

NAMING THE DEAD:
IDENTIFICATION AND AMBIGUITY ALONG THE U.S.-MEXICO BORDER

by

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SIGNED: Robin C. Reineke

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Naming the Dead: Identification and Ambiguity Along the U.S.-Mexico Border

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Abstract

Since the beginning of the 21st century, the deaths of migrants have become a regular occurrence in southern Arizona where an average of 170 bodies are recovered from the desert each year. This dissertation examines the causes and effects of death and disappearance along the U.S.-Mexico border, seeking to address the contradiction present in the fact that thousands of people have died or disappeared in one of the world's most heavily surveilled landscapes. It interrogates the ways in which the dead, the missing, and their families are simultaneously erased and exposed in a biopolitical process that has powerful implications beyond the space of the borderlands. The observations for this dissertation are drawn from nearly a decade of both ethnographic research and applied humanitarian assistance in the field of forensic human identification, primarily at the Pima County Office of the Medical Examiner, in Tucson, Arizona. Although the majority of migrant fatalities have been determined by the medical examiner to be accidental, resulting from exposure to the elements or unknown causes, a historical analysis reveals the violent nature of these deaths and disappearances, which are a structured result of U.S. border and immigration policies. From their homes to their destinations, migrants in the Americas face a particular kind of structural violence and social invisibility that is revealed when they disappear at the border. This disappearance is then made more thorough by the structured lack of access for families of the missing to services to assist them in their search. Practices of care, whether occurring within families of the missing and dead, during the desert crossing itself, or in the forensic work to identify the dead, powerfully contest the invisibility and erasure experienced by migrants in the Americas today.

Introduction

Reyna last spoke with her husband, Felix, on July 8, 2009. He called her from Altar, Sonora, to tell her that he would be crossing the border the following day. Having been deported to Guatemala in May, he was in a hurry to get back and help Reyna take care of their two young children in North Carolina. A few days after Felix's call, Reyna heard from his *coyote*, or professional smuggler. Felix didn't make it. He had collapsed in the desert and was left behind somewhere near a road frequented by the Border Patrol. "Near a place called Choulic," the man said.

In the summer of 2011, almost two years after Felix disappeared, I visited Reyna and her children in their home in rural North Carolina. Finding her was difficult. She could not read or write or give me directions. As I drove around in circles in a rural area, I began to notice white feathers all over the grass. By the time I turned on Reyna's road, the feathers were covering the ground and the air was thick with the stench of chemicals, manure, and blood from a nearby poultry processing plant. Reyna's home was one of about a dozen trailers lining an unpaved looped road cutting through an open field. At the entrance to the road was a small, dilapidated shack with a sign outside reading *Tienda*. The windows were covered with ads in Spanish for international calling cards.

I sat with Reyna for about an hour and a half as she described what had happened, what Felix was wearing, the color of the metal dental restorations on his front teeth, and the fact that he'd had a bad knee. I learned that she worked for the poultry processing

plant and that she and her children were undocumented. Her living conditions, on company land, were dire. Reyna and her children lived in a small trailer with cracks where sunlight streamed in. Reyna's children, an eight-year-old boy and a five-year-old girl, clung to her and whispered in her ear as Reyna explained how the situation had affected her:

It has been so hard. We suffer so much. We don't know anything. He wanted to be with his wife. He wanted to be with his kids. And they love him so much. And they need their papa. And I need him. They need new things. They say, "Mama, I want new clothes, I need a backpack." I have to work all night and into the day to pay the rent. And we have two children in Guatemala. Without knowing where he is, I don't know what to do. I can't do it all by myself. For two years now, we know nothing of him.

I met with Reyna that summer for two reasons—to collect more information about Felix so that he might be identified among the unidentified bodies at the Pima County Office of the Medical Examiner (PCOME), and to inform my research on death, disappearance, and identification along the U.S.-Mexico border. While sitting with Reyna, we looked at my growing excel spreadsheet of data about missing migrants to make sure all of the information about Felix was correct. We found that there were actually two records in the database for Felix, one that I had collected from the Guatemalan consulate, the other from the Mexican consulate. Reyna reported Felix missing to both, because Felix had used a Mexican alias and false ID. Neither report listed the correct date of disappearance in the desert—one was a month after Felix had crossed, and the other had the date of disappearance wrong by a year.

When I returned to Tucson from North Carolina, I searched among records for the unidentified dead at the PCOME. I didn't expect to find anything. It had already been two years, and it was likely that if Felix had died, his body had either not been found or was so highly decomposed that connecting the dots without DNA would be impossible. I thought that Reyna, like many other families of the missing, would have to wait for a DNA system capable of producing blind-matches that was, at the time, nonexistent. But when I opened the thick binder at the medical examiner's office full of records about unidentified remains found in the year 2009, and flipped through the pages and pages of records for the month of July, there was an autopsy report for a man found near Choulic, Arizona, on the 9th, with metal restorations on his front teeth. I recognized Felix's face in the postmortem photos.

I had promised that I would call Reyna the minute I had any information. So I stepped outside, into the PCOME courtyard, and called her on my cell phone. It was four o'clock on a Friday afternoon in Tucson. I told her that I might have found him. Knowing that she would recognize the facial photograph, I asked her if she wanted to see it. She did, but needed to get to a computer and someone who could help her with email. She hung up, walked down the road to the little *tienda*, and called me back. The shopkeeper shared her email address with Reyna, who shared it with me. Within a few minutes, Reyna was looking at a photograph of her husband, taken two years ago, on the day after he died.

Felix had remained unidentified for over two years. For the first year, his body was kept in the morgue at the medical examiner's office while forensic experts struggled to identify him. His body had undergone autopsy and forensic anthropological

examination, and then was stored in a body bag in the massive county cooler while investigators searched for leads on his identity. His remains were then released as unidentified to the county public fiduciary, and cremated before being stored for another year in the Pima County Public Cemetery in Tucson among hundreds of others.

Once there was a strong link between the missing person, Felix and the unidentified remains, the rest of the forensic identification process concluded quickly. However, Reyna waited another eight months to finally receive Felix's ashes due to bureaucratic delays involving the consulate and the funeral home. It was nearly three years after Felix's death that Reyna finally was able to receive his remains.

The desert borderlands have become a disappearing machine. Thousands of people leave their homes to join a mass migration that pushes them into some of the most remote and inhospitable terrain on the continent. This terrain itself is somewhat geographically invisible—out of view of the vast majority of the American public, and sparsely inhabited by other marginalized communities such as indigenous Americans and rural ranchers. As they cross, migrants are exposed to dangers ranging from abuse by *coyotes*, to deportation by state authorities, to death from exposure. If they die, their remains may never be found, or may be found and never reported or investigated. For those discovered in places where efforts are made to identify the dead, forensic experts face numerous obstacles ranging from funding constraints to the inability to use a variety of systems not intended for these cases.

After someone disappears in the borderlands, their families then face a complicated international search that is not unlike the ambiguity, danger, and invisibility of the border crossing itself. The desert borderlands have become a sort of fog that consumes the missing, and is often experienced by the families as impenetrable and dangerous. Those with the social and financial capital to search do so endlessly, contacting actors ranging from state officials, to poorly funded nonprofits, to private investigators. Due to their undocumented status and the bureaucratic liminality of their cases, many families cannot seek help from the police, who have the legal authority in the U.S. to investigate missing person cases.

The ambiguity and invisibility of the disappearance is repeated yet again in the failure of those in positions of power to acknowledge the deaths and disappearances or do anything meaningful to prevent them. The deaths of thousands of Latin American migrants along the U.S.-Mexico border is very rarely mentioned in domestic policy or international human rights discussions. U.S. Federal policies that have led to this unprecedented loss of life continue without serious reflection on the mortality rates along the border. In the meantime, migrants continue to die, and are excluded anew by international human rights protections, which not only fail to protect them, but actually come to be used against them.

It is no mystery that thousands have disappeared in this context. In fact, it is a wonder that the missing are ever found. The question then becomes, how have thousands of human beings been allowed to disappear in one of the most heavily surveilled landscapes in the world? What is being done to contest this erasure, and make these

individual persons, lives, and bodies visible? These are the guiding questions of this dissertation.

A Practitioner-Anthropologist

My positionality in the borderlands over the past decade has been complex, if consistent. I moved to Tucson in 2006 to begin graduate school in anthropology at the University of Arizona. I chose Arizona's program in large part because I had the opportunity to work with forensic anthropologist, Dr. Bruce Anderson, who, although adjunct faculty at the University of Arizona, worked full time at the Pima County Office of the Medical Examiner (PCOME). I wanted to pursue a masters and Ph.D. program in anthropology where I could obtain training in both cultural and forensic anthropology, two subfields which at the time, were rarely combined.¹ Academically, I was interested in applying the tools of critical medical anthropology to the study of forensic science. Personally, I had a deep commitment to social justice, and was interested in the ways in which forensic anthropology had historically been a powerful tool for truth and reconciliation, especially in Latin America in the latter half of the 20th century. I was interested in exploring the potential role of a cultural anthropologist alongside forensic anthropologists, much in the way that medical anthropologists have created innovative roles by collaborating with physicians in clinical settings.

¹ There is now a program at the University of Tennessee in Knoxville, called Disasters, Displacement, and Human Rights combining insights from these two fields in innovative and important ways.

Upon meeting Dr. Anderson for the first time, I was quickly made aware of the dire situation on the U.S.-Mexico border. Like many U.S.-born Americans, I had a vague knowledge of the fact that migrants were losing their lives attempting to cross the border, but I did not know the scale of this crisis until that April 2006 visit with Dr. Anderson. At the time, he was the only forensic anthropologist at the medical examiner's office, and he was managing a caseload of approximately 150 cases per year, which was far more than any other forensic anthropologist in the nation, and likely in the world. He was overwhelmed. In addition to completing the skeletal analyses and case reports for the dead, Dr. Anderson was also increasingly managing calls from relatives of the missing, who were calling the medical examiner's office directly because they had nowhere else to go.

The standard mechanism for reporting and pursuing the investigation of a missing person case in the U.S. is through law enforcement. Families of missing migrants generally struggle with this system, either because they are afraid to contact police for fear of deportation, because they do not live in the U.S., or because they are turned away by law enforcement officials when they try to file a report for a missing foreign national. Dr. Anderson had recognized this gap in services available to the families, and had intervened by taking reports himself. He recognized that if he could obtain data about the missing directly from the families, he would have more hope of identifying the dead.

Within three weeks of beginning my graduate studies at the University of Arizona, I began volunteering at the medical examiner's office under Dr. Anderson's guidance. He made it clear during our first meeting that he was so overwhelmed (and also heartbroken) by what was occurring on the border that he could not, in good conscience,

allow research in the space of the medical examiner's office that was not also directly contributing to solutions for the problem of unidentified dead and missing persons. That service-oriented approach suited my personal humanitarian outlook, and I was excited to help. Specifically, Dr. Anderson asked me to assist him with the management of missing migrant calls, data, and comparisons. He told me that he had been waiting for a cultural anthropologist or someone with similar training to assist with the side of the work that involved the missing and their families. He felt that this work, as opposed to that which was focused on the unidentified dead, would be best managed by someone who could appreciate cultural sensitivities and social suffering. I believe was also hard, and I speak from experience on this point, to go back and forth between the lab with skeletons and the phone with families in crisis.

I have often felt over the years, that in many ways, I was not the right person to do this work. I was 24 years old. I did not speak Spanish. With only a BA in anthropology, I did not have much in the way of the training that Bruce wanted. I had never managed large amounts of data, and had to learn how to use Excel that first year, sitting in the small library of the medical examiner's office, entering all 250 of Bruce's handwritten reports for missing migrants. Perhaps most ironically, I was afraid of death. The first day I visited the medical examiner's office, Bruce showed me his lab. As he casually reached to unzip a small body bag containing bones, I backed away from the examining table so fast that I hit the wall behind me.

Unfortunately, this fear of the dead and the space of the medical examiner's office only intensified. Just a month after that first day in Bruce's lab, my father died suddenly and traumatically. The knowledge that my dad's body had come to a place like that

office, that he had been autopsied under similar florescent lights, that the details of his death had been tucked away in some numbered case file, affected my relationship with the work. After my father died that October of 2006, I approached the medical examiner's office as if carrying a yardstick—always measuring my proximity to death, keeping my distance. It was several years before I set foot in Bruce's lab again.

My effort to maintain distance from the materiality of death was the opposite from my approach to the families and the missing. Although I had arrived in Arizona with compassion for the families, the loss of my father intensified my empathy for their search. Having lost my father to a “bad death,” a culturally stigmatized death, and a death that leaves more questions than answers, I recognized the families' need for information about the missing. I recognized the details of *persons* noted in missing person reports—memories of moles and scars and hair and the stories behind healed fractures. I recognized the way that society tends to define the dead the way they died. In those grief-stricken early years, the world of forensics and the search for the missing made more sense to me than my graduate studies in anthropology.

I spent that first summer break from graduate school intensively studying Spanish in Guatemala. When I came back in the fall, I began to take missing person reports from families of missing migrants. I worked from a spare room in the medical examiner's office with a phone and a computer and walls covered with maps of southern Arizona. I took down reports from families and entered them into my growing Excel spreadsheet database so that they could be easily compared against the biological profiles Bruce produced for unidentified remains. We would exchange information, and occasionally make matches. Mostly though, it felt like I was always struggling to keep up, trapped in a

constant flood of data that seemed to accumulate on both sides—the missing, and the dead—while I tried to gather details and create a workspace somewhere in the middle where I could compare them one by one. I eventually realized that the best I could do was create an archive of the names and details of the missing for the future, rather than hope to identify a significant portion of the dead with the limited resources I had at the time.

That work was the beginning of what, in 2013, became the Colibrí Center for Human Rights, the nongovernmental, nonprofit organization I co-founded and currently direct. As of 2016, Colibrí still maintained an office inside the PCOME, where staff collect missing person reports from families of those who have disappeared crossing the border and compare them to autopsy reports for the unidentified. Colibrí's data is no longer stored in an excel spreadsheet but instead in a secure and private case management system. At the time of writing, there were nearly 900 cases of remains that the PCOME has been unable to identify but believes to be migrants, dating back to 2001. Colibrí's database now contains records for 2,700 missing migrants, most believed to have disappeared in Arizona in the same time frame. In addition to assisting the families of the missing in finding information through forensic science, the Colibrí Center for Human Rights also supports families through the creation of a "Family Network," where relatives of the missing and dead can meet others with similar experiences, and an oral history project, "Historias y Recuerdos," where families can submit testimonies and remembrances about their missing loved ones. Also in 2016, Colibrí began a large scale project to collect family reference DNA samples from relatives of missing migrants believed to have died along the U.S.-Mexico Border.

Between the beginning of my work in 2006, and the founding of Colibrí in 2013, I continued my graduate studies in anthropology, while simultaneously becoming involved in various efforts to both research and respond to the enormous problem of missing persons and unidentified remains in southern Arizona. Between 2009 and 2013, I conducted IRB-approved research at the medical examiner's office and among families of the missing. This dissertation is a result of a decade spent both studying the issue, and to trying, often futilely, to help. Although what I did over the past decade was anthropological, much of it was not "research" in the traditional sense. It was humanitarian first-response work guided by an experienced forensic anthropologist. Because of Bruce's ethical directive and my own personal outlook at the beginning, directly caring for the dead and the families of the missing took priority for me over conducting interviews and observing the issue as a researcher. I see this approach as grounded in ethical precedent.

Foregrounding humanitarian need before research has long been an established ethical tenet regarding any research involving human subjects, and especially within the discipline of anthropology. Beginning with the Nuremberg Code in 1947, an ethical mandate was established that "the degree of risk to be taken should never exceed that determined by the *humanitarian importance of the problem to be solved* by the experiment" (Holland 2015:624 emphasis added). Similarly, the Declaration of Helsinki (1964) emphasized that research should be "conducted for the sake of general humanity" (Holland 2015:626), and the Belmont Report (1979) clarified that that research should "maximize possible benefits [of the research] and minimize possible harms [to the individual]" (Holland 2015:627).

If applied to the locally specific case of the PCOME, the fact that my research needed to benefit the humanitarian issue at hand follows in step with these ethical guidelines. However, I still could have chosen only to do research, provided it benefitted the issue. The choice to get involved in directly responding to the needs of the families of the missing did not feel like a choice, but a more like a responsibility akin to providing water to someone suffering from severe thirst. The more I learned about the PCOME and the loss of life on the border, the more I felt obliged to support the work of human identification directly and urgently. Gradually, I became both a forensic practitioner and an anthropologist at the same time. For these reasons, this dissertation is somewhat auto-ethnographic.

The positionality of an ethnographer-practitioner has precedent in the field of anthropology, especially in medical anthropology and within research conducted in post-disaster and post-conflict settings. As anthropologists are often interested in documenting the very same lives that states and dominant sectors of society perceive to be the most disposable, it is not uncommon for researchers to find themselves responding where the subjects of their inquiries are demanding something much more basic to survival than ethnography. Nancy Scheper-Hughes has observed that in these contexts,

even the most interpretive and qualitative of ethnographers becomes an obsessive counter, a folk demographer, her function that of the village clerk, the keeper of the records recording and numbering the anonymous dead and disappeared [Scheper-Hughes 1992:216]

Other anthropologists have observed that most research emerging from situations of violence or disaster is “undertaken in the context of assistance” (Hoffman and Oliver-Smith 2002:14). As anthropologists often have the skills, training, and perspective to provide aid, they have a “responsibility to mitigate suffering” whenever possible (Hoffman and Oliver-Smith 2002:14). To stand by while violence or suffering are taking place is to become complicit with the perpetrators. Sometimes, as I felt was the case at the PCOME, maintaining distance from the labor of providing relief can be exploitative, or even an abuse of power and privilege. Much of the time, this labor is basic: organizing lists, filing paperwork, making phone calls, knocking on doors. Although the various types of expertise needed to best respond to the needs of families of the missing will be discussed at length, it often simply requires basic human kindness, respect, and a willingness to “chop wood and carry water,” to use a quote my Dad was fond of saying. This is both applied anthropology and it is basic human solidarity.

To become deeply involved in the provision of services, relief, or aid can become confusing both for those whom the anthropologist is writing about, and for those tasked with the interpretation of “findings.” It is for these reasons that I provide a thorough and honest account of my role vis-à-vis the border dead, forensic scientists, and families of the missing over the past decade, including a decision early in my fieldwork to shift the focus. Initially, I had focused on the families of the missing and dead. I completed in-depth interviews with a total of 20 families in various locations, including Guatemala, Oaxaca, and in multiple U.S. states. When conducting these semi-structured interviews with families of the missing, I tried to make it clear to those I was interviewing that the interaction had nothing to do with the forensic search for their missing loved one. I only

reached out to family members with whom I already had a relatively trusting relationship, and made sure to complete a consent process with them at the beginning of each interview. Nevertheless, I discontinued this aspect of the research because I felt that no matter what I said, there was too great a chance that families would be afraid to decline an interview request by me for fear that I would de-prioritize their missing person case. The potential for unintended coercion was too high.

I shifted the focus of my research from interviewing families to questions about the broader systems and structures leading to death and disappearance in the borderlands, and the social process of the forensic work to identify the dead. By taking part in the humanitarian forensic work alongside Bruce and others, I engaged in participant observation. Between 2006 and 2013, this included taking detailed missing person reports from families of the missing; managing large amounts of data about the missing and the dead; assisting in skeletal examinations as a forensic anthropology intern; examining the personal effects of the dead; comparing records and making matches; working with forensic pathologists, anthropologists, and investigators through the identification process; fielding questions and concerns from families as they awaited results; notifying families of positive identifications and the death of their loved ones; collaborating with consulates until remains were received by families; and collaborating with various individuals and organizations in the creation of new systems and solutions to better address the problem of the missing and unidentified. I participated in dozens of meetings per year with forensic practitioners from various border jurisdictions, officials from foreign consulates, Border Patrol agents, police officers, nonprofit leaders, forensic geneticists from DNA labs, news reporters, documentarians, and members of family

advocacy organizations. My IRB-approved research concluded in 2013, which was the same year that I co-founded Colibrí. My role as a researcher shifted to the activities of reading and writing, and my role as a forensic practitioner shifted to the work leading a team and fundraising to support a nonprofit. The observations for this dissertation come from both my ethnographic research and my personal experience as a forensic practitioner and nonprofit leader.

The past decade has changed me. If I were to begin the work now, I would likely map a very different path. As a White non-immigrant and a non-native speaker of Spanish, I now recognize that some portions of this work would have been better taken on by someone else. While the provision of aid and services may often involve humble labor that can be done by nearly anyone, the question of *who* does the work becomes more fraught when it comes to the representation of suffering and violence. I have spoken with dozens, perhaps hundreds of reporters from major media outlets over the past decade. While some of that press coverage may have created more awareness about the issue of the loss of life on the border (which was my intention), it may also have served to re-center Whiteness and further obscure the voices of those from marginalized communities who have been speaking about this issue for much longer. There is a fine line between witnessing violent structures, and exploiting or reifying them (Scheper-Hughes and Bourgois 2004; Andersson 2014). The colonial history of anthropology means that researchers in the discipline today have an obligation to decolonize, and study violent structures and systems rather than “victims.” However, anthropologists also have an obligation to “put ourselves and our discipline squarely on the side of humanity, world-saving, and world repair, even though we may not always be certain about what

this means or what is being asked of us at any particular moment (Scheper-Hughes and Bourgois 2004:27).

Forensic anthropologist Tom Holland wrote of an “obligation to remain human,” which he applied to the rights of the dead and the ethics of conducting research on human skeletal remains (Holland 2015:654). I interpret this obligation to apply also to our individual duty to remain human, however fallible, vulnerable, and hopeful. For someone like me, with tremendous privilege compared to those dying and disappearing on the border, the obligation to remain human means both being actively (not just verbally) in solidarity with those facing violence and oppression, and recognizing that I will always be unlearning racism, course correcting, and hopefully progressively getting it less wrong.

Anthropological Research on Forensic Science

Relatively little research has been conducted into the institution of the coroner or medical examiner in the United States. Within the anthropological research on death and dying in the U.S., there has been a focus on the dying process at the expense of research into the body and the institutional and private practices surrounding the body after death. Just as biomedicine was left unexamined for far too long by medical anthropologists (Nichter 1992), so too has the dominant American system of emplacement of the dead been left under researched. The forensic procedures at medicolegal offices are a part of broader social system. The existing literature on the practice of medicolegal death investigation in the U.S. concerns the expert authority of medical examiners to determine

the cause of death (Crossland 2009; Timmermans 2006; Clark 2005); the institutional and media responses to mass casualties following disasters (Klinenberg 2003); the history of the coroner and medical examiner systems in the U.S. (Jentzen 2009); and the history of dissection and anatomy in 19th-century America (Sappol 2004; Laqueur 2015).

An important gap in the literature exists regarding investigations into forensic science as a social process involving the families of the missing and dead. Such interactions have been explored in the context of the exhumation of mass graves in post-conflict settings such as Argentina (Juhl 2005), Spain (Renshaw 2010), Guatemala (Manz 2005), Cambodia (Langford 2009) and Cypress (Cassia 2007). There is remarkably little literature research regarding these interactions in times of relative peace (for notable exceptions, see Crossland 2009; Clark 2005; Keough and Samuels 2004). Globally, many more people die per day from curable disease, overwork, exhaustion, stress than from state terror or armed conflict (Farmer 2004; Scheper Hughes and Bourgois 2004), yet the anthropological study of forensic science remains predominantly focused on post-conflict settings.

This dissertation builds on the foundation built by those who have investigated the social process of forensic investigations in international post-conflict settings, and applies such insights to the violence of the U.S.-Mexico border. This “critical forensic practice” includes “both the production of evidence and the querying of the practices of evidence making” (Weizman 2014:12). The process of forensic human identification along the U.S.-Mexico border is a radical intervention that seeks to name, personalize, and make visible those who have been structurally erased. In this context, the work of the most positivistic of scientists comes to be deeply political.

Visibility and Invisibility

The emerging field of surveillance studies “is about seeing things, and more particularly, about seeing people” (Lyon 2007:1). In general, studies of surveillance focus on the ways in which people are watched, monitored, and policed, and how personal data is collected, managed, and utilized (Ball et al. 2014; Lyon 2007). This field has been critiqued for a focus on the fears and anxieties of being “watched” to the extent that it has become “predictive or alarmist without a foundation” (Marx 2007:126). This research often produces the same conclusions about the dangers of surveillance and the benefits of privacy. These studies regularly lack grounded empirical, or ethnographic research, and many accounts produce dangerously universalizing concepts of the experience and process of surveillance. An example comes from sociologist, David Lyon, in which he describes a world not yet completed but “clearly in the making” where “all of daily life is under constant surveillance: humans are surrounded, immersed, in computing and networked technologies from dawn to dusk and in every conceivable location” (Lyon 2007:1). While this may be true for a large sector of the population in certain places, it is certainly not the case globally or even within any given city where social stratification affects one’s access to “computing and networked technologies.”

Political theorist Gary Marx has proposed a reframing of the field of surveillance studies as “a sociology of information” (Marx 2007). Marx and others have critiqued the field for a myopic focus on anxieties and fears around the negative effects of visibility, usually couched in terms of concerns about “privacy,” with work on the harmful effects

of invisibility largely being just that—invisible. Similarly, Andrea Brighenti proposes visibility as a major “category in the social sciences” that should be understood as a field where relationships are negotiated (Brighenti 2007). As a social process, Brighenti argues, visibility is powerful, but also ambivalent. In other words, forms of visibility always involve relations of power, but power itself “does not rest univocally either with visibility or with invisibility” (Brighenti 2007: 340).

The lived experience of undocumented immigrants is predominantly one of invisibility, which stands in stark contrast to the hypervisibility of “media representations of migrants as criminals” (Brighenti 2007: 340). These criminalizing representations of migrants are really just another form of invisibility, as they do not represent immigrants, but rather the projections of the fears of dominant classes in the U.S. However, migrants experience the hypervisibility of navigating the world in a body fitting the racialized social category of “illegal immigrant,” which causes them to strategically hide from view. In short, the policing of immigrant communities “has rendered noncitizens recognizable by race and social class in ways that exclude them from mainstream social life” (Alexander and Fernandez 2014:17).

Brighenti’s proposal to approach visibility/invisibility as a field of power relations is an important reframing of surveillance studies that paves the way for a less deterministic field. This perspective allows room for the possibility that visibility can, at times, be a privilege. As surveillance regimes are now the dominant form of governance in the U.S., to be excluded can have devastating effects. The overwhelming attention to privacy concerns in this field reveals a privileged gaze that often highlights the concerns of consumer classes while obscuring the concerns of those excluded from the benefits

that come along with being “surveilled,” or simply socially visible. The dystopian future imagined by this field is an Orwellian one where every movement or thought is tracked, catalogued, and potentially used against you. The alternate dystopian future, already being lived by many, is one where you simply do not exist.

Lisa Jean Moore and Monica Casper ask, “What can account for the fact that certain bodies are hyperexposed, brightly visible, and magnified, while others are hidden, missing, and vanished?” (Casper and Moore 2009:3). This question is paramount to the project undertaken in this dissertation: to begin to understand how, why, and through what means thousands of people have disappeared in one of the most heavily surveilled landscapes in the world. By turning our attention towards who and what is being erased in this landscape, forms of violence are revealed that are themselves largely invisible to those who are protected. Critical to the issue of disappearance is that it is not only direct action that has the power to erase, but also organized inaction. Like negative space in a photograph, the violence of inaction exercised by those with power is often overlooked because of a focus on more overt, visible, and individually experienced forms of violence and domination.

In discussions of biopower and necropolitics, there has been no discussion of disappearance as a technique of biopower. Disappearance is different from death, and the power to kill is distinct from the power to erase. This erasure happens on a social level, often prior to death, and could not occur without the participation of society. “People do not just disappear” (Wagner, 2008:7). And human remains do not begin as “unidentified” but become so through social processes—human action or inaction. The social process of disappearance of migrants in the Americas operates on multiple levels: prior to physical

disappearance, as whole sectors of Latin Americans have become socially invisible; during the search of families who seek information transnationally; and after the disappearance has taken place, with the overwhelming silence on the issue in the public sphere and in international human rights discussions. These are undocumented deaths: the forced invisibility and exclusion of impoverished Latin Americans follows them to the grave. At each stage in their social trajectory, however, powerful and meaningful work is done to contest this erasure, and name the dead.

Structural Violence and Critical Race Theory

The approach taken here to understand the social process of death on the border follows theorists who have emphasized the structural causes and effects of racialized violence. While these deaths are a result of what Johan Galtung termed “structural violence,” (1969) they are produced by specific historical and social conditions that this universal framework is somewhat ill equipped to capture. Latin American migrants faced structural violence before there were hundreds of deaths on the U.S.-Mexico border each year. In addition, it is important not only to understand the causes, but also the social and political *effects* of such loss of life on the border. The deaths of hundreds of migrants each year since the mid-1990s has become a part of the political geography of the borderlands, and a critical aspect of the social production of the racialized category of the “illegal immigrant,” a social category which is not only productive economically, but also symbolically. In short, these deaths are symptomatic of structural inequalities, and they are also productive of them. The social construction of illegalized migrants—non-

citizens who are allowed to die in the deserts of the southwest—is a critical part of the formation of the “imagined community” (Anderson 1998) of the United States.

The concept of structural violence was originally proposed by sociologist Johan Galtung as a way to broaden dominant understandings of violence to include invisible forms, or forms that are often “seen as about as natural as the air around us” (Galtung 1969:173). As Galtung argued, structural violence is “the indirect violence built into repressive social orders creating enormous differences between potential and actual human self-realization” (Galtung 1975:173). Structural violence theorists argue that because structural violence does not necessarily involve a perpetrator and a victim, it is often less visible than direct violence (Galtung 1969; Farmer 2004; Gupta 2012). Paul Farmer has argued that human rights violations resulting from structural violence can often be invisible, as they do not involve a single perpetrator (Farmer 2004). Applying theories of structural violence to the U.S.-Mexico border, geographer Joseph Nevins has argued that the deaths of migrants are “destined to happen as a result of structures and actions of violence not seen as such” (Nevins 2005:17).

The theory of structural violence is useful for increasing the visibility of forms of violence that have become normalized or routinized. However, the framework has been criticized for being somewhat deterministic, and capable of obscuring complicated, context-specific, and historically informed analyses of violence of inequity (Nevins 2005). Although a critical intervention, my concern with the language of “structural violence” is that it places a qualifier, the word “structural,” in front of actions that should simply be described as violent. Critical race scholar Alan Freeman’s critique of what he calls the “perpetrator perspective” of discrimination aligns with this critique of structural

violence (Freeman 1995). Freeman argues that whereas those who experience discrimination understand it as “those conditions of actual social existence as a member of a perpetual underclass,” the perpetrator position sees discrimination “not as conditions but as actions, or series of actions, inflicted on the victim by the perpetrator” (Freeman 1995:29). The focus for the perpetrator viewpoint is on the event or action of discrimination, as opposed to the life situation of the victim.

These two perspectives produce very different accounts of what can be done to ameliorate discrimination. The victim perspective “suggests that the problem will not be solved until the conditions associated with it have been eliminated,” whereas the perpetrator perspective sees remedy in “neutraliz[ing] the inappropriate conduct of the perpetrator” (Freeman 1995:29). The concept of structural violence has been an important corrective to definitions of violence dominated by what Freeman would call the perpetrator perspective. However, by separating so-called structurally violent actions from others, the concept contributes to a hierarchical understanding of violence that can delegitimize those forms experienced every day by the oppressed classes for the only forms of violence experienced by the privileged classes. The label of “structural” before “violence” suggests that unqualified, non-structural, direct violence is the real thing, and all other forms fall short in some way.

I find critical race theory to be more historically relevant and finely tuned for understanding the racialized violence of border deaths. Critical race theory emerged in the 1970s among a small cohort of legal scholars who critiqued the dominant civil rights discourse for failing to appreciate racism outside of direct, interpersonal, discrete acts of exclusion or violence (Crenshaw et al. 1995; Delgado and Stefancic 2001). A critical race

approach does not separate “structural” violence from “direct” violence, but instead understands both as stemming from the racist, colonial, and genocidal past of the United States (Crenshaw et al. 1995; Delgado and Stefancic 2001; Matsuda 1995). This approach is useful for an analysis of the U.S.-Mexico border, as it is focused on the historical construction of laws and policies that systematically harm people of color throughout the nation (Johnson 2003; Romero 2001; Aoki and Johnson 2008). Immigration policies at the border and beyond are both rooted in and productive of American racism. Immigration policies have historically excluded the very same minority groups feared or despised domestically, often providing official legitimacy for bigoted beliefs and behaviors (Johnson, 2003). In short, the construction of “race” in the U.S. has been intimately connected to the construction of the “immigrant” (Romero 2008; Hing 2004; Johnson 2002).

The critical race analysis of the role the border and immigration laws have in the construction of U.S. race politics aligns with Foucault’s conceptualization of *biopower*. Foucault argued that the old form of sovereign power that existed in the “right to *take* life or *let* live” (Foucault 1980:136) was replaced as the dominant form of state power in the West by biopower, which is the “power to *foster* life or *disallow* it to the point of death” (Foucault 1980:138). Biopower, argues Foucault, is represented in the administration, governance, and control of human life (1980). As the rationale and operation of power changed, so too did that of violence. As Jonathan Xavier Inda explains, biopower is evident in the fact that “wars are no longer conducted in the name of the sovereign,” but rather “in defense of collective existence” (Inda 2014:7). Therefore, it is “in order to nurture life—the life of the population—that life can be disallowed” (Inda 2014:7).

Inda's reading of Foucault emphasizes the role that racism plays in the determination of which lives count as those to be protected, versus which lives can be sacrificed, not only because they are not fully living, but also because they pose "internal and external threats to the species or population" (Inda 2014:7). The border represents a powerful stage upon which a theater of biopower is performed (Inda 2007; De Genova 2002). This is evident in the example that dominant calls for border "security" do not include provisions to protect those lives actually being lost on the border. Increasingly, "border security" refers to a sense of safety for some, at the expense of the lives of others.

Studies of biopolitics and "necropolitics," have investigated the ways in which violence is present in the sovereign's power to "let die" (Agamben 1998; Mbembe 2003; Goldberg 2009). Historian Achille Mbembe, building on Foucault's notion of biopower, defines sovereignty as "the capacity to define who matters and who does not, who is disposable and who is not" (Mbembe 2003:27). Both Agamben and Mbembe consider the ways in which bodies are defined by and through struggles with death, and in particular, how the state defines lives to be protected versus lives allowed to be lost. Like critical race theory and theories of biopower, this work also points to race as the key factor determining which lives are to be protected, versus which lives can be exposed to risk of death. Importantly, these theories understand the process of sacrificing the lives of those who are allowed to die as both organized and generative. Along similar lines, Judith Butler's concept of "abject materiality" (Butler 1993) is useful in thinking about the ways in which such violence produces further effects. "Abject bodies," for Butler, are those bodies which "provide the necessary 'outside,' if not the necessary support, for the bodies which, in materializing the norm, qualify as bodies that matter" (Butler 1993:16). Abject

bodies form the “constitutive outside” against which “normal,” i.e., white, heterosexual, abled bodies are defined (Wilson 2001).

If seen in terms of Butler’s *abject bodies*, racialized Latino immigrants are simultaneously threatening and symbolically important, as they represent the corporeal boundaries of the nation-state. The specter of the threatening Latino migrant body has become a to stand-in for any perceived threat facing the homeland, such as crime, terrorism, disease, or culture change (Chavez 2008). Leo Chavez describes this as the “Latino threat narrative,” which is a fear-based discourse that Latin American immigrants are “...part of an invading force from south of the border that is bent on reconquering land that was formerly theirs” and in the process, “destroying the American way of life” (Chavez 2008:2). The Latino threat narrative creates threatening “virtual characters” of Latinos, which stand in opposition to “proper” citizens (Chavez 2008). Social anxieties regarding disease, sexuality, and crime are placed disproportionately on Latino immigrants, who are blamed for various social problems (Chavez 2008). Such scapegoating is productive, and as it does work to define who is part of the nation-state, and who is seen as external, dangerous, and/or polluting. Importantly, such narratives of threat often emphasize the *bodies* of racialized migrants.

I argue that the border has become a spectacle where the racialized politics of nationality is violently performed on the bodies of Latino immigrants. The deaths of hundreds of migrants each year is a part of a performance of sovereignty that demonstrates which lives are to be protected versus which lives can be sacrificed. Nicholas De Genova has argued that “it is precisely ‘the Border’ that provides the exemplary theater for staging the spectacle of ‘the illegal alien’ that the law produces”

(De Genova 2002:436). De Genova sees the border as productive of both the racialized category of “illegal aliens” and the geographical territory of the United States:

The legal production of Mexican/migrant 'illegality' requires the spectacle of enforcement at the US-Mexico border in order for the spatialized difference between the nation-states of the US and Mexico to be enduringly inscribed upon Mexican migrants in their spatialized (and racialized) status as 'illegal aliens' [De Genova 2013:53].

Since the mid-1990s, this “spectacle of enforcement” has included the deaths of hundreds of human beings each year. If understood as a spectacle, then the stated intentions behind border policies, to “secure the border” or “prevent undocumented migration,” are less important than their results. These policies contribute not only to the criminalization of Latino immigrants, but also to their exploitation. For Foucault, one of the constitutive elements of biopower, both in its softer form to oversee life and in its harsher form to allow death, is discipline: “to produce human beings whose bodies are at once useful and docile” (Inda 2014:6).

Structure of this Dissertation

This manuscript loosely follows the trajectory of those who have died on the border from their homes in Mexico and Central America to their final resting place. The approach taken is similar to that taken by the film director, Marc Silver, for his documentary, *Who Is Dayani Cristal?* (2013). Marc has explained his rationale for including some actors and histories and excluding others as a strategic focus on the dead,

and those who had come in direct contact with the person or the remains. My strategy similarly focuses on those vantage points that are closest to the dead and missing themselves. Chapter 1 focuses on the geography of the desert borderlands, and the historical and political causes for the loss of life on the border, particularly in southern Arizona. I provide a history of both the U.S. and Mexican state contribution to this mass migration, as well as a history of U.S. border enforcement. I argue that, sadly, these deaths are productive of a border biopolitics that marks the bodies of migrants as expendable and exploitable. Chapter 2 centers the materiality of the dead body, and considers what the dead themselves can reveal about the borderlands today. I discuss the osteobiography of the dead, and the evidence they provide of violence, suffered both before and after death. Chapter 3 is focused on the families who search for the missing. I provide several case studies from my interviews with families, and discuss the ways in which the social invisibility experienced by migrants in life deepens and complicates their physical disappearance on the border. Chapter 4 discusses the efforts of forensic scientists, especially forensic anthropologists, to identify the dead and return their remains to families for mourning and burial. This work is powerful, reparative, and often not dictated by law, but by professional ethics and personal morals. Much of this work is done not to answer legal questions, but rather to care for families of the missing and dead.

Although there are powerful forces of violence and erasure in the borderlands, there are significant efforts on the part of local activists, humanitarians, academics, desert dwellers, families of the missing and dead, fellow migrants, and forensic experts to resist and challenge these forces, often through intimate and largely invisible acts of care.

CHAPTER ONE: The Crossing

I'm sorry you had to see that. That is failed U.S. immigration policy in our lab.

—Dr. Bruce Anderson,²

Violence will increase as effects of strategy are felt.

—U.S. Border Patrol 1994 Strategic Plan

Carmen's brother reported him missing in July of 2008. Carmen was 26 years old, and had disappeared trying to cross the border so that he could join the rest of his family in Florida. All of Carmen's siblings—seven brothers—had long since migrated to work in the states. As the youngest, Carmen stayed behind to take care of his aging father in Puebla. The family had farmed corn, beans, and peppers for as long as anyone could remember. Carmen and his brothers had all helped on the land while growing up. But the land was too small to support eight families, and one by one, each of the boys migrated north. In the spring of 2008, Carmen's father died. Carmen had been saving so that he could afford the trip across the border, and quickly made arrangements. His brothers warned him that it was hot coming across the border in the summer, but as they all had made it across relatively quickly, they assumed it would be the same for Carmen. He called them from the small northern Mexican town of Altar and said he would be crossing the next day.

² Dr. Anderson stated this after a visiting group had seen his lab, September 19, 2014

The family never heard from Carmen again. Instead, a migrant who had been traveling with Carmen called and told his family that he had been left behind, likely somewhere on Tohono O’odham land. The man said that after about three days of walking, Carmen began to struggle from a severe limp, and ultimately could no longer walk. “Carmen had knee surgery many years ago,” his brother explained. “I think that’s what got him into trouble. But three days of walking, that is a lot. We didn’t walk that much when I came across in 1998.” Carmen’s brother was worried, but hoped that maybe Carmen was in the hospital.

A month later, Carmen’s body was found on the Tohono O’Odham Nation, about 20 miles north of the Nation’s capital, Sells. His remains had been spotted by a group of migrants who, as they were being processed by Border Patrol, said they had passed a dead body on the trail not long before being apprehended. Border Patrol agents searched the area and recovered highly decomposed remains. The remains were later identified as those of Carmen through skeletal radiographs, provided by his brother, of Carmen’s knee.

For those tasked with recovering and examining the dead, Carmen’s death was nothing out of the ordinary. Since the beginning of the 21st century, the deaths of migrants have become the new normal in southern Arizona where an average of 170 bodies are recovered from the desert each year. Although the majority of these fatalities have been categorized by the medical examiner as “accidental deaths” resulting from exposure to the elements or unknown causes, a history of the U.S.-Mexico border reveals that these deaths are no accident. Carmen and thousands of others have died as a direct result of U.S. border enforcement strategies beginning in the mid-1990s that re-routed

existing migration through the Sonoran Desert. The two quotes that open this chapter, one from Dr. Bruce Anderson and one from the U.S. Border Patrol's 1994 Strategic Plan, underline the tension between the idea of failed policy and intentional policy. This tension will be maintained throughout this chapter, with a focus less on the intent behind such policies, and more on the impacts and results.

This chapter will provide the historical background necessary for understanding both why thousands of migrants risk their lives crossing the border each year, and why hundreds of them have lost their lives in the desert since the mid-1990s. It will cover the social and legal processes that have rendered the majority of this migration "illegal," and the history behind current border enforcement measures that have effectively pushed migrants into the most dangerous desert terrains of the southwest. These histories reveal not only the causes for the unprecedented loss of life on the U.S.-Mexico border, but also the symbolic power these deaths have in the social construction of the idea of "illegal immigrants" and "American citizens" in the U.S. today.

These deaths are the culmination of violent historical processes that have pushed thousands of people off their lands and through an inhospitable desert. Throughout the 20th century, the U.S. alternately imported and deported migrant laborers from Mexico depending on the needs of the economy and reflecting the social anxieties of the American public. Simultaneously, Mexico continued a long process whereby farmers were dispossessed of their land and gradually funneled into a steady stream of migrant workers dependent on jobs in the U.S. agriculture sector. Undocumented migration from Mexico to the U.S. was firmly entrenched when, in the 1990s, the U.S. federal government undertook the unprecedented step of closing the border and building a

militarized wall. With no accompanying visa reform, a commute to work quickly became a perilous journey through one of the world's hottest deserts.

Known as “prevention through deterrence,” the U.S. federal border enforcement strategy first went into effect in California in 1994. Within one year, the deaths of migrants attempting to cross into California doubled (Cornelius 2001). By the year 2000, migrant deaths in the state had increased five-fold, before shifting to Arizona (Cornelius 2001). In Arizona, the increase happened later, but was ultimately more severe, longer lasting, and continues to date. From 1990 to 1999, the average number of migrant remains recovered from the Sonoran Desert and examined at the Pima County Office of the Medical Examiner was 12 (Martinez et al 2014). Following “prevention through deterrence,” that average rose to 163 deaths per year, representing a more than tenfold increase (Martinez et al. 2014). Although the factors contributing to steady migration from Mexico to the U.S. are a complicated result of U.S., Mexican, and international political economic histories, the loss of life on the border, as Bruce Anderson's opening quote alludes to, has been a direct result of U.S. border policy.

The U.S. economy depends on migrant labor, especially when it is illegalized and deportable (De Genova 2002). The dangerous nature of the border after 1994 has served both to mark Latino migrants as disposable, and to make deportation a much more serious threat than it was before. Although the border has been a critical part of the production of a docile laborforce in the U.S., so too have long-term processes in Mexico that have destroyed the ability for small-scale farmers to survive locally. This history is critical in understanding why millions of Mexicans have migrated to the U.S. throughout the 20th and 21st centuries. Although the histories of Central American countries are also

important in understanding migration in the Americas, the focus here will be on Mexico for two reasons. First, Mexican migration to the U.S. has had a much longer history, and the economies of Mexico and the U.S. are much more tightly intertwined than is the case for Central American countries. Second, migration across the U.S.-Mexico border has been dominated by Mexicans for the past hundred years, and Mexican nationals comprise over 80% of deceased migrants examined by the PCOME (Martinez et al. 2015). Finally, it is the history of Mexican migration to the U.S. that has shaped the current conditions on the border experienced by all migrants. I will approach this history geographically, by first examining the specific conditions and policies in Mexico, and then in the United States, that have led to the mass movement of people northward in the latter half of the 20th and beginning of the 21st centuries.

Causes for Migration

Mexico

The single socio-historical process in Mexico that has had the deepest impact on migration was the gradual privatization and commercialization of the agricultural sector. This history can be characterized by two major and overlapping tendencies. The first is best described by James C. Scott as one of the failed “utopian social engineering schemes of the twentieth century,” where local knowledge and practices were seen to be outdated and inefficient, and were replaced with top-down, one size fits all, utopian projects to make society legible to the state (Scott, 1998). The second is best described in the words

of historian Fredrick Katz: “If there is one linear tendency which can be documented throughout Mexican history from 1427 to 1910 it is the constant expansion of private property at the cost of communal property” (Katz 1974:39). Both of these tendencies had the effect of devastating the smallholder agricultural sector in Mexico, a destruction that has contributed to the long-term movement of migrants from Mexico to the U.S.

Agricultural land in Mexico is comparatively scarce, due both to the natural geography of the region and due to the fact that roughly half of Mexico, including some of the best arable land, was ceded to the United States following the Mexican American War from 1846 to 1848. With the Treaty of Guadalupe Hidalgo, the U.S. laid claim to geographies now identified as California, Arizona, New Mexico, Nevada, Utah, Colorado, parts of Wyoming and Oklahoma, and forced Mexico to drop any claim to Texas. Mexico was left with geographical challenges for agriculture including arid land in much of the country, excessive rainfall in other parts of the territory, and vast mountain ranges with slopes too steep for cultivation (Yates 1981). While these limitations had serious consequences, the agricultural crisis Mexico has faced over the past hundred years cannot be blamed on geography alone.

Indigenous farmers in the Americas had numerous traditional models of small-scale agriculture that were systematic, locally sustainable, and flexible (Sheridan 1988; Gonzalez 2001; Doolittle 2000). As Robert Netting has argued, “intensive agriculture by landowning smallholder households is economically efficient, environmentally sustainable, and socially integrative” (Netting 1993:27). Much of the functionality of smallholder peasants tends to depend on the unit of the family household, which, Netting argued, functions as a cooperative work group that allocates labor and resources and is

able to respond to fluctuations in market and annual productivity. These traditional forms of land tenure were systematically attacked beginning in the colonial era. Shortly after first contact between indigenous Americans and colonial forces, illness wiped out millions. In what has been referred to as “the great dying” of the sixteenth century, it is estimated that the indigenous population went from 25,200,000 to 1,000,000 between 1519 and 1625 (Crosby 2003). This affected Mexico in untold ways. The massive loss of local knowledge and social memory harmed traditional ways of life, including land tenure and cultivation. The colonial labor extraction systems that followed—*encomienda*, *repartimiento*, and wage labor—furthered the disintegration of local communities and ways of knowing as people were forced to move away from their villages and into larger cities. If better intentions were present following the Mexican revolution, a continued misunderstanding of traditional forms of small-scale agriculture contributed to the ultimate failure of promised revolutionary agricultural reforms.

James Scott argues that the goals of high modernism were often progressive and usually undertaken by those who wished to improve the human condition (Scott 1998). However, the process is often authoritarian, with the application of idealized models to poorly understood and highly complex social and natural systems. While one of the stated goals of the revolution—to restore land to the peasantry—was noble and grounded in broad social support, the realization of these goals was problematic. The revolution was largely co-opted by the petit-bourgeoisie, who held a patronizing and/or idealistic view of the peasantry (Nugent 1994; Alonso 1995; Boyer 2003). It was in this context that the *ejido* was invented. An idealistic replica of the ancient Aztec *calpulli* system of land tenure, the *ejido* is a lend-tenure system where individual families possess and farm

parcels that make up a large communally managed area (Yates 1981; Sheridan 1988). The actual implementation of the *ejido* went against traditional and local systems. Contrary to customary forms of land tenure, where families owned arable land, but shared pasture, water, and forest lands, the agrarian reform laws based on the Constitution of 1917 only granted *ejidatarios* usufruct rights, rather than outright ownership (Sheridan 1988). This meant that *ejidatarios* could not use *ejidos* as collateral for loans, a limitation that ultimately led to smallholders being very limited in their capacity to compete with large-scale agribusiness.

Lazaro Cardenas (1934 – 1940) was the only Mexican president to take land reform seriously (Bantjes 1998). Under Cardenas' leadership, eighteen million hectares of land were redistributed to some 800,000 landless peasants, more than any administration before or since (Bantjes 1998). In addition to the distribution of land, Cardenas saw peasant agriculture as the basis for agricultural modernization, and fostered cooperative control of modernized agricultural facilities that many saw as efforts to bolster alternatives to capitalism. While honoring the goals of the revolution and the wishes of the people, many of these actions had the real effects of creating a system in which all institutions had dependence on and interconnectedness with the state (Nugent 1994; Boyer 2003). As Cardenas and his administration gave out land, they also accumulated broad peasant support for the government (Sanderson 1981). Adrian Bantjes argues that these patron-client relationships benefitted labor in the short term, but “caused leaders to lose sight of the interests of the rank and file, undermined union democracy, and opened the door to co-optation” (Bantjes 1998:217). While many laborers and indigenous people such as the Yaqui benefitted from the Cardenas period, many of these

gains were ephemeral. Although the Cardenas period is remembered by many as the only real effort the Mexican government took to actualize the dream of the revolution, the ultimate effect was a concentration of power in the hands of the Mexican federal government and the Partido Revolucionario Institucional, or PRI, that dominated it. Moreover, most Mexican presidential administrations after Cardenas paid lip service to agrarian reform while funneling credit and technical support to private commercial agriculture, deepening of Mexican capitalism (Gledhill 1991; Bantjes 1998). This was due in part to the international and domestic unpopularity of anything that resembled socialism (Sanderson 1981; Otero 1999). By the end of the Cardenas administration in 1940, a shift toward the private sector was already underway.

The “Green Revolution” in Mexico deepened the challenges facing smallholders. The model of agriculture promoted during the years of the “agricultural miracle” from 1940-1965 is best characterized by Manuel Avila Camacho (president from 1941-1946) in a speech describing the future of Mexico as one based “*principalmente en la energia vital de la iniciativa privada*” (Hewitt de Alcantara 1978:22). This process was heavily influenced by the U.S. government, which was loaning millions of dollars to Mexico and cultivating an environment suitable to U.S. commercial interests. Between 1952 and 1958, Mexico’s foreign debt increased by 500 percent, primarily to the United States (Chacon 2006). In a process of counter-reform, the Mexican government subsidized and invested in large-scale, export-oriented private farms, which were thought to be more productive than small-scale enterprises such as *ejidos* (Hewitt de Alcantara 1978; Yates 1981; Foley 1995). This is despite the fact that from 1938 to 1943, *ejidos* outproduced private farms by 9 percent (Otero 1999:43). In a self-fulfilling prophecy, *ejidos* suffered

as the government withdrew support and increased investment in large privately owned farms (Hewitt de Alcantara 1978; Perramond 2008). This caused a rapid, if short-lived, agricultural boom. Production more than quadrupled, and most of this was in basic foodstuffs. Yates argues that this boom was due to expansion in land use, modernized irrigation techniques, the cultivation of new crops (such as wheat), and the use of high-yielding seeds developed by the Rockefeller Foundation. World War II simultaneously provided the Mexican economy with opportunities for expansion, both in manufactured goods and in agricultural products (Hewitt de Alcantara 1978; Yates 1981).

For a time, the industrial boom contributed to employment, but by 1960, this trend was offset by mechanization (Yates 1981). While the state focused its attention on increasing national capital and supporting elite private business, the ability for common people to maintain economic stability rapidly decreased. Millions of landless peasants migrated or worked agricultural lands for privatized farms. The *Bracero* program operated during this time (1942-1964), with thousands of Mexican laborers using temporary visas to fill the U.S. labor shortage caused by World War II. By the mid 1970s, Mexico had incorporated and irrigated most of the land it could, and the country was facing economic stagnation (Yates 1981).

Simultaneously, the Mexican economy was becoming increasingly industrialized and dependent on the global petroleum market (Sanderson 1981; Collier 1999). In the period from 1965 to 1982, industry expanded from 27 percent to 38 percent of the Gross Domestic Product (GDP) while that of agriculture fell from 14 percent to 7 percent (Collier 1999). The country had become an importer of basic foodstuffs (like U.S. corn) and was primarily exporting manufactured goods and oil (Yates 1981; Sanderson 1981;

Collier 1999). Throughout the 1970s and 1980s, Mexico exported oil and took development loans from North American banks, the International Monetary Fund (IMF), and the World Bank, which negotiated loans in favor of neoliberal restructuring (Harvey 2007). By the time of José López Portillo's presidency (1976 – 1982), Mexico's national debt was at \$80 billion, primarily owed to U.S. banks (Chacon 2006). In 1982, the world's oil prices dropped sharply, and Mexico was left with huge external debt and increasing pressure for deeper structural reforms (Collier 1999; Harvey 2007).

The reduction in state power, the reliance on foreign loans, and the consolidation of class power are all elements of the neoliberal state, according to David Harvey. "The freedoms it embodies reflect the interests of private property owners, businesses, multinational corporations, and financial capital" (Harvey 2007:7). Although much of Mexican history did trend in this direction, it is the retreat of the state during the 1980s and 1990s that truly thrust Mexico into modern neoliberalism. At this time, Mexico was integrated into a global project that drew many countries into neoliberal structural adjustment programs that benefitted a growing transnational elite (Robinson 2003; Harvey 2007). As these countries defaulted on their loans, international lenders used the opportunity to restructure local economies to match their business interests (Harvey 2007).

The economic reforms of the Salinas administration (1988 - 1994) fell in line with the neoliberal agenda. In the early 1990s, previously government-owned or subsidized resources such as water, electricity, and fertilizer were privatized (Lewis 2002). Tariffs on most products were either dropped or lowered and the guarantee price was eliminated for all crops except for maize and beans (Foley 2001). Importantly, the availability of

credit declined sharply as banks were privatized and restructured to lend to larger operations (Lewis 2002). Peso devaluations (in 1976, 1982, 1986, and 1994) pushed the costs of neoliberal restructuring onto the poor. As Justin Akers Chacon has argued, these peso devaluations “decimated the value of workers’ wages and savings, as well as the landholdings of small farmers, rendering them cheap, potentially migrant labor almost overnight” (Chacon 2006: 113).

In 1994, Mexico signed the North American Free Trade Agreement (NAFTA) with the U.S. and Canada. NAFTA supported and extended the economic adjustments that had been underway in Mexico since 1982. The final price supports on corn and beans were dropped (Perramond 2008) and foreign investment boomed. Although ostensibly about free trade and open markets, NAFTA was just as much about foreign investment and the provision of cheap labor to U.S. businesses (Johnson 1994; Fernandez-Kelly & Massey 2007). NAFTA allowed U.S. corporations to introduce cheap, mass-produced goods into the Mexican market and challenged the livelihoods of smallholder farmers by putting them in direct competition with large, heavily subsidized and highly flexible multinational corporations and U.S. corn farmers (Johnson 1994; Bacon 2004; Nevins and Aizeki 2008). Mexican smallholder corn producers could not compete with highly subsidized U.S. corn, which flooded Mexican markets. The prices for inputs went up, the access to credit went down, and millions became unemployed. An estimated 1.3 million Mexican farmers lost their jobs very quickly, and another million workers who depended upon the farmers became unemployed over time (Polaski 2004; Wise 2010).

The migration of the latter half of the 20th century, which differs in scale and type from earlier forms of Mexico-U.S. migration, has been useful to the Mexican government

in much the same way that agrarian reform was useful in the past—it controls unrest in the countryside. The land reforms of the revolution provided hope and in some cases restitution for *campesinos*, but also provided the state with a tool it could use to garner broad popular support when it was needed, regardless of whether the agenda was true to the revolution (Sanderson 1981; Boyer 2003). James Scott’s list of the factors usually present in the great failures of utopian state projects includes “an authoritarian state that is willing and able to use the full weight of its coercive power to bring these high-modernist designs into being” (Scott 1998:4). While one can certainly find examples of directly violent repression on the part of the Mexican state over the last hundred years, the enforcement part of Scott’s formulation was largely achieved through a complex multivocal process of hegemony, which can never be severed from the class interests that promote it (Gramsci 1971). The deeply embedded class structure in Mexico can be traced to the Spanish colonial period and the Porfiriato, and it never really loosened its grip on the state. With the hope of land distribution over, peasants now migrate. As Kevin Johnson has argued, “Emigration of Mexico’s citizens affords the ruling party a political safety valve for civil discontent resulting from an unstable economy” (Johnson 1994:941)

The United States

The United States has contributed to the causes for this migration not only through foreign policies that have fostered social and economic instability throughout Latin America, but also through long-term dependence on migrant labor, particularly from Mexico. This history reveals what Nicholas De Genova (2013) calls the “revolving

door” strategy of U.S. border and immigration policy, where migrant laborers from Mexico are alternately imported to the U.S. to work, and then deported when perceived to be inconvenient. The revolving door cycle has repeated itself throughout American immigration history in an increasingly predictable manner: during times of war or economic expansion, the US has imported laborers from Mexico, and during times of economic recession, the very same workers are expelled. This history has been instrumental in the construction of the racialized category of the “illegal alien,” which ultimately serves as a uniquely exploitable commodity for large agribusiness. As De Genova writes, “It is *deportability*, and not deportation *per se*, that has historically rendered Mexican labor as a distinctly disposable commodity” (De Genova 2013:54). Historian Mae M. Ngai (2004) has traced the development of the social and legal category of the “illegal alien” throughout American history, demonstrating that it developed hand-in-hand with the economic growth of the southwestern United States.

Beginning in colonial times, Mexican labor was instrumental in the growth and development of American industry. In the seventeenth century, Euro-American colonists struggled to secure a stable workforce for projects from agriculture to mining, and relied on imported labor in the form of slaves, coolies, or convicts (Ngai 2004). Migration to the United States was encouraged and facilitated with very little restriction until the late 19th century. The Mexican-American War, which ended with the Treaty of Guadalupe Hidalgo, redefined not only the border, but also the nature of labor and capitalist power in what became the southwestern United States. Ironically, Mexicans who lived in the region were automatically granted U.S. citizenship, which had the unintended consequence of legally defining them as “white,” due to the fact that only white men

were eligible for citizenship at the time (Ngai 2004). However, as Ngai demonstrated, this status was “contingent and unstable” (2004:54) and was followed by oppressive social and legal racialization, a violent process that continues today.

In the period directly following the war, Mexicans and Mexican-American laborers built the infrastructure for the American Southwest: they laid the tracks for railroads, cut timber for railroad ties, cleared land and worked cattle for ranches, dug irrigation canals, and extracted valuable metals from mines. Nevertheless, the nascent organized labor movement, primarily focused on the mining communities where Anglo Americans, European immigrants, and Mexicans competed for jobs, developed into one of the most powerful anti-Mexican forces in Southwest society. Unions like the Western Federation of Miners were usually dominated by “exclusionists” who viewed Mexicans as scabs and “peons” willing to break strikes and work for lower wages. These notions persisted despite Mexican labor activism like the Clifton-Morenci strike of 1903, carried out by Mexican, Italian, and Eastern European miners working through their *mutualistas*, or mutual-aid societies, because the unions would not admit them, or the famous 1906 strike in Cananea, Sonora, where Mexican miners protested the dual-wage system that paid “white” workers higher wages for the same tasks (Sheridan 2012). Anti-Mexican sentiment peaked during and after the Arizona Constitutional Convention, which sought to limit “alien labor” to no more than 20 percent of the work force (Sheridan 2012).

At the turn of the century, Mexican migration was still managed by private labor demands, rather than by federal immigration policy (Ngai 2004). Mexicans did not have to go through any formal federal immigration procedure until 1919, when they were required to apply for admission at official ports of entry (Ngai 2004). Border security at

the time was focused primarily on interdicting liquor smuggling and Asian, not Mexican, migrants. But it was during the 1920s that everything changed. After World War I, the global climate shifted to one of protectionism and nationalism: it was between the two world wars that, in the words of Nigel Harris, “the world became fenced” (Ngai 2004:2). In the U.S., the 1920s marked the raising of the southern border as a cultural, racial, and legal boundary (Ngai 2004). It is important to note that this was a post-war era, characterized by a post-war recession, and the U.S. no longer needed the same levels of immigrant labor that it had relied on during the war years, a fact that was to presage restrictive immigration policies throughout the twentieth century. This reduced need for labor, however, was not true of the Southwest, which was rapidly developing an industrial agriculture economy heavily dependent on manual labor (Ngai 2004).

These differing regional labor demands were reflected in the first comprehensive immigration restriction law, the Johnson-Reed Act of 1924. For the first time, numerical quotas limited the number of immigrants allowed entry by country, following a racial hierarchy heavily influenced by the scientific racism of eugenics (Ngai 2004). A telling exception to this otherwise restrictive law was the fact that there were no numerical restrictions on immigration from countries of the Western Hemisphere. The agricultural sector in the Southwest protected its access to Mexican laborers, who were favored due to the fact that they were temporary—they would follow seasonal harvest patterns and then return home to Mexico in the off-season—and because they were considered by employers to be hardworking and willing to work for low wages (Chacon 2006).

Although there were no quotas for immigration from Mexico, the Johnson-Reed Act did have significant impacts in terms of constructing Mexican migrants as racially

threatening and “illegal.” The act introduced physical inspections and the agency of Border Patrol, both of which were designed specifically to police Mexican migrants. Although the 1924 law had eliminated line inspection for Europeans arriving at Ellis Island, Mexicans were subjected to the process at the southern border, which included nude medical inspection, forced shaving, de-lousing, and fumigation (Ngai 2004). The expense, hassle, and humiliation meant that many skipped the process, and became “illegal aliens,” who were now chased by the newly formed Border Patrol. Established in tandem with the Johnson-Reed Act in 1924, the Border Patrol was instrumental in defining the U.S.-Mexico border as a “cultural and racial boundary,” one that “clearly marked one society from the other” (Ngai 2004:67).

The Johnson-Reed Act and the development of the Border Patrol were significant first steps in the militarization of the U.S.-Mexico border, a process that would be rapidly accelerated at the end of the twentieth century. Unauthorized entry came to be treated as a criminal offense, even though it was still only a civil violation. Although the Border Patrol was under the Department of Labor, and the violation of the border was a civil matter, agents treated their job as a pursuit of criminals (Ngai 2004). The agency preferred to hire agents with military backgrounds, and although many of the first agents were former cowboys, ranchers, or other skilled workers, a significant number of them were members of the Ku Klux Klan (Ngai 2004). This shift in border policing was not independent from the process through which growers (private industrial-scale agriculturalists) cultivated a constant supply of low-wage workers from Mexico who could be deported when inconvenient. The success of large-scale agriculture in the southwest was a result of the constant flow of workers from Mexico, and the federal

criminalization of these workers through deployment of the Border Patrol. By 1929, California, Arizona, and Texas accounted for 47 percent of the nation's large-scale cotton farms, and California alone had 37 percent of the large-scale farms in the country (Ngai 2004). At the same time, deportations were rising sharply, going from 1,751 in 1925, to over 15,000 in 1929 (Ngai 2004). Growers were so dependent on migrant labor from Mexico that they relied on professional labor recruitment agencies to solicit workers throughout northern Mexico. They also recruited workers through family and community networks, creating a socially patterned binational movement of labor that remains structurally and socially embedded today (Chacon 2006; Portes and Sensenbrenner 1993). With the aftermath of the Mexican Revolution contributing to the displacement of thousands, the scale of this migration was unprecedented. The Mexican government estimated that during the 1920s, one-eighth of Mexico's total population emigrated to the U.S. (Ngai 2004).

Through associations with private business, government, and finance, growers were able to exert considerable influence on state and federal government, constructing policies and practices that were highly aligned with private interests. Growers wanted Mexican migrant labor to remain migratory and temporary, rather than permanent. As Ngai explains, “A settled resident workforce would have encouraged both labor organization and more stable communities, and all that they imply—higher wages, education, political participation, growth of a middle class” (Ngai 2004:131). It is thus no surprise that it was shortly after the first Mexican labor strikes and attempts at unionization in the early twentieth century that the federal government became involved in the policing of Mexican labor. Border Patrol quickly became a special police force for

the repression of Mexican workers in the United States, and Mexican workers rapidly became synonymous with “illegal aliens.”

It was during the Great Depression that the “deportability” of Mexican migrants truly became a strategy for exploitation by the U.S. federal government. Authorized Mexican migrants, undocumented migrants, and U.S. born citizens of Mexican descent were excluded from employment and economic relief as unemployment in the United States climbed to 29 percent (De Genova 2013; Ngai 2004). It was now county welfare bureaus, rather than immigration enforcement, that organized the transport of thousands of Mexicans to the border for deportation. An estimated 60 percent of those removed were children or American citizens by birth, most spoke English, and most had been in the U.S. for a decade or more (Ngai 2004). As it was impossible and impractical to deport all, many were simply terrorized or forced to work harvests in California for little to no pay (Ngai 2004; De Genova 2013). Growers were the only voices of opposition to this mass deportation. During the same decade that nearly 20% of the Mexican population in the U.S. was forcibly sent to Mexico, growers complained of labor shortages. By the end of the decade, congressional members from southwestern districts were advocating for contract workers to assure a steady supply of labor to the agricultural sector (Ngai 2004; Chacon 2006).

The Bracero Program, which began in 1942, was the first contract-labor program the United States had sponsored since 1885, when the practice was outlawed (Ngai 2004). Contract labor programs were widely considered to be contrary to the ideals of liberal democracy. The Mexican government also was apprehensive about such a program, and initially maintained some oversight. For example, the Mexican government

required that Braceros would not be subjected to discrimination such as the Jim Crow laws in Texas, and reserved the right to blacklist employers, counties, or entire states that engaged in such practices (Ngai 2004). Although the Bracero Program was designed to guarantee a degree of rights for workers, in practice, workers were exploited just as badly if not worse than before. For example, the minimum wage requirement for Braceros was supposed to be 50 cents per hour, but most growers only paid 30 cents per hour. Workers lived in deplorable conditions, and faced abuse from employers. Growers' behavior was not monitored or enforced, and the guarantees to Braceros quickly became nearly meaningless. In addition, employers still preferred undocumented workers over legally contracted Bracero laborers, as they were cheaper and required less paperwork (De Genova 2013). Employers in Texas went around the ban that the Mexican government had put on that state by soliciting and hiring undocumented workers at the border.

The habit by employers of hiring vulnerable and exploitable Mexican workers did have an effect on local workers in the U.S. The effects on domestic wages were drastic. For example, in 10 years, wages for tomato picking in the San Joaquin Valley of California dropped 40 percent, while the proportion of Braceros to pick them went up by 90 percent (Ngai 2004). Between 1953 and 1959, farm wages rose nationally by 14 percent, but remained frozen in sectors that relied on Bracero labor (Ngai 2004). The anger on the part of domestic workers combined with existing racism to create a social backlash against Mexicans that played out in person, with violent vigilante attacks against those perceived to be Mexican, as well as in policy, with increasingly exclusive and restrictive laws proposed and passed.

Perhaps the most extreme, back-to-back example of the revolving door process described by De Genova happened in 1954, while the Bracero Program was operating. Early that year, the U.S. Congress succumbed to pressure from growers and their elected proxies, and authorized the Department of Labor to recruit Mexican workers outside the Bracero Program (De Genova 2013). Even Border Patrol Agents actively recruited undocumented migrants to fulfill labor shortages in the agricultural sector (De Genova 2013). But just a few months later, in May of 1954, the Immigration and Naturalization Service (INS) announced the start of “Operation Wetback,” in which an estimated 2.9 million migrant laborers were forcibly removed from the United States in a violent and racist dragnet. The nearly simultaneous occurrence of these two contradictory events demonstrates the blatant use of the border and immigration enforcement for supplying cheap and insecure labor to U.S. employers while also defining national citizenship as White through the use of sovereign power.

The final installment of U.S. immigration policy history that is deeply relevant to current migration and border policy trends was the Hart-Celler Act of 1965. Ostensibly a progressive law that put an end to the racist national quota system established in the 1920s, and a law that prioritized family reunification, the Hart-Celler Act actually had the effect of racializing and criminalizing Mexican migration even further. Although the law did abolish the hierarchy of national-origin quotas, it also put in place a limit on the number of visas that would be allocated for the Eastern Hemisphere (170,000) and the Western Hemisphere (120,000) with a per-country cap of 20,000 quota visas per year (Ngai 2004). This was the first time a numerical limitation had been placed on immigration from the Western Hemisphere. Thus, this celebrated immigration bill touted

to be pro-democracy and anti-racist had the effect of severely restricting migration from Mexico, the single largest contributor of immigrants to the United States for decades. The Hart-Celler Act was the key federal policy that firmly institutionalized Mexican migration as “illegal.” Given that in the early 1960s, Mexican migration included some 200,000 Braceros and another 35,000 admissions for permanent residency, “the transfer of migration to ‘illegal’ form should have surprised no one” (Ngai 2004:261).

The history of U.S. immigration policy and practice regarding migration from Mexico is characterized by two competing inclinations: first, to secure a constant supply of low-wage, vulnerable, and insecure labor, especially for large agribusiness in the southwest; and second, to limit the settlement, integration, and cost of a population that was seen as foreign and threatening. As this history demonstrates, the process played out on the bodies of Mexican migrants themselves through physical line inspections, the chasing and apprehension of migrants by Border Patrol, and violent vigilante attacks on Mexicans and their families. By the 1990s, this corporeal manifestation of U.S. border policy and national sovereign power was producing hundreds of dead bodies on the U.S. side of the border with Mexico.

Cause of Death

The economic pressures on workers in Mexico were such that, by the 1990s, the continuation of a mass migration to the U.S. was inevitable. What was not inevitable was the unprecedented loss of life along the border. This section presents a “social autopsy” (Klinenberg 2003) of migrant death in the borderlands that locates the cause of death at

the collective and social level, rather than at the individual, biological level. Although the official cause of death for most of those migrants examined by the medical examiner between 2000 and 2016 was exposure to the elements, with the manner of death listed as accidental, the context in which these deaths occurred reveals their socially structured nature. Sociologists, anthropologists, and cultural historians have noted how the category of accidental death is the medicolegal category most likely to include those fatalities that have occurred due to violent or negligent acts perpetrated by the powerful, especially by governments or large corporations (Prior 1989; Doughty 2003; Jentzen 2009; Howarth 2007). When analyzed collectively and within their socioeconomic and historical context, accidental deaths are removed from under the “false cloak of naturalness” (Prior 1989:62) and revealed as having their roots in violent or negligent actions.

There is overwhelming consensus in the literature that the increase in migrant fatalities along the U.S.-Mexico border beginning in the mid-1990s was caused by a change in U.S. border enforcement policy (Cornelius 2001; Eschbach et al. 1999; Nevins 2005; Rubio-Goldsmith et al. 2006; Martinez et al. 2015). The new U.S. border enforcement strategy was termed *prevention through deterrence*, and came about following a period of heightened anti-immigrant sentiment in the late 1980s and early 1990s. Following an economic recession and an increase in unemployment between 1990 and 1991, there was widespread anxiety that immigrants from Mexico were taking American jobs and contributing to a weak economy. Immigration became a key issue in the 1993 presidential election, and Bill Clinton promised the American public that his presidency would bring the southern border “under control” (Andreas 2009). In a pattern that would be seen time and time again over the next 20 years, a border state

experimented with extreme immigration and border enforcement measures that were then taken up as national policy. In September of 1993, El Paso Border Patrol Sector Chief Silvestre Reyes launched Operation Blockade, in which he directed four hundred Border Patrol agents to stand along a twenty-mile section of the international boundary (Nevins 2002). According to the Border Patrol website as of April 2016, “Agents and technology were concentrated in specific areas, providing a ‘show of force’ to potential illegal border crossers.”

Reyes’s Operation won considerable acclaim and attention following dubious claims of success (Cornelius 2001; Nevins 2002). Operation Blockade was then used as a model for federal programs under President Clinton, which included Operation Gatekeeper in California, Operation Safeguard in Arizona, and eventually Operation Rio Grande in Texas in 1997 (Nevins 2002). In 1994, the same year that NAFTA went into effect, head of the Immigration and Naturalization Service (INS) Doris Meissner signed off on the 1994 Border Patrol Strategic Plan. The plan was inspired by Reyes’s experiment, with an important modification. Reyes’s strategy had a problem: it was extremely expensive. It relied on the placing of agents, vehicles, and surveillance technology at every point along the boundary, which was impractical. As stated in the 1994 document, “In its strategic planning process, the Border Patrol accepted that absolute sealing of the border is unrealistic. Through the strategic planning process, however, the planners found legitimate reason to believe that the border can be brought under control.” (Border Patrol 1994:1)

The federal versions of Reyes’s strategy relied on *segmented enforcement*, and prevention through deterrence. Segmented enforcement entailed the placement of Border

Patrol infrastructure along those segments of the border that cut through urban areas, such as San Diego, Nogales, or El Paso. Prevention through deterrence was the idea that migrants would be discouraged from attempting to cross if they recognized how difficult and dangerous it would be (Cornelius 2001; Andreas 2009; Ewing 2014). The initiative consolidated enforcement efforts along the traditional urban crossing points leaving in between “natural barriers to passage” like the Sonoran Desert with its extremely high temperatures (Border Patrol, 1994:2). The geography of the desert southwest was of paramount importance in the execution of this strategy. The most remote, mountainous, and arid portions of the border would be deployed as a “natural barrier.” While urban areas would be heavily patrolled, these more remote and inhospitable portions of the border would be left relatively unguarded. The 1994 plan stated, “Illegal entrants crossing through remote, uninhabited expanses of land and sea along the border can find themselves in mortal danger” (Border Patrol 1994:2). This mortal danger proved to be worth the risk for millions of migrants wishing to cross the border, and thousands have died in the attempt. Between 1998 and 2015, at least 6,571 people have died attempting to cross the US-Mexico border (Border Patrol 2016).³ The escalation in deaths was initially noted in California and Texas in the late 1990s. As enforcement in those states increased, however, the majority of attempted crossings as well as the majority of

³ This number is taken from U.S. Border Patrol counts, which I regard with skepticism for many reasons. First, Border Patrol provides no explanation of the methodology used to arrive at these numbers, which is problematic given that many small counties along the border do not distinguish migrant deaths from other types of fatalities. Second, the agency has a track record of miscounting migrant deaths, and for many years did not include unidentified remains in their annual numbers. At the time of writing, the agency’s count for the Tucson sector was 63 migrant deaths in FY 2015, whereas the PCOME counted 133 for the same time period. Finally, it is a problematic conflict of interest that the same agency charged with policing the U.S.-Mexico border is trusted to report on the numbers of fatalities.

fatalities shifted to the Border Patrol's Tucson Sector. The Tucson Sector experienced a 20-fold increase in known migrant deaths between fiscal years 1990 and 2005. The Pima County Office of the Medical Examiner investigated the deaths of the remains of more than 2,600 migrants between 1990 and 2015—more than any other jurisdiction in the country.

The increase in deaths was not an effect of an increase in migration, but was a direct result of the prevention through deterrence strategy. As noted by Wayne Cornelius regarding California, “some portion of the increase in fatalities from 1995 to 2000 can be attributed to a rising volume of unauthorized Mexico-to-U.S. migration during that period; however, the per-year increases in mortality are much larger than the increases in Border Patrol apprehensions” (Cornelius 2001:670). A 2013 report released by a nonpartisan nonprofit found that the deaths of immigrants along the entire U.S.-Mexico border increased dramatically while the number of entrants declined. As the report stated, “between FY [fiscal year] 1999 and FY 2012, immigrant deaths increased by more than 80 percent at the same time apprehensions, a measure of illegal entry, declined by 77 percent,” (Anderson 2013:3).

Border enforcement efforts did not stop unauthorized crossings, but instead, made them more clandestine and dangerous. This was part of the strategy, and can be seen reflected in the strategic plan. Under “indicators of success,” the authors list “fewer entry attempts,” but they also list “fewer returnees,” “increased alien smuggling fees,” “further reduction in social services,” “shift in flow to other areas in Southwest border,” and “more violence at attempted entries” (Border Patrol 1994:9-11). Indeed, the effects of the 1994 border operations were, to a large degree, accurately predicted by the planners.

They have included increased violence during the migrant journey (Andreas 2009; Slack et al. 2016), decreased circularity in migration (Dunn 2009; Massey, 2012; Slack et al. 2015), increased smuggling fees (Andreas, 1998; Cornelius, 2001), and a shift of migration flows to other areas of the Southwest border (Eschbach et al. 1996; Cornelius 2001; Rubio-Goldsmith et al. 2006). However, the plan also listed the following under “indicators of success:” “reduction of serious accidents involving aliens [*sic*] on highways, trains, drowning, dehydration” (Border Patrol 1994:11). Given this indicator, it is curious that there was no serious evaluation of the strategy once, within a year of implementation, there was a doubling of the deaths of migrants in California.

Some have referred to the deaths of migrants as “unintended consequences” (Cornelius 2001) or “collateral damage” in the increasingly militaristic strategy of border enforcement (Jimenez 2009; Piekielek 2009; Nicol 2013). Indeed, the planners of the 1994 Border Patrol Strategic Plan included experts from the Department of Defense’s Center for Low Intensity Conflict. Although the criminalization of migration and the policing of the U.S.-Mexico border can be traced back to the 1920s, the militarization of border intensified in the 1980s and 1990s (Dunn 2009; Nevins 2002). These strategies accelerated even further following the attacks on New York and Washington D.C. on September 11th, 2001. In a very short amount of time, public fears around terrorism became focused on the perceived permeability of the southern border, anxieties that Border Patrol exploited. What a young Border Patrol agent said to me and several other graduate students at the Sasabe port of entry in 2007 illustrates this well. Standing in a completely empty port of entry, this agent warned us, “You’re standing in the most dangerous place in the world.”

Public anxieties and private security interests behind the border buildup meant that the escalation was severe. As reporter Todd Miller has observed, “The modern notion of ‘border security’ has gone from a non-issue, to a non-debated issue” (Miller 2014:25). The number of Border Patrol agents went from 8,500 in 2001 to more than 21,000 in 2014 (Miller 2014). The US government spent \$90 billion on border security during the first 10 years following 9/11 alone (Miller 2014). The Department of Homeland Security, dubbed the “second defense department,” by national security analyst Tom Engelhard was established in 2002, and absorbed Border Patrol in March of 2003 (Miller 2014). The mission of Border Patrol was changed to match that of its parent agency, U.S. Customs and Border Protection: “to protect the United States from ‘terrorists’ and ‘their weapons of mass destruction’” (Miller 2013: 12). The agency’s tradition of hiring war veterans continued, and those returning from Iraq and Afghanistan were sought after (Miller 2014). In addition to Border Patrol presence, the National Guard has also been deployed along the border, and paramilitary groups such as the Minutemen have taken it upon themselves to independently police the border. The virtual surveillance of the border also ramped up dramatically, with a 2005 update to the prevention through deterrence strategy that included the Secure Border Initiative (SBI), and under it, SBInet, which was an effort to build a virtual fence of electronic surveillance—unmanned aerial drones, remotely operated cameras, tower-mounted radars, and unattended ground sensors (Government Accountability Office 2011; Miller 2014).

This militarization process has been economically beneficial for public and private security agencies. In fact, part of the rationale for the militarization of the border

had to do with drumming up resources for Border Patrol. A line in the 1994 Border Patrol Strategic Plan justifies the strategy of prevention through deterrence and the border buildup by saying that the strategy “improves public image, employee morale, and *facilitates justification for allocation of resources*” (Border Patrol 1994:1, italics added). In 2012, the U.S. federal government spent \$18 billion on border and immigration enforcement, which was more than the budget of all other federal law enforcement bodies combined (Miller 2014). The ramping up of military infrastructure at the border has also been termed a “treasure trove” for contractors in the border security industry (Miller, 2014:27). The Hoeven-Corker Amendment, passed by the U.S. Senate in June of 2013, authorized a \$38 billion funding increase for border security (Miller, 2014). Senator Patrick Leahy called the bill “a Christmas wish list for Halliburton,” and then voted for its approval (Miller 2014:29).

While the manner of death listed by medical examiners and coroners along the border for most migrants is “accidental,” the history of U.S. border enforcement efforts throughout the latter half of the 20th century and the beginning of the 21st century make it clear that these deaths are not the result of individual-level choices. They are also not an accident of policy. These deaths are not “unintended consequences” or “collateral damage,” but logical and expected results of U.S. border policy that knowingly routed thousands of migrants through the deserts of the southwest. This militarization strategy relies on death as a deterrent. The authors of the 1994 Border Patrol Strategy stated that “temperatures ranging from sub-zero along the northern border to the searing heat of the southern border” would put migrants in “mortal danger” (Border Patrol 1994:2). A supervisor for Border Patrol's Tucson Sector explained to a reporter in 2010 that

increasing “control” of the border meant death for some migrants. “As we gain more control, the smugglers are taking people out to even more remote areas. They have further to walk, and they are less prepared for the journey, and they don't make it” (McKinley 2010).

I have often struggled to find the appropriate language to describe the violence of U.S. border policies that directly led to thousands of deaths. Labels such as “structural violence,” “disaster,” or “slow violence” obscure the direct role of policy makers in knowingly exposing migrants to the killing effects of the desert. Foucault’s definition of “killing” is not “simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejections, and so on” (Foucault 2003a:256). In fact, many of these forms of killing are seen as homicide under U.S. law. Negligent homicide charges are brought against those who did not intend to kill, but whose serious negligence or recklessness caused a fatality. These cases usually involve someone failing to act to save a life, or making a mistake that causes death. Another form of legally defined homicide applies to those who complete an act that “substantially and unjustifiably endangers the lives of others” (Model Penal Code 1973). This type of homicide is referred to as “depraved-heart murder,” and it qualifies as second degree-murder under U.S. homicide law. A judge’s description of this form of murder in 1981 arson case is worth quoting at length:

Depraved-heart murder is the form of murder that establishes that the willful doing of a dangerous and reckless act with wanton indifference to the consequences and perils involved, is just as blameworthy, and just as worthy of punishment, when the harmful

result ensues, as is the express intent to kill itself. This highly blameworthy state of mind is not one of mere negligence... It is not merely one even of gross criminal negligence... It involves rather the deliberate perpetration of a knowingly dangerous act with reckless and wanton unconcern and indifference as to whether anyone is harmed or not. The common law treats such a state of mind as just as blameworthy, just as anti-social and, therefore, just as truly murderous as the specific intents to kill and to harm. [Brody and Acker 2010:243]

The act of sealing off heavily crossed urban portions of the border without providing visa reform knowingly exposed migrants crossing the U.S.-Mexico border to the dangers of the desert. Regardless of whether or not the authors of the law intended to kill, such behavior is murderous. It involves “the deliberate perpetration of a knowingly dangerous act with reckless and wanton unconcern and indifference as to whether anyone is harmed or not” and “is truly murderous as the specific intents to kill and harm.” Depraved-heart murder convictions usually require “proof that the defendant acted recklessly under circumstances manifesting extreme indifference to the value of human life” (Brody and Acker 2010:429). The evidence provided in this chapter could constitute sufficient proof that the U.S. government did indeed manifest reckless behavior and indifference to human life in its border enforcement strategies beginning in the mid-1990s. If an employer had implemented a strategy whereby human beings would be knowingly routed through triple-digit heat in remote portions of a desert to commute for work, they could be held criminally liable. However, the U.S. and other governments responsible for the deaths of migrants pass deadly laws with impunity. As political theorist Seyla Benhabib has noted, “There are still no global courts of justice with the

jurisdiction to punish sovereign states for the way that they treat refugees, foreigners, and aliens” (Benhabib 2002:110). The lack of legal mechanisms for justice, however, should not prevent the use of accurate language when describing the violence of U.S. border policies, which are homicidal in nature.

The large-scale migration from Mexico to the United States has complex historical causes ranging from the Mexican Revolution to the labor demands of U.S. agribusiness. However, the responsibility for the loss of thousands of lives on the border lies unequivocally with the U.S. federal government. Regardless of the intentions of policy-makers, these border policies are violent, and they are generative of more violence. Nicholas De Genova has recommended a focus on what policies *produce* rather than on the intentions behind them: “without busying ourselves with conspiratorial guessing games about good or bad ‘intentions,’” it is more important to ask “what indeed do these policies produce?” (2013: 54). One could ask the same of the deaths themselves, and instead of asking about the good or bad intentions behind the policies that have produced them, ask, “what indeed do these deaths produce?” I argue that the deaths of migrants along the U.S.-Mexico border produce a spectacle that accomplishes two key things. First, the spectacle accomplishes a state performance of sovereignty through a “show of force” at the racial and geographical boundaries of the nation-state. Second, this spectacle of death accomplishes the construction of racialized immigrants that are both symbolically useful and uniquely exploitable.

The militarization of the U.S.-Mexico border was never intended to keep migrants out completely, but rather, to provide a constant performance of strength by the U.S. state that can be pointed to or amplified whenever there are public demands for border security. The fact that the southern border is the site for this performance, rather than the northern border, demonstrates the racial fears of the U.S. population, which are then reified and inflamed by federal border policies (Gott 2000; Gilmore 2002). Despite this performance, it is critical for the U.S. economy that most migrants do successfully cross the border to become commodities as deportable workers. The deportability of Mexican immigrants has been a labor strategy relied upon by U.S. businesses for nearly one hundred years. The deaths of thousands of Latino migrants in the borderlands each year has become a useful albeit tragic part of the long-term process by which the border has been used to create docile workers for the U.S. economy. The deadly nature of the border crossing has transformed deportation into a much more serious punishment for undocumented migrants, producing extreme fear and vulnerability. As Philippe Bourgois has said of the U.S.-Mexico border, "One could not invent a more brutally effective system for culling the best possible self-disciplined laborers if one tried." (Bourgois 2013:xvi).

In addition to the economic productivity of deportable migrant laborers who fear death on the border, the deaths of migrants are also productive in biopolitical terms by demonstrating which lives are to be protected versus which lives can be sacrificed. In Judith Butler's terms, Latino migrants become "abject bodies" that, in "failing to qualify as ... fully human," are not grievable after death or worthy of protection in life (Butler 1993:16). In the film, *Who Is Dayani Cristal?* (2013), Bruce Anderson asks, "how many

deaths will be enough so that someone in Congress says, ‘we can’t have this anymore?’” I, too, have wondered what the magic number is. I have wondered if the average of 176 bodies found per year in Arizona over the past 15 years is simply a “sweet spot” that allows for the productivity discussed, but isn’t enough to cause mass outrage and mourning. Unfortunately, I fear that any number would be acceptable so long as Latino migrants are deemed slightly less than human in life, and invisible as grievable losses in death. If the deaths themselves are indeed part of the process in which migrants are dehumanized, then any act to publicly mourn, name, or remember the dead will be a powerful act of resistance in the borderlands.

Chapter Two: The Dead

*cuando empezaron a desaparecer
como el oasis en los espejismos
a desaparecer sin últimas palabras
tenían en sus manos los trocitos
de cosas que querían*

when they began to disappear
like the oasis in a mirage
to disappear without any last words
in their hands they held the small pieces
of the things for which they longed

-from *Desaparecidos* by Mario Benedetti

The bones don't lie and they don't forget.

—Clyde Snow

You want to destroy the past? Destroy the bodies of those who represent the past.

—Thomas Laqueur⁴

⁴ Dr. Laqueur stated this at a private meeting in Washington D.C. in April 2016.

From the items in their pockets to the evidence in their bones, the bodies of the dead tell a particular story about the U.S.-Mexico border today. “The testimony of the dead” (Joyce and Stover 1991) as interpreted by forensic scientists has become an increasingly powerful form of evidence in the investigation and prosecution of atrocities beginning in the latter half of the 20th century. This chapter will center the materiality of the bodies of deceased migrants to better understand the border and the forces shaping it. Forensic anthropologists are experts at appreciating the “experience” of a skeleton both before and after death, and differentiating between the two. Describing the former, forensic anthropologist Clyde Snow coined the term “osteobiography,” which he defined as the biography of an individual as told through bone (Weizman and Snow 2011). Snow explained that “bone is a very dynamic tissue, and it is very responsive to stresses,” and this bony response can be observed after death (Weizman 2014:4). An osteobiography includes those portions of an individual’s life story, such as injuries, illnesses, or diet, that can be appreciated through close examination of a person’s skeleton. After someone has died, however, what happens to the body postmortem is usually referred to as the “taphonomic process,” which is anything that happens physically after an organism dies. The taphonomic process usually refers to biological, or at least individual-level events that change a body after death, such as decomposition, burial, or cremation.

To speak of the “experience” of bones or the “story” they tell is to give bodies agency in a way that has been criticized at length in the social science literature on forensic expertise (Ginzburg 1989; Wagner 2008; Crossland 2009; Moon 2013; Rosenblatt 2015). Forensic scientists regularly emphasize the truthful nature of the

knowledge they produce by making claims such as, “dead mean do tell tales” (Joyce and Stover 1992) or “bones don’t lie and they don’t forget” (Weizman and Snow 2011). Such claims remove the presence and impact of the observer—the forensic scientist in this case—from the presentation of findings about the dead, who are given the agency to “speak” for themselves. This is part of the “evidential paradigm” of the forensic sciences that has historically produced the dead body as a generator of objective and indisputable facts (Crossland 2013). These claims are somewhat problematic in that they remove the body from the social and political context and can ascribe “the feelings and emotions denied to the forensic observer to the corpse” (Crossland 2013:75). Not only may the deceased have disagreed with these feelings and emotions, but this approach can also delegitimize other forms of truth, such as the testimony of survivors. In his critique of the hegemony of science, Foucault asked, “What types of knowledge do you want to disqualify in the very instant if your demand: 'Is it a science?'" (Foucault and Kelly 1994). By positioning the body as the ultimate form of truth, forensic experts can privilege their own form of knowledge above all others. As anthropologists and historians have demonstrated, dead bodies can be used both to reveal the past, and to erase it (Verdery 1999; Laqueur 2015; Clark 2005).

To avoid the pitfalls of providing ultimate evidentiary authority to the dead that is all too often denied to the living, I will strive to broaden the context from which the “testimony” of the dead is heard. In this chapter, I will situate the osteobiography and taphonomy of the bodies of dead migrants on a more macro scale than what is usually done by forensic anthropologists. Mine is still a form of forensics, however, and follows the Forensic Architecture project developed by Eyal Weizman and others in emphasizing

the original Latin meaning of the word “Forensis,” which was “pertaining to the forum” (Weizman 2014). The “forum” refers to public discourse and space, not just the courtroom, where evidence, testimony, context, and history are presented and discussed. *Forensis* connects individual events, people, objects, and locations to the public space of politics, law, and economics. Thus, to practice forensics is to establish “a relation between the animation of material objects and the gathering of political collectives” (Weizman 2014:9).

The relation I seek to establish is between the materiality of the dead bodies of migrants, and the invisible forces of economics, nationalism, and racism operating acutely in the space of the U.S.-Mexico border. The bodies of the dead exhibit wounds, fractures, and disarticulations in patterned ways that indicate the shape and trajectory of the forces that killed them. Rather than examining this trauma and pathology on an individual and microscopic level, as is usually done by forensic scientists, I expand the crime scene or the “field” (Weizman 2014) to include the collective experience of thousands of migrant dead examined over the past 15 years.

The first section of this chapter will include a discussion of the osteobiographical evidence of violence experienced by migrants before death. The observations made by forensic practitioners at the PCOME provide biological evidence of embodied structural violence. In fact, these scientists have become so accustomed to recognizing the indelible marks of social marginalization on the bodies of migrants recovered from the desert that they actually use such observations to predict that unidentified remains will be those of a migrant. The osteobiographies of deceased migrants discovered in the Sonoran Desert tell powerful stories of poverty and marginalization through poor dental health,

evidence of severe malnutrition, and signs of untreated disease. The dead bodies of migrants also speak to the nature of the desert border crossing, which leaves its own marks on the body before and near the time of death.

The second section of this chapter will focus on the postmortem “lives” of the border dead, and consider the ways in which the material disposition of the dead constitutes and is constituted by the political border itself. After death, the bodies of migrants follow various trajectories that are revealing of broader sociopolitical forces at play along the border. From their disposition at scene of discovery to their condition upon release for final burial, and even in their representation by popular press and media, the bodies of deceased migrants along the U.S. side of the border with Mexico reveal a particular politics of the dead that has heavy bearing on the living.

Osteobiography: Antemortem Evidence of Violence

Embodied Structural Violence

The remains of migrants differ in significant ways from other cases that are brought to the PCOME. Some of these differences relate to the life experience of these individuals before they became migrants, whereas some relate to the circumstances of their deaths. Those individuals identified as migrants crossing the border typically have poorer dental health, shorter stature, more skeletal indicators of nutritional stress and disease, and higher incidences of poorly healed fractures than non-migrants examined at the office (Anderson 2008; Birkby et al. 2008; Soler and Beatrice 2016). The bodies of

migrants are usually found in remote desert areas known for human smuggling, and the items pulled from their pockets and backpacks suggest impoverished travelers embarking on a dangerous journey.

Forensic experts at the PCOME regularly witness the manifestation of socioeconomic factors on the biology of the bodies of migrants. A 2009 study of the oral health of migrants examined at the PCOME demonstrated that those crossing the border had a higher prevalence of dental caries (cavities) and tooth loss, and a lower incidence of dental restorations than a Mexican American comparison sample (Anderson 2008). A more recent study confirms these findings, with 68.5% of a sample of 200 migrants exhibiting dental caries (Soler and Beatrice 2016). Many of the caries were severe, with 42% of cases exhibiting at least one tooth with more than half of the crown destroyed by caries and 14% with at least one tooth crown completely destroyed by caries. Strikingly, the study found that 19% of those sampled had dental abscesses—serious infections of the bone surrounding the tooth (Soler and Beatrice 2016). These conditions are severely painful and can lead to system-level infections if left untreated.

Forensic anthropologists at the PCOME have also observed evidence of nutritional stress on the bones of migrants (Birkby et al. 2008; Anderson, 2009; Soler and Beatrice 2016). Several studies by PCOME forensic anthropologists have noted the relatively short stature of migrants examined at the office (Spradley et al. 2008; Anderson et al. 2009; Soler and Beatrice 2016). Like other health indicators, stature is determined by both genetics and environmental factors, and individuals can be prevented from reaching their full growth potential by lack of access to nutritional food or clean drinking water (King 2010; Dewey and Mayers 2011). In a recent study, forensic anthropologists

analyzed data collected from 200 cases of UBCs at the PCOME, and found disturbingly high rates of serious skeletal indicators of stress (Soler and Beatrice, 2016). Among other findings, they have reported that over 30% of UBCs sampled exhibit linear enamel hypoplasias—bands of missing enamel along the surface (Soler and Beatrice, 2016). These permanent changes to teeth are evidence of severe nutritional stress during childhood that was either caused by starvation, extreme illness, parasites or congenital infections. Among those with the condition, 37% exhibited at least two linear enamel hypoplasias, and 11% exhibited at least three, meaning that these individuals had experienced *multiple* episodes of severe stress in childhood (Soler and Beatrice, 2016). The authors also observed that more than 50% of the UBC cases in their study exhibited porotic hyperostosis (porotic lesions to the cranial vault), another condition that suggests severe malnutrition or illness in childhood (Soler and Beatrice 2016).

A growing body of literature in public health and the social science of medicine criticizes biomedical approaches that place the blame or responsibility for poor health outcomes on individual behavior rather than on social, economic, and structural factors that constrain individual choices (Poundstone et al. 2004; Krieger 1994, 2001; Holmes 2007). The biocultural concept of embodiment is useful for understanding the ways in which social and environmental stressors, including structural violence, are exhibited corporeally. Embodiment “refers to how we, like any living organism, literally incorporate, biologically, the world in which we live, including our societal and ecological circumstances” (Kreiger 2005:351). Of critical importance in the study of embodiment is that measured differences between populations do not imply innate biological differences between populations (Kreiger 2005). Instead, they may point to

disparate environmental, social, and economic conditions that impact the growth and development of individual biologies on a large scale. Lack of access to clean drinking water, nutritional food, and healthcare are all factors that can negatively affect individual health outcomes for entire populations.

The prevalence of childhood nutritional stress observed in the bones of migrants reveals the extreme levels of poverty and structural violence experienced by those crossing the border into the U.S. Victims of structural violence may perish from curable diseases, face disproportionate levels of toxins in their environments, or be socially positioned to experience higher rates of interpersonal violence. “Social factors including gender, ethnicity (‘race’), and socioeconomic status may each play a role in rendering individuals and groups vulnerable to extreme human suffering” (Farmer 2005:42). The embodied evidence of structural violence exhibited on the bones of migrants is significant in the immigration and border enforcement context, where both societal blame and governmental interventions are still predominantly targeted at the individual level. Both the U.S. and Mexican governments have invested in large-scale educational campaigns discouraging migrants from taking the risk of crossing the border. When one considers the skeletal evidence, which suggests that many of the people these campaigns are directed at are already fighting for their lives, such interventions seem deeply out of step with reality. As a young Guatemalan immigrant interviewed by the BBC in 2014 explained, “It’s absolutely worth the risk, because when you live in this kind of extreme poverty, it’s a fight for life and death anyway, so you might as well make the journey over the border” (BBC, 2014).

The observations made by forensic anthropologists at the PCOME are also powerful in that they represent one of the first applications of forensic anthropology to a human rights context where the collective violation committed was not interpersonal, but structural. The power of the work and observations of forensic anthropologists will be discussed in more detail in Chapter 4.

Perimortem Violence

The term *perimortem* refers to events at or near the time of death. Forensic pathologists and anthropologists use the term to refer to observations of defects to human remains that were caused by events during the sequence leading up to the death of an individual. I will use this temporal concept to discuss the effects of the desert border crossing experience on the bodies of migrants. The ways in which the dead are found speak to the harrowing nature of a journey that thousands of migrants have survived.

The bodies of the dead have been found at the bottom of cliffs, their bones shattered from an unexpected fall. They have been found in water tanks, likely after climbing in for a desperately needed drink. They have been found in container trucks, under trees, and on highways. They have drowned, suffocated, and frozen to death. They have been discovered dismembered on train tracks after exhaustion forced an unintentional slumber. They have been found with their heads in homemade nooses made from their own shoelaces or belts and strung from ranch fences or *mesquite* or *palo verde* trees. A son watched his father die after he was struck by lightning in the middle of a monsoon storm. The daughter of a severely dehydrated woman tried to save her mother

by bargaining with the coyote with the only thing she had, her own body, only to watch her mother convulse and die in the sand. Some have died after being attacked by a swarm of bees. Some have drowned in drainage canals that runs under the border in Nogales. The dead have been found with the bottoms of their feet worn off, their skin peeling from the Arizona sun, their arms and legs abraded and bruised from cactus. I remember the small body of a 14-year-old boy. His shoes were falling apart, his stomach was full of prickly pear fruits, and he carried an orange paper flower in his backpack.

There have been entire groups who have lost their way in the remote desert terrain, their bodies later found in a line. In one case, a man in a group had enough remaining battery power in his cell phone to call his wife in Guatemala and tell her that he was watching his cousins die. Another group was made up of 28 men, all from the same town, who died together in the desert near Yuma (Urrea 2004). Some deaths, however, don't occur in the desert but on the highway. Occasionally high-speed chases, usually involving Border Patrol, will result in the bodies of eight or nine migrants brought to the PCOME in one day, their bodies broken from the force of the accident. Other deaths occur in the hospital, after the desert has taken its toll. In a few cases, there have even been the "living unidentified," who were brought to a hospital after suffering head trauma rendering them with brain damage and severe amnesia.

Many of the events described above are survivable, and speak to the traumatic and physically destructive nature of the desert crossing for migrants who do make it across the border. Those who have survived the desert crossing, especially during the prevention-through-deterrence era, often carry the physical and emotional wounds of their experience. In addition to the effects of the desert environment on their bodies,

including abrasions, sprains, and fractures (Crocker 2015), migrants are also harmed by the physical architecture of the border wall, with reports of injuries such as fractures and severed limbs common among those who have attempted to climb over the steel barriers that cut through urban areas (Trevizo 2015; Echavarri 2015). Survivors also report abuses including verbal insults, mugging, beating, and rape perpetrated by gangs, coyotes, or Border Patrol agents (Martinez et al. 2013). The experience of the desert crossing can leave lasting emotional scars on those who have survived, usually in the form of fear and trauma, which are often comorbid with other health problems, such as cardiovascular disease and diabetes (Crocker 2015; Holmes 2013). As Rocio Magaña has written, “the border is enforced through fatigue, heat exertion and occasionally despair” (Magaña 2008:84). But despite all of this, so many have willed their bodies through this landscape of death and destruction.

In addition to the dead, the items found in their pockets and backpacks also tell a story of the desert crossing. The most common items found with the dead are directly related to survival—water, food, or clothing. Also common are religious items such as prayer cards, amulets, rosaries, scapulars, or ordinary items such as toothbrushes, combs, hair ties, and lip balm. There are those items that represent connections to others, such as photographs, phone numbers, wedding rings, or letters, and items that suggest that the person carrying them was helping someone else—men found with children’s toys or sanitary pads, for example. Occasionally, items speak to how unprepared someone was for the journey—high heels, soccer shoes, or sandals made from tire, for example have all been found on the bodies of the dead. They may have been unprepared, or they may have been wearing all they have. The clothing, like the bodies, has often indicated poverty:

threadbare pants, homemade belts, patched shirts. These personal effects often also indicate preparation for the dangers of the journey, such as “cheat sheets” that provide Central American migrants with tips on how to “pass” as Mexican in case they are apprehended, or birth control pills, which are known to be commonly carried by female migrants who expect to be raped (Ruiz Marrujo 2009). Other items suggest preparation for life in the U.S.: Spanish/English dictionaries, a photo portfolio of a tiling craftsman’s handiwork, or business cards for a landscaper. I remember a young woman who was found with a backpack. The contents were similar to the things I had carried in my backpack when I left home the first time for college—a notebook, a dictionary, makeup, a mirror, photographs, letters. To me, her backpack spoke powerfully of hope. The hope that is involved when one is making large and exciting transition in life—bringing treasured items to both remember the past and to begin a new journey.

Like the remains themselves, the items found with the dead are fragments. They are fragments of a story, fragments of a person’s life, fragments of a massive movement of people across a harsh landscape.

Categorizing the Dead

Material clues, whether embodied, evident in the circumstances of death, or apparent in the personal effects of the deceased, have all become factors at the PCOME in predicting whether or not a decedent is a migrant. The PCOME’s “Undocumented Border Crosser” category is an innovation created in an effort to differentiate between the

remains of undocumented migrants versus non-migrants. PCOME forensic experts rely on this “coding” of cases for two reasons: first, it allows a more accurate count of those who have died as a result of attempting to cross the border by enabling the inclusion the unidentified, and second, it helps the overburdened office to more efficiently compare unidentified individuals to the appropriate set of missing persons (Anderson and Parks, 2008; Anderson, 2008). Before the UBC profile was utilized to predict that unidentified remains were likely those of migrants, the numerical count of migrant fatalities published by Border Patrol each year was fewer by up to a third, due to the challenges inherent in identifying the dead. In addition, as the unidentified began to accumulate from year to year, investigators needed to be able to review a complete list of migrant cases to more effectively search for the missing. The curation of a complete list of unidentified remains believed to be migrants enables efficient collaboration with entities that specifically aid families of missing migrants, such as various foreign consulates, the Argentine Forensic Anthropology Team, or the Colibrí Center for Human Rights, which struggle to search for the missing among the dead in jurisdictions that do not differentiate between migrants and other unidentified remains cases.

Undocumented Border Crossers (UBC), as defined by the chief medical examiner and forensic anthropologist at PCOME, are “migrants who die during their attempt to enter the U.S. in an undocumented manner” (Parks and Anderson 2008:6). This designation applies both to identified and unidentified remains. Specific features of the UBC Profile include the geographic location where the body was found; personal effects that indicate Mexican or Central American nationality; and biological indicators of admixed Native American and European or African ancestry suggesting Southwest

Hispanic ancestry (Anderson and Parks 2008; Anderson 2008; Birkby et al 2008).

PCOME forensic anthropologists recognize that the term “Hispanic” is not biological, but social. Forensic anthropologist Kate Spradley has completed extensive research at the PCOME, and has examined hundreds of cases of deceased migrants discovered in southern Texas. As Dr. Spradley has noted,

The term Hispanic is a social construct with no precise genetic meaning and is defined by the U.S. Census Bureau as an individual originating from Mexico, Puerto Rico, Cuba, South or Central America, or other Hispanic/Latino origins. In other words, the term Hispanic is based on a linguistic definition of Spanish-speaking peoples. [Spradley et al. 2008]

However, the term also refers to a geographical region with a history of European genocide and conquest of Native American populations, resulting in somewhat unique (but not discrete) skeletal and genetic traits. For example, some of the phenotypic dental traits that suggest “Hispanic” ancestry to forensic scientists are shovel-shaped incisors, Carabelli’s tubercles (a small additional cusp on molars), enamel extensions, and a parabolic shaped dental arcade (Spradley et al. 2008).

Traditionally, one of the key tasks of a forensic anthropological examination of unidentified human remains is to produce what is known as the “biological profile.” This includes the estimated ancestry, age range, height, and sex of the decedent, as well as any individualizing observations such as pathologies or past injuries noted on skeletal remains. The biological profile is strictly limited to observations made of the skeleton, and does not include contextual factors such as where the remains were found, the cause

of death, or personal effects. With the UBC designation, however, PCOME practitioners combine all of these factors into a contextual assessment unique to the contemporary borderlands. Noting the difference between the biological profile and the UBC category, several PCOME forensic anthropologists initially described the non-biological portions of the UBC profile as the “cultural profile” of Hispanic border crossers (Birkby et al. 2008). In 2009, PCOME practitioners discussed the dangers inherent in subsuming all non-biological observations under the umbrella of “culture,” arguing that “the placement of sequelae caused by poverty under the heading ‘cultural’ is inaccurate” and places blame on Mexican or Latin American cultures for conditions caused by structural inequities (Reineke and Anderson 2010). Instead of terming one set of observations “biological” and the other “cultural,” the authors proposed using the biocultural theory of embodiment to describe evidence of lived experiences of poverty, racism, and overall marginalization as expressed in the remains of migrants. In 2014, the “biocultural profile” was proposed by PCOME forensic anthropologists as a way to describe the UBC profile and differentiate the remains of undocumented migrants from non-migrants (Soler et al. 2014).

The UBC designation and the various iterations of its definition proposed over the years represent creative work on the part of forensic anthropologists to make the crisis of migrant death along the U.S.-Mexico border visible. Although the goal of human identification is to connect an individual set of human remains to a family searching for a particular missing person, the assignment of “UBC” status to remains at the PCOME is a collective-level assessment. Forensic practitioners have taken observations from their experience with other cases of deceased migrants in order to predict whether or not an

unidentified individual is a migrant. This allows individual cases to be appreciated on a collective level as a mass phenomenon, rather than randomly occurring individual “accidents.” As the forensic anthropologists have explained, the UBC assessment allows for a more thorough count of the dead on the border and allows for more organized comparison between records for the dead and the missing. However, the categorization of individual cases into a grouping also creates a language and criteria for the collection, maintenance, and sharing of data outside the space of the medical examiner’s office. It is no accident that most social science and forensic research regarding deaths along the U.S.-Mexico border has relied almost exclusively on data from the PCOME. By creating the UBC category, forensic anthropologists at this office have created the possibility for research by naming the border as the cause of death. It is very difficult to conduct comparable research in other parts of the U.S.-Mexico border because most other jurisdictions do not categorize individual cases as relevant to the border or not. The creation of a UBC checkbox in the case management system used at the PCOME enabled the office to share regular lists by month or year, not only with researchers, but also with activists and reporters, allowing for even greater visibility of the crisis of migrant death along the U.S.-Mexico border.

Although there are powerful reasons to categorize unidentified human remains, there are also some dangers. Connecting social experiences, such as nationality, religion, or economic status to biological assessments of ancestry can be easily misinterpreted as an old-fashioned and inaccurate concepts of race, where “races” are seen as discrete and predictive of social identities or individual behaviors. This is particularly dangerous in a political climate where racial profiling is used as a strategy to police and intimidate

immigrant communities. Throughout the U.S., the word “illegal” is increasingly coming to be understood as synonymous with “Mexican.” Pierre Bourdieu emphasized the power of words to structure social reality: “The act of naming helps to establish the structure of the world, and does so all the more significantly the more widely it is recognized, i.e. authorized” (Bourdieu 1991:105). As government officials with the authoritative status of “forensic scientists,” PCOME practitioners have disproportionate power to establish precedent for the official and unofficial use of socially constructed categories in harmful ways. What if the UBC criteria developed by forensic experts was adopted by a police department to justify “predicting” whether someone is engaged in criminal behavior based on how they look?

For these reasons, it is critical to understand the UBC category as a diagnosis, rather than an “identity” or a “profile.” The language used by PCOME forensic anthropologists to describe this assessment, “Undocumented Border Crosser,” and their definition of it, “individuals of foreign nationality who died while crossing the border clandestinely” emphasizes the *act* of crossing the border, rather than any particular social or cultural identity. Understood this way, UBC categorization has more to do with cause and manner of death than with identity. In the U.S., medicolegal officials must determine the manner of death for individual cases by selecting from five categories including natural, accident, homicide, suicide, or undetermined. Although the majority of migrants examined at the PCOME were determined to have died accidental deaths due to exposure to the elements, migrants have died from all five manners of death. With the use of the UBC profile, however, forensic practitioners at the PCOME have created a diagnosis much more complex and nuanced than the five traditional manners of death. They have

observed that those who have died while crossing the border “look” differently, in patterned ways, from those who die in similar geographies who were not crossing the border. In short, forensic anthropologists at the PCOME have made the lived experience of structural violence something that is visible, observable, and nameable.

Clarence Gravlee has used the concept of embodiment to describe the ways in which “race becomes biology” through structured inequalities (Gravlee 2009). He calls this a “vicious cycle” whereby “social inequalities shape the biology of racialized groups, and embodied inequalities perpetuate a racialized view of human biology” (Gravlee 2009:48). By appreciating the visible indicators of indigenous ancestry, poverty, and migrant status, PCOME anthropologists have provided a diagnosis of a lived experience of structural violence. One of the key characteristics of their diagnosis is evidence of embodied social suffering on a level rarely seen in U.S.-born populations.

The concept of “structural vulnerability” has been proposed as a more flexible mechanism to understand and interpret the ways in which social structures affect individual outcomes (Quesada et al 2011). Structural vulnerability is seen as a positionality “that imposes physical/emotional suffering on specific population groups and individuals in patterned ways” (Quesada et al 2011:341). “When translated into healthcare practice,” the authors argue, “the concept of structural vulnerability can become a productive tool for contextualizing diagnosis and informing critical praxis” (Quesada et al 2011:342). The authors even suggest that “structural vulnerability checklists” could be developed by clinicians and anthropologists, critically informing treatment and intervention efforts (Quesada et al 2011:350). Forensic experts at the PCOME have already developed a structural vulnerability checklist, and they have been

using it to describe, predict, and triage those they examine. They have taken an anti-colorblind approach to their work that acknowledges that those on their examining table are the same people who, in life, were socially read as impoverished Latin Americans, a status which very likely contributed to their ultimate death on the border.

Adam Rosenblatt has observed that the forensic investigation of genocide has sometimes required “entering into, studying, and sometimes even replicating the categories of identity that provided the logic for the crime” (Rosenblatt 2015: 22). In post-conflict settings, forensic anthropologists have often had to establish the ethnicity of the dead in order to provide evidence of genocide or ethnic cleansing. For example, forensic anthropologists examining the remains of Muslim Bosniaks in Bosnia-Hertzevovina used clothing and personal effects recovered with the dead to provide evidence that they were targeted based on their ethnicity by Bosnian Serbs (Wagner 2008). With the UBC profile, PCOME forensic practitioners have replicated the category of “illegal alien,” which, although socially constructed, is a status experienced by those to whom it is ascribed as very real with all too often painful and even deadly consequences.

It is worth emphasizing here that not everyone who dies is examined by a forensic anthropologist. Forensic anthropologists’ special skills are relied upon when violence has occurred, or when there has been a breakdown in social connectivity resulting in a lack of information about a person’s cause of death or identity. At the border and elsewhere, it is often specifically the lived experiences of pain that forensic anthropologists rely upon to identify the dead. Our healed fractures, scars, or missing teeth, for example, are all painful experiences that are recorded by our bodies in ways that will be observable after our deaths. For those crossing the border, forensic anthropologists appreciate the

experience of pain that comes with living life as an impoverished and racialized Latin American worker—pain stemming from malnutrition or starvation, disease, lack of access to healthcare, or simply from hard physical labor.

Whereas as medical anthropologists trace “how various social processes and events come to be translated into personal distress and disease” (Farmer 2005:30), forensic anthropologists and others involved in the identification of dead bodies work in the opposite direction, to trace an individual unidentified body back to a social event or structure, and ultimately, back to an individual person with a name and a family. The work of forensic experts at the PCOME to diagnose and describe how so many Latin Americans have died in the desert borderlands is a powerful practice of making visible truths which are actively silenced by much of public discourse about immigration and the border today. These forensic scientists are not only naming the dead, but naming their killers as economics and border policy.

I have discussed the ways in which the antemortem osteobiography of migrants and the circumstances of their deaths provide insight into the particular forms of violence experienced by migrants both at the border, and before they ever reach the border. I will now discuss what a material analysis of the border dead reveals about social and biological processes occurring after death.

The Postmortem Lives of the Border Dead

The journey of the dead bodies of migrants begins at the moment of death in the desert, and continues through postmortem examination, release from the examination facility, and can even be seen to continue in representation and remembrance. In the desert, the remains of migrants are quite often brutalized by environmental conditions, including the unrelenting sun and aridity, and local scavengers such as coyotes or vultures. Upon discovery, remains may or may not be handled with respect and care. There are those regions of the border where very little is done to examine and attempt to identify the dead, and where remains have been buried haphazardly and disrespectfully. For those forensic experts who do everything they can to identify the dead, there is often so little left to work with after the desert has taken its toll that their efforts must further disarticulate the remains for there to be any hope of recovering the identity of the deceased. Following forensic examination and investigation, remains are released either to the care of the family, or, in the case of the unidentified, released for burial or cremation by county officials. In both scenarios, there are actions upon what is left of the dead that can further destroy the bodies and harm possibilities for social memorialization and mourning.

Katherine Verdery has demonstrated that, “because the human community includes both the living and dead, any manipulation of the dead automatically affects relations with and among the living” (1999:108). Thomas Laqueur has similarly stated, “...the living need the dead far more than the dead need the living ...because the dead make social worlds” (Laqueur 2015:1). This view of the sociality of the dead is a guiding

framework for the discussion that follows. Critically, *any* manipulation of or action upon the dead has social effects, not just those actions which are seen as destructive or harmful. In the borderlands, not all of the actions upon the remains of the dead are negative—there are plenty of acts of care and compassion that are of critical significance. However, these efforts are best understood as acts of resistance against the more powerful and dominant forces of erasure and violence experienced by the dead.

The elements that define disrespectful, harmful, or destructive treatment of the dead are diverse, and depend on local, cultural, political, and historical factors. In general, however, mistreatment of the dead is any disruption in the usual or traditional way of caring for the body and spirit after death. Any disposition of the dead that disrupts the ability for the living to ease the deceased into the world of the dead is troubling, especially when death occurs not on just an individual level, but on a massive scale, such as in conflict or disaster. A culturally defined “bad death” can be made through the nature of the death itself, or the condition of the body (Metcalf, 1982). Communities need to do the work of emplacement—to integrate the dead into their new setting as peacefully as possible so that they do not come back to harm the living (Goody 1962; Nichter 1992). Laqueur discusses the ways in which the dead demand a different kind of treatment from other objects. The “overwhelming materiality” of the dead contrasts with the social, cultural, and emotional excess of meaning embodied within the corpse (Laqueur 2015). The reintegration of the dead into the natural and material world must be accomplished by the work of the living rather than by natural processes alone. The dead “are not refuse like the other debris of life; they cannot be left for beasts to scavenge” (Laqueur 2015:4).

The integrity of the physical body is usually a critically important element

affecting whether or not communities are able to emplace, mourn, and heal the dead. In belief systems such as Latin American Catholicism, where the intact body is understood to be a requirement to enter the afterlife, a disarticulated or damaged body can limit what rituals can be performed and can be seen as deeply spiritually damaging for the deceased (Nichter 1992). For many societies, harm done to the dead is not just symbolic violence (Bourdieu 1991) but tangible physical violence in the world of dead (Langford 2009). Jason De León has recently made an important contribution to the study of postmortem violence in the U.S.-Mexico borderlands, with the concept of “necroviolence,” which he defines as “violence performed and produced through the specific treatment of corpses that is perceived to be offensive, sacrilegious, or inhumane by the perpetrator, the victim (and her or his cultural group), or both” (De León 2015:69). This violence is generative and can produce further forms of violence and social fracturing. At the border, this violence “can be easily outsourced to animals, nature, or technology” (De León 2015:71). I expand De León’s analysis by considering the various points in time where this postmortem violence can occur, which includes not only the desert borderlands, but also upon examination and investigation; upon release and final disposition; and in popular representation.

Desert & Borderlands

The remains of migrants are usually discovered after having been transformed by desert conditions. The same heat and aridity that kills migrants on their journey through the desert also destroys their bodies after death. The Sonoran Desert is known for its

aridity and extremely high daytime temperatures, which range from 100°F to 120°F (38°C to 49°C) or higher in the summer months. Attempting to evade checkpoints, migrants travel through the most remote regions of the Sonoran Desert. Those who suffer the effects of hyperthermia (heat stroke) often become disoriented and wander deeper into the desert. For these reasons, the bodies of those who die in the crossing are often not discovered or reported quickly after death. In many cases, desert conditions have already rendered the individual unrecognizable. A single summer day in the desert can desiccate the skin so much that visual recognition of the face is no longer possible. Most of the dead are not discovered after a single day, but after several months. One study estimated that the average length of time that migrant bodies remain undiscovered in the desert is six to eleven months (Martinez et al. 2014). In 2014, 66% of those remains recovered from the desert and brought to the PCOME were skeletal (Hess 2015). The desert rapidly transforms human bodies into skeletal remains, and the added effects of insects and animals can reduce skeletons to just a few bones and teeth by the time they are found. Dozens of cases at the PCOME are comprised of only a skull or a long bone.

The word used to describe these dead is usually “remains,” rather than “bodies,” not only because such language is more respectful, but also because it is more accurate. Many of the dead recovered from the desert are no longer “bodies” but fragmented, decomposed, or skeletonized pieces of bodies. When one sees these remains in person, it is very hard to see them as anything other than the result of violence. This is why I will speak personally in this section about what I have witnessed. I have seen blackened skin stretched thinly around bone. I have seen bodies without faces, without arms, without feet. I have seen mummified remains where the skin is as hard as leather. I have seen the

teeth marks of animals. I have seen bones that are sun-bleached, gnawed on, dismembered, or crumbling.

De León has recently written quite thoroughly about the postmortem violence against migrants that occurs in the desert borderlands (2015). I will add several anecdotes from my experience, as well as a few additional observations. It is important to remember that the discomfort of those of us who happen to see human remains in conditions as described above is minimal compared to the pain and suffering of the families, for whom these remains are what is left of a person they loved. I have had to explain to mothers of the missing why they could not simply see photographs of the faces of the dead to find their sons. I have had to caution families against opening caskets upon finally receiving the body. Though it is certainly their right to view the remains, Bruce Anderson taught me that viewing severely decomposed remains could cause additional trauma. He also explained that in some cases, the visual appearance of the deceased can be so traumatic and so different from the visual memory of the person that families have rejected the positive identification of their loved one after seeing them. Visibility itself can be violent.

As I grew increasingly accustomed to witnessing the destruction of the desert on human remains, I would occasionally forget how deeply painful any harm to the body of the deceased can be for families. When I was comparing information about a missing man, Carmen (discussed at the beginning of Chapter 1), to the highly decomposed remains later identified to be his, I was reminded of how any sign of harm to the body can be painful for the living. Carmen's brother had described the same clothing found with the unidentified man—a blue button-up shirt, black Dickies pants, and red and black tennis shoes. When I noticed the similarities, I called the brother and explained that I may

have found a match. I obtained his permission to email him photos of the clothing found with the deceased to see if he recognized anything. About five minutes after I clicked “send,” he called back and confirmed that the clothing was his brother’s, and furthermore, that he had recognized Carmen’s handwriting in notes on a prayer card found with the remains. His most urgent question, though, was about the shirt in the photographs—why was it torn? Had his brother been murdered? I instantly regretted having sent him the photograph of the long-sleeved blue dress shirt, where you could clearly see that one whole arm of the shirt was in tatters. I explained to him that no, his brother had not been murdered, but had died due to heat stroke. In focusing on identifying the missing man, I had overlooked the fact that the shirt had been torn by the teeth of the animal that had eaten Carmen’s flesh after he died. I told the brother in vague terms that the shirt had been damaged by desert conditions. He wept uncontrollably. The guilt I felt was almost unbearable.

In addition to natural taphonomic processes in the desert, including the effects of the sun, arid climate, and animals and insects, there is also human activity in the landscape that affects and in turn is affected by the dead. Acts of care as well as the opposite have impacts on human remains in the desert. It is likely that some cases of migrant remains have yet to be found because fellow migrants stopped their journey to bury or cover the remains of a fellow traveler. Several cases brought to the PCOME were discovered in makeshift graves along known migrant routes, sometimes marked with handmade crosses. Passersby have also been known to place items with the dead, such as

rosaries or scapulars, or to take items from the dead, such as valuables, phone numbers⁵, or personal effects to try to bring to the family.

Some are unable to leave the dead behind, and have even physically carried them rather than leave them alone in the desert. Bruce told me about a case where a man crossing the border had found a skull in the desert. Despite his own vulnerable situation, this man placed the skull in his backpack, brought it with him all the way to Los Angeles, hid it in a public place, and then called police from a pay phone to tell them where he had left it so that they could find it. There have also been several cases where groups of migrants have made makeshift stretchers from branches and torn strips of their own clothing so that they could carry the body of a fellow traveler. One group carried the body of a woman for days until they came to a road. They flagged down Border Patrol and were all apprehended and deported in order to avoid leaving her body alone in the desert. The brother of a deceased woman carried the dead body of his sister for a day and a half until reaching a rural school where he asked for help. In another case, travel companions tried to carry the body of a fellow migrant back to Mexico, but were unable to complete the journey. Instead, they wrapped his body in a blanket and placed his remains in a tree to prevent animal scavenging (McKinley 2010).

I know of no examples of directly violent or intentionally destructive actions taken against the dead in the desert. Forensically, such evidence would be hard to distinguish from the effects of desert conditions. The postmortem violence occurring in the desert borderlands predominantly takes the form of *inaction*. Some former Border

⁵ These phone numbers are sometimes used to call the family and offer them the kindness of knowing that their loved one has died. The phone numbers are also used by organized crime groups to extort money from families.

Patrol agents have described seeing bodies or reporting them, and being told to leave them where they lie, because a dead body is more work with fewer apprehensions (Urrea 2004). The institutional structure of the official search and rescue entity in the desert borderlands, Border Patrol's BORSTAR contrasts with the individual efforts to recover the remains of the dead described above. While BORSTAR does accomplish critical life-saving work in the desert borderlands, as it should, in my experience the agency is typically reluctant to look for the dead. Staff at Colibrí regularly request searches of desert areas when precise location information is reported. Several civilian search crews have emerged in the past few years, groups that search the desert for the missing with very little funding or external support.⁶ Sometimes, it is the families themselves who search the desert for the missing. In 2005, the father of a missing woman found three other bodies of migrants before he found the remains of his daughter, Lucrecia. He recognized her by the rings on her fingers.

Those who discover remains are also affected. Though not quantified numerically, in my experience it appeared as though the majority of the cases of deceased migrants brought to the medical examiner's office were discovered by Border Patrol agents. Following Border Patrol, others regularly noted in scene reports included ranchers, hunters, hikers, archeologists, and residents of the Tohono O'Odham Nation. One of the more neglected areas of study in the borderlands is the effect of such massive human death and suffering on local inhabitants, or those sharing the same space with a different purpose. A notable exception is David Seibert's dissertation on the material landscape and social memory of the U.S.-Mexico borderlands (Seibert 2013). Seibert's interviews

⁶ Organizations like No More Deaths and *Coalición de Derechos Humanos* regularly organize search and rescue operations.

included conversations with cowboys or ranchers who had found the remains of migrants. Emotionally exhausted, one cowboy noted the tragic normalcy of such discoveries, saying, “If you haven’t found one yet, you will” (Seibert 2013:146). The banality of death in the desert is disturbing, whether one is directly experiencing it or not. I remember reading a case report where a family had found decomposing remains in their own backyard. Others have called police when the family dog came home carrying a human skull, or a partially fleshed hand. In another case, Border Patrol agents stopped the vehicle after hearing a loud crunch, only to find a human skull under one of the tires. Although Border Patrol has demonstrated itself time and time again to be a deeply violent agency that operates with extreme impunity (Martinez et al. 2013), agents are nonetheless individual human beings. Many of them are young, and many of them are Latino. They are undoubtedly affected by the tragedies they witness.

One experience I had particularly indicated to me that the scale of death in the desert was causing harm to local communities. In the summer of 2008, I joined about one hundred others on the annual Migrant Trail Walk, a five-day memorial pilgrimage in honor of those who had lost their lives attempting to cross the border. The 77-mile walk, which continues annually, begins in the border town of Sasabe, Sonora, and ends in Tucson, Arizona. Participants carry crosses bearing the names of deceased migrants. On the final day of the five-day walk, as we were approaching Tucson, a truck pulled over and stopped ahead of us. There were worried whispers and mumbles as the group approached the truck. We had been prepared by the leaders on what to do if protestors showed up to shout insults, as had happened in past years. When we caught up with the truck, a Tohono O’Odham man and his young son were waiting for us. The man was

carrying a staff adorned with red ribbons and small cloth pouches. He explained that he had driven all the way from the western reservation that day to greet us and to thank us for honoring the dead. He had brought a sacred staff and tobacco that had been blessed. He told our group, “We used to clean the earth each time we found a dead body. Now we find so many dead that we don’t even know how to clean the earth anymore. It hurts us, and it hurts the land.” Postmortem violence in the desert borderlands surely has its most severe effects on the dead, the families, and their communities. But this violence also affects those who live and work in the borderlands.

Examination & Investigation

The story of one of the cases where I made a match between unidentified remains and a missing person demonstrates the ways in which the forensic examination of unidentified remains, even though an act of care, can be experienced by the family as further postmortem violence against the body and memory of their loved one. I had taken a missing person report for a Mexican man, Mario, from his sister. Mario had lived and worked in the U.S. for decades. He was a gardener. He had been deported away from his family, and was crossing the border to return home. Despite the effects of decomposition, which had rendered his skin dark and swollen, forensic pathologists had used infrared photography to observe a tattoo on his forearm in the shape of the letter “M,” just as Mario’s sister had described. After the initial link was made, I worked closely with the family throughout the process until his remains were positively identified, the name was changed on the death certificate, and his body was released to the funeral home. I had

cautioned the family against opening the body bag, explaining that I didn't want them to remember Mario that way. The next day, I walked into the office to find my voicemail completely full. The family was distraught. They had opened the body bag and found a blackened, headless corpse. In one message, Mario's sister angrily asked, "If he had died of exposure, why did he have no head?" In another, she said, "He was a gardener, so he was used to being outside. How can someone die just by walking? It looks like he was murdered." Not being able to reach me, they had contacted the office manager at the PCOME, who had told them to instruct the person at the funeral home to unzip the body bag the entire length of the body. The head, along with the hands, had been placed between the legs of the deceased. The head had been removed for the forensic anthropology examination, and the hands had been removed so that they could be rehydrated and fingerprinted. These elements of the remains were then placed between the legs so that the body parts would not separate in the body bag.

I can't imagine the distress of this family upon seeing the assemblage before them that day at the funeral home. Not only had their loved one suffered a tragic death alone in the desert, but his body had also been harmed by the desert, and then again by the process it took to forensically identify his remains. Although the investigative work of forensic autopsy and anthropological examination is necessary to identify the dead, the methods are often somewhat destructive. Because migrants usually die alone, often do not carry identification media, and because their remains are often unrecognizable, less destructive forms of human identification, such as visual recognition by family, have already been essentially ruled out as possible avenues to pursue. The same risks that migrants face during their journey, such as dehydration, deportation, or abuse, can impact the ability of

forensic experts to identify them after death. Those forensic practitioners wishing to care for the dead and honor the family's need for information do their work in a context where the worst has already happened, and help has arrived too late. Rosenblatt has described forensic work as "a world of intimate touches, glued fragments, and regretful cuts" (Rosenblatt 2015:174). Although this work is caring work of reparation, those examining the dead often begin with so little to work with that failure is nearly imminent. As someone who has had a small role in a portion of this work, I found tremendous comfort in the nearly hopeless words of Rony Brauman, former president of Doctors Without Borders:

When one speaks of a failure, one implies that there could be success. I have a hard time imagining what a humanitarian success would be in situations where violence is itself the sign of failure. As humanitarians we inscribe ourselves in failure. [Rosenblatt 2010:926]

The forensic work to care for the dead and their families will be discussed at length in Chapter 4. For now, it is important to understand what the bodies go through during a forensic examination. All remains of migrants found in the desert borderlands and brought to the PCOME undergo an autopsy, and most are also examined by a forensic anthropologist. Though standard for medicolegal cases,⁷ the autopsy itself is quite destructive. The main objective of the autopsy is to establish the cause of death, and this is done through dissection. After external examination and photographing, a Y-shaped incision is made along the trunk of the body. Shears or a scalpel are used to cut

⁷ Cases are accepted by the medical examiner for medicolegal investigation if the death was violent, suspicious, sudden, or unexpected.

open the chest cavity. An electric saw is used to cut through ribs on either side of the sternum, so that the chest plate can be removed to allow access to the heart and lungs. The organs are removed individually, examined, and dissected. The stomach and intestinal contents are removed and weighed. To examine the brain, an incision is made across the crown of the head, and the scalp is pulled aside. The top of the skull is then cut with a circular saw, and the “cap” of the skull is removed to reveal the brain. The brain is observed, and in some cases removed. When the autopsy is complete, all elements are returned to the body, the Y-shaped incision is sewn up, the cap of the skull replaced, and the incision along the top of the head stitched back together.

Because the PCOME receives so many remains that are mummified by the extremely arid conditions of the Sonoran Desert, investigators have innovated a way to successfully obtain fingerprints from desiccated hands. In these cases, the hands are removed from the body and soaked in a solution that rehydrates them to the point where the fingertips can be rolled in ink and printed on fingerprint cards. Many successful identifications have come about because of fingerprint matches that would not have been possible without this process. However, this procedure is one more step in the disarticulation of the dead.

The forensic anthropology examination is generally done in the U.S. for cases where the forensic pathologist (who does the autopsy) cannot determine the cause of death or the identity of the deceased. Forensic anthropology examinations are typically required for cases where remains are highly decomposed or skeletal. It is rare for a county the size and population of Pima to have one fulltime forensic anthropologist, let alone two, as is the case for the PCOME. Dr. Gregory Hess, Chief Pathologist for the

office since 2010, explained the disproportionate number of skeletal remains cases for Pima County by saying, “The year I trained in Milwaukee, we had one set of skeletal remains received that entire year, and we had a good idea of who’s remains those were. That is compared to Pima, where we have an average 100-120 unidentified remains cases per year, the majority of which we have no idea who they are.”⁸ Usually forensic anthropologists work for universities, and are contracted by local medico-legal offices when their particular expertise is required for rare unidentified remains cases.

Most cases of deceased migrants require the expertise of a forensic anthropologist in order to produce the individual’s biological profile and approximate time of death, which then may be compared to missing person reports to identify the decedent. The forensic anthropology examination procedure at the PCOME depends heavily on the condition of the remains and the presence or absence of skeletal elements that can aid in the assessment of the biological profile. The skeletal elements most commonly relied upon include the cranium, the pubic symphysis, the femur, and the 4th rib. If these elements are not present, other bones will be used to compensate as much as possible. However, a case lacking a cranium will produce significantly less data than a case where this element is included. If the remains are already skeletal or nearly skeletal, the process to separate out these elements for analysis has already been largely completed by nature, and the work to resect (cut out) elements is easier, and less destructive. After the complete case is laid out on the examining table for documentation and photographing, the specific skeletal elements needed to construct the biological profile are cleaned in a liquid solution, and then examined closely. A bone sample is taken from either the tibia

⁸ Personal communication with Dr. Gregory Hess, January 2013.

or the cranium, which is then sent to the DNA laboratory for genetic sequencing and comparison against family reference samples taken from relatives of the missing.

If, however, the remains are not skeletal, but fleshed, the resecting process is much more involved. The head must be removed and cleaned completely to enable a close examination of the cranium including dentition. The pubic symphysis must be removed from the pelvis, as well as the 4th rib, both of which are used in the assessment of age. The femur, which is used for height estimation, generally does not have to be removed for non-skeletal cases, because the height of the decedent can be measured from “crown to heel,” by forensic pathologists at autopsy. As with skeletal cases, samples are cut for DNA. Although destructive, these efforts are necessary in order to identify the deceased.

Mario’s case provides a useful grounding for this discussion. Although his tattoo was a strong piece of evidence, taken alone it likely would not have been enough to positively identify him and allow his remains to be returned to the family for burial. To identify these remains solely by the presence of a tattoo, without estimated height, age, and time since death would be a risk for both the medical examiner’s office and the family; the remains released may be those of another person with a similar tattoo. The only way to obtain these estimates is by following the thorough process of autopsy and anthropological examination. Although it could be argued that forensic genetics and the science and technology of DNA produce identifications less destructively, the techniques of forensic anthropology and pathology generate the parameters used for a search among the missing. DNA is still very expensive, and generally, investigators must first arrive at an identification hypothesis, which is then confirmed or denied through DNA. The

techniques of forensic anthropology are also of critical importance in helping the family to “affectively identify” unrecognizable remains (Renshaw 2010) as those of their loved one. Finally, to begin to triage which medico-legal cases are provided full autopsy and skeletal examination and which are not opens the door to dangerous inequities whereby some remains cases are treated differently from others. This could establish a dangerous precedent, and could lead to further erasure.

Although the impact of forensic postmortem examination is often experienced by the family as a further layer of destruction of their loved one’s remains, the process is usually necessary to identify the deceased and answer the family’s request for information about the fate of a missing person. The blame for postmortem violence does not rest with the forensic scientists, who, in the case of the PCOME, work diligently to identify the dead with care and respect. Rather it rests with the policies that push migrants into inhospitable geographies where they not only die, but are also physically erased after death by desert conditions. The efforts of forensic scientists, though destructive, are efforts to reconstitute the dead, and return them to a family where they are mourned as individual people with irreplaceable personhood. This is restorative work, and a practice of making these bodies visible so that they may be cared for by their families. In many cases, it is likely that the care and attention afforded by the forensic scientists—to each and every bone—is more than the person ever received by scientifically trained professionals in life. The dead are not erased through the work of the forensic scientist—they are recorded and made publicly visible for perhaps the first time. That this visibility should come in death and not life is continuous with the violence that has been perpetrated against them.

The PCOME models some of the best practices found among medico-legal offices along the border (Binational Migration Institute 2015; Jimenez 2009; Spradley 2016). There are other jurisdictions where too often, cases of migrant remains are treated by officials with an appalling lack of respect for basic dignity, human rights, and due process. Up until 2013, remains discovered in remote areas heavily traversed by migrants in several counties in southern Texas were barely investigated at all before burial. The lack of examination and investigation prevented these remains from being associated with missing person reports from families. Although the forensic examination and investigation of unidentified human remains can be seen as destructive, it is far more damaging if this step is skipped, which would prevent families from ever having answers about missing loved ones.

Release & Final Disposition

In 2013, Director Marc Silver premiered his film, *Who Is Dayani Cristal?* at Sundance Film Festival. This documentary film follows the story of one man who died and was identified at the PCOME. I worked with Marc throughout the project, and joined him in Park City, Utah, for the global premiere of the film. During question and answer sessions at the festival, Marc would often discuss a part of his experience following in the footsteps of this disappeared man that did not make the final cut of the film. After the remains of the Honduran man, Dilcy, were positively identified at the medical examiner's office, Marc accompanied the body to the funeral home, and then onto the same flight itinerary from Tucson, to Atlanta, and then to Tegucigalpa, the capital of Honduras. Upon

arrival in Tegucigalpa, Marc greeted Dilcy's family, who had driven eight hours from the countryside in order to pick up Dilcy's body from the airport. After waiting for all of the passengers and cargo to exit the plane, an airline representative told the family that the casket containing Dilcy's remains had not made it onto the flight from Atlanta to Tegucigalpa. Apparently, luggage took priority over caskets, and with a full flight, Dilcy's body had stayed on the tarmac overnight in Atlanta. As Marc put it, "Could there be a clearer demonstration of what is happening to migrants in the Americas? Literally, cargo is more important than human beings."

Marc's analysis is powerful. What happened to Dilcy's body that day distills into one case what is happening to hundreds of thousands of migrants, living and dead, in the Americas today. Consumers, products, and businesses are relatively unimpeded as they cross into and out of the U.S. territory. The working poor, however, can't cross easily even after they are dead. This impediment to "crossing" holds true if taken not only in the sense of the act of crossing over geopolitical borders, but also in the sense of crossing over from the world of the living into the world of the dead. On the day Dilcy was buried, Marc said that the family erupted into crisis before lowering his body into the ground. They were unsure if the remains were truly Dilcy's, and they wanted to open the casket to make sure. Having seen the condition of his body, Marc strongly discouraged them, but respected their need to view the remains. In the end, the only thing that prevented the family from opening the casket was the lack of a proper tool to pry it open. So, on that day, which should have been about remembering Dilcy and mourning his loss, there was still a struggle of emplacement and questions about the physical whereabouts of the

person being mourned. When a death is traumatic, the collective experience of trauma does not end with the arrival of the body, but often continues long after burial.

There are two general trajectories that remains take once they are released from forensic examination facilities, and each can cause further harm to the dead and their families. If the remains have been positively identified, they are released to a funeral home, which, in collaboration with the consulate, makes arrangements with the family for receipt of the remains. Unidentified remains, however, are usually considered the property of the county in which they were discovered, and are buried, stored, or cremated depending on state law and county procedure. In Arizona and California, state laws allow for the cremation of unidentified human remains cases. In New Mexico, unidentified remains are cleaned and stored as complete skeletal cases in a research collection,⁹ and in Texas, unidentified remains cases are buried.

At the PCOME, remains found “out of county” are released back to the county of discovery for burial or cremation. For cases found within the county, the remains are released to the Pima County Public Fiduciary, which contracts a private mortuary to cremate unidentified remains. These cremated remains are then deposited in niches in a columbarium located at the Pima County Cemetery, which is on land owned by the county, but leased to and managed by the privately owned Evergreen Cemetery. Prior to 2004, Arizona state law did not allow for the cremation of unidentified remains, and these cases were buried. The law was changed in large part because of the county’s struggle to bury all of the unidentified remains being discovered in the desert (Medrano 2006). In 2005, the county spent \$110,000 to purchase more land in order bury the dead (Medrano

⁹ For a detailed discussion of the laws, ethics, and necessity of conducting research on human skeletal remains, see Holland 2015.

2006). This land quickly filled up, and the county ran out of space again. Cremated remains not only take up less space, but cremation is also cheaper than burial. In 2006, a cremation cost the county \$475, while a burial cost about \$1,800 (Medrano 2006).

The cremation of unidentified remains is generally considered to be bad practice, according to standards in forensic science as well as those established under international law. If unidentified human remains cases are cremated, it is impossible to go back for additional information that may have been missed during the initial examination. Cremation also destroys genetic material, preventing DNA from being collected. If the examination facility did not collect DNA, or if a sample was collected which was then lost or did not yield results, there is no possibility of collecting another sample.

In addition to the medico-legal reasons proscribing cremation of unidentified remains, there are also sociocultural reasons. Whether or not the surviving community of the deceased practices cremation, it is damaging for the choice to have been made for them. While the burial of remains can be repeated, allowing the family and community to perform funeral rites, the process of cremation can only be done once, and can deny families the chance to ritually incorporate the deceased person into the world of the dead. The Latin American families of migrants are predominantly Catholic, and place critical importance on the burial of physical remains both in order for the spirit of the deceased to enter Heaven, and for the continued collective remembrance of the dead, which is dependent on the material presence of a grave (Lomnitz 2008). The few times when I have notified families in cases where the remains were identified after they were cremated, the fact of cremation was like a second death. The family mourned anew upon learning that body and bones no longer were intact, but instead, were ashes. The 1949

Geneva Conventions stated, “Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased” (International Federation of Red Cross and Red Crescent Societies: 2016). This is one example among many of the ways in which international human rights protections established in post-conflict settings fail to protect migrants and their families at international borders.

There is at least one county along the border that not only cremates the unidentified, but also disposes of the ashes after cremation. An official in Imperial County, California, explained to me that they had contracted with a company called Burials at Sea that scatters the ashes into the ocean.¹⁰ For these cases, even in the event of a future positive identification, the families of the deceased will receive no physical remains of their loved ones.

Very few migrants are believed to die along the New Mexico portion of the border, likely due to the fact that the terrain on the Mexican side of the border in the region is mountainous and remote. In Arizona and southern Texas, where the largest number of migrants attempt their crossings, groups of migrants and their guides can get to the southern side of the border without having to trek through the wilderness. Those remains that are discovered along the border in New Mexico are transferred to the centralized state medical examiner’s office, the New Mexico Office of the Medical Investigator, in Albuquerque. If still unidentified following examination and investigation, remains are released to the Maxwell Museum of Anthropology, where they are stored as complete skeletal cases.

¹⁰ Personal conversation with Norma Saikhon, Imperial County Public Administrator, October 19, 2012.

In several counties in southern Texas where the deaths of migrants spiked in 2012 and 2013, the unidentified remains of migrants were buried, but they were buried disrespectfully. Jason De León's definition of necroviolence bears repeating: it is the "treatment of corpses that is perceived to be offensive, sacrilegious, or inhumane by the perpetrator, the victim (and her or his cultural group), or both" (De León 2015:69). Excavations of a cemetery in Brooks County, Texas in 2013 and 2014 found poorly marked and unmarked graves, often containing multiple individuals, with bodies and bones buried in trash bags, milk crates, or in no body bag or coffin at all (Collette 2014). There were cases where investigators had thrown their latex gloves and other garbage into the body bag or coffin along with the body.¹¹ Forensic anthropologist Lori Baker told a reporter that she had unearthed one skull that had been buried not in a coffin, but in a plastic bag with the word "dignity" on it (Sacchetti 2014). Some graves contained up to five bodies. Police reports and forensic records were misplaced, unavailable, or did not correlate to gravesites for individual burials (Collette 2014.). Civil rights lawyers and community organizers requested an official investigation into the practices in Brooks County, which was undertaken by Texas Rangers. After just two days of investigating, the Texas Rangers' submitted their findings in full to the Texas State Legislature, absolving Brooks County of any wrongdoing (Frey 2015). Their investigation relied almost exclusively on testimony of those who would have been held liable in the event of any malpractice (Frey 2015).

At the time of writing, forensic scientists and border human rights organizations continue the painstaking work to recover valuable information from the dead. The Texas

¹¹ Personal communication with Dr. Kate Spradley, January 2014.

Ranger investigation has been the only official, legally-binding inquiry to date into practices regarding unidentified remains in Brooks County, despite the fact that forensic anthropologists have publicized substantial data and evidence that the Texas Criminal Code was violated. Although the behavior of Brooks County officials is upsetting, the fact that there has been no oversight and accountability is even more troubling, and is indicative of the broader problem along the U.S.-Mexico border, where migrants and their families can be treated without respect to the law, due-process, or human rights, with complete impunity.

The harmful treatment of remains is not restricted to those cases that are unidentified upon release from the medico-legal facility, but also affects cases that have been positively identified. In the case of Dilcy, the Honduran man mentioned at the beginning of this section, his body was repatriated to his family in Honduras in a casket. Many families do not have the option to receive a body in this manner due to the expense of transporting the dead. The Mexican government provides some financial aid to families for repatriation, depending on income (Pinkerton 2007). In general, however, the amount provided by the Mexican government does not cover the full cost of shipping a body in a casket internationally. In 2007, the expense to prepare and ship a dead body on a commercial airline to Mexico started at \$3,500 (Pinkerton 2007). Many families I have worked with through the identification process first find out that their loved one is dead, and then find out that unless they can come up with significant funds, the body will be cremated. They often take up collections in their communities to raise the amount needed for shipping. The support provided by the Mexican government is not insignificant when viewed on the collective level: in 2007, the Mexican government spent 3.9 million dollars

specifically on the repatriation of dead bodies from the U.S. to Mexico (Pinkerton 2007). These repatriations are largely not for those who have died crossing the border, but for immigrants living and working in the U.S. who wish to be buried in Mexico (Pinkerton 2007). As the Institutional Revolutionary Party (PRI)'s Mexico City representative, Roberto Pedraza Martinez told a journalist in 2012, "This is a problem for us because we don't have the budget and we have to take it out from other necessities such as education, health and infrastructure" (Soto 2012). This is a particularly sad example of the process described by Seth Holmes where the social services for migrants are outsourced by the U.S. back to the communities of origin (Holmes 2013).

Representation, Ventriloquism, Commodification

The final observation I wish to make regarding the postmortem lives of migrants at the border has to do with the ways in which the dead are represented. Because the dead cannot speak for themselves, they are vulnerable to being ventriloquized, or used in various political projects that they may not have agreed with in life. There are representations that intend to repair, remember, and mourn, and there are representations that seek to exploit the dead or harm their memory. The line between the two can be difficult to draw. The images, stories, and names of migrant dead are used by activists, journalists, academics, or nonprofits to raise awareness, affect policy, bolster careers, or fundraise. While there is tremendous variety in the intent and extent of such instrumental uses of representations of the dead, they matter in a space where families are often left with so little.

Immigrant rights groups and clergy have walked miles with crosses bearing the names of the dead, placed memorials at the border, and even read the names of the dead aloud for hours during public remembrances. The migrant dead have been memorialized in mural art, poetry, film, and dance. As discussed throughout this dissertation, I argue that mass mourning has the potential to disrupt the violence occurring along the U.S.-Mexico border, and public acts that respectfully remember and recognize the dead are of critical importance. There is still not enough mourning for these dead.

However, the line between remembrance and exploitation is not always clear. I have learned the hard way that many journalists do not share my goals of respectfully witnessing and remembering the violence and death on the border. Reporters I have personally worked with have used some of the most humiliating and degrading language about the dead I have ever seen. In some cases, I am the one using language that I am now ashamed of. Even, or perhaps especially, well-intentioned researchers, activists, or artists can “fall prey to delusions of political activist grandeur or to becoming pornographers of violence” (Scheper-Hughes and Bourgois 2004:26). Representations of the dead are often used with the intent to witness, draw attention to, or recognize victims of violence. However, “shock reactions to blood and violence are readily extinguished,” and the more frequent the images of suffering, “the more likely they are to become invisible” (Scheper-Hughes and Bourgois 2004:26). Worse, such representations can become a part of the violence they seek to contest.

I have seen nearly identical photos of severely decomposed remains used by both those wishing to memorialize and those wishing to disparage the dead. In one case, an immigrant rights group posted large photos of decomposed migrant remains on the border

wall, positioned right behind speakers at a press conference. In another case, a vigilante militia member had a stack about a dozen very similar photos mounted on poster-board in his office. When I asked him what they were for, he said he brought them to Tea Party Conventions to advocate for more security on the border.

The use and abuse of the dead versus witnessing or remembering them is especially fraught in the world of journalism. The saying, “if it bleeds it leads,” unfortunately still holds true. The dominant style of journalistic writing seems to delight in emphasizing the most horrifying details of the demise of fellow human beings. An article in the Tucson Weekly from 2007 provides one example among many of this kind of “true crime” journalism. Entitled, *Following the Amnesty Trail*, it is not hard to guess the political stance of the journalist, Leo Banks, who is somewhat infamous in Tucson for hate-speech toward migrants. Here, he describes a rancher’s experience finding the remains of a migrant on his land:

Cathcart was out riding when he saw a water bottle at the side of a road, and beside it, a pair of tennis shoes in perfect alignment, as if under a bed. When he looked into the brush, he saw a shirtless person sitting up against a tree, dead. He initially thought it was a man. When he drew closer, he saw a breast, but only one. The second breast was gone. It had, in Cathcart's word, “exploded” when the body bloated in the July sun. [Banks 2007]

Out of all of the details that Banks could have chosen, it was the woman’s decomposing breast that was emphasized. The grotesqueness of the scene is emphasized by the mistaken gender, the shirtless corpse, and the image brought to mind with the word,

“exploded.” Later in the article, Banks quotes Cathcart saying, “I’ve had nightmares about that big, old, bloated woman sitting there, and I sure don’t care to see another one” (Banks 2007). This rancher was likely traumatized, and, as discussed above, the experiences of those who live and work in the geographies where the dead are found should be considered as part of the collective trauma experienced in the borderlands. However, the language used by Leo Banks emphasizes the feelings (of disgust, in this case) of those seeing these remains at the expense of the dead and the families themselves.

The stories and representations of the dead also become material for academics like myself whose writing both witnesses and benefits academic careers, or nonprofits like Colibrí that both support families of the dead and must constantly appeal to donors. In the nonprofit world, stories seem to become like baseball cards—collected, stored, sifted through, sold, and traded. Nonprofits even build “storybanks” that are drawn upon for press, fundraising, and communications. Nonprofits like Colibrí struggle so deeply to find the necessary funding to support their highly political work that the stories of those they serve are often used to garner attention from private foundations and philanthropies. The use of stories is not necessarily a bad thing, as they are powerful mechanisms to connect, engage, and educate. Stories can bring people together, and they can provide an important degree of recognition for the families of the missing and dead. Perhaps a story will illustrate this well.

In 2014, I invited Juana (see Chapter 3) to join me at a screening and discussion of the film, *Who Is Dayani Cristal?* in South Carolina. After watching the film, which traces the story of a man who disappeared and died in the Sonoran Desert, Juana, her son

Enrique, a Methodist Pastor and my friend, Keith Ray, and I participated in a question and answer session. While Juana and Enrique told their stories, the audience of young, mostly White, mostly evangelical, conservative students listened in complete silence with respectful attentiveness. They then asked thoughtful and vulnerable questions, including one young woman who asked, “Why are people so angry at immigrants?” Another asked, “What is immigration?” Others stood up simply to thank Juana and Enrique and share their grief at the loss of Alma. At the end, a young woman in the front row stood up and shared with the entire audience that she, as a student at that university, was undocumented, and had crossed that border herself. She was opening up to her classmates for the first time about her status. After the event, students lingered and encircled this student, along with Juana and Enrique, sharing their emotions, hugging, and crying. In the parking lot, Juana turned to me and said, “that was one of the most healing experiences I have had since Alma’s disappearance.”

Here, the story of a story of a story takes on another use. What happened in that auditorium in South Carolina could not have happened without Juana’s presence. However, it also could not have happened without the film, which included a story about a man from Honduras which had been crafted, shaped, and told by a White, British, non-Spanish-speaking filmmaker. My intent here is not to provide recommendations on how to “get it right” when telling these stories, but rather, to illuminate the various ways in which stories and images can be used, and how these uses can bolster a variety of political projects. Ruben Andersson has argued that the stories of migrants come to be part of an “illegality industry” comprised of Border guards, policy-makers, media, smugglers, humanitarians, defense-industry contractors, academics, and even migrants

themselves that “produces what it is meant to eliminate, curtail, or transform,” which is “more migrant illegality” (Andersson 2014:8). “The illegality industry,” he argues, “reduces and flattens its migrant ‘product’ in the borderlands by funneling a wide array of personal stories and cultures into this one generic mold of migrant illegality” (Andersson 2014:9). The images and stories of migrants can become a part of the spectacle discussed throughout this dissertation wherein migrants are simultaneously erased and exposed, and where the people can be lost in a tug-of-war between “victim and villain” (Andersson 2014) or “monster and model” (Brighenti 2007).

To not only represent those labeled “illegal migrants,” but also to represent them in death, is particularly complicated. Representations of the dead are always fraught, as the dead are “bereft, vulnerable, abject” (Laqueur 2015:1). They also typically have very few legally protected privacy rights (Clark 2005; Holland 2015). However, the “rights” afforded to the dead depend heavily on the social position the deceased inhabited in life. There is a long history of the representation of the dead bodies of those considered to lack personhood in ways that would never be acceptable for dead bodies believed to “matter.” For example, the body of Saartjie Baartman, the “Hottentot Venus of South Africa” was a “curiosity” both in life and in death. After she died, her body was dissected, and then displayed in a museum in Paris for more than a century and half, where visitors could gaze at her brain, skeleton, and genitalia until she was buried (Qureshi 2004). In the 19th century, there were dime museums throughout New York City that displayed the dead bodies of “criminals” or “negroes” as “grotesque anatomical spectacles that titillated a largely proletarian audience” (Sappol 2004:12). These exhibitions “served to attract spectators but also to reassure viewers that the funerary honor of members of the (white)

community had not been violated” (Sappol 2004:93). Scheper-Hughes and Bourgois describe such displays as “misrecognized acts of violence that suggest a genocidal impulse” over the bodies of the colonized (Scheper-Hughes and Bourgois 2004:8). The display of the dead bodies of migrants, whether in film, photograph, or text, can be not only dehumanizing, but can become part of the same violent process discussed throughout this dissertation whereby the bodies of migrants are marked as less than human, disgusting, and disposable.

Exposure and Erasure

When one considers the disposition of the dead along the U.S.-Mexico border, it becomes clear that migrants are *exposed* in multiple meanings of the word.¹² Before the crossing, they are exposed to disproportionate levels of food scarcity, disease, and injury. During the crossing, migrants are exposed not only to the blistering sun, but also to abuse from *coyotes*, bandits, and U.S. Border Patrol. After death, their remains are exposed to the destructive effects of aridity and heat, animals and insects. If their body is found, they are then exposed to uneven forensic practices where they may be cared for, or buried without forensic investigation in a common grave. And when there is nothing physically left, representations of the dead, even when done by those trying to help, can humiliate, dehumanize, and instrumentalize in ways that can cause further harm. All of this impacts

¹² Moore and Casper (2009) observe how “exposure” can be an asset or a risk.

the ability of families to find the remains of their missing loved ones, mourn the dead, and heal from traumatic loss.

The colonial history of the Americas in general, and of the U.S.-Mexico border in particular calls for an analysis of postmortem violence that takes into consideration the specific nature of neo-imperialist and post-colonial violence. Building on the work of Frantz Fanon, Joseph Pugliese has discussed how the post-colonial American state, which has never reckoned with its genocidal past, continues to kill and re-kill colonized peoples whose very existence poses a sovereign threat to the nation-state (Pugliese 2014). Pugliese describes the “double death” of colonized peoples, who are killed “in order to silence questions about the sovereign legitimacy of the colonial nation-state” and who, “even when they are long dead,” are symbolically killed again (Pugliese 2014: 5). Judith Butler has also discussed the double killing of those thought to be threatening to the social order, or those considered to be not quite fully human (2004). She discusses this as “violence against those who are already not quite living” or who are seen as “living in a state of suspension between life and death” (Butler 2004:36). Violence against these delegitimized bodies, Butler argues, is part of how bodies that matter are defined. Importantly, for Butler, mourning would challenge the entire structure that led to the physical deaths of those excluded from being considered bodies that mattered in life. The violence perpetrated against migrants along the U.S.-Mexico border is a continuation and extension of the colonial violence perpetrated against indigenous peoples in the Americas for centuries. There is a long history of the postmortem punishment of bodies of colonial subjects, which were often displayed in violent and graphic spectacles throughout settler states (Laqueur 2015; Sappol 2004; Crossland 2013). In early America,

the bodies of criminals were publicly displayed by hanging, or were used for medical dissection and research (Jentzen 2009). The fact that there are hundreds of dead and decomposing bodies of indigenous people along the border is significant, violent, and reprehensible, but not historically new. The brutalization of the remains of migrants is part of the broader social process discussed in this dissertation whereby the dead demarcate the terms of legitimate membership versus otherness in the modern U.S. nation-state.

Paul Sant-Cassia has argued that for the modern nation-state, “borders are first and foremost symbolic boundaries, whose transgression is signaled by the production of dead bodies...and their post-mortem treatment” (Cassia 2007:16). The performance of sovereignty at the border teaches citizens and non-citizens alike what the nation is, and who its legitimate members are. According to Foucault, such a performance is a demonstration of biopower, or the right of the sovereign to “take life or let live” (Foucault 1976:136). As vulnerable workers, migrants crossing the border are useful for U.S. capitalism. As indigenous Americans, however, migrants pose a threat to the historical amnesia needed to define America as White and legitimize the existence of the border as a political and legal barrier between the U.S. and Latin America. The systematic erasure and destruction of the remains of migrants marks them as literally disposable, and marks the border as a racial filter that allows some bodies through unimpeded, and subjects others to the killing effects of the desert. The destruction of the remains of the dead is one more part of a historical process whereby the border is used to violently define the terms of legitimate membership in the U.S. nation-state, versus racialized otherness and disposability.

Chapter Three: Disappearance

I hope they can help not just me but the dozens of families that are going through what I am. It's a shame they don't have resources in the United States to be able to make this easier. Every person on this earth has the right, regardless of where they come from, to be able to find their loved one and put them to rest. I won't say that all who cross over illegally come to make a better future, maybe some come to harm and hurt and break the law. But most come to make a better future, not only for themselves but for their families. As this process drags on I understand why there are so many unknown bodies because most families don't have the resources to find out the truth and they just give up hope. And with things being as bad as they are in Mexico, many families can't reach the U.S. for help. And then those who can help, they just don't. They don't help. I understand there are thousands of cases and I'm not the only one. But dealing with this for the past two years, I just want it to be done. I just want it to be done. But I don't quit, because my daughter deserves to know where her dad is. Going through this the last two years, while going through health troubles, it has been really, really hard. I keep my head up and I keep going forward because of Valeria. Like I told her, I won't give up until I find him. It might take me a long time, but I won't give up. That I promise.

—Claudia Matias, former wife of a missing migrant

Who are the most vulnerable? Those who don't exist

—Stefanie Grant¹³

From their homes to their destinations, migrants in the Americas face a particular kind of social invisibility that is revealed when they disappear at the border. Once someone does not arrive at their destination as expected, or their family receives word—often from another family member, a fellow traveler, or a *coyote*—that a loved one was left behind in the desert, a process of searching commences that can last for months, for years, or for a lifetime. Both families and those wishing to help them are impeded in their search by the structural vulnerability (Quesada et al. 2012), forced invisibility (De Genova 2002), and criminalization (Dowling and Inda 2013) experienced by migrants in the Americas today. The same factors that caused the missing person to migrate and risk their life crossing a desert impact the family's search for information. The physical disappearance of migrants on the border is a continuation of the social invisibility they experienced in life. This continuity is not true of course, for the families, who experience the disappearance of a loved one as a very real and traumatic disruption in their lives. These families, who are often already struggling due to economics, lack of regularized legal status, or high rates drug-related violence in their communities, face one more layer of vulnerability that comes with having a missing person. In addition to the emotional distress and negative health implications that come with the psychological experience of having a loved one disappear (Robben 1999; Arditti 1999; Boss 2000) the search for the

¹³ Stefanie Grant stated this in a private conference hosted by the International Organization for Migration, in Geneva, March 2014.

missing person often exposes these families to further risks of exploitation, deportation, or violence.

The extreme difficulty of searching for missing migrants in the borderlands reveals a type of social and political disappearance that precedes physical disappearance or death. In reference to undocumented immigrants in the U.S., De Genova described illegality as “an erasure of legal personhood—a space of forced invisibility, exclusion, subjugation, and repression” (DeGenova 2002:427). However, this “invisibility, exclusion, subjugation, and repression” often precedes the act of migration, and is actually what prompts it. In general, the missing come from impoverished backgrounds in Mexico and Central America. Many come from indigenous communities that have faced centuries of violence, exploitation, and repression. For the vast majority of those who have disappeared on the U.S. side of the border with Mexico, their physical disappearance is a continuation of the violence they experience as being what Linda Green calls “the nobodies” of neoliberal capitalism. Green’s use of the term is in reference to Uruguayan poet Eduardo Galeano’s poem titled, “*Los Nadies*” (The Nobodies). “The nobodies,” Galeano wrote, “are not human beings, but human resources,” who “do not have names, but numbers” (Galeano 1997). As Green explains, “These are not the reserve army of the poor in Marx’s terms, but a disposable people no longer necessary or needed in their home countries” (Green 2011). These “nobodies” form a labor surplus that has been historically produced by a noxious blend of capitalism and racism. In a sense, the nobodies are already disappeared in life—they are the living disappeared. There is fierce work to contest this disappearance, which will be discussed at length in this chapter as well as Chapter 4.

When displaced Mexican and Central American workers arrive in the U.S. as undocumented immigrants, they occupy a deeply precarious and highly exploitable position in the labor force. Previous research has demonstrated the ways in which enforcement and militarization strategies often considered specific to the border zone have extended into the spaces where immigrants live and work throughout the interior (Dowling and Inda 2013). This policing causes undocumented immigrants to experience the specter of the border everywhere they go, often retreating from the public sphere, afraid to contact authorities or seek healthcare. The fear of apprehension and deportation is well founded, as it can involve family separation, abuse by authorities, imprisonment, and economic destabilization for the entire family. The strategy undertaken by many undocumented immigrants of retreating into the shadows is one of survival (Chavez 1992). They are not only afraid to seek social services, but without the required documentation, are often ineligible. For those with a missing person, the combination of fear and exclusion makes searching for the missing extremely complicated and fraught with possibilities for exploitation.

The policing and exclusion of immigrants in the U.S. creates a sort of legal “non existence” for thousands of people who have a “contradictory physical and social presence combined with legal absence” (Alexander & Fernandez 2014:23). When a person already living such social invisibility then physically disappears, they become doubly missing. Migrants are socially and politically vulnerable to the extent that when they disappear, this disappearance is almost complete. This “almost” is important—those who disappear leave behind material traces, and they leave behind people who love them and refuse to give up searching and demanding answers.

In the sections that follow, I will first review studies of missing persons and disappearance, with a particular focus on Latin America and the political claims made in that region by the act of searching for the missing. I will then return to the border context with case studies of missing persons and those who search for them, accompanied by a discussion of themes relevant to their experiences.

Approaches to the Missing and Those Who Search

When interviewing family members, I often ask a question along the lines of “how did you find out that she was missing?” Despite its grammatical awkwardness, I ask because the answer can be important, both forensically and ethnographically. The awkwardness of the question, however, is an example of the inadequacy of both the English and Spanish languages to speak of the missing and those who miss. Relatives of the missing are enduring something terrible, but describing their condition is challenging. They are not “bereaved,” they are not “mourning,” and they are not “grieving,” as each of these implies a confirmed loss. They “have” a missing person. How can one *have* something that is missing? They are survivors, not of something, but of the absence of something. As their search could recover information that would change their status quickly, the relatives of the missing remain in limbo, their status mimicking that of the missing person until they are located. A quote in Sarah Wagner’s study (2008) of families of the missing following genocide in Bosnia and Herzegovina illustrates this well.

Wagner quotes forensic pathologist Rifat Kešetović, who connects this challenge of language to that of the experience:

We all know that it is a very difficult expression, a “missing person.” Not just the expression, the feeling that someone is missing. It is clear to all of us that a person cannot go missing, simply that a person has his own fate. It is clear to us that after so many years that person is probably dead. But for me it is also an understandable feeling of the family that it is not satisfactory—for them it is not a satisfactory knowledge that their missing relative is probably dead somewhere. [Wagner, 2008:7]

The ambiguity of the language and experience of missing persons is important to keep in mind in the discussion that follows, which will treat the missing and those who search as distinct from other categories and experiences of loss. Most existing studies treat the missing simply as dead bodies that have yet to be found. This has the effect of confounding the experience of having a deceased loved one with the unique, complicated, and inherently political experience of having a *missing* loved one. The fact that this distinction has been poorly made in existing literature is likely because of the inherent challenges in holding space, physically, theoretically, and grammatically, for someone as ambiguous as a missing person. However, I believe this confounding of the experiences of families of the dead versus the missing is also a result of a disproportionate research focus on post-conflict settings where there is a more focused emphasis, on the part of families, forensic teams, or political parties, on the presence of dead bodies. Although the demands of families of the missing in post-conflict settings are always political, there is generally some recognition, whether by international human rights organizations or

locally visible groups, that violence has taken place. For those who search for the missing in settings that are violent but not recognized as such, their search is even more open-ended, and often happens in a space of silence, erasure, and exclusion. The approach taken in this chapter will center the experiences of those who miss, mourn, or search for a missing person. This is not necessarily, or even usually, a search for a dead body.

Anthropologists have traditionally discussed the missing in terms of a category of deceased that Robert Hertz called “the unquiet dead” (1960). The unquiet dead are those who have died culturally stigmatized, or “bad” deaths. Although there is tremendous cross-cultural variation in what is considered a bad death, in general, those who died as children, or away from home, or from violence, are thought to have died bad deaths (Eisenbruch 1984; Seale and van der Geest 2004). These deaths are challenging on a social level, more so than other deaths (Hertz 1960; Durkheim 2001; Gennep 1961). For this reason, special care is usually taken with the unquiet dead, often in the form of particular rituals or burials, so that these “dangerous” dead do not harm the living (Gennep 1961; Kozak 1991; Cole 2004; van der Geest 2004). Importantly, the effects of these losses go beyond individual grief—they result in damaged social cohesiveness and have negative health implications for survivors (Nichter 1992; Cole 2004; Baines 2010). Although these negative effects are consistent with families of the missing, there are important distinctions.

For families of the missing, there is often no socially agreed upon narrative, and no established set of rituals or rites in place to protect and heal the living after this form of loss (Wagner 2008; Renshaw 2011; Arditti 1999). Psychologist Pauline Boss describes “ambiguous loss” as an experience where the missing are “perceived by family members

as physically absent but psychologically present, because it's unclear whether they are dead or alive" (Boss 1999:8). Like the unquiet dead, the phantom of the missing person can threaten the wellbeing of the living. However, unlike even the unquiet dead, there are often no socially agreed upon courses of action for those who have missing loved ones, except to search. The materiality of the dead body, regardless of how fragmented or mutilated, has the potential to provide both social recognition to those left behind, and a body that can be cared for through rituals, burial practices, and spirit tending (Nichter 1992). For relatives of the missing, there is no social grammar, and there are no established rules or customary rites. They are suspended in a perpetual "in-between," where the person is neither living nor dead. Families go missing themselves.

Funerals, which almost always depend on materially present remains, provide not only solace for mourners, but also an opportunity for the community to establish a narrative of what happened. Current understandings of the importance of funerals still rest upon functional understandings theorized by Durkheim, Malinowski, Hertz, and Radcliffe-Brown, who all viewed funerals as a function to bring society back into harmony after the disruptive loss of a member. Robert Hertz saw three purposes of funerals, "to give burial to the remains of the deceased, to ensure the soul peace and access to the land of the dead, and finally to free the living from the obligations of mourning" (Hertz 1960:54). Similarly, and nearly one hundred years later, Katherine Verdery noted that "burials and reburials serve both to create and reorder community" (1999:108). The importance of funerals for social health cannot be underestimated, even if we understand that "the missing" are not the same as the dead. Without a body and a funeral, the missing are not dead.

While it is generally agreed upon in the literature that it is exceptionally difficult for mourning to take place without a dead body, variety exists in the demands made by families of the missing in different contexts, which may or may not include a demand for bodies. Most anthropological studies involving families of the missing are focused on post-conflict settings such as Argentina (Robben 1999; Crossland 2000; Rosenblatt 2015), Guatemala (Green 1999; Sanford 2004; Manz 2005), Spain (Renshaw 2011), Greece (Sant-Cassia 2005), Bosnia and Herzegovina (Wagner 2008), or comparative postwar contexts (Rosenblatt 2015; Edkins 2011). Anthropological research in Latin America in particular has grappled with the effects of forced disappearances on families and communities (Robben 1999; Green 1999; Sanford 2004; Manz 2005).

A critical contribution from this literature is the observation that those who demand answers about the missing are often not only seeking information about individual missing persons, but are actively seeking justice for the violence that erased their children (Robben 1999; Arditti 1999; Rosenblatt 2015; Crossland 2000). Much of this research discusses the political activism of a group of mothers of the disappeared from Argentina's military dictatorship, who famously refused to support forensic exhumations of unidentified dead. The *Madres de Plaza de Mayo* protested the exhumation of mass graves, refusing to accept the dead in exchange for their silence, and arguing that the killers should be identified first (Robben, 1999; Arditti 1999; Rosenblatt 2015). In the words of Zoe Crossland, "To demand the presence of absent bodies is to do both at once in a search for justice and for a different telling of history that puts pressure on those responsible, precisely through their refusal and inability to return the missing alive" (Crossland 2013). Political scientist Jenny Edkins (2011) takes the view that in

searching for and demanding answers about missing persons, families and communities call for a different form of politics than the dominant politics of techno-rational, post-colonial, capitalist societies. “The demand that the missing be traced inevitably challenges the production of the person as object, and it can be seen as something more: it can be seen as a demand for a different form of politics, one in which the person-as-such is acknowledged” (Edkins 2011: viii).

It is almost always political to search for the missing, whether the disappearance happened in times of war or relative peace. People do not simply disappear, and when they do, deep social problems are at play. However, there are some contexts where the suffering of families of the missing is socially recognized, or even politically claimed and promoted by the state (Sant Cassia 2007; Clark 2005; Wagner 2015). For example, the families of the missing following the attacks on the World Trade Center on September 11th, 2001 were very quickly nationally recognized (Edkins 2011). Tremendous expense went toward the recovery and identification of the remains of those killed in the World Trade Center. The dead and the missing from September 11th became national symbols of loss and sacrifice, not unlike war dead, who are celebrated as national heroes (Wagner 2015). The families of those who have disappeared in contexts where the recovery of the missing becomes a national pursuit are granted legitimacy and recognition denied to families of the missing in many other contexts.

There are other cases where the absence of missing persons is broadly accepted socially, and mourned collectively. The disappearance of a passenger plane operated by Malaysia Airlines in March of 2014, for example, dominated news coverage for several weeks in the U.S. as search crews scoured the Indian Ocean for traces of the wreckage.

Some of this public recognition of loss undoubtedly has to do with the shocking nature of a single “event” where hundreds of people die or disappear, and the availability of language and social memory to describe the event in agreed-upon language, such as “plane crash” or “disaster.” However, the social remembrance granted some missing and denied to others also has to do with how the missing were recognized in life. As the crisis of loss of life on the border increased, Bruce Anderson regularly compared the yearly body count in the desert to that of a plane crash—a plane crash every year, for ten years, with no passenger manifest. I made this analogy to Luis Fondebrider of the Argentine Forensic Anthropology Team, who observed that the only difference between the deaths on the border and a plane crash is “a lack of social solidarity.”¹⁴

Luis’s comment touches on one of the guiding questions for this chapter. What does the search for the missing look like when there is little to no social solidarity? When most of society is bent on actively silencing the fact that disappearance, suffering, or violence took place at all? How does the criminalization of migrants affect the experience of having a missing person? What is it like to search for the missing when, to a large extent, the person was already erased in life? The focus on the missing in post-conflict settings, and the lack of studies on the missing and their families in settings of “everyday violence” (Scheper-Hughes and Bourgois 2004) has left some important gaps in understandings of violence, visibility, and forensics. It is likely that the majority of those who disappear globally do not disappear as a result of armed conflict, but as a result of social inequities experienced every day by marginalized or stigmatized populations (in the U.S., this would likely include the homeless, sex workers, or migrants, for example).

¹⁴ Conversation with Luis Fondebrider, April 9, 2016

Yet studies of this kind of disappearance are rare in the anthropological literature,¹⁵ especially that focused on forensic science. Attention to everyday forms of disappearance is important both for interventions, such as in forensics or public health, and for understanding how social precarity and invisibility operate as forms of violence. Indeed, social marginalization can be so powerful as to not only kill you, but erase you completely.

An additional gap in understanding that has resulted from a disproportionate focus on wartime disappeared is the impact of disappearance on overall health. A focus on wartime dead justifiably emphasizes the juridical and legal portions of the search for the missing, where establishing the identity of the dead can officially validate the claims of victims of violence through forensic evidence (Wagner 2008; Rosenblatt 2015).

However, this can lead to accounts of the search for the missing that focus disproportionately on the search for justice, rather than healing. In my conversations with families of missing migrants, serious health problems were regularly attributed to the disappearance. The focus was not on blame and accountability, but rather on the suffering the ambiguity of the disappearance has caused. Some of this may be cultural, as illness in Latin America is often expressed as embodied suffering or stress (Crocker 2015).

However, the attribution of health problems occurring from a disappearance also relates to the ways in which invisible forms of violence are understood and experienced at the individual level. It is as if society's habit of blaming stigmatized forms of suffering on individual behaviors—as is the case on the border where the dead and disappeared are

¹⁵ For some critical exceptions, see Biehl 2013 and Scheper-Hughes 1993

blamed for their own fate—comes to be embodied on the individual level, and experienced as physical pain and illness.

It is not surprising that the only research I could locate that directly discussed the health implications of having a missing person came out of another international migration context. In a study of families of missing migrants by the Senegalese Red Cross, 62% reported physical health problems, often linked to anxiety, and between 70% and 90% reported emotional and psychological problems (Grant 2016). Disappearance in these contexts has a “severe and negative impact on health, wellbeing, rights and livelihoods” (Grant 2016:1). The experience of deportability, family separation, social stigmatization, and lack of access to healthcare is syndemic with various diseases and illnesses among migrant populations (Horton and Barker 2009; Cartwright 2011; Alexander and Fernandez 2014; Crocker 2015). For many families of missing migrants, the disappearance of a loved one is one more layer of the already toxic experience of being undocumented.

Missing in the Borderlands

In order to better understand the social experience of disappearance along the U.S.-Mexico border, I will now turn to three stories of those who search for missing people last known to be crossing the border into Arizona. All names and identifiable places have been changed to protect confidentiality. Those interviewed and discussed below have several things in common. They are all women, which reflects the fact that most of those actively searching for the missing in the borderlands are female. This is

consistent with other contexts where the labor of searching for the missing is similarly gendered (Rosenblatt 2015). They are also all English speakers. Although most relatives of the missing I have spoken with over the years did not speak English, I was only able to develop deeper and more trusting relationships with those who were bilingual. Although my Spanish was sufficient for understanding the details of the case, I often felt linguistically unprepared to navigate the emotional weight of deeper conversations in Spanish, and worried language mistakes could cause additional harm. As discussed, this is part of why I discontinued this element of my research. Finally, each of the women discussed below lives within the U.S. Although migrants have been funneled predominantly through Arizona and Texas deserts, their families live throughout the U.S., Mexico, and Central America. Due to geographical convenience and my interest in the intersections between the experience of searching for a missing person and being an immigrant, each of the cases discussed below involved families who live in the United States.

These particular case studies were selected because together, they cover the broadest possible cross section of themes that were apparent in my ethnographic research among families of the missing. Following each extended anecdote, I will discuss these themes. Although I personally interviewed the three family members whose stories are shared below, the discussions of themes will include references to the other families of the missing. In some cases I spoke with these families directly, and in other cases the observations were related by staff at the Colibrí Center for Human Rights. Most are anecdotal, and substantial further research is needed to determine the rate of occurrence of some of the experiences described below.

Each of the stories represented below is highly abbreviated. The fact of ambiguity about a missing person creates a universe of loose facts, conflicting details, and confusing possibilities that challenge the entire concept of a narrative “story.” Indeed, “the term *missing* signals the absence of a story” (Wagner 2008:7). Interviews with those searching for the missing rarely followed a chronological timeline, but leapt frenetically backward and forward in time. My efforts below to discuss what happened to the missing person, and how their relatives experienced the disappearance has involved some degree of ordering chaos, which is its own subtle form of erasure. Each of the relatives of the missing whose recollections are discussed below had boxes or binders packed with enough information to fill an entire dissertation—detailed notes about what happened leading up to the disappearance, pieces of evidence collected from the search, lists of unresolved questions, and records of calls and emails exchanged with officials, other family members, or those trying to help. The following are filtered excerpts drawn from semi-structured interviews, informal extended visits, and years of trying to assist these families in their search. I am grateful to those who have shared their stories and remembrances with me, and I offer my humble representations here in the hope that they may also be a part of claiming and reclaiming each of these missing persons as someone who existed, who mattered, and who is irreplaceable.

Juana

Juana was one of the first relatives of the missing I spoke with when I began my work at the Pima County Office of the Medical Examiner in the fall of 2006. She called

the office in October to inquire about unidentified remains believed to be migrants. Her sister, Alma, had disappeared attempting to cross the border in April. Alma had been living in Las Vegas, Nevada since 2004. She had migrated to the U.S. with her husband in order to better support their son, Enrique, who had stayed behind in Veracruz with his paternal grandparents. Shortly after arriving in the U.S., Alma's husband left her, abandoning her with the responsibility of sending earnings to cover Enrique's care. In April of 2006, Alma traveled back to Veracruz to retrieve Enrique, then five years old. It had been difficult to be apart from her son for so long, and her family was pressuring her to retrieve him, reporting that his living situation was bad. She spent a few short days with her parents before leaving with Enrique to head north. By the 10th of the April, Alma and Enrique were in Altar, Sonora, preparing to cross. Juana believes it is because Alma was angry with her family for pressuring her to retrieve Enrique that she did not call before starting the journey. "I know she was upset with me, because I had been pushing, saying 'go back to Mexico and get your son. Go back to Mexico.'" The family heard nothing for weeks.

Then, Juana began to get calls from people saying that they had Alma, and would only release her if they received \$900, wired through Western Union. "I was getting phone calls. From different area codes, some Tucson, some Nogales, some in Sinaloa." The phone calls were constant, up to ten times per day. Although the calls were distressing, they also gave Juana hope. After weeks of hearing nothing from Alma and Enrique, she put all her hope in the thought that the people calling did indeed have Alma. Juana was suspicious, however, because they would not put Alma on the phone. As for their demands for money, Juana made excuses for several days, saying that the banks

were closed because of post-Katrina flooding (Juana lived in New Orleans at the time), or that her car was not working. After a few days of this, Juana broke down in tears at work. “In that moment I remember I was working at a Subway. So, I had to tell the truth about my situation, my legal situation, about what is happening to my sister, the whole thing.” Her boss told her to go to Western Union right away and do whatever she needed to do. Juana went to the bank and followed the instructions given by the callers with one exception: she put a security question on the wire transfer. In order to release the funds, the callers would need to know Enrique’s date of birth. Juana went back to work, and waited for the call from her sister. Instead, she got another call from an anonymous man who screamed at her, “why did you put a safe question to answer to get the money? Why? You know, you are messing with the wrong people.”

Juana then called her husband, who left work to join her at Subway. They spoke by phone with several of the men claiming to have Alma, and then finally agreed together that no, these people did not have Alma and Enrique. In the meantime, Juana had missed a call from her aunt. When she called back, her aunt was crying, and said, “*Mija* somebody called and said that your sister is dead. Your brother got a phone call, and they said that Alma is dead. They said she was coughing up blood and then she died.” Juana broke down. Her boss at Subway told her to go home and take care of her family. She went straight to her son Jose’s school to pick him up, telling the school officials that he may not return. “Because in my mind, after I hung up, my mind was working. I was thinking: ‘I need to go, I need to go somewhere, I have to go find my sister.’ So I was already thinking, I need to move to Arizona. I need to do something.” She was afraid that

the anonymous callers knew where she lived, but she was even more preoccupied with finding Alma and Enrique.

Juana put aside her grief and began making calls to inquire about Enrique. Finally, she learned that he was alive, and was staying with a family in Phoenix, Arizona. She planned the next steps with her husband. They decided that the drive to Arizona from Louisiana would be too long, and that she would need to travel by plane. Instead of flying into Arizona, which was famous for its policing of immigrants, she would fly to Utah. Once in Utah, she would meet up with a cousin, and they would drive together to Phoenix and retrieve Enrique.

So we went to the airport in New Orleans, Louisiana, and we walked and walked, and my husband always told me, “Don’t cry. Control yourself, and don’t cry, because you are going to get a lot of attention, and you are going to get in trouble, and I don’t want you to go to Mexico. No. You will go to get your nephew.” So I was very scared, and I didn’t cry, I tried to control myself, and I was...it was the first time I stepped into an airport. In the line, I got separated from the people, and they started asking me questions and checking my stuff, so I got really nervous. But everything was okay, and they let me go. And I was kind of thankful, because nothing else happened. I was afraid, you hear stories in New Orleans that people is getting separated, and you get deported, and I was afraid that something like that would happen to me.

Juana made it to the airport in Salt Lake, where her cousin met her, along with her cousin’s husband, and a lawyer. The cousin and her husband said that the lawyer would help pick up Enrique in Phoenix, and then “fix his papers.” They told Juana it would cost

her US \$1,500, but that everything would be better this way. The next day, the lawyer and the cousin's husband left Utah for Arizona. While waiting, Juana and her cousin prayed, and made phone calls hourly to the woman taking care of Enrique in Phoenix. Juana spoke with Enrique, who told her, "I am okay. My mom is not here with me. I think she is dead." Juana reassured him that someone was coming to pick him up, and they would find his mother together. Juana then called her parents, who were in Sonora, Mexico, trying to find information about Alma.

So its kind of a big story, because what is happening to me, in the meantime, what is happening at the same time with them, they were...we were all kind of scared.

Everybody was kind of looking over their shoulders, if we are being followed, or if somebody is looking at us, or somebody is pointing at us, we were really, really scared.

So that day when I talked to them, I told them, "You better leave. Because you're going to get killed there when someone finds out you are looking for your daughter." I was really worried about them.

It was 4 in the morning when the lawyer and the cousin's husband returned with Enrique. Juana wept as she described seeing him:

When I saw Enrique, and I saw how little he was, I was kind of surprised, that a little kid survived, and people took good care of him. And he was so little. He was only 5. In that moment, he looked skinny, his hair was very short, and I start looking at him, and I can't believe it, that I have something of my sister, it was him, and I don't have my sister with us in that moment. The precious cargo was safe. And I remember that moment, because he was sitting on my lap, and he was so tiny and I remember when I saw his feet, how

they look with a lot of cactus, and in his legs were bruises, purple, a lot of purple. So I say to myself, 'oh my god, he's a survivor.' That's what I thought. He's a survivor, and I feel sorry for him.

Juana stayed with her cousin in Utah for about a week. She began to grow suspicious of the lawyer, who kept asking for money, but did not seem to be doing anything to help. When she visited the Mexican consulate in Salt Lake City to file a missing person report for her sister, she mentioned the lawyer to the consular official. The official recognized the name of the lawyer, and told her that this man was well known as a fraud. He had been jailed and disbarred, and was not to be trusted. When Juana returned to her cousin's home with this information, the way her cousin and her cousin's husband reacted made Juana scared: "It was like they were trying to get money from me. They laughed and didn't care what I was saying. I knew I needed to get out of there." Juana was afraid that if she stood up to them, they might call Border Patrol. The next day, Juana was able to rent a car, and leave the house with Enrique. They drove to Kansas City, met up with Juana's husband and her son, Jose, and then returned to New Orleans as a family.

When I first interviewed Juana in 2011, Enrique was 11 years old. Juana and her husband were raising him as their own, along with Jose, and Juana's youngest son, Daniel, who was two years old. "From the beginning," Juana said, "Enrique was demanding." The trauma he had experienced was significant. During the first few weeks, "Enrique was talking, he was like a bucket, just pouring out his story. He was full of information, and he wanted to talk and say everything." He told Juana what had happened during the crossing.

His mother had picked him up from his grandparents' house. He was so excited the night before that he didn't sleep. Early in the morning, he heard a knock at the door, and knew that it was his mom. He tried to open the door to let her in, but he was too small. When she came in, she visited briefly with her parents while Enrique drew her a picture. They then quickly packed his things, and left. He told Juana of riding buses, and then meeting up with the coyotes and the group and going in a van to the border. Shortly after they began walking in the desert, men with scarves over their faces carrying pistols came upon the group, and forced everyone to lie down. They took all the migrants' money, and then handed Enrique a dollar back, "because he was a kid." Enrique told Juana of walking and walking, throughout the day and into the night. The next day, his mother started to complain that her feet were hurting. Enrique said that the coyotes gave her a pill. Shortly after she took the pill, she passed out. Then his mother's eyes turned white, and she began to cough up blood, and then lost control of her bladder. The group tried to carry her, but finally had to leave her behind under a tree. Enrique tried to stay with his mother, hitting and kicking the man who pulled him away. Before the group left her, he insisted on leaving his little red jacket over her body.

The coyotes took Enrique to a ranch somewhere in the desert. The rest of the group departed, and Enrique stayed behind with the coyotes. Different groups of migrants came and went. Enrique stayed there at the ranch for a few days, during which time he witnessed a shooting between two of the coyotes. He was then picked up by men he didn't know, transferred to a family, and was then finally reunited with Juana.

Juana recalled those early days with Enrique. "Enrique was demanding that I be his mother. The first or second day, he said, 'You know, you look a lot like my mother.

How about if we tell people it was my aunt who is in the desert, and that you are my mother here with me?” Enrique clung to Juana, and she felt deeply protective of him. “I felt sorry for him, for what happened. When my sister left him he was three years old. He suffered a lot. He only saw his mother for two weeks. I don’t think it’s fair what happened to him, but that’s what happened to him.” Upon bringing Enrique back to her home, Enrique began to have problems that revealed how traumatized he was. He demanded all of Juana’s attention, and fought jealously with Jose, Juana’s biological son, who was about a year older. “Enrique kicked Antonio, Enrique held Antonio, Enrique slapped Antonio, Enrique bit Antonio, Enrique pinched Antonio...so it was really exhausting.” And then he began to have problems in school. He was fighting with other children, and was suspended for throwing a chair in the classroom. He was put in special education because he had so much anger. With the help of a counselor, Juana began to work on setting up boundaries with Enrique. She explained,

I think, somebody told me this: “You don’t want Enrique to grow up like, ‘oh poor me.’ You want him to be strong and confident. Because you don’t want a child that is always crying, ‘ohh, what happened to me, what happened to me.’ No. You need him to be strong.” And I think Enrique is strong.

At the time of writing, Enrique was doing well in high school, and was planning for college. Although what he went through was particularly traumatic, the entire family was affected. Juana became deeply depressed. “Every day, I cried and got depressed. The only thing that gave me fuel was to go to the computer and search for my sister. My husband kept pushing me to do other things, but I couldn’t stop.” She got her first email

address to search for Alma. Juana and her mother were online and on the phone constantly, searching. Juana said that, although the first six months following Alma's disappearance were the hardest, the long-term effects of Alma's disappearance have completely changed the family. Mistrust, guilt, and resentment have caused divisions that have not healed. As Juana explained, "we blame each other, and it goes straight to the heart." At first, Juana blamed her parents for not asking Alma more questions before she left on her journey. She blamed herself for pressuring Alma to go back to Mexico to get Enrique. She blamed Enrique's father, and Alma's new husband in Las Vegas. She suspected her aunt and her brother of keeping information from her. She was estranged from her parents for several months, and has completely severed relationships with some of the others.

Although Juana's story touches on many important themes, I will focus on the following three: the chaotic and decentralized nature of the search families face, the emotional and social effects of disappearance at the border, and the ways that the search for the missing can be empowering.

The Terror of the Search

One of the most striking aspects of Juana's story is the terror she experienced directly following Alma's disappearance. The mysterious callers demanding money, the confusion of various family members with differing pieces of information, and the complex series of events that unfolded until she was finally reunited with Enrique all

contributed to an intense feeling of fear and chaos. Juana's fear of those calling her and her fear for her parents in Mexico relate to the increasing power of organized crime along migrant routes. An increasing body of research documents the secretive and violent nature of human smuggling groups, which exploit migrants physically, financially, and emotionally (Vogt 2012; De León 2012). Nearly every family I have ever spoken with in the course of my research and work with Colibrí has reported receiving similar calls. Occasionally, these calls are so terrifying that families will actually call of the search, and contact Colibrí and ask for the search to be halted. In addition to demanding money, these anonymous callers also threaten to kill the person they claim to have in custody. When the missing person does not appear, relatives then often worry that it was their failure to pay that might have caused the missing person to be killed. Some send all the money they have, even taking up collections from their communities, only to never hear from the callers or the missing person again. It is likely that those calling the family are the same *coyotes* or human smuggling groups that migrants pay to cross the border. The rate of occurrence of these extortion attempts suggests a larger underground market that is systematically finding any way possible to exploit migrants and their families.

It is worth noting here that there is complexity in terms of the experiences of migrants vis-à-vis human smugglers (*coyotes*). Although the predominant experience is one of exploitation, there are also stories of compassion and care. As Wendy Vogt has noted, "though smugglers are usually represented as evil in the discourse of border security, there is slippage between categories of smugglers, guides, companions, and friends" (Vogt 2012). I have spoken with families who have related stories of coyotes going out of their way to try and save someone's life, or taking time to call the family

after someone was left behind. Although these are small acts, they are important in a political context where human smugglers are often blamed entirely for the suffering endured by migrants. Often this blame is well-deserved, as human smuggling and organized crime groups are usually violent and cruel, but this can also create a scapegoat for the policies that have pushed vulnerable people into the most dangerous parts of the desert (Spener 2010; Slack & Whiteford 2011). What little is known of the secretive world of human smuggling does seem to indicate that human smuggling operations have become bigger, more closely aligned with drug trafficking organizations, and more violent in the prevention-through-deterrence era (Slack & Whiteford, 2011).

Juana's status as undocumented was a major contributing factor to her experience of fear upon learning of Alma's disappearance—she feared explaining to her co-workers and bosses at Subway what was happening because telling the truth would reveal her legal status; she feared traveling to Arizona to retrieve Enrique because doing so might result in apprehension and deportation; and she feared standing up to her cousin and the “lawyer” because they might get angry and report her to Border Patrol. For undocumented immigrants, the search for a missing loved one can expose the family to further vulnerabilities, including violence and abuse. As their status in the country is legally unauthorized, undocumented immigrants are vulnerable to extortion, exploitation, and abuse by those who know that they will not report mistreatment to police (Chavez 1992; Quesada et al 2012; Alexander & Fernandez, 2014).

The mixture of panic, grief, and fear that Juana described experiencing shortly after Alma's disappearance is common among families of the missing, and justifiably can cause them to act in ways that expose them to further risks. In general after the

disappearance, but especially during the first few weeks, families often report experiencing debilitating panic, often unable to eat or sleep. Within the first few weeks after Alma's disappearance, Juana considered moving her family from North Carolina to Arizona or Mexico or California to search for Alma. The mother of another missing woman told me that she had moved permanently, all the way from Michoacán to Agua Prieta, Sonora, just south of the border, so that she could search the desert for her daughter every day. The husband of a missing woman spent weeks searching remote desert trails, exposing himself to the same risks of exposure and apprehension that his wife experienced during the crossing. Because there is an overall lack of assistance available to these families, they often take the entire search into their own hands.

This fear and vulnerability experienced by relatives of the missing relates to the single most consistent challenge they face, which is the absence of a safe and centralized entity to report to that provides support, feedback, and transparency. This absence is largely—but not solely—related to the fact that missing person's investigations in the U.S. are traditionally managed by law enforcement. The experience of deportability is such that undocumented immigrants are often afraid to contact even education and healthcare providers, let alone police (Alexander and Fernandez 2014; Armin 2015; Horton and Barker 2010). Programs like the ICE's 287(g) agreements, which gave local law enforcement officers the authority and training to enforce federal immigration laws, have eroded the boundaries between local law enforcement and federal immigration enforcement. Although the 287(g) program has been suspended, many similar state policies remain, such as Arizona's SB 1070, which, even after a Supreme Court ruling limiting portions of the policy, still allows state police to ask about the legal status of

people who are detained. The shifting ground of federal and local immigration policies and practices causes confusion and terror within immigrant communities. Militarization of local police also further erodes community trust, and represents another layer in the neoliberal depletion of state social services in favor of state policing.

The U.S. federal government has invested in a centralized system to manage data regarding missing persons, but it is largely inaccessible to the families of missing migrants. The National Missing and Unidentified Persons System (NamUs), managed by the National Institute of Justice (NIJ), was launched in 2009 as a “national centralized repository and resource center for missing persons and unidentified decedent records” (National Missing and Unidentified Persons System, 2016). The system automatically compares unidentified decedent data with missing person data, and allows the public to assist in the “sleuthing” needed to make matches. With state-of-the-art technology and comprehensive data-sharing agreements with medico-legal offices and missing person clearinghouses throughout the country, NamUs is surely a major stride toward resolving the estimated 40,000 unidentified remains cases in the U.S., a crisis which has been termed the nation’s “silent mass disaster” (Ritter 2007). However, by requiring that families report missing persons to a law-enforcement or criminal justice agency, NamUs has effectively excluded most families of missing migrants, as well as other groups who have been criminalized or who do not trust law enforcement. In 2016, NamUs agreed to accept foreign consulate case numbers in lieu of law enforcement case numbers for entry into the system. Although this represents progress, NamUs likely will not ultimately be the right system for families of missing migrants, not only because the system is managed by law enforcement, but also because of the public nature of the data uploaded to the

system. As Juana's story demonstrates, the fact that the names and other details about missing persons entered into NamUs are publicly viewable online presents security risks to Mexican and Central American families who are vulnerable to extortion and abuse by organized crime.

In general, the specific nature of transnational migration in the Americas has rendered local, state, and national mechanisms insufficient for effectively assisting families searching for missing migrants in the Americas. Without a safe and centralized response mechanism, families report their cases to dozens of agencies, resulting in massive decentralization of data and regular exploitation and abuse of the families by both state and non-state actors. Because the remains of migrants have been discovered throughout Mexico and in dozens of jurisdictions within the U.S., families of the missing face an extremely broad search area, and a seemingly endless list of possibilities. Even for someone like Juana, who knows that Alma disappeared in the U.S., as opposed to Mexico, the list of possible sources of information is long—consulates, Border Patrol, police, hospitals, various medical examiner's and coroner's offices, border humanitarian groups, immigrant rights groups, journalists, private investigators, academics, churches, and many, many more.

Families who search from within Mexico or Central America also face a decentralized context. Mercedes Doretti of the Argentine Forensic Anthropology Team who works on cases of missing migrants who have disappeared in Mexico told me that families experience confusion about where to report between federal, state, and local offices. She also explained that many officials, regardless of the particular office, do not know what to do with missing migrant cases, and that there are dozens of different

databases of the missing, which are inconsistently updated and accessible.¹⁶ Throughout the Americas, there are various grassroots efforts to assist families, but the data they collect is also inconsistently managed and shared. The fact that there is no organized, regional system for searching for missing migrants results in disorganization in terms of how these cases are managed, and this has an impact on how families experience the search for the missing.

The Psychosocial Effects of Disappearance in the Desert

For months after Alma's disappearance, Juana's search consumed her life, and even changed it. She would come home after work and immediately go to the computer to search. "The only thing that made me, that give me, like fuel, energy, was to go to the computer and look for my sister in the internet. That's all. Write letters, try to talk with somebody. That was the only thing, nothing else." Similarly, in another case, the daughter of a missing woman I interviewed explained, "The only time I feel alive is when I am searching for her." The search can become a kind of salve for the painful experience of loss, but unfortunately, it can also become addictive and destructive, isolating the searchers from their families and communities, and causing ill health.

In his work with families of the politically disappeared in Argentina, Antonius Robben found that the innate urge to search for a lost loved one after death can become pathological to those with a missing loved one. He quotes psychiatrist Colin Murray Parkes, who wrote, "Pining is the subjective and emotional component of the urge to

¹⁶ Mercedes Doretti, personal communication, 2011.

search for a lost object” (Robben 2000:80). But for families of the missing, “the hope that the loved one is still alive makes the disappearance so tantalizing. Mourning disposes people of this hope, and overcoming sadness is experienced as abandoning the child” (Robben 2000:80). Argentine poet, Juan Gelman said of his missing son, “You said that he was alive somewhere, because you were not going to kill him with your conscience by saying ‘my son is dead.’ I never ever thought that my son was dead, if not it would have given me the feeling that it was me who had killed him” (Robben 2000:89). The search for the missing person can become a sort of lifeline, depended upon to keep the missing person alive in the minds of loved ones. As Robben notes, this is why disappearance was such an effective strategy of state control in Argentina. “The disappearances absorbed the political consciousness of the relatives into a desperate search” (Robben 2000: 96)

Juana once explained how Alma’s disappearance had affected her health. She was severely depressed, and was spending all her time searching. She was not eating, sleeping, or participating in community events at church or in her sons’ schools. Her husband confronted her and told her that she was neglecting her children. She gained weight, and was told by her doctor that she was at risk for diabetes. Health problems commonly attributed to the disappearance by family members included diabetes, hypertension, heart attacks, and even suicide attempts. A Guatemalan man searching for his eldest son suffered the loss of his wife after eight months of searching. “She couldn’t sleep or get out of bed. And then she got serious heart problems.” She died from a heart attack only weeks before her son’s remains were identified and repatriated. Another man dreams of his missing brother nightly and wakes up, telling his wife that his brother is knocking on the door to the house, asking to be let in. He takes sleeping pills to fall

asleep, and is often exhausted at work. A Guatemalan woman's husband disappeared shortly after their first child was born. She was so distressed that she was unable to produce breast-milk. Without money for formula, she was feeding the baby a flour and water mixture when she called to report him missing. Another family told me how the eight-year-old daughter of the man they were reporting missing had attempted suicide a month after his disappearance. It is common for families who contact Colibrí to request that certain family members in poor health not be contacted during the course of the search and investigation, for fear that any news could cause a serious health problem.

Pauline Boss has compared ambiguous loss to Post Traumatic Stress Disorder (PTSD), as both conditions result from psychologically traumatic events that are outside the realm of usual human experience (Boss 2000). "But with ambiguous loss, the trauma (the ambiguity) continues to exist in the present. It is not *post* anything" (Boss 2000). Indeed, the trauma of disappearance for the families of missing migrants continues each day the person is missing. For many immigrants who are far away from family, they live through the experience of trauma and loss in isolation, without the social support of an extended community of survivors that has been so important for both psychosocial healing and political activism in other contexts.

This trauma exists not just on the individual level, but also on the social level. The guilt and blame that Juana described is not uncommon among families of missing migrants. It is as if the ambiguity, violence, and terror of the desert crossing have extended into the space of the family. Within one family, it is common for each person to have a different list of possible explanations to account for the missing person's absence, and some explanations may leave certain family members more or less culpable. For

example, relatives already in the U.S. may be blamed for having helped the missing person by recommending a coyote, paying for the trip, or promising lodging once the person arrived. Those who live abroad often do not know where to direct their anxiety other than onto those living in the U.S., who are often perceived to possess more power and economic resources than they actually have. The guilt and blame is even worse for those who may have been traveling with the missing person when they were left behind in the desert. Already experiencing the anguish of having been forced to leave a loved one behind, the blame from other family members can be devastating. In many cases, these conflicts have led to further family fracturing through divorce or estrangement. The ripple effects of such trauma and pain will undoubtedly leave a footprint in the social memory of immigrants in the U.S. for generations to come.

Some families have called off the search for their missing loved one, explaining that after speaking with a *curandera* (traditional healer) or a clairvoyant, they know that the person is alive, and searching for them will only cause pain. Some of these individuals are undoubtedly another part of an underground market that exploits the vulnerability of migrants, and preys on the hopes of families of the missing. There have been several positive identifications of decedents at the PCOME have been declined because families believe what they were told by a clairvoyant. However, some families may find comfort, and even healing by abandoning a search that is painful, dangerous, and very likely to be fruitless.

Finding Strength in the Search

There is a final aspect to Juana's story that should not be overlooked. Although Juana would emphatically agree that the disappearance of Alma has deeply harmed her and her family, it is also important to note that she was not debilitated. While transcribing her interview, I noticed something that I hadn't noticed during the interview. Juana was proud. She laughed as she related the points in her story when she was explaining how she had overcome fear and or had done something she never imagined in the past that she would be capable of. She surprised herself. She had found Enrique, and she had brought him back home with her. She had duped the coyotes and saved herself from being robbed of her money by putting a security code number on the bank wire transfer. The search emboldened her, and in the process, she learned English, got her first email address, took her first flight on an airplane, and *by herself*, drove all the way from Utah to Louisiana with her sister's five-year-old son in tow. Although the disappearance of Alma caused Juana severe suffering, it also proved to her how strong she really was. This is an aspect of traumatic experiences that should not be left out. Those who experience trauma and suffering are still fully human, and still capable of laughing, having wild hopes, and making terrible mistakes. In the effort to explain the gravity of a context not broadly recognized as violent, it is easy to over-emphasize suffering to the point where survivors become one-dimensional characters, defined by the events of violence and the experience of trauma. Juana's story is not alone in touching on the aspects of the disappearance that included humor, strength, and even triumph.

Adriana

During the fall semester of her sophomore year of college, in the middle of midterms, Adriana got an email from her mother, Mayra, saying that she would be leaving Peru to make the journey to the U.S. It was 2009. Mayra had been struggling ever since the nightclub she had owned for many years was shut down. She was told she didn't have the proper permits, but in fact, a developer had purchased the land and small businesses were being cleared to make way for a hotel. "Most of what she had saved over the past 11 years was in that club. She lost everything," explained Adriana. Desperate and lonely, Mayra made the decision to join her two daughters and husband in New York. Adriana didn't think that her mother was serious until she started getting emails from Ecuador, then Costa Rica, then El Salvador. In a matter of weeks, her mother was calling from Sonora, Mexico, saying that she would be crossing the next day. Mayra told her husband that she would call when she got to Phoenix.

The information about what happened came slowly, and many questions remained. After several weeks had passed with no word, Adriana and her father were able to find a family in Sonora with whom Mayra had stayed before she crossed the border. The family ran a hostel or shelter of sorts, which housed migrants on their way to the border. They had connected Mayra with the *coyote* who had guided her across the border with a group. The coyote agreed to speak with Adriana and her father only after they paid a fee of \$500 dollars. They interviewed the coyote and other migrants who were in

Mayra's group with Mayra, and were able to piece together some of what had happened. The group had apparently crossed the physical boundary on foot, and then were picked up on the other side by an associate of the coyote driving a van. As they drove north on Interstate 19, a Border Patrol vehicle appeared behind them. The driver sped up, and a high-speed chase began. Near Sahuarita, Arizona, only about a half hour's drive from Tucson, the van began to have mechanical problems. The driver eventually stopped, and everyone climbed out of the van and ran into the darkness. To get away from the interstate, they had to climb over two fences, one small, and one large. The people in the group insisted to Adriana and her father that Mayra had made it over the smaller fence, but couldn't climb over the big fence. "And from there," Adriana explains, "she was just missing."

Adriana and her sister had moved from Peru to New York in 2004 to join their father, who had been living and working there since 1998. All three of them were permanent residents, and were saving money so that Mayra could join them. The economic situation for the family was not good in either country. While Mayra fought to keep the nightclub, her husband struggled to make ends meet selling handicrafts at street fairs in New York City. Adriana and her sister were enrolled in middle school immediately upon arrival to the city. "Even though it wasn't the best high school," Adriana said, "we decided, we're going to make the best out of this." Adriana excelled. After only three months in middle school, she began high school. By her sophomore year, she was in honors classes. She went on to study mathematics at a prestigious university, where she continued to thrive—getting straight A's, participating in numerous clubs, and garnering the support of her teachers.

When Mayra disappeared, all of this changed. Adriana couldn't focus. Her grades fell, she dropped out of clubs, and she fought back tears during exams. After the semester ended, Adriana and her father traveled to Arizona to search. It was at this time that I met Adriana and her father for the first time in a hotel near the I-10 in Tucson. After visiting Arizona, they traveled to Mexico. They met with the *Instituto Nacional de Migración* and filed a report. They put fliers up everywhere they went. Because Mayra is Peruvian, Adriana and her father reported her missing to the Peruvian consulate. Because she traveled through Mexico using a false Mexican ID card, they reported to the Mexican consulate. In the U.S., they reported to Immigration and Customs Enforcement (ICE), and to two Tucson-based immigrant rights organizations, Coalición de Derechos Humanos and No More Deaths.

At the first immigration and customs office they visited in Tucson, they waited for hours in a busy waiting room before meeting with anyone. "They made us wait a long time. Like, my father was crying and they didn't care. You know, like we're talking about a life-threatening thing. It's someone's life out there, and they really didn't care." When they finally met with a Border Patrol agent, the agent refused to give them any information, saying that it was confidential "law enforcement-only information." They were then referred to another immigration office, where an agent helped them by going through records for migrants deported the same day Mayra was left behind, looking for her name. "We kind of became friends with this agent over the days he helped us." But Adriana also noted that while searching, he kept saying to Adriana and her father, "If I find her, I'm going to deport her." Adriana explained, "They really didn't care. And we even said, like, we have papers, I mean, come on, we have the right to know."

The Peruvian consulate was dismissive, focusing on Mayra's legal transgressions rather than her status as a missing and endangered person. After explaining that Mayra had used a fake Mexican ID card, the person at the Peruvian consulate scolded them. "She told us if my mom was caught for identification theft, its two years in prison here." The consulate refused to contact immigration, hospitals, jails, or other consulates on behalf of the family. Adriana and her father took it upon themselves to contact these entities, but were denied access to information because they did not have the type of clearance the consulate would have had.

Although Mayra had disappeared in Pima County, Arizona, none of the governmental agencies Adriana and her father contacted sent the missing person's report for Mayra to the Pima County Office of the Medical Examiner, where unidentified remains found in the area are examined. It was thanks to Kat Rodriguez, then Program Director at *Coalición de Derechos Humanos*, a nonprofit immigrant rights group, that Mayra's missing person's report made it to the medical examiner's office. Kat not only took a detailed report, but also contacted Margo Cowan, a lawyer from *No More Deaths*, another nonprofit, who volunteered to host Adriana and her father in her home. During their stay, Margo drove them to Sahuarita, to the place where Mayra disappeared.

Adriana still cannot figure out how her mother could have disappeared in the area. It was not particularly remote. While there with Margo, they saw farms, people out riding horses, traffic, mailboxes.

It would be really hard for someone to get lost there. Also, Border Patrol was right behind them. She was stuck between two fences, they should have caught her. Plus, there were helicopters, I mean, come on, they should have caught her.

Adriana wonders if she might have been kidnapped. She had heard rumors of gangs roaming the desert and kidnapping migrants to force them to work building tunnels under the border. “What if she is being tortured right now?”

Like Juana, Adriana’s family also experienced extortion and exploitation during their search. Anonymous callers claimed to have Mayra, and said they could only allow her to speak on the phone after they received money. One told Adriana that they would not release her mother from captivity until they received U.S. \$4000 deposited directly to their account. Meanwhile, Adriana’s father was paying a “lawyer” to search for Mayra. This man claimed to have found Mayra in jail, but demanded a fee of US \$10,000 for her to be released. Although they didn’t pay this amount and stopped working with that particular lawyer, five years after Mayra’s disappearance, most of Adriana’s father’s earnings were still going toward paying detectives and lawyers to search. The effects of Mayra’s disappearance on her family were severe. Adriana explains,

When this happened to our family, all our dreams just crushed. Just crushed. Everything stopped, especially me. You know, like, I used to do everything that my mother used to tell me. You know, get a good career, study, you know, she used to give me so many advices, and now, like, what am I doing this for? It really affected us a lot. I think when this happened, we stopped living in general. I feel like we have no other life than to find her. That’s our only goal. I remember before, I used to be really close to my cousins and grandparents back in Peru, but not anymore because as soon as I talk to them, they say, “have you heard anything about your mother?” You know, just the fact that they ask once is already affecting you. Even though they don’t blame me, you already feel guilty. It’s

like, because she disappeared here, it's your fault. I just stopped talking to them. And it's not easier at home. I can't even look at my dad without crying.

Despite all of these challenges, Adriana graduated from college, went on to get a degree in engineering, and currently works as an electrical engineer for a major U.S. company. Adriana's story provides examples of three more key themes: the treatment of families of missing migrants by officials, the intersecting threads of vulnerability that affect migrants and their families' ability to search, and border rumors and the stigmatization of families of the missing.

Treatment by Officials

Adriana's experience of trying and largely failing to get information or assistance from various government officials is typical of families of missing migrants. While it is true that these families also encounter many sympathetic and helpful individuals who work for government agencies, the overall problem is one of lack of organization, coordination, and clear roles and responsibilities. Families of missing migrants experience both neglect and abuse at the hands of state authorities. Staff at Colibrí have spoken with families who have experienced various types of mistreatment by authorities in the U.S., Mexico, and Central America, including being spoken to with racist or humiliating language, being blamed for the disappearance of the person, being denied assistance by officials for arbitrary reasons, being extorted for money, and being threatened with physical abuse or arrest.

Many families of missing migrants who have contacted U.S. police—the entity with the official responsibility of investigating missing persons cases in the country—have reported being turned away. Some families are told that because the missing person was illegally crossing an international boundary, they must report to Border Patrol, which would mean calling the agency tasked with their removal from the country. Families have also reported that upon contacting U.S. law enforcement they were told that they had to file the report in person at the jurisdiction where their loved one disappeared. This is generally impossible for these families, who usually do not live in border-states, cannot afford extensive travel, and would face an increased risk of apprehension and deportation by traveling on highways across state borders. The sister of a missing man told Chelsea Halstead at Colibrí that she had contacted a U.S. police department and was not only refused assistance, but also told, “You all look the same and you all stink.” Families have also been threatened with deportation upon contacting U.S. police.

Although it is the duty of consular offices to provide assistance to their nationals on foreign soil, there are also reports of consular officials abusing families of missing migrants. In 2015, a Guatemalan consular official in charge of cases of missing migrants in Tucson was exposed for corruption and fired (La Opinión, 2015). Families also report being turned away by the Mexican consulate, or being treated poorly. The most common complaint from families of missing migrants is not abuse, but rather that the consulate refused to take their case or assist them in any way (see also Jimenez 2009). It should be noted here, however, that the majority of the once unidentified cases that have been subsequently identified at the Pima County Office of the Medical Examiner were resolved in collaboration with the Mexican Consulate.

Reporting a missing migrant to state authorities is not only a problem for undocumented immigrants living in the U.S., but also for those living in Mexico and Central America. Many indigenous communities have a deep mistrust of government due to centuries of violence and exploitation at the hands of the state. This fear has deepened due to the increase of violence in Mexico and Central American countries during and after President Felipe Calderon's "war on drugs," in which, according to popular counts, an estimated 60,000 people were killed between 2006 and 2012. This violence, which has caused many to migrate, often involves the collusion of state authorities (Human Rights Watch 2013; Isacson et al. 2014; Pereyra 2013). Families fear that reporting a missing migrant to authorities might bring retribution from a cartel or a corrupt police department. This fear is intensified when, as is often the case, service-providers show more interest in pursuing human or drug trafficking organizations than in searching for the missing person. There are even anecdotal reports that some officials have prosecuted families trying to report a missing person for hiring the coyotes.

Adriana's experience of being told by Border Patrol that they would deport her mother if they found her, and being told by the Peruvian consulate that her mother would face jail-time for identity theft if caught is significant, and points to the punitive nature of many of the official agencies that are options for families to contact. Though Adriana was not undocumented, the fact that she was searching for someone who had crossed the border illegally was invoked regularly in her search. This demonstrates how terrifying the search can be for those who *are* undocumented.

As Susan Bibler Coutin has stated eloquently, "the illegality of the undocumented materializes around them wherever they go, like a force field that sets them apart from

the legally privileged” (Coutin 2000:30). The difficulties experienced by families of missing migrants in trying to access services to assist them in their search are indicative of the ways that the primary “illegality” of the missing person, regardless of the status of the searchers, creates ripple effects of illegality and its concomitant exclusions throughout the family and community. This web of illegality can then extend to service-providers who want to help the undocumented despite the fact that doing so may be breaking the rules (Armin 2015; Armin and Reineke, 2010). In her work on uninsured cancer patients, Julie Armin has noted the ways in which service-providers, such as healthcare caseworkers or school principals “are enlisted to manage inclusion and exclusion” of undocumented immigrants (Armin 2015:138). The policing of the undocumented, even when they are searching for a missing and very likely dead loved one, is indicative of the neoliberal process Henry Giroux has described where “social relations and the public services needed to make them viable have been increasingly privatized and militarized” (Giroux 2012).

Intersecting Threads of Vulnerability

Adriana’s struggle to obtain information about her missing mother also had to do with the various types of vulnerability she and her family experienced as members of impoverished, criminalized, and racialized populations. While Adriana and her father were able to travel to Arizona to search, many families of missing migrants do not even have access to a phone or computer in the home, but must rely on the local church or public notary for communication with people outside the local town. Many speak an

indigenous language such as *Mixtec* or *K'iche'*, but not Spanish or English. Early on during my time at the PCOME, I took phone calls from family members who had traveled the entire day in order to be able to use a phone. Other calls were cut short before I was able to get family contact information because the person ran out of money on an international calling card. The brother of two missing Honduran men could only communicate with me through a chaplain while he was imprisoned at the Florence Detention Center. After he was deported to Honduras, there was no way to get in touch with him. The chaplain told me that when she had asked for other family phone numbers, he had responded, "There are no other surviving family members, just me."

The poverty and marginalization experienced by communities from which migrants originate also means that the antemortem data families can provide about their missing loved one is often quite limited. Most families cannot produce medical records or dental X-rays, because the missing person did not have access to medical care. Along similar lines, some of these families live traditional farming lifestyles, and do not track things such as height or exact date of birth according to a Western calendar. The gap between the information that families have and the information agencies require for the search means that missing person reports for migrants either contain very scant information or are not collected at all. The absence of physical records for the missing reveals another way in which migrants are undocumented, and another way that they become invisible. The absence of dental records, hospital records, or birth certificates can severely limit the chances that the person, if they died, can be located among unidentified human remains cases. In short, many migrants are illegible to the state, and this can

impact health and overall wellbeing. This is an example of a situation where visibility and “surveillance” can be understood to be a resource that is inequitably distributed.

Border Rumors and Stigma

Adriana’s suspicion that her mother might have been kidnapped is representative of the concerns held by many families about rumors of suspicious activity in the desert borderlands. In addition to kidnapping, Adriana worried that her mother may have been caught by Border Patrol and never released, or that she had never even crossed the border, but instead disappeared in Mexico. She could not reconcile this with the testimonies of those who crossed with Mayra, but, as she explained, “I just don’t know what to believe anymore.” Family members of the missing and dead, many of whom have crossed the border themselves, speak of the desert borderlands as a strange space where it seemed almost anything could happen. They described it as *muy feo* (very ugly/awful), or *extraño* (strange), and the circumstances of the death or disappearance as suspicious or mysterious. Although most of the confirmed deaths have been due to environmental exposure (hyper- or hypothermia), relatives of the dead often do not believe this determination, and are convinced that their loved one was murdered. Some rumors I have heard in the course of my research include: that Native Americans capture migrants and put them into forced labor building bricks or planting crops; that ranchers kidnap migrants and hold them as slave ranch-hands; that the drug cartels take migrants and force them into slavery or prostitution; or that Sheriff Joe Arpaio has a secret prison camp in the desert. Some families wonder if the person is in the hospital and brain dead or

experiencing amnesia. Others were told by acquaintances that the missing person was spotted doing drugs or drinking near the border, and that is why the family has not heard from them. One woman was told by acquaintances that her husband had been kidnapped by a cartel and castrated, and that was why he couldn't call her—he was ashamed that his voice had become like that of a woman.

These rumors are revealing of both the political economic context of migration, and of the social stigma that families of missing migrants often experience. In many cases, these fears are substantiated. Although many of the rumors about kidnapping, forced labor, and secret detention are likely untrue, they are symbolic of the anxieties migrants have about the very real abuse and exploitation they experience as vulnerable workers in the United States. The fears regarding drug and human trafficking are also legitimate. Several missing person reports in Colibrí's database are for women whose kidnappings by human smugglers were witnessed by family members or fellow migrants. The abduction of migrants by drug or sex trafficking organizations occurs at an alarming rate in some regions of northern Mexico (Slack and Whiteford 2011; Isacson and Meyers 2014). Several cases of mass murders of migrants, likely by drug cartels, demonstrate the extreme vulnerability of migrants en route.¹⁷

The rumors that families cite of missing migrants seen drinking, doing drugs, or otherwise indisposed are representative of ways in which migrants and their families are stigmatized. As a 2009 Inter-American Commission on Human Rights report on security and human rights in the Americas noted, "In many countries of the region, migrants are

¹⁷ The Argentine Forensic Anthropology Team is investigating several incidents of mass murders of migrants including the Cadereyta Jimenez Massacre in Nuevo Leon where the dismembered remains of 49 individuals were discovered scattered along a major highway.

stigmatized; large sectors of the population blame them for the increase in violence and crime” (2009: 35). Women in particular are vilified, and the wives of migrants are often blamed for their husband’s choice to migrate (Mummert 2012). The issue of death and disappearance can then add another layer of social scorn. Anthropologists have long noted the stigma that often accompanies the bereaved, especially for those who died bad deaths (Hertz, 1960; van der Geest, 2004). In the case of families of the disappeared in Argentina, Robben discussed a double stigma for families of the missing, as “people feared that their association with the relatives might be politically dangerous” (Robben 2000: 89). Undocumented or mixed-status families living in the U.S. face similar social rejection and isolation as others fear guilt by association.

Claudia

I first spoke with Claudia in 2011, when she called the medical examiner’s office in search of Francisco, her ex-husband and the father of her daughter, Valeria. Francisco, originally from Puebla, Mexico, had lived in Las Vegas for more than 20 years where he had worked as a landscaper. One afternoon in July of 2011, he was driving home after drinking with work friends, and was pulled over by police. He was charged with Driving Under the Influence (DUI) and jailed. When he was unable to produce a driver’s license, Immigration and Customs Enforcement (ICE) was called. He was sent to a detention center in Arizona, and then deported to Tamaulipas, Mexico. Shortly after deportation, Francisco and several others prepared to cross the border together. The men planned to cross even though it was July and the daily highs in the Arizona desert were regularly

reaching triple digits. Each of the men had their own reasons for wanting to make it back across the border quickly. Francisco didn't want to miss his daughter's 10th birthday party, and he also needed to get back to work so that he could pay rent. Francisco called Claudia and Valeria from the town of Altar, saying he would cross the next day. He promised to call them when he got to Phoenix in a few days. Claudia recalls the conversation, "I said be careful, God Bless you, and I'll see you when you get here. That was the last I heard from him."

When the call still hadn't come after a few days, Claudia wasn't particularly worried. She called the wife of one of the other men, Lourdes, to ask if she had heard anything. Lourdes said that she had heard that one of the men, Raul, had been caught by Border Patrol and was in detention in Florence, Arizona. As Claudia recounts,

So I figured, well, if they got Raul, they probably have Paco [Francisco] too. I knew he didn't know phone numbers by heart, so he probably just hadn't called. So that just kind of lingered on there like that for awhile. Then, in September, Lourdes called me, and said she was contacted by Raul, who called her from Mexico. After a month in detention, Raul had told Lourdes that Francisco "had stayed behind." What does that mean he stayed behind? Lourdes said, "Well, I don't know, but here is Raul's number, you should call him." So I called, and I said, "this is Paco's wife, and I need to know what happened."

Raul told her that they had waited around in Sasabe, Mexico, for five days while their coyote assessed the conditions for their crossing. Eventually, the coyote decided that it was "too hot" (too much Border Patrol presence), and they would just have to wait indefinitely for things to cool down. Running low on time and money, the three men

decided to cross on their own. They walked in the desert for two or three days. They quickly ran out of water, and survived by eating cactus. One of the men went off on his own, leaving Raul and Francisco together. Raul said that it was on the 2nd of August when he left Francisco behind in the desert, under a tree near a Quijotoa (a town on the Tohono O’Odham Nation). Francisco had been struggling, likely suffering the effects of heat stroke. He had said that he wanted to stay behind to rest, and that he would catch up with Raul later. Raul didn’t know what else to do, so he left him there under the tree, and walked to a road. He flagged down a Border Patrol vehicle, and told them that there was a man in severe distress awhile back. The agents refused to look for Francisco, but instead arrested Raul and took him to the Florence detention center.

After getting off the phone with Raul, I just wanted to get in my car and drive to Arizona to find him. But I had just had surgery two weeks before that, and I had to do my dialysis. I couldn’t drive. And I had no idea where to go. Raul had just said ‘Quijotoa.’ And that was that.

Claudia began the process of searching remotely. The search was both frustrating and terrifying. She made dozens of calls to various law enforcement agencies, consular officials, and hospitals. She gave a full missing person report to the Mexican Consulate in Tucson, and then heard nothing. When she called back, about six months later, the consular official said, “When I get any new information, I will get in touch with you, but I don’t investigate these cases.” When she called Border Patrol, she was connected to search and rescue (BORSTAR). She gave the agent a full description of Francisco and told him the entire story of what had happened.

He kept asking, 'do you know if they were carrying any drugs?' He even called me back to ask more questions, particularly about the coyote. And then he wanted to talk with Raul. After he spoke with Raul, he finally said, 'it doesn't seem like they were carrying any drugs, and they just crossed over by themselves.' Then he tried to claim that Raul hadn't told the agents that he had left someone behind, and tried to say that Raul wouldn't have been able to get back to the same spot. Then he said, "It seems like Francisco was breathing very heavily and his organs were slowing down. The agents who apprehended Raul didn't have time to go back to search, because they would have been searching for a cadaver."

In the meantime, Claudia was receiving phone calls from people claiming to have kidnapped Francisco. They threatened to kill him unless she wired them thousands of dollars. In a moment of fear and exhaustion, she wired them all of her savings.

I caved. They wanted \$1000, in exchange for letting him go. I transferred the money from my bank. I crossed the street, and changed my mind. I went back to the bank and tried to get the money out, but they had already collected it. Just in the time it took me to cross the street and back, they had already collected the money. Then I never heard anything from them again.

When Claudia got in touch with me at the PCOME, I took a detailed report, repeating the process that Claudia had already been through twice. I then collected medical information from Francisco's doctor at the detention center, and obtained fingerprints from Border Patrol. Claudia had tried to collect these documents herself, but

both agencies refused to give her information, citing privacy laws. Then, even with the high quality of the data for Francisco—location notes, dental records, and fingerprints—there were still dozens of unidentified remains that I could not rule out. Because Claudia lived in the U.S. and was not undocumented, I encouraged her to go to the police to file yet another missing person report so that Valeria's DNA could be collected and compared against unidentified remains. When Claudia contacted the police, they said they could not take a report for Francisco because he was crossing the border illegally into Arizona. If anything, Claudia would need to file a report in person to the county where he went missing, which was something Claudia could not do because of her health.

In order to get DNA collected from a relative of Francisco's, and compared to DNA taken from unidentified remains found in Pima County, I contacted the Argentine Forensic Anthropology Team (EAAF) which had the funding and the agreements in place to collect and compare DNA for migrant cases. Even then, the process was not simple. In order to protect the integrity of their project, EAAF has rigorous protocols in place for how, where, and from whom DNA is collected. Finally, after weeks of emailing, planning, and signing agreements, I was able to visit Claudia and Valeria in Las Vegas, and collect a blood sample from Valeria. We met in May of 2013, over two years after Francisco disappeared. EAAF collected an additional sample from one of Francisco's relatives in Mexico, and both samples were sent to the laboratory where unidentified DNA samples are sent from the PCOME. To date, no positive matches have been reported by the lab.

Claudia's case illustrates many of the same themes already discussed, such as extortion by anonymous callers, the treatment of families by officials, and the intersecting

threads of vulnerability that can cause families to give up the search entirely. Several additional themes apparent in Claudia's story include the fact that deportation can be a risk factor for death and disappearance in the desert, the fiduciary problems of having a missing person, and the challenges families face in getting their DNA compared to unidentified dead.

Deportation as Risk Factor for Death in the Desert

Francisco was rushing back across the border after being deported because he didn't want to miss his daughter's birthday, and because he needed to return to work in order to pay rent. Other migrants have disappeared trying to get back because they were facing eviction, because their kids had been placed in foster-care in their absence, because they didn't want to miss their daughter's wedding, or because their father was on his deathbed and they wanted to be at his side. Although further research is needed, I predict that there is a correlation between deportation and death or disappearance in the desert. As deportation severs individuals from their social networks, it is likely that it exposes them to elevated levels of risk, including risk of dying in the desert.

Fiduciary Challenges

In addition to the emotional need for information about Francisco, Claudia also had fiduciary reasons. She wanted to apply for dual-citizenship for her daughter, Valeria, but could not do so without the signature of the father or a death certificate proving that

he was deceased. In addition, Francisco's bank accounts were still open and could not be closed without a certification of death. Families of missing persons in general face problems due to the legal ambiguity of a missing person. Financially, they cannot get benefits from social security, survivor benefits from life insurance, nor can they sell or distribute jointly held property without legal proof of death. Spouses of the missing often cannot divorce or re-marry. Families of missing migrants particularly face challenges when it comes to obtaining services or benefits for the children of missing persons, such as getting passports, dual citizenship, or regularizing their status. Although it is possible to obtain an official death certificate for a missing person, it requires a court to establish the fact of death. This is usually a complicated process that is generally not possible without the assistance of a lawyer, which most families cannot afford. These fiduciary challenges add to the chaos experienced by families of the missing, but also to the illegibility and invisibility of families of missing migrants *vis-à-vis* the state. Families of missing persons in general "are those most likely to face barriers to normal participation in a country's legal institutions," observed Adam Rosenblatt, "because of the irregular status that things like marriages and property ownership take on when a person is unaccounted for" (Rosenblatt 2015:55).

DNA Struggles

The challenges Claudia experienced in getting DNA from blood relatives of Francisco into databases where such data could be compared against DNA taken from unidentified remains is one of the most serious problems confronting the resolution of

missing migrant and unidentified remains cases along the U.S.-Mexico border. This problem stems from the initial challenge, discussed above, whereby federally managed databases, such as NamUs, are out of reach by families of missing migrants because of the requirement that families report to law enforcement. This may change now that NamUs allows a foreign consular case number, but at time of writing, foreign consulates were still not using NamUs consistently. Forensic practitioners who follow best practices along the U.S.-Mexico border submit samples of unidentified remains for DNA extraction to state or private laboratories, which then submit data for upload into the FBI's Combined DNA Index System (CODIS).

According to the FBI's website, CODIS is the FBI's "program of support for criminal justice DNA databases as well as the software used to run these databases" (Federal Bureau of Investigation 2016). The CODIS database includes indexes of DNA taken from crime scenes, convicted offenders, arrestees, directly from missing persons (such as from toothbrushes or hairbrushes), biological relatives of missing persons, and unidentified human remains. Currently, only DNA samples taken by law enforcement may be uploaded into CODIS (National Missing and Unidentified Persons System 2016).

2016). As the federally centralized repository for DNA data from unidentified human remains, CODIS is an invaluable resource for the resolution of missing person's cases. The inaccessibility of the system by families of missing migrants is an enormous obstacle for families searching for their loved ones, and for the resolution of unidentified cases along the border. In 2008, the PCOME began sending samples from unidentified human remains believed to be migrants to Bode Cellmark Forensics (formerly Bode Technology Group Inc.), a private forensic DNA laboratory owned by LabCorp Specialty

Testing Group. Following the advice of the PCOME, the Tucson office of the Mexican consulate selected Bode, and funds the processing of DNA for both the missing and the dead. As former Mexican consul of Tucson, Juan Manuel Calderon Jaimes explained, “This is the lab that offered us the best price, the one with more experience and the one that gave us a detailed statement about their background on how they have worked in natural disasters and massive events” (Alvarado Avalos 2008).

Because the PCOME has sent samples for unidentified human remains to Bode for so many years, a private database has been maintained that is not bound by the same policies guarding the use of data archived in the CODIS database. For this reason, and with the permission of the Mexican Consulate (that has paid for the sequencing of DNA from unidentified remains believed to be migrants found in Pima County), nongovernmental organizations such as the Argentine Forensic Anthropology Team and the Colibrí Center for Human Rights utilize the Bode database for comparison against family reference samples collected from relatives of missing migrants. Although this is positive for many families of missing migrants, there are still limitations. The Mexican Consulate usually does not collect samples from families of the missing unless there is a strong one-to-one match between a single set of human remains and a missing person. For families where there is no identification hypothesis, FRS are generally not collected by the Mexican consulate. The Argentine Forensic Anthropology Team (EAAF) is leading the first collaborative, governmental and nongovernmental regional system to collect FRS from all families of missing migrants for comparison against all unidentified human remains found along the U.S.-Mexico border. In order to assure quality control and to follow official procedure, the EAAF is setting up agreements with governmental

jurisdictions in the countries where migrants originate. As of 2016, the EAAF had agreements with the governments El Salvador, Honduras, Guatemala, and the Mexican states of Chiapas and Oaxaca. For families of those who crossed and disappeared outside of Arizona, such as in Texas, the situation is different, and even more complicated, and will be covered at length later.

I have already discussed the ways in which social services for immigrants are militarized. The issue of management of forensic DNA in the borderlands opens interesting questions about the privatization of such social services. In a sense, because the public options to resolve missing migrant cases are largely out of reach to this population, those wishing to assist families of missing migrants are increasingly faced with private options, whether these are corporate, like Bode, or nonprofit, like EAAF and Colibrí.

Borders in the Land of the Dead

As Adam Rosenblatt said after I explained the challenges families of missing migrants face in their search, “there are so many borders keeping these families from their dead.”¹⁸ The invisibility and vulnerability of migrants in life contributes to their erasure in death. This disappearance is then made more thorough and complete by the structured lack of access families have to services to assist them in their search, and the systematic lack of attention given to these cases by authorities. While the actions of individual state actors in this context are complex and uneven, the predominant

¹⁸ Rosenblatt, personal conversation, April 8, 2016

experience of families of the missing reveals a *system* that denies them information and continually places them outside the protection of the law. Given these structural forces of erasure, it is likely that the true number of missing migrants, both at the U.S.-Mexico border and globally, is likely much higher than anyone has imagined.

Despite all of these borders keeping the families from their dead, the families continue to cross them in their hopeful search for information. Relatives of the missing have risked deportation and death to find their loved ones. Although their search often happens in a space of invisibility and exclusion, the strength and consistency of the search despite these obstacles is a powerful political act that claims the missing as persons who existed, who mattered, who were not invisible, who were not replaceable.

Chapter Four: Identification

Science is armed with the microscope; Justice is blind.

-Theodore H. Tyndale, Massachusetts Medicolegal Society, 1877

The lack of a stated legal imperative does not preclude a moral imperative.

-Bruce Anderson, Forensic Anthropologist¹⁹

I came to know the border first through the case-files of the dead and the missing. As I typed page after page of handwritten notes into clean lines and boxes in a spreadsheet, I filtered the remembered details of loved ones—scars, moles, tattoos—into both a database and gradually, into a more nuanced understanding of the border. One report for a missing Guatemalan woman, taken by Bruce Anderson, has become somewhat representative to me of my own shifting understandings of the processes of loss and care in the borderlands. The report was taken using the one-page form Bruce had created. It included very scant handwritten information, next to a photocopied picture of a woman wearing a bright blue Guatemalan *traje* (woven dress). Details in Bruce's handwriting included her name, her age, the date she crossed, and the phone number for her family. It also included, written on the margins, "She was a quiet person. She did not bite her nails." When I first read this, back in 2006, I noticed the obvious goals of the

¹⁹ Reineke and Anderson, 2016

report—to represent, record, and document traces of a missing person in the hopes that she could be found, or identified among the dead. My focus was on the woman—her disappearance, her *traje*, her fingernails. What I did not appreciate at the time was the other person present in the report—the person who had taken the time to write down a family’s remembered details that he knew would not be useful for a forensic search.

Weber wrote that “bureaucracy develops the more perfectly, the more it is ‘dehumanized,’ the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation” (Appelrouth and Edles 2008). Bruce Anderson is far from a bureaucrat, but as a government employee, he is undoubtedly perceived by some as completing the “official business” of tucking the ambiguity of death back into ordered categories constructed by the state (Weizman 2014). The missing person’s report discussed above, along with many other examples discussed throughout this dissertation, allude to an *excess* or an *extra* not appreciated in most analyses of government officials. In many ways, this dissertation is about the varying forms of *extra* that exist the borderlands: people considered to be “extra” or “illegal,” the extra trauma brought on by the disappearance of a loved one, the extra violence experienced by migrants even after death, and, as I will discuss here, the extra *care* provided to the dead and their families by forensic experts.²⁰ Much of this care exists in an extra-legal zone not monitored or dictated by the law, or even by the policies of the government offices where forensic scientists work.

²⁰ I am indebted to Adam Rosenblatt for this observation of the various forms of *extra* discussed in my dissertation.

I have already discussed how the investigation and examination of the dead bodies of migrants along the U.S.-Mexico border is highly uneven, depending on where the remains are found. I will continue this discussion with a particular focus on those portions of forensic work that relate directly to identification, which is carried out predominantly in the domestic medicolegal context by forensic anthropologists. By naming the dead, human identification is a powerful act of making the dead visible. As discussed in Chapters 2 and 3, the border dead and missing are, to a large degree, socially invisible. In this context, the choice by forensic anthropologists to do extra work to identify the dead is highly political, and, I will argue, is an act of care. The processes through which a dead body comes to be named or unnamed are social, and in fact, organized. Individual forensic actors along the border have tremendous influence on the trajectory of these human remains, and often draw their guidelines not from the law, but from professional ethics and personal morals. Although this “choice” is often highly personal and somewhat constrained, it does not exist outside social contexts and publics, and should not be seen as purely individually negotiated.

The PCOME has approached the challenge of human identification with innovative procedures to ensure that every reasonable effort is made to identify the deceased. Importantly, most of these efforts are not required by local, state, or federal law. The PCOME has developed its approach to identification efforts out of a humanitarian interest in caring for both the dead and the families of the missing. In this medicolegal office, there is both bureaucratic work and there is work to care for the dead and their families. In this chapter I will consider the various obligations of forensic experts—bureaucratic, therapeutic, and humanistic. Importantly, most of these

obligations are not formalized in written law or established practice, but are understood and protected by professional ethics and cultural norms.

Most studies about the forensic examination of the dead have focused on post-conflict settings, and have emphasized the ability for such expertise to provide evidence of crimes as a means toward justice for survivors (Juhl 2005; Joyce and Stover 1991; Sanford 2004). The focus is often on the failure of states to honor this obligation, and the power of the particular evidence provided by forensic expert readings of dead bodies to reveal violations of the law (Sanford 2004; Verdery 1999; Rosenblatt 2015). Indeed, as “the modern history of forensics is of course the history of the techniques by which states police individuals,” (Weizman 2014:11), it follows that the outward-facing objectives of the field would have to do with the rule of law. However, there are other histories that have also impacted the ethical orientation of forensic experts, including the development of democratic ideals of equality, justice, and individuality (Laqueur 2015) as well as the values of reparation, healing, and humanitarianism that have developed in the international human rights movement (Rosenblatt 2015). In addition, while many other experts in forensic medico legal work may have training either in medicine, law, criminology, or a combination of all three, forensic anthropologists come strictly from the broader discipline of Anthropology, a field which has spent the past fifty years reckoning with its fraught involvement in colonial violence and racist pseudoscience. The corrective efforts of the field have resulted in a culture that is predominantly politically liberal, egalitarian, and humanistic.

The term “forensic medicine” has been used to describe the medico-legal field, but is usually defined as the application of medical knowledge to legal questions.

Forensic medicine is understood to be a step removed from medical practice: forensic experts apply medical knowledge to legal questions, not to patients. The science and technology of forensics have come to discursively stand in place of the practitioners. I argue for an expansion of the view of forensic experts—forensic anthropologists in particular—that recognizes a healing orientation especially in contexts where their work is focused on identifying the dead. Such a view allows for critical engagement with practice rather than an analysis that reifies the positivistic paradigm of biomedical approaches to the dead body. Forensic experts are not all merely technicians that produce evidence, facts, or truths. They are active participants in social worlds who have an impact on, and in turn are impacted by the living and the dead. Finally, an approach that appreciates a healing orientation among forensic doctors also allows for the possibility that scientific human identification is not always the correct “medicine” for relatives of the missing, and that forensic scientists are not always the right “doctors” to treat them.

Objects Owned by No One

Dead bodies are objects with weight. The dead are always powerful socially, whether understood to be sacred or dangerous or both. Although dead bodies are never seen as uncomplicated objects, their social placement exists along a spectrum ranging from object-hood to personhood, tending more toward one or the other end of this spectrum depending on the social value placed on the deceased. As historian Thomas Laqueur has emphasized, there is a “universally shared feeling not only that there is something deeply wrong about not caring for the dead body in some fashion, but also that

the uncared-for body, no matter the cultural norms, is unbearable,” (Laqueur 2015: 8). Similarly, historian Michael Sappol has observed the norm that “the dead self should ‘rest in peace,’ outside the exchange of goods. If anything, it should be the *beneficiary* of the system of exchanges” (Sappol 2004: 38). The word “self” is important here. Whether a dead body is seen to have a “self” or not depends where the person was placed in life within the dominant social categories such as race, class, gender, religion, or ethnicity. As discussed in Chapter 2, there are those dead bodies which are included in these social obligations of care, and there are those which are delegitimized, excluded, or harmed.

Even though—in fact perhaps *because*—the dead are special, legal obligations and protections regarding the dead body in the U.S. are minimal and subject to a wide array of interpretation (Jentzen 2009; Holland 2015). The dead are not protected by property laws, but rather by complex and often ambiguous rights that inconsistently protect the family of the deceased (Clark 2005; Holland 2015). This status outside property laws makes legal oversight for the dead ambiguous under the law. There are more laws regarding what cannot be done with a dead body, rather than what is required *to do for* a dead body or family. Even in cases of active mistreatment of the dead, appealing to the law has its limitations. Next of kin can appeal in cases where the mistreatment of remains of loved ones caused mental distress, but not without difficulty (Clark, 2005; Ochoa 1997; Holland 2015). The Model Penal Code provision concerning abuse of dead bodies defines such abuse as a misdemeanor, explaining, “greater penalties seem plainly excessive in light of the fact that the harm involved is only outrage to sensibility” (Ochoa and Jones 1997:567). This language points to the inadequacy of the law for protecting the treatment of the dead and the feelings of the bereaved.

Unidentified or unclaimed dead bodies have even fewer legal protections. The unidentified dead are legally *res nullius*, or “objects owned by no one” (Clark 2005). Without a family, the unclaimed dead have essentially no rights, and under the law, no personhood. Unclaimed dead bodies become the property of the state or county in which they were found, and in many states, are legally transferred to medical schools to be dissected for anatomy training (Clark 2005). As long as human remains are legally obtained through these means or through body donation programs, research and experimentation on dead bodies is largely unregulated by the law. Researchers wishing to study human remains do not have to present their research before an Institutional Review Board (IRB), and there are very few legal guidelines constraining research that can be done on unclaimed dead bodies.

For dead bodies that are investigated forensically at a medical examiner or coroner office, legal protections and stipulations relate primarily to the potential for future criminal investigations or public health implications, rather than to considerations for the dead person, or the family of the deceased (Jentzen 2009; Clark 2005; Timmermans 2006). Importantly, there is no legal imperative for medico-legal offices to do everything in their power to identify unknown remains. For the most part, the work to transition an unclaimed body with the status of object-hood to an identified body with a name, family, and unique personhood is protected not by the law, but by ethical systems in the professions of forensic anthropology and pathology. The regulations, protections, and guidelines regarding the treatment of dead bodies *as persons* in the U.S. is predominantly established in the realm of ethics, morals, and customs, which are maintained socially and culturally.

Extralegal Forensic Work Along the U.S.-Mexico Border

Because migrants crossing the border die outside, alone, and without the supervision of a physician, their bodies become overseen by medico-legal institutions tasked with investigating suspicious deaths. Rather than being cared for by a family or a funeral home, these dead are first seen by medical examiners, coroners, or justices of the peace, who oversee the work to determine cause of death and identity. In terms of the latter process, that of identifying the dead, some of these offices approach their task by completing only what is required of them under the law, whereas other offices take an exhaustive approach, going above and beyond what is required legally in their efforts.

In order to understand the varying practices regarding efforts to identify the dead along the U.S.-Mexico border, I will take a comparative approach, and look closely at the practices and procedures at both the PCOME in Arizona, and medicolegal practices in Brooks County, Texas. Although I have vastly more experience and intimate knowledge of the procedures in Arizona, I undertake this comparison to illustrate the fact that the identification of the dead is largely unregulated by government oversight, but instead is a practice of care taken on by forensic experts, especially forensic anthropologists, to honor their professional ethical and personal moral standards. In addition, viewing the practices of forensic experts at the PCOME when compared with other border jurisdictions reveals how extraordinary the work taking place at this office actually is.

Arizona

Although a small portion of migrant remains fall under medico-legal jurisdiction due to suspicious circumstances (i.e. homicide), the majority of these cases come to the medical examiner's office because they are unidentified and found without doctor supervision. The Centers for Disease Control cites Arizona as one of 22 states in the U.S. with a medical examiner system, meaning that by law, all suspicious or unattended deaths are seen by a medical examiner—a physician, usually with specialized training in forensic pathology (Centers for Disease Control 2016). In addition to completing the portions of the examination required by Arizona state law, forensic practitioners at the PCOME complete additional investigative work. Some of this additional work is outlined in professional best practices guidelines established by the National Association of Medical Examiners or the American Academy of Forensic Sciences, but there is a portion of the work that is innovative, creative, and locally grounded. It is this latter category of practices I will discuss in detail.

In Chapter 2, I discussed the examination procedures for unidentified remains cases brought to the PCOME. If human remains are still unidentified after external examination, autopsy, and forensic anthropology examination, a number of additional steps are taken by the PCOME to identify the decedent. Nearly all unidentified remains the office sees are believed to be migrants, with the exception of one or two cases annually. An average of 150 unidentified remains cases are examined by a forensic anthropologist each year. About 40 percent of these cases are unresolved each year, adding to a cumulative total of over 900 unidentified human remains that have been examined at the PCOME between the years 2000 and 2016. The PCOME stores

unidentified remains for a period ranging from a few weeks to several months, depending on the investigation, after which time they are released to the Pima County Public Fiduciary for burial or cremation.

Unidentified remains investigated by the PCOME can be grouped into two categories: short-term unidentified, and long-term unidentified. Short-term unidentified cases are those where the remains are physically at the PCOME, and medico-legal investigators are actively completing checklists before release. Long-term unidentified cases refer to those cases where the PCOME has completed the examination and investigation, and the remains have been released to the Public Fiduciary. Although PCOME forensic practitioners often continue to try and identify long-term unidentified remains cases after release, the bulk of the work on identification is focused on those cases still physically at the facility.

As the crisis of migrant deaths escalated, the office developed what PCOME practitioners call the “Unknown Release Protocol” (URP), which is a checklist of procedures to be completed before remains are released as unknowns. The URP undergoes regular edits as new procedures are developed and new partnerships emerge with other organizations. The 2016 URP included the photographing of any and all items that could lead to identification, such as ID cards, personal effects, clothing, tattoos, or the face when recognizable. It also included fingerprinting and the comparison of fingerprints against various databases; forensic anthropological exam and the completion of skeletal and dental radiographs; and retention of a tissue sample for DNA. The entire case with all relevant details is entered into the National Missing and Unidentified Persons System (NamUs). While the National Institute of Justice encourages local

medico-legal offices to enter unidentified cases into the system, this is also not required by law. In addition, the URP includes a final section on comparisons to missing person reports. Under “Missing Persons Searches for possible matches,” the following are listed: FSC missing persons file, NamUs MP database, OGIS search within 2 mile radius of recovery location, and Colibrí consulted for database search. Finally, the URP ends with “All reasonable efforts made to effect identification of remains.”

The list under “searches for possible matches” includes various partnerships with outside entities that manage data about missing persons or unidentified remains cases. The first on this portion of the list, “FSC²¹ missing persons file,” refers to missing persons reports archived at the PCOME. As discussed earlier, this is an unusual task for medical examiners offices, which typically do not track missing person cases. The second entry on the missing person’s portion of the URP is “NamUs MP database,” which refers to the portion of the NamUs database that includes Missing Person (MP) reports. The next entry, “OGIS search within 2 mile radius of recovery location,” actually refers not to a missing persons search, but to a cross check against other UBC cases found in similar geographies. “OGIS” refers to a mapping tool named “OpenGIS initiative” developed by the nonprofit, Humane Borders, in collaboration with the PCOME. The project uses GPS locations to map all UBC deaths in southern Arizona in a publicly accessible online program. Medico-legal investigators at the PCOME can use this tool to check for other human remains cases found in similar geographies, allowing them to connect, for example, a case of a skull missing a mandible found in 2014 to a case of a mandible found without a skull in 2011. The final entry on the list, “Colibrí consulted for database

²¹ FSC refers to the Forensic Science Center, which is another name for the PCOME

search,” refers to the Colibrí Center for Human Rights, which is consulted before remains are released as unknowns.

Colibrí is one of several close partnerships the PCOME maintains with outside entities to more effectively identify the dead. Others include the Tucson Office of the Mexican Consulate, the Guatemalan consulate, the Salvadoran consulate, the Argentine Forensic Anthropology Team, and a handful of local humanitarians, academics, and activists. Notably, the organizations with the most comprehensive data about missing persons relevant to the border have no affiliation with U.S. law enforcement, which in other contexts in the U.S. is the most common resource for medical examiners searching for missing person data.

The longest and most instrumental partnership the PCOME has maintained has been with the Tucson office of the Mexican Consulate. Mexican nationals consistently make up approximately 80 percent of all UBC cases identified at the PCOME each year since the early 2000s. Consular officials visit the PCOME weekly, and even daily in the summer months when deaths in the desert peak. The consulate assists the PCOME by checking names found on identification media against lists of missing persons, providing identification hypotheses based on circumstantial data such as tattoos or clothing, offering national or cultural insight about the significance of certain items carried by migrants, and covering the costs associated with one-to-one comparisons of DNA between unidentified remains and relatives of missing persons. Finally, it is the role of the consulate to assist families in the repatriation process once remains are positively identified as those of Mexican nationals.

The PCOME also works closely with the Argentine Forensic Anthropology Team (EAAF), a nonprofit nongovernmental group of forensic anthropologists and lawyers famous for their human rights investigations around the world. In the migration context, EAAF works with families of missing migrants primarily in Central America and southern Mexico, collecting missing person reports as well as DNA in partnership with family advocacy organizations in the region. The collaboration between the PCOME and EAAF has produced substantial results, especially in terms of identifying the long-term unidentified.

In addition to the thorough examinations, the checklists, and the collaborative partnerships with outside organizations, the PCOME has also worked to make the crisis of migrant death along the border publicly visible by working with and or supporting the work of academics, community organizations, and reporters. Staff at the office have also been actively involved in pressuring for the reform of policies that prevent them from utilizing federal systems for the benefit of their caseload.

Texas

Although there are dozens of medico-legal offices along the U.S.-Mexico border that investigate the deaths of migrants, the only other single county that has seen anywhere near the volume of Pima County is Brooks County, Texas. The comparison between the two entities is largely unfair. According to the U.S. Census, 2014, Brooks County has a population of 7,194 compared with Pima's 1,004,516, and a taxpayer median household income of \$22,176 compared with \$46,233 in Pima County. In

addition, Pima County has gained more than a decade of experience in investigating the deaths of hundreds of migrants each year since 2000, and experience before this time with migrant deaths averaging about 19 from 1990 – 1999 (Anderson 2008). In contrast, Brooks County experienced an influx of migrant deaths beginning in the year 2012, with 129 such fatalities that year compared with 64 the year before.²² An additional major inequity between the two counties is the type of medico-legal death investigation system followed by law in each state. Arizona follows a medical examiner system for cases of sudden or unexplained deaths, which means that it is required by law for such cases to be referred to a forensic pathologist. In contrast, Texas follows an antiquated Justice of the Peace System, where such cases are overseen by a complex network of judges who act as coroners. Although Justices of the Peace are required to conduct an inquest in cases of unattended deaths (among other fatality categories), they have the authority to decide if a case should be provided an autopsy by a forensic pathologist (Centers for Disease Control 2016). Despite these major differences between Pima County and Brooks County, the comparison between the two is illustrative of the flexible nature of forensic investigation of the dead in the U.S.

When human remains are discovered in Texas, both the Sheriff's Office and the Justice of the Peace are called to the scene. Prior to 2013, remains believed to be migrants were then transferred to one of two funeral homes for further investigation (Kovic 2013; Frey 2015). These cases were not provided with autopsy, forensic anthropology examination, or DNA sampling before burial (Collette 2014). The Brooks County Judge's office, which oversees the network of Justices of the Peace, contracted several

²² Email correspondence with members of the South Texas Human Rights Center, March 27, 2016

funeral homes to receive remains recovered from the desert, provide a cursory examination, and bury the remains in the county cemetery (Frey 2015). Although some of these remains were identified through investigations in collaboration with the funeral homes, Brooks County Sheriff's office, or the Mexican consulate, many were buried as unknowns.

Beginning in 2012, a coalition of activists, lawyers, and university-based forensic anthropologists began pressuring Brooks County to reform their procedures for the investigation of migrant deaths (Kovic 2013). It was discovered that remains were not being autopsied, examined by an anthropologist, or sampled for DNA before burial (Frey 2015; Collette 2014; Kovic 2013). Without these steps, it is very unlikely for decomposed or skeletal remains to ever be associated with missing person reports and positively identified. At least two relatives of missing migrants were told they would have to pay the funeral home to complete the portions of the exam that were not done initially.

One of these relatives, Marta Iraheta, the aunt of missing Salvadoran man, Elmer Esau Barahona, shared her story with me, as well as with Texas human rights advocates who published her story in a public policy report (Kovic 2013). Elmer had crossed in June 2012. After injuring his leg, and falling ill after drinking water from a cattle trough, he was left behind in the desert by the group. Before leaving, a fellow migrant took down phone numbers from Elmer for his family, and tied his own shirt around Elmer's injured leg. When this man made it to safety, he called Elmer's family and told them what had happened. He described his shirt, which he said would be around Elmer's leg, as a brown and white, long-sleeved, plaid button-up shirt.

When Marta visited Brooks County Sheriff's Office in search of Elmer, deputies showed her photographs relating to several cases of unidentified human remains. In one set of photos, she saw a plaid brown and white shirt. When she asked where the remains for this case were, she was referred to Elizondo Mortuary. Upon contacting Elizondo, Marta was told that she would have to pay thousands of dollars to exhume the body, conduct DNA testing, store the body each day it was out of the ground, and, if it turned out not to be the body of Elmer, for the remains to be re-buried. By working with a number of advocacy organizations, Elmer's family was finally able to get answers and bury his remains. Because the remains had not been properly examined before burial, his case was part of a large-scale project overseen by university-based forensic anthropologists to exhume and examine all unidentified remains buried in Brooks County's municipal cemetery. The Colibrí Center for Human Rights and the Argentine Forensic Anthropology Team (EAAF) worked with Elmer's family to collect antemortem information and a DNA sample. It took more than a year for Elmer's remains to be positively identified, and then another year to be released to the family because of further bureaucratic delays.

In the summer of 2013, forensic anthropologist Lori Baker led a team of students from Baylor University to exhume 55 cases of human remains from the Brooks County public cemetery (Kovic 2013; Frey 2015). The exhumed remains were then sent to Baylor University, Texas State University at San Marcos, and the University of Indianapolis for skeletal examination and DNA sampling (Kovic 2013). A continuation of the project in the summer of 2014 produced nearly 70 more sets of unidentified human remains exhumed from the same cemetery (Frey 2015). As of 2016, the investigation and

analysis of these cases was still ongoing. University-based forensic anthropologists, primarily Kate Spradley her team at Operation Identification out of Texas State University, continue to work closely with nongovernmental organizations such as the Colibrí Center for Human Rights, the Argentine Forensic Anthropology Team, and the South Texas Human Rights Center to identify the dead.

Despite the inadequacy of the procedures followed by Brooks County for the identification of human remains, an investigation by the Texas Rangers in 2014 absolved county officials from any legal wrongdoing (Frey 2015). It should be noted, however, that failure to collect DNA samples from unidentified remains is clearly a violation of the Texas Criminal Code.²³ Whether or not Brooks County officials broke the law in this regard, they did *not* break the law by burying unidentified remains before autopsy and forensic anthropological examination, two aspects of a postmortem investigation that are critical for there to be any hope of identifying decomposed remains.

The 2013 intervention resulted not only in the exhumation of cases from past years, but also prompted a shift in the way that human remains cases were investigated in Brooks County. Since the intervention, unidentified human remains discovered in Brooks County are no longer sent to private funeral homes for examination and investigation, but are now sent to the Webb County Medical Examiner's Office, in Laredo, Texas, where autopsies, forensic anthropology examinations, and DNA collection are completed. While

²³ Article 63.056 of the Texas Criminal Code, regarding the Collection of Samples from Unidentified Human Remains states, "(a) A physician acting on the request of a justice of the peace under Subchapter A, Chapter 49, a county coroner, a county medical examiner, or other law enforcement entity, as appropriate, shall collect samples from unidentified human remains. The justice of the peace, coroner, medical examiner, or other law enforcement entity shall submit those samples to the center for forensic DNA analysis and inclusion of the results in the DNA database." (Texas Criminal Code, 2016).

this represents an enormous improvement in the treatment of the dead, an interesting new challenge has appeared for families of missing migrants. Although the Webb County Medical Examiner's Office does work with foreign consulates, the chief medical examiner, a forensic pathologist, does not allow her staff to work with the Colibrí Center for Human Rights or the Argentine Forensic Anthropology Team, and will only accept missing person data from law enforcement or other governmental entities such as consulates. Webb County officials are not violating any laws by refusing to collaborate with nongovernmental organizations. In fact, they are following precedent established by federal entities such as the Department of Justice and the FBI to only accept missing person reports from law enforcement. However, the lack of collaboration with the nongovernmental organizations who work most closely with the relatives of missing migrants is likely preventing a large number of identifications from being made.

A Moral Imperative to Identify the Dead

As of 2016, the Brooks County sheriff's office was working closely with several nonprofit organizations, and has become active in promoting best practices in the region. The shifting ground in terms of medico-legal procedures in southern Texas reveals the broad range in legal practice, as well as the largely unregulated power individual forensic practitioners have to determine the outcome of unidentified remains cases. In both the case of Arizona and the case of Texas, there is a large gap between practices that will more likely result in the identification of dead bodies, and practices protected by the law. In both cases, there have been individuals and groups who have pushed for better

procedures despite what is required by the law. Leading forensic experts at the PCOME in Arizona have acknowledged that much of their work is not required of them legally, but have each cited strong reasons why this work is imperative. The current Chief Medical Examiner at the PCOME, Dr. Gregory Hess has said, “Identifying someone isn’t in our job description in the Arizona statute, but the public would assume that part of our role is identifying the dead.”²⁴ Forensic anthropologist, Dr. Bruce Anderson has noted this lack of legal requirement, but has argued that, “the lack of a stated legal imperative does not preclude a moral imperative” (Reineke and Anderson, 2016). Former Chief Medical Examiner of the PCOME, Dr. Bruce Parks told a reporter in 2011 simply, “We treat people like we would want our family members to be treated” (McCombs, 2011). Whether citing public sentiments, moral imperatives, or the golden rule as reasons to identify the dead, these forensic practitioners share the viewpoint that such work is important.

Although there were severe deficiencies in Brooks County’s handling of migrant remains, then Deputy Sheriff Benny Martinez recognized these problems, but struggled to find support: “Triage. That’s all we do. I know better. I know that we’re really not covering it. The problem is funding.”²⁵ While this extralegal work is not illegal, it is deeply political, and often deprioritized by those in charge of small county budgets. In 2016, Benny Martinez became Sheriff of Brooks County and is a trusted and respected leader in the movement to improve practices relating to the dead and missing along the U.S.-Mexico border.

²⁴ Public presentation by Dr. Gregory Hess, Pima County Office of the Medical Examiner, 2014.

²⁵ Interview with Benny Martinez, Brooks County, February 28, 2012

Forensic experts who work diligently to identify the dead are not only going above and beyond what is required of them legally, but in some cases, are actually fighting local or federal policies that pose obstacles to this work. This is illustrated in the struggle forensic experts have had in utilizing U.S. federal systems as tools to assist in the identification of migrant remains. As discussed in Chapter 3, the federal system for managing data about unidentified human remains and missing persons reports, NamUs, is essentially inaccessible for families of missing migrants due to the system's policies requiring all missing persons to be first reported to law enforcement. Without a NamUs case number, families then cannot submit their DNA to the federal database, CODIS, for comparison against DNA taken from unidentified remains. In collaboration with the Colibrí Center for Human Rights, the PCOME engaged in a struggle with the administrators of NamUs to allow missing migrant reports taken by the PCOME or Colibrí to be entered into the system.

Although NamUs is overseen and funded by the National Institute of Justice (NIJ), the management of the system is contracted to external institutes. From 2005 through 2011, the National Forensic Science and Technology Center (NFSTC) worked with the NIJ to develop, complete, and operate NamUs (National Institute of Justice 2016). In 2011, the system was transferred to the University of North Texas Forensic Services Unit for management. When this transition occurred, those overseeing data entry for missing person cases changed from missing persons advocates affiliated with nonprofits such as the Doe Network to former law enforcement officials at the University of North Texas. At the end of NSFTC's term managing the system, the PCOME was granted permission by NIJ officials to upload 1,300 missing migrant cases into the

system. By 2012, however, University of North Texas officials were pressuring the PCOME and the Missing Migrant Project (the precursor to Colibri) to develop a law enforcement partnership in order for these cases to be valid. Their rationale was that missing person reports needed to be vetted by law enforcement in case the person was missing due to homicide. It is important to note that from 1990 – 2014, only 4% of the deceased migrants examined by the PCOME each year were determined to have died by homicide (Martinez et al. 2014), and none of these cases to date have gone to trial.

Despite these facts, University of North Texas case managers of NamUs maintained their position, and soon, NIJ administrators reversed their stance, and agreed with University of North Texas officials that all missing person reports needed to have law enforcement involvement to be entered into NamUs. In 2013, Dr. Gregory Hess of the PCOME advocated for the cases to be valid per NamUs and CODIS policies, due to Arizona Statutes. Whether managed by the PCOME or the PCOME's designee, Arizona state law allows the office to oversee missing person reports and data including genetic information. Hess cited the Arizona Department of Health Services Mass Fatality Response Guide, which stated:

The OME is responsible for family assistance for all mass fatality incidents due to the need to obtain ante mortem information, and possibly, DNA samples from family members of the deceased.

The guide continues,

Due to the demands on the OME (human remains recovery, morgue services, and some family assistance services) the OME will typically designate a lead organization to manage and coordinate family assistance and will work with that organization to ensure that family assistance is provided.

The PCOME is legally allowed to manage all procedures relevant to human identification in mass fatality events, including the intake of missing person reports and family reference samples. Hess argued that as Colibrí “acts as the family assistance center for the PCOME for this extended mass fatality event,” the organization should be granted access to NamUs and CODIS, which would “result in a number of new identifications and be of great assistance to the PCOME in the future.”²⁶

After consulting with the FBI, University of North Texas administrators (who manage both NamUs and CODIS) determined that Colibrí and the PCOME could not enter missing person data into either system without law enforcement involvement. As Colibrí manages the largest database of missing migrant reports in the country *because* the organization explicitly does not work with law enforcement and families of missing migrants feel comfortable reporting their case to caseworkers, Colibrí refused NamUs’s conditions.

Since this time, Colibrí has successfully fundraised to create an alternate system, independent of NamUs and CODIS, to compare both circumstantial and genetic data between unidentified human remains and missing migrant reports. In 2014, NamUs administrators did offer a compromise, and agreed to allow missing person cases into the system as long as the PCOME signed an agreement stating that the PCOME legally

²⁶ Communication with Dr. Gregory Hess, October 3, 2013

“owned” the missing person data managed by Colibrí. By this time, with an independent system already underway, and with the recognition that entering missing migrant reports into a publicly viewable system overseen by law enforcement was not in the best interest of the families of missing migrants, Colibrí and the PCOME declined.

For PCOME unidentified remains cases, there is the possibility of a system alternate to NamUs and CODIS for two reasons. First, the PCOME is open to working with nongovernmental organizations and second, because all DNA samples taken from unidentified remains at PCOME are sequenced at a private lab before genetic data is sent to CODIS. This private lab, with technical and financial support from the PCOME, the Mexican consulate, and the EAAF has maintained a complete database of genetic data for unidentified cases examined at PCOME. This means that there is an alternate centralized DNA database for Pima County unidentified cases.

For Texas, however, DNA samples are sent to the University of North Texas, which relies upon federal funding to process genetic data. With federal funding comes federal guidelines, including the provision that all missing person reports must be managed by law enforcement. Thus, for missing migrants who disappear in Texas, there is no clear alternate to NamUs and CODIS. At the time of this writing, there is still no clear path forward allowing for the comparison of missing migrant data managed by nongovernmental organizations against centralized data about unidentified human remains managed by the federal government. Forensic anthropologists and nonprofit leaders continue to pressure the NIJ, FBI, and the University of North Texas to find a compromise so that families of missing migrants can have answers without being forced to work with law enforcement. Allowing for comprehensive comparison just between

EAAF's genetic data (collected from relatives of the missing) and the genetic data stored in CODIS (collected from unidentified remains discovered in Texas) would likely produce hundreds of matches in a matter of weeks.

Throughout this process, forensic experts, anthropologists in particular, have had to become advocates or even activists in order to honor their professional standards of care, which are criminalized in the context of the U.S.-Mexico border. Their work to name the dead has become so political and threatening to the state that it has even come to be branded as illegal. These forensic experts, whether working for county medical examiners offices, universities, or nonprofits have been criticized for “establishing bad precedent” for “illegally collecting missing person reports” and for “subterfuge in trying to use federal taxpayer dollars for foreign national cases.”²⁷

Forensic experts wishing to utilize federal systems for the identification of migrant remains were essentially accused of the same crime as the undocumented—illegally crossing federal boundaries. The boundaries around these federally managed forensic databases are being policed, patrolled, and guarded to prevent illegal data from entering. This policing is producing a tragedy whereby hundreds, likely thousands, of families will either wait years or never have the answers they need to end their painful and dangerous search for the missing. It also means that much of the data painstakingly produced by forensic experts at the local level will be uploaded into federal databases to die and decompose, never to be compared against the correct database of missing persons. The policing of the U.S.-Mexico border includes the criminalization of immigrant communities and the service providers working to care for them. This border

²⁷ These comments have been made to me personally by various officials affiliated with NIJ, FBI, or the University of North Texas.

policing is producing modern mass graves. These are not the tombs of the late 20th century, but neoliberal and technocratic burials of data.

Caring for Families; Caring for the Dead

The disposition of the dead bodies of migrants found along the U.S.-Mexico border puts them into a special category of damaged, unidentified, and degraded dead that require extra rituals of care to reconstruct, remember, and reconnect them to social worlds. The work done by forensic practitioners along the border represents a form of care to tend to these human remains that is not controlled or regulated by the state, but rather by humanistic obligations of care rooted in the ideals of democracy, equality, human rights, and justice (Rosenblatt 2015). These ideals are particularly present in the discipline of forensic anthropology. Throughout the story of the work being done both in Pima and Brooks Counties, forensic anthropologists have played a key role: there was Bruce Anderson collecting missing person's reports and advocating for a "moral imperative" to identify the dead, there was Lori Baker exhuming the anonymous dead with her students, there were University forensic anthropology professors—Kate Spradley from Texas State University, and Krista Latham from the University of Indianapolis—examining the exhumed dead, and there was the involvement of the Argentine Forensic Anthropology Team and the Colibrí Center for Human Rights, both with roots in the discipline of Anthropology. The institutional commitment on the part of the PCOME to identify the dead may be partially due to the fact that the office has had a forensic anthropologist attending to the unidentified for nearly fifty years.

At each point where significant strides have been made to identify and make visible the border dead, anthropologists have had a critical role. The particular influence of forensic anthropologists on efforts to identify the dead has to do in part with their position in the process of medicolegal death investigation. Forensic anthropologists are generally called upon to examine unidentified remains that are highly decomposed or skeletal, which is the case for most cases of deceased migrants. However, the approach of these specialized experts also has to do with the value system inherent in the field of forensic anthropology as a whole. Although the discipline still reflects both historical impulses behind efforts to identify the dead—the legalistic, bureaucratic, and punitive identification of citizen-subjects *and* the humanistic, idealistic, and sentimental identification of individual persons—the latter has maintained particular significance in the field in large part due to the discipline’s historical relationship with the international human rights movement as it developed in the mid- to late- 20th century. As Claire Moon has argued, “the branch of forensics most closely identified with contemporary human rights investigations is that of forensic anthropology” (Moon 2013:153). As physical anthropologists with specialized training in human osteology who apply their training to medicolegal questions, the expertise of forensic anthropologists overlapped greatly with the needs of burgeoning human rights movement to identify the dead and document crimes perpetrated against them (Moon 2013; Rosenblatt 2015).

There is a popular reverence in the field of forensic anthropology for the use of the discipline in human rights contexts. This is evident in the deep admiration held in the field for Clyde Snow, “a founding agent of the meeting of forensics and human rights” (Moon, 2013: 154). Snow is likely the most quoted and respected figure in the field, and

his death in May of 2014 was memorialized with a special three-hour tribute in the Anthropology Section of the American Academy of Forensic Sciences meeting in 2015. Forensic anthropology is a relatively new field, and prior to involvement in human rights investigations in the late 20th century, was largely utilized only in domestic medicolegal contexts, particularly by the U.S. military to identify the skeletal remains of soldiers killed in the Second World War or the Korean War (Burns 2012; Moon 2013; Holland 2015).

Since Snow's groundbreaking work in post-*junta* Argentina to identify the victims of state crimes, the field of forensic anthropology has been undergoing a cultural shift that emphasizes the needs of families rather than the needs of the state (Rosenblatt 2015). This shift is also evident in the demographic change in a field historically dominated by men to a field where 80% to 90% of students are female. Rosenblatt has argued that in the international human rights context, "much of the work of forensic teams has moved outside the court of law to focus on other issues, such as the grief and uncertainty of families" (Rosenblatt 2015:12). For the discipline of forensic anthropology, this shift is also happening in the domestic context, as is evident in the way practitioners are approaching the identification of migrants along the U.S.-Mexico border. This transition shifts the ethical orientation of the field away from a strictly bureaucratic and legalistic application, and toward a therapeutic application. This is a radical change in a discipline whose practitioners have historically emphasized the objective and positivist nature of their expertise.

The healing orientation present within forensic anthropology is primarily expressed in terms of the needs of families of the missing and dead. As forensic

anthropologist, Krista Latham, who has been involved in the exhumation of migrant remains in Brooks County has said, “what keeps us going is knowing that we are doing something good and something necessary for the families of the missing” (Latham 2016). Similarly, Clyde Snow and his student, Mercedes Doretti of the Argentine Forensic Anthropology Team wrote in 2003 that the aim of their work was to “provide some solace to families who are at last able to properly mourn and bury their dead” (Doretti and Snow 2003:293). Moon has discussed how the work of “recovery and identification of human remains is also alleged to serve therapeutic aims, facilitating the ritual and ‘healing’ function of mortuary rites” (Moon 2013:154).

Moon’s use of the word “alleged” points to the fact that although many forensic anthropologists speak in terms of healing, such aims are often invoked rather than officially incorporated into research and training. Complex discussions about healing, mourning, and the local needs of families and communities are rare, and from my experience in the field, somewhat stigmatized. To emphasize the importance of human identification for families is one thing, but to discuss the emotional, social, and cultural needs of families to integrate the dead person into affective social worlds is quite another. While many forensic anthropologists would likely argue that this is not their job, and indeed, not a responsibility they want, the work of forensic anthropology does make “powerful and unpredictable incursions into social and political life” (Moon 2013:151). In addition, this expertise already exists, albeit unevenly, in the field. It was a forensic anthropologist who taught me not to use the word “body” when speaking with relatives, and who warned me against showing certain photos to families for fear of traumatizing them.

However, the therapeutic aims of forensic anthropologists are still on the margins of a field that is usually described by both insiders and outsiders as the application of expertise to legal questions, not to issues of healing. I predict and hope that this will change. While not all forensic anthropologists will need to augment their expertise in human evolution, osteology, trauma and pathology with competency in the social worlds of grief, trauma, or what Farmer calls “cultural humility” (Wight 2016), simply allowing these discussions into the formal halls of the discipline will serve it well. Not only will the development of these forms of expertise and knowledge assist in the various fields where forensic anthropologists do their applied work, but it will also protect the original four-fields, Boasian roots of the discipline in American Anthropology, an epistemological home threatened by those who wish to see the field become more closely aligned with the technical expertise of criminology. I believe that the writing is on the wall. As male old-guard forensic anthropologists retire, they are increasingly being replaced with young women, many of whom are at the frontlines of innovative research and practice at the margins of the social and the biological (for examples see Soler and Beatrice 2016 and Hughes et al forthcoming 2016). While many (male) forensic anthropologists attribute the increasing interest in the field among women to the prevalence of popular TV shows like “Bones,” a brief conversation with young women approaching the field will very often reveal motivations grounded in care.

Human Identification as Healthcare

Closer attention to the therapeutic aims and impacts of forensic anthropology is critical in settings where collective trauma has occurred. I propose considering human identification as a form of healthcare in order to open critical conversations within the field of forensic anthropology as well as to expand the analysis of contexts where forensic anthropologists work to include them as social actors, rather than merely as technicians who produce evidence. In addition, framing human identification as healthcare opens a conversation about the ways in which the science and technology of human identification can be medicinal and healing, but can also become medicalized and instrumentalized in ways that do not serve the interests of the people forensic anthropologists hope to help. By re-centering the needs of families, which are not necessarily related to a dead body but rather to emotional, social, and spiritual emplacement of the dead as an individual with personhood, practitioners can prevent against the entire point of their work being completely *missed* by those who need it the most. While it may not be appropriate in all contexts for forensic anthropologists themselves to act as translators between the lab and the community, an awareness of these needs is critical in a field so deeply involved in the process of human identification, which is not only a scientific process, but also a social one.

The forensic human identification process can fail in its objectives to heal, or worse, it can actually harm the living. For one thing, as discussed in Chapter 2, the dissection and examination of the dead that is often necessitated for scientific identification can, in many cosmologies, violate the body-soul of the deceased,

preventing emplacement in the world of the dead. While these techniques may not be preventable, the ways in which communication with families happens can deeply damage the ability for the family to make any use of the identification as a form of healing. Bruce Anderson has noted this difference in needs between forensic experts and families:

We have to get beyond the notion that DNA is the only way to identify a person. It can be, but not always. For loved ones, the old-fashioned means are also more real. Seeing the evidence with your own eyes is more satisfying than finding out a scientist matched your DNA. [Woodard 2015]

A case Colibrí was involved in provides a good example of these divergent requirements for identification. A Mexican man in his 50s was identified through DNA in a collaborative effort between the PCOME, the Mexican Consulate, and Bode laboratory. The family had reported him missing in the summer of 2014, and remains were found a few months later with an ID card in his name. Following a DNA comparison between the unidentified remains and the missing man's daughter, results came back that were inconclusive. The Mexican Consulate then collected another family reference sample from a different relative of the missing man, and this time, the DNA results confirmed the match. After both comparisons, the consulate called the family and informed them of the DNA results.

In 2016, the Colibrí Center for Human Rights received a missing person report for the same man, reported missing at the same time, in the summer of 2014. After observing that, per the PCOME database, this man's remains had already been positively identified, Kat Rodriguez from Colibrí called the family to ask why they had reported him missing

again. When she spoke with the man's daughter and wife, they explained that they had been told that one DNA result was negative, and one was positive, so they did not believe that it was him. They had received the remains, and buried them to show respect to the deceased, but did not believe at all that the remains were those of their missing loved one.

After confirming with the PCOME and the consulate that it was indeed a positive identification, Kat sent photographs of some of the personal effects found with the remains to the family. Upon seeing photographs of items they recognized, the family immediately believed that the man they had buried was indeed their loved one. They began to plan for an official memorial for remains they had already buried only after viewing photographs of the deceased man's possessions, something which could have been easily arranged before had those officials working with the family understood their needs for information, translation, and care.

This case is one among an increasing number of missing person reports Colibrí has received from families who already have a dead body. These families do not believe that the remains they received were those of their missing loved ones. Some have said that bones arrived in a box in the mail, with papers they could not read, or that they got a call from an official who told them that their son was dead, but they didn't understand the caller and didn't know what to do next. Layla Renshaw, who has studied the identification process for the victims of the Spanish civil war, articulated the crucial difference between scientific identification and what she calls *affective identification*. "Affective identification," Renshaw wrote, "refers to the reconstruction of locally meaningful identities, recognition amongst the living of affective bonds with the dead, and the emotions of mourning elicited in this process" (Renshaw 2010:449). Similarly,

Sarah Wagner, working with families of the missing and dead in Bosnia-Herzegovina, argued that an identification is not complete until the family has accepted it (Wagner 2008). Without attention to the social side of identification, a scientific positive identification may be rendered useless to the family, and serve only the bureaucratic needs of closing a case file at a medical examiner's office and changing the name on a death certificate. Some families may reject the identification completely, while others may accept the remains while quietly continuing their search for truth with no significant change in their status as families of the missing.

The identification and notification process can also cause harm to families. In one case, the mother of a missing 14-year-old Central American boy was shown photographs of the cranium of her son by consular officials, and asked if she recognized her child. She told Kat Rodriguez of Colibrí that she was not able to sleep for days, as all she could see when she closed her eyes was the skull face, jaws agape, that she had witnessed at the consulate office. Although she did ultimately believe that the bones were those of her son following results from a DNA comparison, the way in which the process was handled caused her additional suffering that could have been avoided if consular officials had taken a more sensitive approach.

The rejection of a scientific identification by families of the missing is often perplexing to forensic experts, and is discussed in terms of trauma or denial (Rosenblatt 2015). However, a family that rejects a scientific identification may not be “in denial,” but may be in need additional healing work that connects the memory of the deceased to the object of bones. Other families may reject identifications because of what Jenny Edkins has called a “politics of the missing,” that refuses to concede the political

demands made by families in exchange for dead bodies (Edkins 2011). The most famous example of families rejecting forensic identifications is the example of the *Madres de la Plaza de Mayo*, discussed briefly in Chapter 3. These mothers and grandmothers of the disappeared in Argentina protested the impunity of those who had kidnapped their children by encircling a public plaza, holding large photographs of their missing children. Their protest began in 1977 at the height of the disappearances. When the exhumations of mass graves started in the 1980s, the Madres were initially supportive. However, when immunity was granted to perpetrators, and it became clear that prosecutions would not take place, this support was withdrawn (Edkins 2011; Rosenblatt 2015). The Madres protested the work of the forensic anthropologists, even circling the mass graves and throwing rocks at forensic teams. As Edkins argued, “In the absence of a politics that recognized their children as irreplaceable political beings, they insisted that their children remain missing” (Edkins 2011:xiii). Rosenblatt described these efforts as the limits of justice: “Far from crazy or unrealistic,” the protest of the mothers of the disappeared “reminds us of the scope of grief, the permanence of some injustices, and the limits of forgiveness” (Rosenblatt 2015: 94).

Families of the missing may reject scientific identifications of the dead made by forensic experts for a number of reasons—due to trauma, lack of affective recognition of the remains, or as part of a political or economic strategy. For forensic experts wishing to help families of the missing, a lack of understanding of the social and political context may not only harm individual families, but may disrupt or prevent other, more locally grounded forms of healing and reconciliation from occurring. Just as is true of medical interventions for the living, those on behalf of the dead, the missing, and their families

may become medicalized, reducing complicated social problems down to individualized, abstracted component parts (Illich 1975). In the U.S. as well as internationally, scientific exhumations, examinations, and identification of the dead may be ill placed, or even forced, in contexts that call for different types of healing. As Beatriz de Rubinstein, president of a branch of the *Asociación Madres* in Argentina, stated, “Exhumations have nothing to do with justice” (Rosenblatt 2015:97).

Caring for the Dead

As Rosenblatt has powerfully demonstrated, the work of forensic experts is not only provided for the benefit of the families of the deceased, courts, and international tribunals, but also for the dead persons themselves (Rosenblatt 2015). Rosenblatt sees this care as grounded not necessarily in sentiments, but rather as “a form of labor” (Rosenblatt 2015:173). He distinguishes between “care *for* dead bodies” from “care *about* dead people and their memories” by emphasizing that the former is defined by touch, ritual, or direct material engagement (Rosenblatt 2015:173).

In exhuming remains, cleaning bones, and carefully laying skeletal elements out on examining tables, forensic work can offer the dead “some of the care they did not receive from their murderers” (Rosenblatt 2015:165). I have watched as forensic anthropologists carefully cleaned bones. I have seen them slowly draw each of the five surfaces of every tooth in a cranium, or wince as they notice a fracture or a severe cavity. I have crawled around on the floor with them, searching for a dropped inner ear bone

smaller than the head of a pin. I have listened as they have consented to press requests to photograph remains with the condition that the photos are “used respectfully.” I have noticed when they have referred to the skeleton on their examining table as “he,” or “she.”

Rosenblatt defines “forensic care” as a process that “treats as valuable whatever material vestiges remain of a life, even as it continually exposes just how much has been lost” (Rosenblatt 2015:185). In other words, forensic care can be a practice of making violence visible. While much of the labor of caring for the dead is largely invisible to anyone outside the lab, it can be seen in the voluntary work by forensic anthropologists to unearth those who have not been cared for properly. While in many cases, forensic teams have responded to public demands by families for the exhumation and examination of the unidentified dead, in other cases, such as in southern Texas, it was forensic anthropologists themselves who initiated this project to care for the dead.

Many of the forensic anthropologists discussed above do not regularly communicate with families, but instead, draw their motivation from a professional culture that places value on caring for the dead. Lori Baker illustrates this ethical stance, saying, “We’re better than leaving the dead forgotten, no matter how they came here” (Dallas Morning News 2014). Similarly, Kate Spradley advocated for the right *of the dead person* to be identified by saying, “We have human rights in life and in death. And everybody has the right to be identified and returned to their family” (Matalon 2015:1). The moral universalism present in these approaches to the dead reveals a profoundly humanistic approach within forensic anthropology, which calls even more strongly for

room in the field to discuss locally engaged practices that invite families and communities of the missing and dead as partners.

Naming the Dead

Just as the bodies of the dead are overwhelmingly material but symbolically powerful, so too is the work of forensic experts. The dead carry an excess of meaning, and forensic experts carry an excess of labor, beyond what is required of them legally, and even at times beyond what they outwardly appear to be doing. This work is powerful both for those it directly impacts, and for the broader social and political contexts in which the work takes place. Along the U.S.-Mexico border, the efforts of forensic experts to name the dead is particularly political given the violent forces of erasure that disappear hundreds of human beings each year. Forensic experts on the border often find themselves becoming activists in order to honor their professional ethics. Although the stated goals of forensic teams are often related to providing evidence for legal investigations, much of this work is not directed at the courts, but is intended to be healing for the dead and their families. Approaching human identification as a practice of medicine should not imply, however, that this process does not have powerful implications for justice. But the law is different from justice. Derrida argued that the law is calculable, whereas “justice is incalculable” (Kal 2002:3). Victor Kal interpreted this to mean, “Only at the boundary of what is as yet only law, can justice show itself” (Kal 2002:3). Forensic anthropologists along the U.S.-Mexico border are involved in a

powerful form of politics where they are making visible not only the crisis of death and disappearance, but also the injustice of the state.

By naming the border's dead, forensic experts declare that these dead, too, "can legitimately claim space, and attention, and a part in a publicly important narrative" (Laqueur 2015: 424). Evidence is not just produced for the legal courts, but also for the "forum" of public awareness and discourse. The word "evidence," derived from the Latin, "videre," to see, means "to make visible" (Moon 2013). The work of forensic scientists along the border is part of a powerful politics of visibility, and in the current sociopolitical context of the U.S., where the bodies of migrants are often exploited in life and left to be nameless in death, this is uniquely powerful. Due to the federal policies that have caused the massive loss of life on the border, it is inconvenient for the state when these bodies are visible. The process through which some bodies come to be identified, and others unidentified is not environmental or biological, but rather a social and cultural. Studies of state surveillance have discussed how state identification and documenting practices of control can be achieved both through documentation and visibility, as well as by leaving some things and people undocumented or invisible (Casper and Moore 2009; Hull 2012).

The emerging visibility of forensic experts on the border re-frames the deaths of migrants as an issue relating to justice and human rights. Forensic experts have a unique kind of social capital in the U.S. today, some of which can be traced to the "prestige of anatomical authority" that developed historically within medicine and the anatomical sciences (Sappol 2004:5). This social power also relates, however, to the role forensic experts have vis-à-vis the state. In popular entertainment, forensic experts are badge-

carrying officials seen to represent the authority of a “benevolent state” capable of re-establishing order (Weizman 2014). Forensic experts are modern “superheroes” with semi-magical skills that enable them to travel back and forth between the living and the dead, to read signs unintelligible to others, and to find and catch criminals and save lives.

The particular expertise and positionality of forensic scientists can make theirs a “counter-hegemonic practice” that can “challenge and resist state and corporate violence” (Weizman 2014:11). Indeed, some of the controversy around forensic medicolegal death investigation historically has been because of the ability of the forensic expert to be a “governmental watchdog” (Jentzen 2009:5). The presence of forensic experts—forensic anthropologists in particular—along the U.S.-Mexico border draws upon a social memory of the power of forensic science to reveal state crimes in human rights contexts abroad. The fact that the Argentine Forensic Anthropology Team—trained by Clyde Snow and famous for making visible violent crimes perpetrated by the Argentine military against civilians—is now working in Arizona and Texas, is symbolically powerful. It is powerful not only in the sense that, yes, human rights violations can and do happen on U.S. soil, too, but also that it represents a broadening of the traditional understanding of human rights violations to include more indirect forms. Rosenblatt predicted that in the future, forensic investigations would be able to focus on “violations of social and economic rights” and slow violence in addition to homicide (Rosenblatt 2015: 206). As it happens, this is already occurring along the U.S.-Mexico border.

Eyal Weizman has described modern “frontier zones” such as the Mediterranean Sea or the West Bank as “zones outside established state jurisdiction and established frames of criminal justice” (Weizman 2014:11). These are spaces where state impunity

flourishes, and traditional mechanisms for producing evidence of violence can fall short. As Weizman argues, “ordinary criminal forensics can usually not engage with these zones and issues” because “established forums do not always exist,” but instead, “new forums must often be gathered around the necessities of justice” (Weizman 2014:12). By applying tools developed in contexts accepted to be legitimately violent, forensic experts re-cast the border landscape as a space where something has gone terribly wrong. Their work in this space is producing new publics, new forums, and new possibilities for justice.

Conclusion

Love is strong. It makes you capable of crossing borders, crossing mountains, crossing seas, with nothing in your hands.

-Juana, sister of missing person, Alma

So what then is immigration if not imagination given a destination? A magic so powerful it must be banned?

-Jess X. Chen, poet

Despite the powerful forces of violence and erasure that are dominant along the U.S.-Mexico border, there are migrants, families of the missing, border residents, humanitarians, academics, and forensic experts who refuse to allow the death and disappearance of thousands of human beings to occur silently. Their work is Herculean in a context where it seems this disappearance and erasure are built into the geography, history, and representation of the border. People do not just disappear, and when they do, social systems are deeply broken. Disappearance itself is hard to capture in a frame. Like the slow violences of poverty, racism, and sexism, disappearance is a form of terror that is inflicted just as much through organized *inaction* as through positive action.

I have tried to reveal and make visible the violence of disappearance and erasure, not only by discussing the scale upon which it is occurring along the border, but also by illuminating the visible actions of those seeking to contest it. Indeed, the scale in which

violent erasure is happening on the border is staggering. Those wishing to cross the U.S.-Mexico border for work are first funneled into a remote and inhospitable landscape. If they die in their attempt to cross, their remains may never be discovered, or discovered only after the desert has stripped away most of their identity. If found, their remains may be fully investigated and treated with respect and care, or may be buried in a makeshift grave or cremated or scattered at sea. As their families search for them, they face numerous impediments and blockades to their search, including being exposed to many of the same risks that may have killed their loved one. Even if their remains are identified, the migration of the body back home faces its own set of borders and boundaries. If this weren't enough, popular representations of the dead erase their personhood and box the complicated and human details of a life into tidy categories such as "criminal" or "angel."

In the space of the medical examiner's office, I was always drawn most to the missing person reports and the personal effects of the dead. In both, there are intimate traces of *people*—the tattoo that reads *hecho en Mexico*, the wallet with a photo of a topless woman, the scar from a wound a grandmother had sewn closed herself, the keychain with a photo of a family dog, the pants that read "sassy," the Barney stuffed animal, the crayon, the deportation order, the condom, the marble, the letter from the wife of a transgendered man. The details of the missing and the dead are their own testimony against the violence occurring in the borderlands.

These people existed. They were real. They lived full lives, and were *not* invisible to those who loved them. Despite the fact that their disappearances seem to have happened without a sound—at least in the dominant discussions about border security,

walls, and immigration—they shook the earth for whole families and communities who are anything but silent. In my work at the medical examiner’s office and at Colibrí, what has given me hope in the face of such tragedy has been witnessing the power of love. Families of the missing refuse to give up their search despite borders, despite the risk of deportation or even death. We do not give up on those who we love. The work of families to search for the missing is life-saving work—it keeps the missing alive as *persons* who are not dead and who are not forgotten.

The labor of forensic experts on the border to both name and make visible the dead and the missing follows the lead established by the families. Every detail, from scars to teeth to the contents of pockets—matters. The attention to these details is representative of deeply political acts of care, both for the families, for the dead, and for the forensic experts themselves. By doing what they can to heal or repair the bodies broken from violence and the families suffering from trauma, these forensic experts tend to themselves as human beings who are witnessing atrocity. They are what Lawrence Taylor calls “moral entrepreneurs” who “conjure compelling worlds of meaning and value that attempt to remap the moral geography of this contested region” (Taylor 2010:307). Forensic experts, especially forensic anthropologists, are facilitators of movement in a context characterized by blockages. They help move the dead from object to person. They assist families in the transition from searching for a missing person to mourning a death. They open the way for data to flow into systems—federally managed forensic databases, the halls of academia, and print and digital media—that would otherwise exclude such information.

Forensic anthropologists on the border are also facilitators of justice, and powerfully name not only the dead and the missing, but also their killers. By inventing and carefully describing a diagnosis of death on the border that has to do with economics and border policy, these forensic experts are making structural violence something that is visible on a material level. Although much of the violence occurring on the border is socially invisible due to the dehumanization and criminalization of migrants, the evidence produced by forensic experts reveals the impact and blunt force trauma of state-sponsored killers including exploitation, racism, and nationalism, operating acutely in the space of the borderlands.

Families of the missing and dead are often convinced that their loved one was murdered. Indeed, if the negligent actions on the part of the U.S. federal government along the border had been done by an individual person or corporation, they would surely be described as murder. The counter-hegemonic practice of forensics enacted by forensic experts and others along the border is producing new publics, new forums, and new possibilities for justice that contest the impunity of currently invisible forms state violence.

In his *Museo Atlantico*, sculptor James deCaires Taylor has constructed an underwater art museum representing the loss of life of migrants in the Mediterranean. The *Raft of the Medusa* is one piece in the *Museo* that connects an ancient story of abandoned sailors to the modern abandonment of refugees at sea. In describing the piece, Taylor wrote, “the work is not intended as a tribute or memorial to the many lives lost but as a stark reminder of the collective responsibility of our now global community” (Segal 2016). It is not a memorial, because to memorialize the dead while continuing to allow

the living to drown would be reprehensible, and would dishonor those who have lost their lives. Naming and mourning the dead publicly and visibly, as is being done by families, by border residents, by forensic anthropologists, and by me in this dissertation, is not done to memorialize them, but rather to serve as a reminder of our collective responsibility for their deaths.

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