug enforcement, but over time the focus broadened to include “transnational organized crime,” a very broad category that includes migrant smuggling and thus allows military support explicitly for immigration enforcement. Previously, in the border region drug enforcement efforts typically overlapped with immigration enforcement to some degree, so military support for one also aided the other (Dunn 1996, 2001).

3. In conceptualizing this I have drawn on the Pentagon’s low-intensity conflict (LIC) doctrine, developed in the 1980s to address political upheaval and instability in Central America, which focused on the social control of key segments of the civilian population through a variety of unconventional military activities, from counterinsurgency and anti-terrorism efforts, to suppressing civil unrest and conducting drug enforcement, to conducting military exercises among civilians and aid operations for civilians in emergencies – all with a strong emphasis on integrating military, paramilitary, and civilian police and other security agencies (Dunn 1996: 19–30). By the mid-1990s and early 2000s much of the less severe of these were incorporated into a new doctrine of military operations other than war (MOOTW) (Joint Chiefs of Staff 1995; Bonn and Baker 2000). Meanwhile counterinsurgency became the centerpiece of US wars in Iraq and Afghanistan and was revived in an updated doctrine (US Army 2007).

4. No terrorist coming to harm the US has ever been apprehended along the US–Mexico border and only a very few potential “suspects” are apprehended annually (Schmitt et al. 2019) and immigrant crime levels are significantly lower than those of natives (NAS 2016b; Light and Miller 2018), while border region crime levels are generally below national averages (Horton 2018). Further, border militarization has failed to have much impact on unauthorized migration (the largest source), which is instead tied to changing economic conditions and demography/falling birthrates (Massey et al. 2016). Meanwhile, the unauthorized immigrant population in the US more than tripled from 1993 to 2008, reaching an estimated 12 million. The increase in border enforcement greatly increased costs and risk, and therefore reduced circular unauthorized migration from Mexico and compelled many to remain in the US and bring family members.

5. The lending and giving of military equipment to the Border Patrol began with the 1982 Defense Authorization Act, ostensibly for drug enforcement by federal police, but also included were those with immigration enforcement authority (Dunn 1996). This practice was much expanded in 1990 with a new program allowing the Department of Defense to give old equipment to any police agency for drug enforcement and then further broadened in 1997 to be used for any type of law enforcement (not just drugs) – i.e., a border practice used against mainly non-citizens was brought to the interior and used disproportionately against minority citizens (Correa and Thomas 2018). This drew little attention until 2014 when protests to a police shooting of a local Black teen in Ferguson were
met with police outfitted with a variety of military equipment (armored vehicles, M4 rifles, etc.). The Obama administration subsequently put some modest limits on the program, but the Trump administration removed them. And in summer 2020 the issue arose again as militarized police faced a massive wave of protestors across the nation, sparked by another police killing of an unarmed Black man, George Floyd, in Minneapolis, MN (this time filmed and witnessed by bystanders).

6. Unauthorized border crossing remained at high levels until 2006, just before the recession, when it subsequently fell sharply, though it had been declining since 2000. Moreover, it was largely unaffected by enforcement efforts and instead was impacted by economic changes, demographic factors (e.g., declining birthrate in Mexico), and an increase in temporary worker visas (Massey et al. 2016). However, the strategy did greatly reduce previous patterns of circular migration between Mexico and the US, and compelled more migrants to remain in the US longer and bring their families, thereby tripling the unauthorized immigrant population by 2008.

7. Previously formal criminal prosecution of unauthorized border crossing was rare and unauthorized crossers were returned to home countries (Mexico for more than 90 percent) shortly after apprehension via “voluntary departure.” Under the criminal approach, first offenses are misdemeanors but second offenses are felonies; as a result of the aggressive expansion of immigration prosecutions the federal court system has become devoted primarily to immigration offenses (Slack 2019).

8. JTF–6 (predecessor of JTF–N) conducted some 390 per year on average from 1989 to 2000 (based on 4,300 total missions during that time; Dunn 2001). From 2001 to 2015 JTF–6/JTF–N appears to have conducted an average of 113 missions per year. (The latter figure is based having completed at least 6,000 missions from 1989 to 2015 [JTF–N 2015] minus 4,300 missions from 1989 to 2000 [Dunn 2001], meaning approximately 1,700 missions [at least] from 2001 to 2015, for an annual average of 113.) This estimate of a slower pace of missions is consistent with a Government Accountability Office (GAO) report (2011: 21) that JTF–N conducted 79 missions along the border in 2010.

9. While not particularly menacing in general, in May 2009 several rouge elements did murder two Arivaca, Arizona border community residents, including a nine-year-old girl, in a horribly-gone-wrong home invasion robbery of a supposed drug trafficker (Smith 2011).

10. In Washington, DC during early June 2020 several hundred active duty troops were brought in and some were deployed on the streets. This was made possible by the fact that the federal government directly controls DC as a special federal district which is not a state. Local officials and much media loudly protested this use of military forces.

REFERENCES


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