George W. Bush was right about the fact that global terrorism did not begin on September 11, 2001. But he is wrong in implying that the response—the War on Terrorism—began that day. It, the war on drugs, the war on crime, and other such domestic and foreign policies are deeply rooted in U.S. history. While many agendas and policies advocated and implemented by various administrations, including the Bush Administration, might be identified as having right-wing origins, many others, especially when it comes to foreign policy, are harder to pinpoint as being specifically rightist. They are instead much more structural and/or systemic in nature, and are rooted in the historical evolution of the United States from its original founding to its “sole superpower” status at the present time.

Terrorism has been a horrific reality for the world beyond our borders since long before September 11, 2001. And now it is an equally terrifying reality for Americans. It is important to understand that people’s fear of terrorism, whether they live in the United States or elsewhere, is genuine—whether that terrorism is perpetrated by non-State actors like Al Qaeda, or State actors, i.e., governments. It is equally important to understand that governments around the world, including the United States, have exploited this fear to impose draconian laws that infringe on people’s civil liberties and violate their civil rights, and that help to maintain the social, racial, economic, and political status quo that benefit the wealthy and the ruling elite. As Natsu Taylor Saito explains:

“Since September 11, the Bush administration has convinced Congress to pass hundreds of new laws giving the executive branch dramatically expanded powers. The administration has unilaterally assumed the power to detain thousands of people, hold them indefinitely and incommunicado, deny them access to the courts, and interrogate them. We are told that all of these measures are necessary to protect us, the American people, and the most basic ‘American values’ of freedom and democracy.”

“But who is an ‘American’ for purposes of governmental protection and constitutional rights? To understand just who and what are being protected by the ‘war on terror’ today, we need to look at these measures in the context of the United States’ long history of conflating race, ‘foreignness,’ and disfavored ideologies [like Communism and Socialism]; its consistent use of law enforcement and intelligence powers to suppress movements perceived as political threats; and its more general use of the criminal justice system to preserve the status quo.”

Special thanks to former PRA intern Johnny Yong for his contribution to this chapter.
HOMELAND SECURITY: Low-Intensity Conflict Targets Non-Citizens

By Matthew Lyons

Since the attacks of September 11, 2001, the so-called war on terror has provided the U.S. government with a rationale for dramatically increasing state repression. This repression, linked with an upsurge of nationalism and nativist scapegoating, affects everyone in the United States but most sharply targets Muslim, Middle Eastern, and South Asian immigrants, especially non-citizens.

In the name of fighting terrorism, the federal government rounded up thousands of Middle Eastern and South Asian men, many of whom were held incognito for months and reported being beaten or denied basic necessities. The government established programs to photograph and fingerprint hundreds of thousands of non-citizens and a military intelligence project to track individuals by collecting and analyzing massive quantities of personal information. New laws and executive orders have seriously weakened freedoms of speech and association, freedom from unreasonable searches, the rights to legal representation and a speedy and public trial, and many other basic rights—above all for non-citizens.

Much of this dynamic is not new. Many of the United States’ previous wars—such as the First and Second World Wars, the Korean War, the Vietnam War, and the U.S.-backed wars in Central America in the 1980s—have seen upsurges in domestic repression, and many of these crackdowns have focused most heavily on foreigners or immigrants.

The current crackdown, however, blurs the line between war and repression more than ever before. Pointing to the September 11 attacks, which targeted the centers of U.S. financial and military power and killed thousands of U.S. civilians, federal officials have told us that terrorism must be fought both outside and inside U.S. borders. “The war on terrorism,” as one critic has put it, “is a war without boundaries, belligerent nations and time limits.” In this war, we are told, the front line can be anywhere and there is no clear line between combatants and civilians. Exploiting popular fears and legal ambiguities, the government has staked out a large gray area between military and police work, where it has moved aggressively to tighten control over large sections of the civilian population.

There is a name for this kind of operation: low-intensity conflict (LIC). While low-intensity conflict is usually associated with U.S.-backed operations overseas—such as in Central America or Southern Africa—LIC principles have long guided border enforcement policies within the United States itself.

The post-September 11 crackdown builds on this recent history of militarized border enforcement. The connection is dramatized by the integration of three leading border enforcement agencies—the Immigration and Naturalization Service (INS), the Customs Service, and the Coast
What Is Low-Intensity Conflict?

U.S. military planners apparently coined the term “low-intensity conflict” in the early 1980s, although its roots are much older. LIC has encompassed many different types of operations, including counterinsurgency (such as El Salvador in the 1980s), anticommunist insurgencies (the Nicaraguan Contras in the same period), punitive strikes (the 1986 bombing of Libya), and so-called peacekeeping operations (Somalia in 1992-1993 or Bosnia since 1995).6

Low-intensity conflict seeks to minimize U.S. troop deployment and military casualties and focuses on controlling targeted civilian populations rather than territory. It generally involves the coordination or integration of police, military, and paramilitary forces, as police become militarized and the military takes on law-enforcement and other unconventional roles. In addition, LIC often combines open force with propaganda campaigns and seemingly benign projects such as community development and civic reform efforts, as a way to win civilian support. In this sense of a multipronged military, political, economic, and psychological offensive, one military officer described low-intensity conflict as “total war at the grass-roots level.”7

Iraq has been a constant, major target of U.S. low-intensity warfare since 1991. Before the 2003 invasion of Iraq, Republican and Democratic administrations alike used a combination of economic sanctions and periodic air strikes to “contain” the Iraqi government—at the cost of hundreds of thousands of Iraqi lives.8 In this and almost all other cases, the United States’ LIC operations have overwhelmingly targeted people of color.

Militarizing Border Enforcement

Ever since the 1798 Alien and Sedition Acts, the U.S. government has persecuted immigrants and foreigners repeatedly. For the past quarter century, undocumented immigrants (and those suspected of being undocumented immigrants) have faced an increasingly powerful repressive federal apparatus, especially in the U.S.-Mexico border region. Growing anti-immigrant racism, an aggressive foreign policy focus on Central America, the War on Drugs, and the end of the Cold War all helped define border enforcement as a national security issue. By 1998, the INS had more armed agents than any other federal law enforcement agency. Since 1994, largely as a result of harsh border control policies, 2,000 migrants have died trying to enter the United States from Mexico.9

As sociologist Timothy J. Dunn argues, U.S. border enforcement policy since 1978 represents an application of low-intensity conflict doctrine within the United States.10 Dunn examines a number of developments in border control policy since 1978 that, in combination, embody LIC principles:

INS funding grew steadily, with a disproportionate share of increases awarded to the Enforcement Division (which includes the Border Patrol) at the expense of services.

The Border Patrol more than tripled in size and became increasingly militarized in its weaponry and equipment and in its creation of elite “special forces” units. The Border Patrol’s power to conduct searches and make arrests expanded dramatically.
The INS became increasingly geared toward long-term, punitive detention of suspects.

The INS engaged in a variety of efforts to coordinate and integrate forces with other federal, state, and local law enforcement agencies. The INS placed intelligence operatives in Mexico and Guatemala and shared intelligence with the CIA, the State Department, and the Pentagon.

The military became increasingly involved in domestic police work. Although barred from making arrests, searches, and seizures, the military increasingly provided civilian agencies with equipment, training, and intelligence, and took on a leading role monitoring the inflow of illegal drugs into the United States.

The INS planned and carried out large-scale roundups of civilians, such as the 1989-1990 arrest and deportation of thousands of Central American refugees in the Lower Rio Grande Valley. In 1992, the INS rounded up and deported at least 700 undocumented immigrants during the Los Angeles upheaval that followed the acquittal of Rodney King’s police attackers.

To some extent, these changes have been fueled by right-wing hate campaigns against “illegal aliens.” But both liberals and conservatives, Democrats and Republicans, have supported the militarization of border enforcement.

**Low-Intensity Conflict Goes National**

The growth of state repression since September 11, 2001, intensifies low-intensity conflict and extends it throughout the United States. The War on Terrorism blurs the line between external and internal threats and between combat and law enforcement, involving both military and civilian agencies in a comprehensive effort to control Muslim, Middle Eastern, and South Asian non-citizens and immigrants.

President George W. Bush himself drew the connection between fighting terrorism and low-intensity conflict almost immediately. In October 2001, within days of appointing Tom Ridge to head the new Office for Homeland Security, Bush gave Secretary of the Army Thomas White two new jobs: Defense Department interim executive agent for Homeland Security and acting assistant secretary of Defense for Special Operations and Low Intensity Conflict.11

The recent crackdown has incorporated many of the same LIC elements seen in border enforcement—this time on an even larger national scale: mass round-ups and punitive detentions, expanded powers of arrest and surveillance, integration and militarization of civilian law enforcement, and growing involvement of the military in domestic intelligence and police work.

The round-ups began first. In the weeks after September 11, 2001, the FBI and INS detained at least 1,200 non-citizens from Middle Eastern and Muslim countries. The vast majority of them were held for alleged immigration violations, often secretly and under conditions that Amnesty International described as “harshly punitive” and a violation of basic rights. Many of them were deported; almost none were charged with any crimes connected with terrorism. In December 2002, the INS began a new round of mass arrests as part of a program requiring young men from Arab and Muslim countries to register with the government.12
Through executive order and statute, the federal government has sharply expanded its own repressive powers. The USA Patriot Act—which passed the Senate with only one dissenting vote—gives the executive branch unprecedented latitude to conduct searches, wiretapping, and other surveillance, and to share information between criminal and intelligence operations. The law creates a vague new crime of “domestic terrorism,” which encompasses illegal acts “dangerous to human life” if they “appear to be intended...to influence the policy of a government by intimidation or coercion.” The Patriot Act comes down hardest on non-citizens, who may now be detained virtually indefinitely without due process and deported for almost any association with political groups the government defines as terrorist.13

Acting in the spirit of the Patriot Act, Attorney General John Ashcroft issued a new rule, nullifying attorney-client privilege. Now the Justice Department may, without judicial oversight, wiretap conversations between prison inmates and their attorneys when there is “reasonable suspicion to believe” that such conversations “further facilitate acts of violence or terrorism.” The Justice Department also subjected thousands of young Arab men to “voluntary” questioning based solely on their gender, national origin, and time of entry into the United States, sought to use student advisors to investigate international students, and urged Neighborhood Watch groups—in the name of terrorism prevention—to report on people who were “unfamiliar” or who acted in ways that were “suspicious” or “not normal.” FBI officials, meanwhile, openly discussed ways to coerce arrestees into talking, “using drugs or pressure tactics such as those employed by Israeli interrogators”—i.e., torture. Such developments, not surprisingly, have brought a pervasive climate of fear to many Muslim and Arab American communities.14

The Department of Homeland Security (DHS), signed into law in November 2002, embodies the trend toward integrating and militarizing civilian law enforcement. With 170,000 employees and
a budget initially estimated at $37 billion, DHS is the third-largest federal department. DHS has subsumed 22 federal agencies, including the INS, the Coast Guard, Customs, the Federal Emergency Management Agency, the Secret Service, the Transportation Security Administration, the Department of Agriculture’s Animal and Plant Inspections division, the Energy Department’s Environmental Measurements Laboratory, and many others. These agencies must now subordinate their diverse missions and priorities to the War on Terrorism.\(^\text{15}\)

Within the INS, the increasingly militarized Enforcement Division has long been favored over the services branch. In its new DHS home, the INS is being split in a way that increases this disparity. Enforcement has been placed in the Bureau of Border and Transportation Security—by far the largest and most heavily funded of the DHS’s major divisions. The services branch of the INS has been isolated as the Bureau of Citizenship and Immigration Services, a much smaller division that will probably have little clout within the department.

The Coast Guard has changed in parallel ways. Before September 11, the Coast Guard’s top priorities were stopping the depletion of fisheries and protecting the environment. After September 11, the Coast Guard heavily increased funding for its counter-terrorism operations and assembled several “maritime SWAT teams,” while funding for non-homeland security programs stagnated. The Coast Guard’s move into DHS cements this shift.

**Pentagon Operations on the Home Front**

Especially characteristic of low-intensity conflict has been the U.S. military’s growing role within U.S. borders and in law enforcement. In April 2002, the Pentagon announced creation of the Northern Command (NORCOM) to consolidate all of the military’s homeland security duties. NORCOM is responsible for military defense of North America and providing aid to civilian authorities in counter-drug operations and in response to natural disasters or terrorist attacks. While noting that the military is legally barred from acting as a domestic police force, NORCOM head General Ralph Eberhart said that he “won’t hesitate to propose changes” to such rules “if we...see something we think will tie our hands.”\(^\text{16}\)

Even without such rule changes, the Pentagon has stepped up its domestic spying efforts. The Defense Department’s Total Information Awareness (TIA) project, headed by retired admiral and former Iran-Contra defendant John Poindexter, seeks to track individuals by compiling and analyzing massive amounts of data from diverse sources, including financial, medical, travel, and communication records, as well as intelligence data. In February 2003, a new law placed a partial moratorium on TIA—but allowed its use against the millions of immigrants who are not U.S. citizens or legal permanent residents.\(^\text{17}\)

Further blurring the line between combat and civilian functions, the War on Terrorism also gives the military a judicial role. In November 2001, President Bush authorized the creation of military commissions to try non-U.S. citizens suspected of terrorism. These commissions lack basic constitutional protections: trials will be conducted in secret, defendants will not be able to choose their own attorneys, normal rules of evidence will not apply, and verdicts will be rendered by judges appointed by the secretary of defense, with no appeal available to an independent court.\(^\text{18}\)

Non-citizens are the primary (and most vulnerable) targets of such measures—but not the only ones. At least two U.S. citizens designated as “unlawful enemy combatants”—Yaser Esam Hamdi and Jose Padilla (Abdullah Al Mujahir)—have been held incommunicado in military
detention without being charged and without access to their lawyers. Building on these prece-
dents, the Bush Administration has considered setting up military detention camps for U.S. citi-
zens labeled as enemy combatants, and has argued that federal courts have no say in the matter.
A district judge has ruled that Padilla can appeal his status as an “enemy combatant” in federal
court and has a right to counsel until his status is decided. But in Hamdi’s case, the Fourth
Circuit Court of Appeals ruled that courts must defer to the president on these matters during
wartime—an as yet undetermined and indefinite period given the “endless” nature of the war
on terror.

Preventive Repression
The post-September 11 crackdown is a means for the U.S. government to establish control over
civilian groups it regards as actually or potentially disloyal. A number of critics have argued that
many homeland security measures are misdirected and badly designed because they fail to zero
in on the “real” terrorists. But U.S. officials have for years defined terrorism broadly, precisely in
order to marginalize and criminalize a broad range of dissident political groups and activities.
The Reagan Administration’s official task force on terrorism, for example, defined it as “the
unlawful use of or threat of violence against persons or property to further political or social
objectives.” The USA Patriot Act follows directly in this tradition.

In discussing the implications of low-intensity conflict in the border region, Timothy Dunn notes
that its effect “can be interpreted as ‘preventive repression,’ enacted...to impede the development
of critical ideologies and social movements among subordinate groups in a crucial region that
was vulnerable to instability.”

Dunn’s comments about preventive repression point to
a larger strategic shift by security forces in the United
States and abroad. A 1998 European Parliament commit-
tee report warned about the rise of “pre-emptive policing,”
in which law enforcement agencies gather massive quanti-
ties of data in order to track “certain social classes and
races of people living in reined areas before crime is
committed.” Ken Lawrence has argued that the U.S. gov-
ernment moved toward preventive repression after the
upheavings of the 1960s, when older, more reactive models
of repression proved inadequate. Where once U.S. rulers
regarded insurgency as “an occasional, erratic idiosyncrasy of people who are exploited and
oppressed,” Lawrence asserts, elites now view insurgency as a permanent reality that security
forces must actively combat at all times. The State’s new strategy of “permanent repression”
involves penetrating and disrupting oppositional forces before they reach the stage of open
insurgency.

The United States is waging an open-ended global war against “Islamic extremism” and has
led the full-scale invasion of a major Arab state, Iraq. In this context, many Muslim, Middle
Eastern, and South Asian immigrants—like undocumented immigrants in the U.S.-Mexico
border region—represent subordinate groups with a real potential for “disloyalty” to the U.S.
government and political order. This makes them prime targets for preventive repression.
Repression against them, furthermore, encourages unity and obedience among other groups by
providing a shared scapegoat—and by showing what happens to those whose loyalty is suspect.
Conclusion

The U.S. government’s current crackdown against Middle Eastern and South Asian people is not only rooted in a sudden nativist upsurge, or even in a long history of racist bigotry. It is also rooted in a quasi-military system of control developed steadily over decades. This system is being rapidly expanded and deepened, and there is no reason to assume that the current main targets will be the last. The U.S. government’s low-intensity conflict operations at home both echo and strengthen its military aggression against Iraq and other countries. We need to highlight this connection, not fall into the trap of treating “war” and “civil liberties” as separate issues. The problem is not only specific leaders or policies. It is a political and social order that preaches freedom while using force and fear to protect elite power.

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ROLE OF THE STATE: USA PATRIOT Act

PATRIOT ACT
Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism – The U.S.A. P.A.T.R.I.O.T Act (PATRIOT Act)

History of the PATRIOT Act: Born Again and Again...
Much of the ideology behind the PATRIOT Act can be traced through U.S. history in a series of laws and programs like the detention and deportation of non-citizens under the Alien and Sedition Acts of 1798, the communist paranoia of the McCarthy era, and the FBI’s COINTELPRO surveillance of the 1960s and 1970s. Many of the civil liberties that the government curtailed during those periods are once again under assault.

One of the recent prologues to the PATRIOT Act was the 1996 Anti-Terrorism and Death Penalty Act that was passed following the April 19, 1995 Oklahoma City bombing of the Murrah Federal Building. After the Oklahoma City bombing, members of Congress and the Clinton Administration worked together to pass anti-terrorism legislation. One crucial provision included in the bill was the reform of habeas corpus. As David Cole and James Dempsey, in their book *Terrorism and the Constitution*, explain, “Judiciary Committee chairman Orrin...
Hatch was eager to capitalize on [President Clinton’s] suggestion that habeas corpus reform be added to the antiterrorism package. For years, Hatch had sought to limit the rights of habeas corpus, only to see his proposals dropped from every successive anti-crime measure. The terrorism bill offered another chance to achieve this long-sought goal. Hatch’s provisions gutting habeas corpus ended up in the Act, and are among its worst features, but they have nothing to do with terrorism. For the most part, the habeas reforms govern the standards that federal courts use in reviewing state court criminal convictions, and terrorism cases are almost never tried in state courts. What was really at issue in the habeas debate was whether state prisoners could obtain meaningful federal review of the constitutionality of the procedures by which they had been convicted and sentenced....Senator Hatch wanted to make it more difficult for federal courts to order retrials of prisoners where state courts had violated the U.S. Constitution.”

Besides limits on habeas corpus, other significant changes passed under the Anti-terrorism Act. Cole and Dempsey write: “The most troubling provisions in the 1996 Anti-terrorism Act—the resurrection of association as grounds for exclusion and deportation of noncitizens; the ban on supporting lawful activities of groups labeled ‘terrorist’ by the Executive Branch; and the secret evidence provision—were developed long before the bombings that triggered their final enactment. In the case of guilt by association, the Clinton proposal making mere membership in a terrorist group grounds for exclusion and deportation represented a return to the intolerant approaches of the 1950s. The McCarran-Walter Act, passed in 1952, made association with Communist or anarchist groups a ground for exclusion and deportation, and was used over the years against such luminaries as Gabriel Garcia Marquez, Graham Greene, Carlos Fuentes, Czeslaw Milosz, Yves Montand, and Charlie Chaplin. In 1990...Congress removed most of the ideological grounds for exclusion and deportation from the immigration law. But in the Clinton bill, they reappeared in the guise of a bar on anyone believed to be a member of a ‘terrorist organization.’”

Similarly, the provisions on secret evidence and banning fundraising were revised versions of provisions or measures passed or sought during the Reagan and first Bush Administrations.
The PATRIOT Act also expands guilt by association from the 1996 Anti-terrorism Act. Cole and Dempsey explain: “The PATRIOT Act makes aliens deportable for wholly innocent associational activity connected with a ‘terrorist organization,’ irrespective of any nexus between the alien’s associational conduct and any act of violence, much less terrorism. The new law defines ‘terrorist activity’ to include virtually any use or threat to use violence, and defines ‘terrorist organization’ as any group of two or more persons that has used or threatened to use violence…. Like the criminal ‘material support’ provisions of the 1996 Anti-terrorism Act, the new law contains no requirement that the alien’s support have any connection whatsoever to a designated organization’s violent activity. Thus, an alien who sent coloring books to a day-care center run by a designated [as terrorist] organization would apparently be deportable as a terrorist.”

Cole and Dempsey continue: “This is not the first time our nation has responded to fear by targeting immigrants and treating them as suspect because of their group identities rather than their individuals conduct.” “But in many respects, the PATRIOT Act reflects an overreaction all too typical in American history. It casts a cloak of secrecy over the exercise of government power by removing limitations and judicial controls on investigative authorities, and short-circuits procedures designed to protect the innocent and punish the guilty. It violates core constitutional principles, rendering immigrants deportable for their political association and excludable for pure speech…. It sacrifices commitments to equality by trading a minority group’s liberty for the majority’s purported security—a trade that will in all likelihood be ineffective.”

Some of the more controversial provisions of the PATRIOT Act connected to the War on Terrorism:

- Broaden the definition of terrorism to include any act not committed for personal gain in which a weapon or dangerous device is used. Under this definition, those involved in a barroom brawl may be guilty of terrorism.

- Define the provision of aid to any group deemed terrorist by the U.S. government as terrorist activity. Under this definition, provision of schoolbooks to many South African antiapartheid groups in the 1980s would have constituted “terrorist activity,” as many such groups, including the Party of Nelson Mandela, the African National Congress, were deemed terrorist by U.S. authorities.

- Enable the U.S. Attorney General to detain noncitizens (and in some instances, U.S. citizens who are also citizens of other countries) indefinitely by stating that there are “reasonable grounds to believe that they are engaged in terrorist activity.” These grounds cannot be contested by those detained, and detainees do not have the right to legal counsel or even family visitation. As of October 2002, between 1,500 and 2,000 people have been detained in the search for terrorists. None of the detainees has been charged in connection with the attacks of September 11, 2001, although many have been deported for minor violations of immigration regulations.

For more on the PATRIOT Act and how it increases the government’s surveillance powers, go to the National Lawyers Guild and Center for Constitutional Rights websites: http://www.nlg.org and http://www.ccr-ny.org.
ROLE OF THE RIGHT: Activating Citizens

While the bulk of the War on Terrorism, whether domestically or internationally, has been carried out by the State, there are elements of non-state involvement as well. The involvement of private security firms in the torture carried out at the Abu-Ghraib prison in Iraq is a prime example, as is the racial profiling by private security firms employed by airlines at airports that vet and “randomly” select passengers for additional scrutiny even before they pass through the federal Transportation Security Administration (TSA)-operated security checkpoints. Both of these are enabled, however, by the State, which allows private interests and non-State actors to be involved in the process. The privatization serves multiple purposes, including claiming to cut government expenditures as well as distancing the government from the abuse that occurs—torture and racial profiling. An even more extreme example is Operation TIPS, which was conceived by the Justice Department and would have involved millions of ordinary citizens in spying on fellow citizens.

T.I.P.S.

OPERATION TIPS: Terrorism Information and Prevention System

“Operation TIPS ‘will be a nationwide program giving millions of American truckers, letter carriers, train conductors, ship captains, utility employees, and others a formal way to report suspicious terrorist activity,’ says the citizencorps.gov website. Involving one million workers in ten cities during the pilot stage, Operation TIPS will be ‘a national reporting system…. Every participant in this new program will be given an Operation TIPS information sticker to be affixed to the cab of their vehicle or placed in some other public location so that the toll-free number is readily available.’

A Justice Department spokeswoman says TIPS was developed by a working group made up of people from the Department of Justice [then headed by John Ashcroft] and several other agencies. When asked about the identity of members of the working group, she says she is unable to disclose their names at this time, adding it is ‘too soon to speak to the people involved.’

TIPS will involve workers who, in the course of their daily activities, are well situated to be ‘extra eyes and ears’ in the struggle against terrorism, she says. The mission is to ‘report suspicious activity and not to report suspicious-looking people.’”

Why the Controversy?

TIPS came under attack by a broad array of political and social groups including progressives, libertarians, and even conservatives. Opponents argued that TIPS would essentially allow private citizens to legally spy on each other and, therefore, individuals stood to lose their right to privacy. TIPS also increased the likelihood of vigilantism and racial profiling that targets people of Middle Eastern and South Asian descent, as well as other minorities, in the name of the war on terror. Further, the program could easily be used by the government as a means of social control, silencing political dissent because of a broad and vague interpretation of terrorism, terrorist acts, and terrorist organizations. Given the United States’ long history of scapegoating, xenophobia, and racism, and in a climate of fear and suspicion that is periodically heightened
by color-coded alerts, innocent citizens can easily fall victim to other citizens’ fears, suspicions, ignorance, and racism.

While the original idea was not only vague and rife with potential for abuse, a visitor to the TIPS website found that calls to the toll-free TIPS hotline went to the “America’s Most Wanted” TV program, destroying what little credibility, if any, it had.36 Facing fierce opposition to the program from across the political spectrum, the Homeland Security Bill under Section 880 explicitly prohibited TIPS.37 This is a significant victory for those opposed to the Bush War on Terror.

**IMMIGRATION AS A CRIMINAL ISSUE**

The idea that immigrants are inherently criminals is a recurring theme of the anti-immigrant Right. The mainstream press often presents sensationalist pieces that play on this stereotype. While “illegal” immigrants’ criminality seems self-evident to these groups, legal permanent residents and non-White citizens also are suspect because of their alleged potential allegiances to different countries, values or political ideologies. Particularly since September 11, the anti-immigrant Right has taken the “immigrants as terrorists” position.

Immigrants have been targeted and brutalized by the “War on Drugs,” which has helped justify the militarization of the U.S.-Mexico border. The portrayal of immigrants as both criminals and a threat to national security also resulted in the passage of two laws in 1996: the Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. Immediately after the Oklahoma City bombing, terrorism “experts” pointed the finger at Islamic “extremists.” Even after the bombing proved to be the work of a homegrown terrorist, Clinton signed the Anti-Terrorism law, which has had dramatic repercussions for Arab Americans and other immigrants. With the recent September 11 attacks, Congress and the Administration put through severe “security” measures that further infringed on the civil liberties of all non-citizens.

*Note: the following section was written for a PRA publication in 2002. Since that time, the Immigration and Naturalization Service (INS) has become part of the Department of Homeland Security.*

**IMMIGRANTS AND CRIME**

*What the Anti-Immigrant Right Says*

Anti-immigrant organizations argue that immigrants are much more likely to be involved in criminal activity. They say:

- Some immigrants are dangerous career criminals. For example: Mexican and Colombian drug dealers, Chinese “snakeheads” smuggling in human cargo on the Golden Venture freighter, sex traffickers coercing undocumented women into prostitution, ethnic gang members, middle-class immigrants stealing trade secrets, and pregnant women sneaking across the border to have children and “leech” off public benefits.

- September 11 attacks are an example of the extremes that some noncitizens are willing to go to if they are not monitored closely.
Undocumented workers and visa violators are examples of unprincipled immigrants. Since they would break laws to enter the country, they are more likely to continue criminal activity once here.

INS detention centers are full of such law-breakers. Immigrants are one of the fastest growing prison populations.

The INS needs to more effectively locate and deport both “illegal” immigrants and “criminal aliens,” regardless of their legal status.

The most effective solution is to dramatically limit legal immigration and increase INS and Border Patrol funding.

**Response**

The Right presents a distorted picture of the situation by using anecdotal evidence and the power of isolated horrific events, such as the September 11 attacks, to argue its case. Criminal
activity and violence are realities of our society, but immigrants are no more prone to criminal activity than citizens. In fact, a study by researchers from Boston College and Harvard University found that among men aged 18 to 40, native-born men were more likely to be incarcerated than immigrants. In another study, the researcher found that recent immigrants had no significant effect on crime rates and youth born abroad were less likely than native-born youth to be criminally active. In fact, immigrants have disproportionately been the victims of racial profiling, police brutality and crimes, including xenophobic or racist hate crimes.

The recent increase in immigrant incarceration rates is a result of the draconian 1996 laws. These laws increased the number of crimes for which immigrants could be detained and deported, even after they had served regular prison sentences. They also mandated that asylum seekers be placed in detention centers until they have established a credible fear of persecution, a process that can take years. By 2001, these laws led to the incarceration of 20,000 immigrants in INS detention, of whom 3000 were being held indefinitely.

Detention centers are known for their inhumane conditions, including overcrowding, poor medical care, and physical and mental abuse. Because detention is considered an administrative process, detainees have few of the legal rights of other prisoners—no family visitation rights, no right to legal counsel—and INS standards that were created to rectify the inhumane conditions are not legally binding. Immigrants can be tried and deported based on secret evidence they never see.

The 1996 laws that brought about this situation were a direct result of the Right’s portrayal of immigrants as dangerous criminals. Rather than increasing the safety of our communities, these laws have dramatically infringed on the civil liberties of all immigrants. In 2001 the Supreme Court curtailed some of the most retrograde aspects of the 1996 laws, including ending most indefinite detentions. However, the policy of deporting longtime lawful permanent residents for a range of crimes, including minor nonviolent offenses, remains. In addition, after the September 11 attacks, The USA PATRIOT Act again created the legal means to detain noncitizens indefinitely and gave the Attorney General extensive powers to infringe on the civil liberties of those suspected of being involved in terrorism without meaningful judicial review.

**“ILLEGAL ALIENS” AND THE U.S.-MEXICO BORDER**

What the Anti-Immigrant Right Says

The Right describes undocumented immigrants as “illegal,” portraying their mere existence as a crime, and consistently refers to all immigrants with the dehumanizing term “alien.” They say:

- The United States is threatened by an “immigrant invasion” especially across the U.S.-Mexico border, which is a “border battleground.”
- There is a Mexican plot to reconquer “Aztlan,” the bulk of the southwestern United States taken from Mexico in the Mexican-American War of 1846.
- A smuggling industry has formed that is profiting from the exploitation of these “illegals.”
- Since the INS has failed to stop this “immigrant invasion,” local citizens’ groups or police departments must take on the responsibility to protect the nation.
Response

When right-wing groups call undocumented immigrants “illegal,” they suggest that migration is merely a personal choice of whether to break the law. They blame the migrant and the smugglers, ignoring the root causes of undocumented migration. The United States has helped create the conditions that lead people to migrate and it benefits from the existence of undocumented immigrants. Poor migrants and those from certain countries, such as Mexico, have very little opportunity to immigrate to the United States legally.

Right-wing groups define the migrant by the violation of a law, though the “crime” has no victim. A person who has violated a traffic law is not called an “illegal driver.” In fact, crossing the border wasn’t considered a crime until the INS moved into the Justice Department in 1940.

The Right’s use of military metaphors furthers a sense of urgency, implying the country is under attack by Mexican border crossers. This type of rhetoric has helped to justify the use of military personnel and tactics on a civilian population, at times with deadly consequences. It also creates the cultural climate where the violation of immigrants’ human and civil rights is justified in pursuit of “national security.”

Such thinking has manifested itself in the policies of the U.S. government. In the last ten years the government has increased the funding and more than doubled the personnel of the Border Patrol. In addition it has initiated programs designed to stem border crossings. In fact, these programs have merely forced migrants to move through remote, dangerous regions. As a result, many migrants have died from exposure and dehydration.

In addition, the Border Patrol has received military training and technology. Military troops at times have been deployed on the border for drug and immigration enforcement purposes. Military tactics are focused on annihilating a threat rather than protecting civil rights or ensuring due process. They are extremely dangerous and inappropriate when dealing with a civilian population. In the May 1997, for example, a U.S. Marine shot and killed a teenager (a U.S. citizen) who was herding goats in Redford, Texas. Amnesty International has documented other human rights violations by the Border Patrol against citizens, immigrants and indigenous peoples whose tribal lands span the border. These include denial of food, water and medical care during detention, wrongful deportations, physical and sexual abuse, and fatal shootings.

Most scholars agree that these efforts have failed to stop undocumented immigration. Employers, largely unscrutinized by INS, have continued to benefit from the labor of this workforce. INS raids (or the threat of raids) have been used by employers to undermine workers’ efforts to gain fair wages and safe working conditions. These raids have also led to the violation of workers’ civil rights. When INS has worked with local police, the community’s trust in law enforcement has been undermined.

Despite the brutality of the government’s policies and actions, many anti-immigrant groups say that the INS is not doing enough. Some ranchers whose lands are crossed by undocumented immigrants have created armed vigilante groups that seek to ensnare border crossers to be delivered to the Border Patrol. There have been increased hate crimes against immigrants and people of color along the U.S.-Mexico border and in communities with growing immigrant populations.
“AMNESTY”

What the Anti-Immigrant Right Says

Anti-immigrant groups oppose any programs that provide “amnesty” or a means of changing the status of undocumented immigrants. They say:

- These programs tell immigrants that if they simply sneak into the United States and wait long enough they will gain legal status.
- The 1986 Immigration Reform and Control Act (IRCA) that provided legal status to 2.7 million undocumented immigrants actually increased unauthorized immigration. As a result, fifteen years later there are another 11 million undocumented immigrants.

Response

Proposed legalization programs come out of an understanding of the real contributions and situations of undocumented immigrants. They also provide a fair, orderly way to deal with the existence of undocumented populations, which are a result of global policies facilitated by the United States. The only way to protect the rights of undocumented immigrants in the workplace, in housing, and in all realms of life is to give them legal status. Fear keeps undocumented immigrants from reporting dangerous working or housing conditions, domestic violence, and environmental violations, among other community concerns. Undocumented immigrants pay taxes and contribute culturally and economically to the society at large. Some have lived in the United States for ten years or more, raising children (some of them citizens) here. Legalization is a way to provide them the means to protect their human and civil rights and to recognize the varied and important contributions of these populations.

When the Right blames legalization programs for the increase in undocumented immigration, they ignore the root causes of this situation, including the role of particular U.S. policies. For example, most Mexicans do not have the option of migrating legally given the current laws. Yet the United States supported NAFTA knowing that it would lead to harsher economic conditions and the need for many Mexicans to seek employment elsewhere. Also, U.S. refugee policies tend to not cover people fleeing oppressive regimes the United States has supported, leading to increased undocumented immigration from those countries. Rather than seeking a just solution, the Right prefers to paint undocumented immigrants as inherently criminal and individually to blame for their situations.

IMMIGRANTS AND THE SEPTEMBER 11 ATTACKS

What the Anti-Immigrant Right Says

Many anti-immigrant groups and commentators were eager to proclaim that this attack could have been avoided if the U.S. immigration policy were not so “lax”:

- Dan Stein of FAIR said, “The nation’s defense against terrorism has been seriously eroded by the efforts of open-borders advocates, and the innocent victims of today’s terrorist attacks have paid the price.”
The White nationalist group the Council of Conservative Citizens called for segregating “ourselves from the Arabs, Muslims, and/or all others who will do us harm.”

Mainstream anti-immigrant groups cited polls showing that the public overwhelmingly approved of racial profiling, at least in some instances, of Arab and Muslim Americans.

The Center for Immigration Studies pointed out that increasing surveillance of immigrants is broadly popular and does not infringe on the civil rights of U.S. citizens.

Anti-immigrant groups and commentators, along with many politicians, presented plans for stemming the threat of future attacks through measures that fell into three broad categories:

- preventing unauthorized entries on the borders and at other ports of entry.
- decreasing and strictly monitoring authorized entries of foreigners.
- increasing the federal government’s powers of surveillance, detention and deportation of all noncitizens.

Within this framework, groups have called for:

- armed military patrol and increased border patrol on the United States’ borders with Mexico and Canada,
- a nine month immigration moratorium,
- more in-depth background checks of visa applicants,
- tracking of foreign students and other visa-holders,
- a ban on foreign students from specific Middle-Eastern countries,
- a computerized identification verification system for all citizens and noncitizens,
- broad powers to detain and deport noncitizens with any connections to terrorist groups,
- interagency cooperation on issues related to immigration, law enforcement and intelligence gathering.

Response

In the face of a great tragedy, the anti-immigrant movement has chosen to opportunistically promote its cause. The failure of the FBI, CIA, federal government, and airport security to prevent this calamity has also provided the opportunity to assign blame. It is more palatable to these authorities to proclaim that they lack the necessary laws to do their job, than to admit any failure on their part. All these factors have contributed to a call for greater restrictions on the civil rights of immigrants and have led to abuses of power by the government. As part of an investigation into the attack, the INS has detained over 1000 people, the largest number of whom are of Saudi Arabian, Egyptian or Pakistani descent, mostly on immigration infractions or crimes
unrelated to terrorism. There have been complaints of mistreatment of detainees including instances of physical abuse while in INS custody.

Even before September 11, immigrants could be prosecuted on the basis of evidence they could not see and many were held in detention for years under such circumstances. The USA PATRIOT Act and military tribunals further infringe on noncitizens’ civil rights, including rights to due process, judicial review, and a public trial. The constitutionality of these laws will not be tested in the courts for years. In the meantime many innocent immigrants will be unjustly detained, prosecuted, and deported without access to the rights citizens take for granted. Civil rights should not be a privilege of citizenship, but should cover citizens and noncitizens equally.

On the surface this kind of heavy-handed response is intended to make the public feel safer. However these strategies are not only ineffective, but also counterproductive. The vast majority of immigrants are not involved in criminal activity, let alone a plot to attack the U.S. government or its people. Innocent immigrants who rightly fear detention given their lack of rights in the face of broad INS powers will not be willing to come forward if they have any relevant information. The government needs their cooperation, but immigrants cannot trust a system that advocates the sharing of information between government agencies, racial profiling, and does not even have the appearance of treating all people equally. In this context the “S” visa, available to immigrants who provide information to the government in criminal prosecutions, is unlikely to encourage immigrants’ cooperation with law enforcement.

Significantly, this kind of activity by government authorities legitimizes and reinforces people’s fears that immigrants are disloyal. Also when law enforcement engages in racial profiling, it aggravates racial hostilities in communities. One result has been the dramatic increase in hate crimes against Arabs and Muslims, or those perceived to be, since September 11. The government’s policies need to coincide with its rhetoric on multiculturalism and tolerance because actions speak louder than words.

The government can take many steps that do not limit civil rights to prevent future attacks. The FBI and CIA already had the powers necessary to gather intelligence and track down those planning terrorist actions, even before the passage of the PATRIOT Act. The federal government can put into place an effective airport security system following the models of many other nations. The United States can share information and resources with other nations through a global commission to prevent terrorism. The government should work towards increasing security through these kinds of measures that do not infringe on people’s civil liberties. Expanded detention, deportation, and surveillance powers do not increase safety. They do, however, make it easier for the government to scapegoat immigrants and to oppose individuals and groups whose ideologies it finds objectionable. This attitude and misuse of power must be consistently and rigorously challenged.

For more information on the Right’s campaigns against immigrants, See PRA’s Activist Resource Kit Defending Immigrant Rights available via http://www.publiceye.org.
Q & A WITH BORDER ACTION NETWORK

Border Action Network (BAN) organizes Latino immigrants and border community residents on both sides of the Arizona-Sonora (Mexico) border. The U.S. war on poor immigrants of color has devastating social and environmental impacts on the people living in and migrating through towns along the U.S./Mexico border. BAN supports a transformed approach to immigration policy that addresses the needs and upholds the dignity of the communities most affected by border militarization: a policy that safeguards human and civil rights for everyone, guarantees broad access to citizenship, protects the environment, and abandons the ineffective and violent use of State force to deter immigration. BAN’s experiences organizing communities to fight against border militarization, the criminalization of immigration, and prison expansion may be useful for other activists confronting the “War on Terror.”

Briefly, BAN was begun in 1999 as the Southwest Alliance to Resist Militarization (SWARM) in order to protect human rights and civil rights and the Sonoran desert along the Arizona-Sonora border. It is a grassroots, membership organization based in Tucson, Douglas and Nogales, Arizona that works with Latino and Mexican communities throughout southern Arizona and northern Sonora. BAN’s members are mostly people of color, women and young people under the age of 30.

PRA: Why did BAN initially form, and why does your organization focus on demilitarizing the border?

BAN: BAN originally formed in 1999 when a 19-year-old shepherd was shot and killed by U.S. military forces stationed on the border who mistook the young Latino man for an immigrant. This tragedy was the direct result of escalating militarization in border communities, and it unleashed considerable community outrage.

Border policy has forced undocumented immigrants into the treacherous Sonoran Desert and brought enormous numbers of armed border patrol and military personnel, high tech weaponry, many miles of radioactive fencing, prison-style lighting, environmental destruction, and racist vigilante militias into our small border communities, as well as many new prisons into our state. In the midst of this ongoing “low-intensity warfare,” immigrants and Latino border residents are routinely racially profiled by border patrol agents as well as harassed and intimidated by illegal and often violent vigilantes. Our members have been physically assaulted, had their property destroyed and confiscated, had their lives and the lives of their children and families threatened, watched their rivers and desert environs become polluted and toxic: border towns are littered with racist, anti-immigrant billboards and signs. A number of vigilante militia members also work for the border patrol or as local law enforcement officers.

Day to day life in our communities is filled with fear and intimidation. Many people are afraid to speak out in these small towns where everyone knows everyone, and retribution can come in multiple forms, from the border patrol refusing to answer official complaints and pay or even apologize for destroyed property (such as houses literally knocked over during high speed chases and cars confiscated from mothers not charged with any crime), to physical intimidation and assault coming from armed border vigilantes whom local, state, and federal law enforcement officials refuse to charge or even investigate.

By organizing ourselves to fight against the effects of border militarization, we have begun to reverse the patterns of fear and silence that have encouraged people to stay quiet, isolated, and powerless. BAN focuses on demilitarizing the border because border militarization violates the human and civil rights of Latino immigrants and border community residents, and threatens the environment as well as the public health, economic future, and safety of everyone in our communities. An immigration policy enforced through a strategy of military deterrence does not, and can not, deter undocumented immigration into the United States. This strategy is a failure, and its effects are lethal. So we support demilitarization and immigration policy reform and oppose State policies that promote border militarization. The interests of the vast majority of people would be served by stopping border militarization and creating a humane and effective immigration policy that is not based on deterrence and that promotes human, civil, and labor rights as well as access to citizenship.
PRA: How does border security connect to the War on Terror? And how does it play out locally in your area?

BAN: The so-called “War on Terror” is an escalation of the trend of militarizing every aspect of U.S. society. Especially since 9-11, anti-immigrant rhetoric has escalated to the point that migrants are increasingly associated with “terrorists,” and speculation about the possibility that “terrorists” might enter the United States by crossing the southern border has been used to further justify the escalation of border militarization. Arab and South Asian U.S. citizens and immigrants have joined the ranks of Latino migrants in being criminalized as so-called “internal enemies of the state.” BAN’s work confronts the “War on Terror” because it, like the ongoing militarization of the U.S.-Mexico border, subjects our communities to disproportionate levels of racial profiling, surveillance, physical intimidation, property confiscation, disregard for civil and human rights, environmental racism, and rates of incarceration. Basically, the “War on Terror” has escalated the problems we already had! We get even more border patrol agents and, now, more “special forces” units coming into our communities every few months. The local media announces the new arrivals with great fanfare, playing up their “high-performance” tactics, depicting the border as a war zone in need of elite troops, as if an official war has been declared here, and as if border militarization protects, rather than harms, citizens and immigrants. More and more the border is portrayed as another “front” in the “War on Terror”—as if it wasn’t already militarized long before 9/11; as if border crossers overwhelmingly intended to harm, rather than provide cheap labor for the United States; and as if the harm that militarization visits on border community residents and migrants is merely an unfortunate, yet necessary, form of “collateral damage.”

An especially troubling aspect of depicting the border as a front in the “War on Terror” is that it means that legislators like Rep. Jim Kolbe (R-AZ) who advocate for immigration reform are able to propose policy changes that will not reduce militarization. Allowing more workers to enter the country legally while still viewing the border as a war zone will mean that undocumented crossers will be further criminalized—more likely to be viewed as “terrorists” in contrast to the few extra workers who will be granted temporary visas.

PRA: How does your work intersect with the criminal justice system?

BAN: Border militarization is very closely related to the build-up of the state and federal prison systems in Arizona. Arizona has been targeted for prison expansion by the corrections industry because the availability of undocumented immigrants makes prison beds easy to fill. Instead of deterring undocumented immigration, current border policy has intentionally channeled migration into Arizona where prison profiteers are convinced that decreasing crime rates can be compensated for by renting prison beds to the federal government to accommodate Department of Homeland Security detainees.

In 2000, BAN exposed the border/prison connection during our successful campaign against the construction of a 4,500-bed, immigrant-only, federal prison in the state. This campaign linked the agendas of the anti-border militarization, immigrant rights, and prison abolition movements in Arizona, and so furthered working alliances among different constituencies affected by militarization.

PRA: Who supports border militarization, and why?

BAN: The U.S. public supports border militarization because the media as well as Democratic and Republican law-makers have led us to believe that undocumented immigrants are a drain on the U.S. economy, “taking” both jobs and social services away from U.S. citizens and impoverishing the middle class. However, this widespread belief is, in fact, false. As many people reading this probably know, it is actually the implementation of structural adjustment policies which continue to redistribute surplus wealth upward that have eroded the economic power and stability of the U.S. middle class. Promoters of structural adjustment have done an effective job of making the public believe that poor people of color are to blame for these losses, spinning images of “welfare queens” and “illegal aliens” soaking up the public monies that actually go increasingly toward corporate subsidies and tax relief.

Powerful interests that profit from border militarization—such as the private prison industry, weapons manufacturers, and the state of Arizona (which receives a billion dollars a year in federal subsidies to “alleviate the local costs of immigration enforcement”—support border militarization because it channels federal money into both public and pri-
vate coffers.

Based on very different kinds of experience, migrants, community organizers and border residents, scholars, and even some vigilantes and border patrol agents will tell you that border policy is, in fact, extremely cynical; that policy makers know that deterrence does not work, and that it is not intended to. Instead, it is a very effective marketing strategy intended to distract public attention from the real causes of a widening societal gap between rich and poor in the United States, as well as a corporate strategy to maintain fixed markets for military-dependent industries.

Locally, most parties recognize the need for change, and do not always completely support or oppose border militarization in a clear-cut way. A number of Arizona legislators (such as Senator John McCain, R-AZ, and Representative Jim Kolbe, R-AZ) and members of the business community want different kinds of guest worker programs that satisfy corporate desires for cheap immigrant labor and a system which tracks and controls labor flows through the bureaucracy rather than low-intensity warfare. But the Far Right, including border vigilantes, want more militarization because they fear becoming a racial minority. Some labor and environmental groups also want more effective militarized deterrence strategies because they believe such measures will protect U.S. labor and environmental interests. Local faith-based humanitarian groups want the DHS to provide more humane treatment of immigrants before they are deported because to them immigrant suffering is immoral and avoidable.

Border residents want new policies that will stop the massive flows of migrants, border patrol agents, and vigilantes that walk and drive through our towns every day.

PRA: How do you encounter the Right in your work?

BAN: We encounter the Right in our work primarily in the form of border vigilantes. Border vigilantes in southern Arizona dress as if they are Border Patrol agents, wearing military camouflage and fabricated badges. They track and hunt people they believe are undocumented migrants, and turn them in to border enforcement agencies. They also target immigrant rights activists, pasting their photos on their websites, reporting our speaking engagements in advance, and encouraging their members to harass and intimidate human rights activists using rhetoric and graphics borrowed from the anti-abortion movement. In addition to these intimidation tactics, there are many incidents of and accusations of physical abuse against immigrants.

Local law enforcement colludes directly with the vigilante militias—upon arriving at the scene after the Morales family of Douglas, Arizona called 911 while a vigilante aimed a cocked AK-47 at their children and threatened to unleash barking dogs, the local sheriff shook hands with the assailant, who was not charged. The Arizona Attorney General refuses to investigate vigilante activities, claiming, as does the federal Department of Justice, that “they are not in our jurisdiction.”

Vigilantes are also critical of the State—but they demand more State protection for themselves from their imagined outside enemy, immigrants. They want more State violence aimed at people other than themselves, and they are willing to take the law into their own hands until they get it.

PRA: Has border vigilantism changed since 9/11?

BAN: Ever since 9/11, border vigilantes have attempted to incorporate “national security” rhetoric into their agenda. For example, vigilantes have recently smuggled a mock weapon of mass destruction (WMD) over the border to demonstrate its porosity, and false rumors circulated in the state in late 2004 that a “known Al-Qaeda operative” had crossed into Arizona. They recognize that framing the border as another front in the “war on terror” will bring more militarization, and so they are working to promote the idea that the border is vulnerable to “terrorists.”

The contemporary border vigilante movement is a side-effect of border militarization and immigration policy. Border vigilantes—like the U.S. citizens arrested in 2004 for starting and filling their own prison in Afghanistan—would not be tolerated in the form of militias without the military build-up that already exists on the border. They are dependent upon it. At the same time, racist, anti-immigrant violence is as old as the border itself; it is not a new idea or tradition. Some vigilante groups are very local and deeply connected to local law enforcement, much like the Ku Klux Klan (with which some groups are directly affiliated) operated in the South. Other groups are actually very contemporary kinds of right-wing activists, intentionally using the border as a national stage to push anti-immigrant agendas all over the country. They are part of a small but well-funded national network of anti-immigrant activists. These latter groups have web-sites and other high-tech media technologies and stage
sophisticated media events. They capitalize on the presence of the older local vigilante groups to promote the idea nationally that there is a large "grass roots" anti-immigrant movement along the border. This is not the case. They are "astroturf activists," with virtually no local support coming from any border residents, who primarily feel that they are both dangerous and bad for business.

BAN: PRA: How do you challenge your opposition?

BAN: Our primary strategy is to organize to build power in the communities most affected by immigration policy and border militarization, and then develop multiple campaigns to address the self-defined needs of these communities. Community members have experience-based analyses of the issues, including collective and historical memories of border militarization; understandings of the most directly negative impacts of border patrol practices; and clear ideas about what needs to change.

BAN is currently pursuing three civil lawsuits against a vigilante who is known to have physically assaulted one Mexican migrant who has agreed to come forward and sue, threatened to murder an entire family of Latino Douglas residents (including three children ages 9-11), and destroyed the property of a neighboring rancher in the pursuit of alleged undocumented immigrants. This is the result of community organizing efforts that are working to unite migrants and border residents who have previously felt isolated and intimidated to speak out against such abuse—especially since law enforcement rarely supports such efforts. Our work investigating and exposing vigilante activities has also led to an international human rights suit against the U.S. government for refusing to investigate or charge vigilantes for a variety of violent and illegal acts.

PRA: What challenges do you face in your organizing work?

BAN: Our greatest challenge is working within an atmosphere of fear and intimidation. Undocumented immigrants live under the perpetual threat of deportation. Border communities are small, and border patrol agents as well as vigilante groups know individuals and have a history of seeking retribution against people who speak out against the physical abuse of migrants and against other kinds of border patrol practices such as racial profiling. In addition, the border patrol often ignores community complaints, easily justifying this abuse of power by claiming that the "security threats" posed by migration take precedence over community needs.

Another problem for BAN is that the border vigilantes get a great deal of media coverage and are often framed as "the opposing view." They are rarely identified as racist hate-groups, despite their acknowledgement of this on their own websites and in their literature. It is very difficult to break through corporate media work routines that privilege the activities and authority of White males. We want to promote the visibility and authority of our members without promoting vigilante visibility, which tends to work against us.

PRA: What have been your victories?

BAN: In 2001, in coalition with prisoner family and environmentalist groups, we stopped the construction of up to three federal, private, "criminal alien" prisons. This required organizing in eleven towns throughout Arizona and northern Sonora, and forged alliances among prison abolition, immigrant rights, and environmentalist groups working in Mexico, Arizona, and California.

Our ongoing efforts to pressure local, state, and federal law enforcement officials to investigate and prosecute racist border vigilante militias have led to three civil law suits against vigilantes that officials have refused to charge and also an international human rights suit against the federal government.

We have been successful in terms of empowering community members to openly and publicly challenge abusive Border Patrol practices. Less than 10 days after our last community hearing on racial profiling and Border Patrol brutality, the Border Patrol announced a plan to improve its community relations. The turn-out for the hearing was tremendous and the quick and respectful response from the Border Patrol unprecedented.

Overall, we have had our most significant successes in terms of creating a variety of stages and venues for immigrants and border residents to actively oppose immigration policy and border militarization despite an atmosphere of intimidation and unequal force.

PRA: What advice would you give to other progressive activists?

BAN: The most effective strategy we’ve found involves spending time talking with and listening to the various people who directly experience the effects of border militarization and immigration policy, gathering and documenting their stories and experiences, and creating venues where experiences
can be shared and strategies can be devised based on these experiences. This is how, for example, we decided to develop campaigns around racial profiling, a border patrol practice that affects immigrants and Latino border residents every day. Because border residents of color live under intense suspicion and surveillance, we heard so many stories about people being pulled over and searched twice a day while driving their children to school or going to the grocery store as well as many stories about the border patrol confiscating the property of people who have been profiled, but not charged. We also heard many stories about terrifying run-ins with border vigilantes and border patrol agents speeding through neighborhoods, destroying property, abusing immigrants, and endangering general public safety. These are very concrete things we can organize against, as opposed to the abstract concept of “border militarization.”
Additional Resources

American Civil Liberties Union (ACLU)
125 Board Street, 18th Floor
New York, NY 10004
Phone: 212-549-2585
http://www.aclu.org

The ACLU works in courts, legislatures and communities to defend and preserve Constitutional rights. The ACLU advocates the position that civil liberties must be respected, even in times of national emergency. ACLU chapters exist in almost every state.

National Network for Immigrant and Refugee Rights (NNIRR)
310-8th St., Ste. 303
Oakland, CA 94607
Phone: 510-465-1984
http://www.nnirr.org

NNIRR is a national organization composed of local coalitions and immigrant, refugee, community, religious, civil rights and labor organizations and activists. NNIRR works to promote a just immigration and refugee policy in the United States and to defend and expand the rights of all immigrants and refugees, regardless of immigration status.

Families for Freedom (FFF)
2 Washington Street, 766 North
New York NY 10004
Phone: 212-898-4121
http://www.familiesforfreedom.org

FFF is an organizing center for immigrants and communities facing detention and deportation. FFF members are primarily low-income immigrants from the Caribbean, Latin America, and South Asia. FFF provides direct support to detainees and their families and raises public awareness about the deportation system and the erosion of immigrants’ civil rights.

Books/Reports

Endnotes Available Online!
All citations and references are available at www.defendingjustice.org or by contacting PRA.