

Collateral Subjects: The Normalization of Surveillance for Mexican Americans on the Border

Sociology of Race and Ethnicity
2020, Vol. 6(4) 548–561
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DOI: 10.1177/2332649219884085
sre.sagepub.com



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Abstract

The U.S.-Mexico border has been of particular interest to the Trump administration in its ongoing efforts to restrict immigration. Though unauthorized immigrants are the purported targets of measures to increase border enforcement, U.S.-born individuals of Mexican descent also bear the consequences of nativist policies. Based on 42 in-depth interviews, I focus on late-generation (third-plus) Mexican Americans to analyze individuals' experiences with surveillance by U.S. Customs and Border Protection in Nogales and Tucson, Arizona. In this study, I explore the effects of anti-immigrant policies on Mexican Americans by examining how surveillance operates in people's everyday lives as well as how people respond to the presence of surveillance. I find that the pervasiveness of surveillance elicits a mixture of fear and desensitization from residents, as they simultaneously grow accustomed to surveillance while navigating an ever-changing political terrain. Finally, I explore responses to the authority of immigration officers, which vary from strategies of compliance to strategies of resistance. These varied approaches are complicated by the liminal status of Mexican Americans in the United States as both a racialized group and a community that benefits from some of the privileges of holding U.S. citizenship.

Keywords

Mexican Americans, surveillance, border, nativism, racialization, Latinxs

Narratives depicting the U.S.-Mexico border as the fundamental site of infection on the U.S. body politic, wherein dangerous people and substances may enter and contaminate the rest of the United States, have existed for some time (Chavez 2008). Nevertheless, the consequences of such depictions for Mexican Americans on the border have shifted dramatically since the September 11th, 2001, attacks (Correa 2013). The War on Terror that followed established an association between immigration, crime, and terror, thus substantiating a need for a racialized surveillance system that includes policies, technologies, and personnel to guard the border (Miller 2014).

Literature featuring Latinxs on the U.S.-Mexico border focuses primarily on issues surrounding unauthorized immigration (Correa and Thomas

2015). Scholars of legal control and violence, for example, have examined the consequences of immigration control for first-generation immigrants (Menjívar and Abrego 2012) but have neglected to explore how laws and practices uniquely affect late-generation Mexican Americans. Additionally, more work is needed to understand how surveillance contributes to a particular form of racialization on the border that differs for Mexican Americans and other Latinxs living in the interior

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of the United States. In contrast to large cities in the U.S. interior where communities of color face heightened forms of surveillance, many places along the U.S.-Mexico border are ethnically homogenous, which may exempt law enforcement from accusations of racial profiling.

Surveillance as a function of immigration control includes the collection of biometric and biographic data, authorization and screening practices, mobility tracking systems, and the dissemination of personal data between public and private institutions (Kalhan 2014). For the purpose of this article, I conceptualize surveillance as encounters taking place in the process of screening and authorization. Drawing on a Deleuzian framework, I examine “access points,” or locations where *entrée* is permitted or denied (Galič, Timan, and Koops 2017). Primary access points near the border are ports of entry (POEs), which are fixed and located at the physical border, and checkpoints, which are mobile and typically placed along major highways further inland. These markers are theoretically significant because they explicitly declare whether or not an individual “belongs” or is worthy of being treated as a citizen (Sabo et al. 2014).

In the present study, I center the experiences of late-generation (third-plus) Mexican Americans with customs agents at POEs in Nogales, Arizona, and Border Patrol (BP) at immigration checkpoints along major highways in the state of Arizona.¹ The experiences of U.S.-born Mexican Americans with surveillance on the border have been obscured, as the national conversation on the militarization of the border are centered on the deaths, deportations, and detention of immigrants near the border (Slack and Whiteford 2011). The merit of centering immigrants’ experiences is readily apparent, given the physical and legal vulnerabilities of unauthorized immigrants and the fact that surveillance systems at the border are built to pursue them (Delgado 2018). However, it is also imperative to consider how surveillance systems affect Mexican Americans born in the United States because they exemplify what the future holds for recently arrived immigrants. Additionally, despite being multiple generations removed from their immigrant ancestors, Mexican Americans represent some 20 million American citizens (Pew Research Center 2013) who not only are affected by anti-immigrant sentiments but are often at the forefront in experiencing nativist policies.

The following questions guide this research: (1) What does surveillance look like for Mexican Americans living near the U.S.-Mexico border? (2)

How do people respond to the presence of surveillance in their everyday lives? (3) What are the effects of anti-immigrant policies on late-generation Mexican Americans? Based on 42 in-depth interviews with Mexican Americans in Nogales and Tucson, Arizona, I argue that surveillance via the powers of U.S. Customs and Border Protection (CBP) has become normalized in people’s lives. The pervasiveness of surveillance elicits a mixture of fear and desensitization from residents as individuals simultaneously grow accustomed to surveillance while navigating an ever-changing political terrain. Finally, I explore responses to the authority of CBP, which vary from strategies of compliance to strategies of resistance. These varied approaches are complicated by the liminal status of Mexican Americans in the United States as both a racialized group and a community that benefits from some of the privileges of holding citizenship (Duarte 2008).

LITERATURE REVIEW

Despite the growing and long-standing geographical presence of Mexican Americans in the United States, both newly arrived and late-generation persons of Mexican descent are in many ways perceived and treated as foreigners (Chavez 2008). Examples of racialization experienced by the Mexican American community include practices such as racial profiling and educational tracking as well as narratives concerning criminality and perpetual inferiority (Lacayo 2017). These “extensions of racial meaning” (Omi and Winant 2015:111) placed on Mexican Americans are consistent with traditional understandings of racism and discrimination in the United States, which are largely based on the experiences of African Americans (Lacayo 2017). However, Mexican Americans’ experiences with racialization diverge from normative conceptualizations of racism in that they are also shaped by nativism (Galindo and Vigil 2006). Nativism is characterized by anti-immigrant sentiments and is applied to some ethnic and racial groups, irrespective of their generational or citizenship status (Galindo and Vigil 2006).

Perceptions around illegality have bred fear of Mexican descendants as potential threats against national security, allowing some to draw connections between citizenship status and criminal behavior (Chavez 2008). These fears were augmented by comments from Donald Trump leading up to the 2016 presidential election referring to

Mexican immigrants as criminals and rapists. Although unauthorized immigrants are primarily the focus of anti-Latinx policies and rhetoric, and endure the most severe consequences as a result, these ideologies and practices affect native-born Latinxs, who are also targets of nativist racialization (Stuesse 2010).

Forms of legal control, which include the laws and practices used to demarcate specific actions and groups as legally and socially unacceptable (Stuart, Armenta, and Osborne 2015), contribute to the particular contours that characterize racialization for Latinxs. The U.S. immigration enforcement system acts as a principal force in operationalizing policies that position Latinxs, who shoulder the weight of immigration control (Provine et al. 2016), as undesirable; this is due in large part to the merging of immigration and criminal law. Not only have laws, such as the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), increased the scope of crimes that warrant deportation for permanent residents, criminal sanctions have also been imposed on immigration-related offenses (Provine and Sanchez 2011). The punitive legal control of immigrants fosters “legal violence,” which describes the structural and symbolic social suffering that is “made possible through the implementation of the body of laws that delimit and shape individuals’ lives on a routine basis” (Menjívar and Abrego 2012:1387). Because legal violence is a product of legal practices, it is endorsed as a benefit to the greater good and is thus accepted as normal and legitimate, even by those who are the victims of such violence. Legal violence also provides a window into the extensive consequences of laws that affect the communities that immigrants belong to (Menjívar and Abrego 2012).

Though some efforts have been made to study the effects of immigration control on “legal bystanders,” or “those who are only indirectly exposed to the legal control meted out to their families and neighbors” (Stuart et al. 2015:242), these studies primarily center the experiences of individuals with an immediate link to those ensnared in the “cimmigration” system (Menjívar and Abrego 2012). This article contributes to the growing, yet largely overlooked, body of literature that focuses on the consequences of legal control for those who are not the ostensible targets of control. The study of Mexican Americans and their experiences with CBP and BP exposes a third category of individuals who do not precisely meet the definition of “legal bystanders,” as they themselves are both directly

exposed to forms of legal control and indirectly involved in the system. I use the concept *collateral subjects* to describe the particular experience of facing legal control while occupying the position of a seemingly incidental victim. Naming this group is critical, as forms of legal violence are obscured when they affect individuals who are not marked as the primary subjects of scrutiny. The concept of collateral subjects is advantageous because it both reveals dynamics on a micro and a macro level—it provides a better understanding of how different populations experience and navigate surveillance while also exposing how the systemic functions of surveillance allow it to transform and disguise itself in particular contexts.

The expansion of this third category, collateral subjects, is closely tied to the emergence of surveillance as a primary method of implementing immigration enforcement. Following the 9/11 attacks, the notion of security became a central feature of immigration governance (Bajc 2013) to the extent that Immigration and Naturalization Services (INS) dissolved into agencies under the Department of Homeland Security (DHS) in 2003. Today, the perceived need for security against “dangerous” populations has enabled the proliferation of surveillance, such that the United States may be considered a “true surveillance society,” wherein nearly all citizens are conceivable threats who must be surveyed (Galič et al. 2017).

Current theories of surveillance are closely attuned to technological changes and their ability to broaden the reach of regulation and control in ways that are imperceptible or veiled to most. Surveillance has long been discussed in terms of co-constitutive qualities of omnipresence and invisibility, wherein the “watchers” are rarely, if ever, seen, lending the impression of ceaseless, unmitigated surveillance (Galič et al. 2017). Foucault’s (1979) conceptualization of “panopticism” posits that the effectiveness of surveillance rests in the invisibility of the surveyors and the visibility of the subjects of surveillance. The panoptic notion of perpetual visibility has been taken up as a lens for understanding surveillance in the lives of people of color through racial profiling (Glover 2008:243); individuals of color experience hyper-visibility and, in turn, hold a consciousness about their relationship to the state and its power.

Within the context of the U.S.-Mexico border, surveillance operates less as an invisible, all-seeing eye and instead exercises its authority through visible measures, signaling the watchful presence of the state. Fencing along the border, cameras, dogs,

checkpoints, law enforcement agencies, and uniformed members of the National Guard all serve as an observable security assemblage. While there are less visible technologies, such as infrared cameras, employed at the border (Heyman 2008), detectable forms of surveillance are much more prominent at the U.S.-Mexico border than in the interior of the country (Sabo et al. 2014). Despite movement toward a decoupling of immigration enforcement from the territorial border (Provine and Sanchez 2011), the physical border continues to “illustrate the limits of liberal rule” (Basaran 2008:339).

Consequently, those living in the border zone are affected by these symbolic yet consequential surveillance practices in a way that is distinct from immigration control in the interior of the United States. In contrast to the diffuse nature of internalized immigration control, characterized by an amalgam of inconsistent policies and practices at the local level (Provine et al. 2016), enforcement at the border is highly concentrated and militarized. As a racialized space that is defined by a war zone-like climate under constant threat to national security, the border is charged with demonstrating a show of force, since “the image of a controlled border allows for the construction of the national space as smooth space, safe space and domestic space” (Zureik and Salter 2005:4).

State control of the border cannot be wholly understood without taking into account the contextualized realities of those who are directly affected by it or examining what Correa (2013:100) calls “the state as lived experience.” For residents of the U.S.-Mexico border, policies and security apparatuses are not abstract or merely symbolic. In fact, many citizens on the border report experiencing significant emotional distress as a result of verbal, and sometimes physical, mistreatment at the hands of immigration officials (Sabo et al. 2014). Moreover, surveillance practices hold ramifications for individuals’ national and ethnic identities, as they produce a particular form of racialization for residents of the border (Stuesse 2010).

Border scholars underscore the highly contextualized nature of race and racialization on the U.S.-Mexico border that is informed by citizenship status, skin color, gender, and class (Dowling 2014; Vila 2003). These variables, along with the majority-minority context and proximity to Mexico, produce an environment where individuals are less likely to be exposed to daily microaggressions by people with differing ethnoracial identities, and differences between coethnics become much more salient as a result. For instance, the relationship

between immigration officials and civilians exemplifies one of the greatest power imbalances on the border; yet, over half of CBP agents are Latinx (Correa and Thomas 2015). Unlike in the interior of the country, Mexican Americans’ experiences with racialization on the border are not primarily defined by their relationship to whites. Rather, racialization manifests in “the shifting configurations of space, power, and subjectivity” (Correa and Thomas 2015:240).

Though the geographic, sociohistorical, and demographic aspects of the border all coalesce to create a particular racialized dynamic that is in constant flux, legal violence and control via surveillance impose a rigid and sweeping form of racialization on the border. While factors like class, status, or gender may mitigate the severity of direct legal violence one may endure, when entire communities are subjected to militarized surveillance, it creates a “collective experience of being under siege” (Sabo et al. 2014:67). Thus, Mexican Americans on the border are caught between a nuanced racialized experience where they represent the numerical majority and are simultaneously subjected to the unyielding and immediate presence of the state.

Mexican Americans on the border are not passive subjects, however; living under a militarized surveillance regime means that individuals must strategically employ their own discretion to navigate the system. The U.S.-Mexico border and its occupants cannot be fully grasped without taking into account both the structural constraints that order people’s lives and the agency that creates pliancy in the structure by introducing human variability (Bustamante 2013). These oscillating and mutually reinforcing energies are what shape the nature of racialization and surveillance on the border.

METHOD

Data collection occurred in three waves over the course of two years, beginning in May 2016 and ending in June 2018. This span of time captured individuals’ experiences during the presidential campaign and after the 2016 presidential election, throughout which I conducted in-depth, semistructured, face-to-face interviews and participant observation.

Interviews were designed to evoke rich responses that encourage participants to connect their own meanings and ideas, absent of preestablished response categories (Rubin and Rubin 2012). For example, I asked, “Can you describe the last time you crossed the POE into the United States

from Mexico?" so that participants could draw on specific memories without feeling the need to generalize or speak on behalf of their entire ethnic group. Interviews lasted approximately one to two hours and took place in people's homes, offices, and coffee shops. I conducted the interviews in English, and participants mostly responded in English with Spanish interspersed, which I translated myself.

Much of the surveillance data emerged from two questions: "How do you feel when moving through the POE/checkpoints?" and "What have your experiences interacting with CBP/BP been like?" I also took extensive field notes immediately following interviews, noting all aspects of the interaction, including nonverbal communication as well as emotional reactions to questions, which often underscored nuances in participant responses (Emerson, Fretz, and Shaw 1995). I also engaged in participant observation over three consecutive summers for a total of five months, spending time in people's homes and places of work, to triangulate data and find contradictions in meaning. I also experienced moving through checkpoints and the POE, which provided me with a richer understanding of my participants' narratives. Continuing in this vein, I employed the constant comparative method, wherein I continuously referred back to my data to ask questions about how similar or different responses were based on differing contexts (Glaser and Strauss 1967). I analyzed data by hand, without software, and engaged in both open and focused coding to arrive at meaningful themes pertaining to the *normativity of surveillance* and *responses to surveillance* (Lofland, Anderson, and Lofland 2006). As a Mexican American from the border, I was especially careful to examine "commonsense" conceptions pertaining to race-ethnicity and surveillance on the border. Moreover, though I have ties to the border, I moved away at a fairly young age and was therefore able to make use of both "acceptable incompetence" and "selective competence" (Lofland et al. 2006) to build rapport and gain thorough responses from participants.

Immigration scholars typically focus their attention on early-generation immigrants who have not yet had enough time in the United States to provide meaningful data that speak to long-term, multigenerational incorporation (Duarte 2008). For this reason, I chose to limit my sample to U.S.-born Mexican Americans, over half of whom ($N = 25$) comprise the third, fourth, or fifth generation. *Third-generation immigrants* describes those whose parents were the first to be born in the

United States, while fourth-generation immigrants' grandparents were the first in their lineage, and so on. The gender composition of participants includes 22 women and 20 men, and ages range from 18 to 69 years.

Given the national media attention on the border, I found snowball sampling (Berg and Lune 2012) to be most effective. Locals were wary of journalists and politicians who visited the border to meet their own agendas, so I initially relied on referrals from key informants and subsequently asked participants whom I had already interviewed to refer me to contacts in their networks. Applying theoretical sampling techniques (Glaser and Strauss 1967), I also sought participants who had lived in either Nogales or Tucson for at least 15 years so that they were able to articulate what it means to be embedded in a highly surveilled community over an extended period of time.

The geographic and political contexts of southern Arizona make Tucson and Nogales theoretically significant sites for the study of racialized surveillance via immigration control. Nogales is the largest border community in Arizona, and the Tucson Sector, which includes Nogales, holds the largest number of BP agents (CBP 2017a), making experiences with screening commonplace.² Though Latinxs make up 94 percent of residents living in Nogales and only 43 percent of Tucson's population (U.S. Census 2010), the space between Nogales and Tucson is the thoroughfare for people who are traveling to Mexico from Arizona and vice versa. One of the principal checkpoints in the state is located on Interstate 19, directly between Tucson and Nogales, where many residents have regular encounters with BP.

Politically, Arizona has been at the forefront in creating punitive immigration legislation. Though segments of the law have been struck down, in 2010 Arizona passed one of the most severe immigration bills, Senate Bill 1070, which required police officers to determine a person's immigration status upon reasonable suspicion that the person may be undocumented. Despite left-leaning affiliations in Tucson and Nogales, these cities are encased in a traditionally "red state," (Arizona Association of Counties 2014), which has shaped the political climate for those living near the border. The juxtaposition of a liberal area surrounded by a highly conservative and anti-immigrant climate holds interesting implications for the type of racialization Mexican Americans experience on the border. This divergence shaped my methodological approach insofar as it led me to consider the

contradictions and nuances in my participants' lives, such as the dialectical relationship between their desensitization and fear.

FINDINGS

Normativity of Surveillance

According to my participants, extensive forms of surveillance are a facet of daily life. Regular encounters with customs and BP shaped people's expectations for the degree and kind of surveillance they would face and informed the way people organized their lives. The sweeping presence of surveillance near the border also led to a mixture of fear and desensitization among participants who were both accustomed to the occupancy CBP held in the region and apprehensive of their authority. Through first- and secondhand experiences with CBP, participants formed conceptions around what "normal" treatment by law enforcement looks like.

Everyday Implications. Victor is 20 years old and was dressed in slacks and a tie when I sat down to meet with him. He had just made his hour-and-15-minute commute from his job in Tucson, which he described as unpredictable due to encounters with BP at the checkpoint between Nogales and Tucson.

For me, it's happened so often that I'm debating, "Am I going to get sent to secondary or am I not going to get sent to secondary?"³ It's a 50-50. And I have to leave half an hour earlier just in case they do pull me to secondary. And then if I don't get pulled, then I get to work half an hour early. That's not always a bad thing.

The time he must account for when leaving his home and the guesswork he does as he approaches the officers are all part of the calculations he makes in his daily routine. Despite his even-keeled delivery, Victor revealed his frustration as he recounted his experiences crossing back into the United States from Mexico:

Every time I cross, they always question me, more than question me, and then they ask me to open all my doors. When they send me to secondary, they put me in this little holding cell. I'm literally just there, and I can't have my phone, I can't have anything, and I can't talk to anybody. I can't ask any questions, and I think that's really wrong. As a U.S. citizen, I feel like

I have the right to ask and know why I got to secondary. Even if they were curious, they were suspicious of me, I would understand. But even then, they won't give an explanation.

Victor experiences dissonance between his treatment by officers and his identity as a U.S. citizen, which is supposed to afford him a set of privileges that he is unable to access. It is precisely this tension that illustrates the paradoxical position of collateral subjects. By enduring extensive questioning and being placed in holding cells without the ability to advocate for himself, Victor is directly exposed to legal control. Yet, the veneer of citizenship clouds the reality of his situation. Remarkably, Victor took issue with his inability to ask questions but did not recognize officers' continual suspicion of him as specifically problematic. Victor's account reveals the routinized nature of legal violence and its effects (Menjívar and Abrego 2012). On one hand, Victor sounded nonplussed when he reasoned that at least he is able to get to work early when he is not stopped; at the same time, he was clearly upset about the constraints he endures. Such a contradiction is intrinsic to the normalization of legal violence (Menjívar and Abrego 2012).

Jessica, a third-generation educator who has lived in Tucson her entire life, assumed that her interactions with BP at checkpoints were standard procedure:

I always get asked, "Are you an American citizen?" as you're passing through these checkpoints. Well what's really funny is I was with a group of white friends. We were going to Sierra Vista to go swimming. We took the kids. Guess what? Coming back, they didn't ask if we were American citizens. If I was in a car full of brown people, we would've been asked. Even that one question: "Are you an American citizen?"

Previous to this encounter, Jessica had not interpreted her experiences with BP through a racialized lens. It was not until she was 45 years old, traveling with white friends, that she arrived at the realization that surveillance practices are not applied uniformly. This is not to suggest that the notion of racial profiling was novel to Jessica or other participants—rather, the specific tactics employed by BP are obscured by the reality that people tend to encounter officers when they are in their vehicles alone or with close family or friends, who are typically of the same racial-ethnic group (Lugo 2000). Thus, one can theoretically move through life without realizing

such discrepancies exist. The context of the border generates a unique form of racialization wherein Mexican Americans are, to an extent, shielded from everyday racism due to the dominant presence of coethnics while also exposed to one of the most severe forms of racial profiling via surveillance in the country (Correa and Thomas 2015). Hence, discrimination may be masked by the majority-minority geographical context, which further contributes to the normalization of surveillance.

Contrary to those who were repeatedly stopped by agents and understood their experience to be routine, Monica, who was rarely asked to pull over, expressed confusion:

I've always told my husband, "I wonder if they know—like they already researched who I am, because I've only been told to pull over once. Other than that, they just let me go pretty quick. In the beginning, it would make me nervous to the point to where one time instead of "U.S. citizen," I said "speech therapist" and the man just looked at me and I was like, "I mean, U.S. citizen." You know, just, I don't know. Knowing like the authority and everything, hearing they can be abusive, I think I was just nervous. But now, I mean, sometimes I don't even question when they're just like, "Go." I'm like, maybe they know who I am, since I cross every day. You know?

Like Victor, Monica's commute entails regular contact with BP. Her mystification at officers allowing her to move through checkpoints without stopping her exposes the normativity of hypersurveillance. Though she never mentions her ethnic identity, her frame of mind demonstrates the "perpetual visibility" that people of color experience as a result of being constantly surveilled (Glover 2008). Despite not experiencing harassment herself, Monica had heard multiple stories of abuse and consequently, felt apprehensive, expecting to be the subject of victimization. What is particularly compelling about Monica's narrative is the audacity she conveyed when she said that at times, she does not even question when officers move her through the screening process. The subtext here is that more often than not, she expends energy wondering why she does *not* endure heightened surveillance. Typically, when one is not the target of racial profiling, a common reaction is to question the veracity of others' experiences of harassment (Bonilla-Silva 2006), not to question the absence of it in one's own life.

The normalization of surveillance, as expressed by my participants, elucidates how the prevalence of surveillance manifests in the "everyday" or the mundane (Lemert 1993). It is in these interactions that the seemingly ordinary practices of immigration officials, and the ramifications of their actions, are revealed.

Reactions to Normalization of Surveillance: Desensitization and Fear. One common response from participants on the topic of policies supporting increased enforcement was desensitization. Alex, a director of operations for various businesses in town, said the following:

When [Senate Bill] 1070 came up where police could profile, for us at the border that was "What? We deal with that every day. What's the big deal? I don't care." We're so accustomed here on the border to deal with agents that treat you like that and to live in a city where the [Drug Enforcement Administration] has an office and there's [Federal Bureau of Investigation] agents here as well. I'm saying all this to answer your question of, this has become normal to us. So, when they say, "Oh the border's so insecure," and "We need to send the military," I'm thinking, this is going to be like a military state because we have a lot of agents present here.

Alex indicated that the predominance of surveillance in people's lives had led to feelings of desensitization. This reaction may be interpreted as apathetic or apolitical, when in reality, it represents a rational response to formidable systems of oppression. Living in a surveilled state where multiple agencies at the local, state, and national levels collaborate may promote a formidable doxa, or conception of the world that is "beyond question" (Bourdieu 1977:169) among communities who are the objects of scrutiny, in part because the observable presence of law enforcement signals that the community is in need of, or deserving of, control (Stuart et al. 2015). Alex also suggested that the widespread indignation at Senate Bill 1070 indicates a profound obliviousness, on behalf of non-border residents, of the existing racial profiling and extralegal surveillance on the border.

Despite the normalcy of surveillance, participants also expressed fear. Though the concept of normalization alongside fear may seem contradictory, fear and anxiety may become normalized states of being for communities "under siege"

(Glover 2008; Sabo et al. 2014:67). Monica, the speech therapist, described an incident at one of the schools where she works following the murder of Claudia Patricia Gomez Gonzalez, a 19-year-old Guatemalan citizen living in Rio Bravo, Texas, at the hands of BP:

Right after that little, the young girl got shot in the head over in Texas, when the Border Patrol was following her, I was working here after school and I was just finishing up some paperwork when all the sudden, some teachers that had just walked outside came knocking on the door and they're like screaming and screaming. They came in and they're like, "There's people outside with guns and they're telling somebody, 'Stop or I'll shoot,'" so we all got on the floor.

Monica soon learned that BP was chasing an unauthorized immigrant. One might speculate that because the officers were after an immigrant without authorization, Monica would not feel threatened as a U.S.-born citizen. However, as Monica explained,

I mean you can see it in that poor guy's face that he was terrified. But I think that's the pressure now that even [BP] feels. You know like now that they have to stop people no matter what. Whereas I think before, even the Border Patrol could relate and they had somewhat of a heart. But now it's like pressure. You know, now it's like they're calling the National Guard. Like there's more pressure to stop at no matter what, you know, the cost.

Mexican Americans, as collateral subjects, are not only susceptible to direct harassment by BP; the scrutiny that immigrants experience may also affect the physical safety and sense of belonging for U.S.-born Mexican descendants. While in some ways increased border enforcement may feel like "more of the same," as Alex expressed, the changing political landscape and heightened anti-immigrant climate in the wake of Donald Trump's presidency is cause for concern for many (C. Miller et al. 2016). Whether or not people experience overt discrimination or violence themselves, militarized surveillance results in legal violence for entire communities (Menjívar and Abrego 2012), such that racialization is exercised in a sweeping fashion. Ironically, border enforcement policies are purportedly put in place to protect citizens and deter unauthorized immigrants; in practice, however, the consequences

of these policies are that they also create a threatening environment for citizens (Kalhan 2014). Although many have grown accustomed to dealing with hypersurveillance on the border, the social norms and practices that individuals had grown familiar with are now being altered in the face of a new administration. In light of an evolving political climate, even Mexican Americans who are deeply familiar with extensive surveillance must reevaluate their relationship to and strategies for engaging with immigration control.

Responses to Surveillance: Strategies of Compliance and Resistance

In response to expanding forms of surveillance, people have developed strategies for interacting with officers. These approaches meet different strategic ends, namely, moving through interactions unscathed and, alternatively, protecting one's citizenship rights. These options raise a significant question about the quality of agency Mexican Americans on the border hold: Does "making a choice regulated by structures suggest any agency in the choice maker?" (Wang 2008:486). For many participants, adopting a strategy for dealing with officers meant choosing one of the aforementioned goals over another, as these are rarely achieved simultaneously in the face of heightened surveillance. These decisions hold meaning nonetheless, in that they are moments of potentiality that may reinforce or challenge structural constraints on the border (Wang 2008).

Strategies of Compliance. Strategies of compliance were largely defined by participants' desires to avoid any behavior that would lead to the provocation of CBP. As such, these tactics were largely defensive in nature. In response to a question about whether he ever felt tension between his national and ethnic identities, David, a produce broker, reflected on his experiences at checkpoints and POEs:

If you're in between people or restaurants, you don't feel the tension. But when you're crossing from one border to the other, you feel that. A lot. Because they're intimidating. The customs make you feel like you're less than a person, regardless of your ethnicity. They don't care if you're American or Mexican. They don't treat you with the same respect. And that's for everybody.

David's perspective is emblematic of that of many other participants, who wavered between acknowledging differential treatment and articulating a

narrative of equality wherein CBP treats *everyone* unfairly. Several participants were reluctant to describe their experiences through a racialized frame and often said they were unsure why they were the subject of frequent stops. Though these findings are consistent with other research uncovering nonracialized responses to discrimination by people of color (O'Brien 2008), color-blind rationalization holds a particular meaning on the border. Because many of the victims and perpetrators of surveillance on the border are coethnics, it becomes difficult to disentangle the racialized aspects of surveillance (Correa and Thomas 2015). Additionally, as collateral subjects, U.S.-born Mexican Americans are not publicly designated targets of immigration enforcement efforts; it is therefore unlikely for David to see the treatment he receives as unique to someone of his particular ethnic/national identity. When asked if he had experienced difficult interactions with officers, David said,

Oh yeah, many times. Many times. If you're passing through and you say you're a U.S. citizen, but you laugh the wrong way, your phone rings, or the customs agent doesn't like you, he's got the right to put you in the cage and interrogate you for whatever reasons he thinks that you did wrong. It's humiliating.

David may not perceive the harassment he endures as racialized, but his unmitigated contact with surveillance does generate an awareness about the power of the state and his subordinate status in relation to it. The "mental coercion" stemming from the kinds of experiences with surveillance that David described "create[s] unique and alienating relations with the state that go beyond the physical" (Glover 2008:247). Not knowing when or under what circumstances one may provoke an aggressive response from officers is emblematic of the emotional and psychological ramifications that are brought about by legal violence (Menjívar and Abrego 2012). Despite the unpredictability that goes along with crossing checkpoints and the POE, David grasped at some semblance of control when he explained why he and his wife continue to travel to Mexico, even though his son no longer goes "across the line" because of the disrespect he faces from officers:

We go because we like it and we're older and wiser and we can pay attention and actually say the right thing. But for a teenager or somebody that's in their mid-20s, you know, they come

across . . . the customs might say something wrong and you're going to answer within your rights, but they don't care. They really don't. You need to experience it to understand what we talk about.

David recognized that the dehumanizing conduct of officers cannot be mitigated by exercising one's rights. Instead, he had learned to respond in such a way that appeases officers, a skill he attributed to his age. David's narrative illustrates the socialization process that happens around normalizing surveillance. There is an implicit expectation that his children will age into the environment of surveillance, allowing them to successfully navigate the system, which is similar to the way young unauthorized immigrants must learn to navigate the system as they age out of a protected category (Stuart et al. 2015). Though David adheres to the principle of "saying the right thing," it is clear that this particular tactic is not foolproof; age and wisdom go only so far in ensuring unproblematic interactions with officers.

Tomás, a sales manager, shared a similar philosophy about the best way to handle interactions with officers:

It's been very easy because I have a SENTRI [expedited clearance status], but it just expired on my birthday so I reapplied, but it's taking so long. I have no problems at all. I'm not a smart-ass at the border either. I know, I've heard some stories, but for God's sake, you're crossing the line. Just shut up. Some people they push it, they push the limit.

Popular discourse surrounding police brutality against people of color underscores the presumed agency of individuals as they interact with officers. Race-blind rhetoric posits that civilians escalate encounters with law enforcement by failing to follow direct orders or lacking a respectful demeanor when engaging with authority (Delgado 2018). This logic imposes responsibility on civilians for ensuring that interactions with officers go smoothly by engaging in politics of respectability, consequently placing blame on civilians for their victimization. Tomás's perspective may also be an outcome of symbolic violence. Even if one is aware of uneven power relations, as is the case with David, "the conditions [of inequality] are so overwhelming and structures so omnipotent that there is little room for questioning this natural order of things" (Menjívar and Abrego 2012:1386).

Unlike David, Tomás has not experienced harassment by officers. Although both men have light complexions and may be able to pass as non-Hispanic whites outside of the border, Tomás's class status is what allows him to move through screening with ease. SENTRI (Secure Electronic Network for Travelers Rapid Inspection; CBP 2017b) is a mechanism for expedited travel through the POE for approved travelers who have never been convicted of a criminal offense and can pay a fee of \$122.25. While the price may not seem flagrant, in order to move through the SENTRI lane, all passengers must have SENTRI, which can become expensive for families. Moreover, the SENTRI system reinforces existing inequalities by excluding those who have been criminalized. Thus, the perception that good behavior is the basis for smooth interactions with CBP does not account for the social sorting that is already in place.

Compliance may also operate outside of direct contact with officers in anticipation of future interactions. For example, Andrea, a retired elementary school teacher, described her thought process as she approached the POE on her way back to the United States:

I think they really questioned the person in front of me and it really got me nervous. I'm like, "Why in the heck am I nervous," you know? I don't have anything to hide. And then I'm like, "Did I have any medicine in my purse that I brought? My allergy pills?" And I think that was when Arpaio was checking a lot of people. I remember being scared to go out walking and not have my ID with me and thinking, "Oh goodness, are they going to believe me or what's going to happen?" More now because of Trump and all the stuff that's going on, you know? You see all these kids and people being deported and you're like, "Oh my goodness."

As a U.S.-born citizen, Andrea is not required to carry her identification with her at all times; nonetheless, she chooses to comply. The fear she has of being questioned or profiled on the street causes her to think twice about how she is or is not conforming to the expectations of CBP, not only when she travels through the POE but when she goes to the grocery store or to work. Hence, in addition to experiencing surveillance by others, my participants also engaged in practices of self-surveillance, which are borne out of the systems that support their perpetual visibility (Foucault 1979). Andrea's case depicts more than the fear that many people of color

carry moving through the public sphere—it points to the feeling of being culpable *and* foreign in one's own country. The nativist racialization that many Latinxs experience is compounded at the border, where people are regularly reminded that they are seen as threats to national security as a consequence of heightened surveillance (Correa 2013).

Strategies of Resistance. Whereas those who utilized strategies of compliance attempted to steer clear of confrontations with officers by being mindful of their own behavior in relation to officers and their variable moods, those who employed strategies of resistance focused on legal and procedural avenues for defending their rights. As racialized citizens, Mexican Americans' options for resistance are restrained by the potential legal and physical ramifications that are particular to communities of color (Glover 2008). Moreover, citizenship rights are especially limited in "border zones" (American Civil Liberties Union [ACLU] 2018). At the same time, strategies that function via legal pathways also necessitate a certain degree of cultural capital, as they are not available to those who are unable to navigate the system for reasons of citizenship status or linguistic ability (Menjívar and Abrego 2012). Whereas most participants chose forms of compliance, likely due to their liminal racialized status, the few instances of resistance that emerged revealed a different dimension of living with surveillance.

Manuel, a former mayor, also avoids travel to Mexico due to "the disrespect and rudeness of the customs officers." However, unlike participants who chose strategies of compliance, Manuel does not actively avoid confrontations with officers when he encounters them:

When you run into any federal agent, whether it's crossing the border or at a checkpoint, always the first thing you do is look at his nametag. Always remember who he is, what his name is, and never forget it. As soon as they come toward you, look at their name first, and memorize that in case they get rude. Even though it wouldn't be hard to find them because everything is recorded. Everything is on tape.

This particular approach, which favors official processes as an avenue for expressing grievances, were most common among male participants as well as those who were in positions of authority at their places of employment. Paradoxically, submitting formal complaints to make one's dissatisfaction known suggests a certain level of trust in the

system. Surveillance in this context provides Manuel with a sense of agency, as he believes he can access recorded information and use it to his benefit. He challenges surveillance by engaging in *sousveillance*, or “watching back” at those who surveil (Galič et al. 2017). While 97 percent of complaints against CBP result in “no action taken” (Cruz and Payan 2017), Manuel’s decision to take names and file complaints still constitutes an agentic action. Whether or not Manuel’s specific actions are retroactively perceived by others as creating social change, he attempts to resist his subjugation.

Manuel, a tall man who has been in several positions of authority throughout his life, is able to harness the bureaucratic procedures available to him. Yet, he and others in my sample did not take advantage of other forms of resistance at checkpoints and POEs. For instance, Pete, a retired police officer, once witnessed an exchange between a customs agent and a white American citizen at the POE:

James was coming through, and he’s talking, he’s very talkative. He gets through the line and there’s this—I’ll never forget her—a little customs inspector. “Where are you coming from?” “Mexico.” And you could tell this guy’s from back East or wherever, and, “What’s your citizenship?” He’s from Montana. “I’m from Montana.” “You better have a passport from Montana.” Now, you can see the guy is getting upset. I don’t blame him. He says, “I’m a U.S. citizen. OK?” “Well where were you in Mexico?” “Just right across the border.” “Well, what were you doing in Mexico?” “I went to get a blowjob, OK?” And you just see the inspector crack up laughing, and the lady turns over, “Get out of here.” There’s nothing she could do because she asked the question, you know?

As a white man speaking to a female agent, James was able to use crude humor and mention an illegal act as a means of bypassing questioning by an officer. The Mexican Americans in my sample were not able to exploit similar strategies, despite their status as U.S.-born citizens. Pete reflected further, “If they treat the American citizen that way, imagine what they do to these poor people. And they do, they treat them like garbage,” implicitly acknowledging the roles that race and citizenship play in treatment at the border. In the Southwest, mistreatment by immigration officials is positively associated with Mexican ethnicity, even after controlling for socioeconomic status, citizenship, gender, and age (Sabo et al. 2014), which limits the “tools” in

the agentic “toolbox” that Mexican Americans are able to draw upon (Wang 2008).

Despite having experienced several distressing interactions with BP, Joel, an accountant, has not attempted to side step contact with customs agents, partly because he has family stretching past the checkpoints north of Nogales, in Tucson and Phoenix, and much of his extended family also live in Mexico. Moreover, Joel grew up going “across the line” on weekends to do things like get haircuts or eat at local restaurants. Thus, travel across the border was hardly travel at all and more an aspect of everyday life. Joel described one encounter at the I-19 checkpoint:

The most recent time they asked me, “Can you roll down the window?” I turned around and he goes, “What are you looking at?” And I said, “I’m looking to see if your dog is barking at my car.” And he goes, “Well no, the dog’s not doing anything.” I was like, “OK, then I’m not going to roll down my back window. You have no right to look in my car.” He goes, “Can you just roll down your back window? Can you just be cooperative? We can both be on our way.” And then I told him, “No. I’m not going to roll down my back window, I’m not going to open my trunk, and I didn’t even have to open my mouth to you in the first place. I’m already in the United States and I’m driving a car with American plates. You do not have the right to stop me here. I don’t have to say if I’m a U.S. citizen or not.” Eventually he sent me to secondary and they made me get out of the car and they took me behind the tents so I couldn’t see it.

After one particularly traumatizing experience with customs agents involving his younger brother and father, Joel “lost all respect” for officers; the approach he put into practice since that event is to exercise his rights to the fullest extent. Though officers retain the right to stop, question, and visually inspect vehicles, Joel is in fact correct that individuals have the right to remain silent at checkpoints and that BP cannot search personal belongings without either probable cause or consent (ACLU 2018); however, exercising one’s rights in this manner often results in detainment for prolonged questioning. Joel not only familiarized himself with laws pertaining to the discretion of officers as a way to protect himself; he also drew upon his status as a U.S.-born citizen by pointing to his American plates. Checkpoints are spaces meant to control access (Galič et al. 2017) and, in doing

so, impose “identity encounters” on civilians who undergo regular challenges to their identity and citizenship (Sabo et al. 2014:67). Individuals are then left with the decision to either assert their identity claims or to comply with the state’s infringement on their citizenship rights (Glover 2008). I describe the decisions of these participants as forms of resistance because they extend beyond acts of self-preservation (though such actions could also be interpreted as resistance). If survival were their only motivation, participants would not need to file complaints in response to “rude” behavior, nor would they be inclined to directly challenge the practices of officers, knowing that it will likely result in extensive questioning or detainment.

DISCUSSION AND CONCLUSION

Through examining the role of surveillance on the U.S.-Mexico border, this study illuminates the consequences of immigration control on U.S.-born Mexican descendants. Though many studies articulate the effect the militarization of the border has had on immigrant populations, few explore how native-born Mexican Americans engage with these forces. Importantly, this study also answers the call to examine “the state as lived experience” by exploring people’s everyday encounters with customs and BP agents, as these daily interactions are what constitute the structure of society (Correa 2013).

The data in this study speak to emergent literature demonstrating the nativist racialization that U.S.-born Latinxs continue to experience (Lacayo 2017). I argue that the pervasiveness of surveillance imposes a rigid and wholesale form of racialization on the border that is substantiated by a call for heightened national security. Racial dynamics on the border are also highly variable due to the large presence of co-ethnics (Vila 2003). This combination of durable and flexible forms of racialization produces a perception that *everyone* is susceptible to heightened surveillance, and legal violence is thus unquestioned and normalized. To complicate matters further, Mexican Americans not only occupy a liminal racial status; they are in a confounding position wherein they directly experience the effects of legal control yet are not the purported targets of immigration surveillance. I use the term *collateral subjects* to name this ambiguous and profoundly consequential status.

The normalization of surveillance on the border becomes evident through the narratives of those who spend their lives traversing the area’s manufactured boundaries. Participants often anticipated being the

subjects of heightened surveillance, because they either had experienced it themselves or had heard multiple accounts from others detailing occurrences of abuse. Participants experienced a mixture of desensitization and fear in reaction to the pervasiveness of surveillance. Although the normalization of surveillance may appear to stand in opposition to the notion of fear, the near-constant state of distress itself becomes normalized.

Despite their marginalization, Mexican Americans are not passive objects of domination and coercion—they make use of the capital they have to determine the most effective strategies for their encounters with surveillance. Strategies for engaging with officers were aimed at addressing two sometimes competing goals: avoiding harassment from agents and protecting citizenship rights. To avert extensive questioning, searches, or detainment, individuals attempted to comply with the desires of officers. The decision to comply was also informed by an acceptance of things as they are and an assumption, or hope, that individual behavior, rather than class or ethnic status, is what determines whether or not an encounter will go smoothly.

Those who sought to guard their citizenship rights engaged in strategies of resistance, which were often entrenched in official, bureaucratic processes and required familiarity with policies pertaining to CBP’s discretionary powers. These methods resulted in varied levels of success for participants; the chosen strategy could risk either goal, and it sometimes resulted in losing out on both counts. Participants’ choices were constrained by their identities. The fact that all of my participants are native-born citizens lent them the latitude to challenge authority, yet these challenges were often met with intensified surveillance, like searches of vehicles, additional questioning, and placement in holding cells. The strategies people employed also reveal something about how they understood their perceived value in U.S. society and the agency their citizenship affords them.

By analyzing experiences at checkpoints and POEs, which control access to space and opportunity, it becomes apparent that the type of surveillance that Mexican Americans on the border are exposed to is observable and immediate and therefore cannot be ignored. While contemporary theories of surveillance are engaged in technological innovations, “time-honored, direct observation is still significant. Ordinary, unmediated watching of some people by others will continue to be an important element of surveillance” (Lyon 2003:6). Direct surveillance also provides a window into the

convergence of structure and agency, as the “watched” must confront the “watchers.”

Studying policies and practices around surveillance is particularly crucial given that surveillance concurrently perpetuates and reveals existing systems of inequality (Glover 2008). Border security, although highly specific to the U.S.-Mexico border region, should not be overlooked considering that the surveillance practices and discretion exercised by CBP at the border in Arizona are being used as a template in other states (Delgado 2018). Local contexts underscore social patterns at the national level while also accounting for the mutability and particularity that emerge from specific settings. In this way, we may look to the U.S.-Mexico border as a testing ground for other domestic regions and populations.

ACKNOWLEDGMENTS

For their continuous support and feedback, I thank Yoli Gallardo, Eric Carter, Cristian Núñez, Rubén Gallardo, Christina Sue, Andrew Gutierrez, and Stephanie Bonnes. I also thank the *Sociology of Race and Ethnicity* editors and anonymous reviewers for their invaluable feedback and extend my deepest gratitude to my father, Edgar Núñez, my participants, and others from the border who made this work possible.

NOTES

1. The Border Patrol is a unit within Customs and Border Protection, which is a larger agency that encompasses customs and immigration inspectors. I will use *CBP* when referring to both customs officers and border patrol, *BP* when discussing Border Patrol more specifically, and *customs agents* when describing officers stationed at the points of entry (POEs).
2. For a review of changes to POEs and checkpoints, see Migration Policy Institute (2013) and Osete (2016).
3. *Secondary* refers to secondary inspection, a holding area where officers may ask additional questions, search vehicles, or temporarily place individuals in cells. A person is typically sent to secondary if officers are alerted to suspicion based on an individual's immigration or criminal record or if there are unauthorized goods being transported.

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