

# Gendered Border Practices and Violence at the United States-Mexico Border

Written by Mitxy Meneses Gutierrez

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The Mexico-United States border is the most crossed and busiest frontier in the world, with millions of documented border crossings per year (US Customs and Border Protection 2019). These characteristics, along with the political and economic asymmetries between both countries, make it a region of interest for border and migration studies. The complexity of the assemblages of dynamics compels scholars to adopt different approaches to (re)define and (re)understand this region. The socio-cultural and political intersections, paired with other community practices, have become defining conditions of this 'line of division'. As a result, the border has been de-territorialized and observed as a symbolic and metaphorical one. These approaches that include transnationalism furthered the understanding of the US-Mexico border, particularly regarding the adjacent communities that are conditioned by border practices and policies. However, the main focus of migration and border scholarship is placed on undocumented border crossers' practices and narratives. This falls under the traditional notion that vulnerability is mainly linked to illegality in such a context. Even though the 'title' of the busiest and most crossed border in the world is based on documented border crossers, their narratives have not been of epistemological interest.

In particular, the experiences of transborder women at US ports of entry (POE) between Mexico and the US contribute to the thickening and understanding of this topical border. The unique dynamics of adjacent border communities have made female documented border crossers especially vulnerable with regards to gender violence. This chapter aims to show the prevalence of gender violence at US POEs since the 20th century mainly in the form of sexual violence. For this purpose, a discussion about the critical border approach and transborderism is first provided to set the line of departure. Then, the role of US Customs and Border Protection (CBP) in mediating border crossing experiences is necessary to show the context of power that border crossers frequently face. In the second part of this chapter, an account of women's experiences at US POEs will illustrate the violent practices of border law enforcers. In the early 1900s, women's bodies and imposed sexual identities played an essential role in the establishment of border policies, including the work of border protection and law enforcement agencies.

Furthermore, and based on the experiences of female former transborder pupils and students at the POEs of Mexicali, Baja California-Calexico, California, this chapter will discuss the reproduction of such gender violence between the past decades and the present. The information was gathered through in-depth semi-structured and open-ended interviews with a population of 15 transborder women that attended school during the 1990s or later. The visibility of the narratives by female transborder pupils and students contribute to a more complex understanding of this topical border and their aggressive, systemic practices toward women.

### **(De)bordering the US-Mexico 'line of division'**

The US-Mexico border consists of 3,154 kilometers and was established between the years 1848 and 1854. This politico-administrative division was the aftermath of the Mexican-American War that began in 1846. Through the signing of the Guadalupe-Hidalgo Treaty and the Treaty of Mesilla, Mexico lost 55 percent of its northern territory

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(Ganster and Lorey 2016, 31–33). This historical episode is pivotal to understand part of the binational dynamics, including northbound Mexican migration that occupies a significant role in Mexico-US relations. The establishment of the border signified the beginning of new socio-cultural, political, economic, and state dynamics of sovereign insistence and resistance that could provide sense to this sudden dividing line.

There is a significant amount of literature concerning different approaches to the border. Such is the case for physical or metaphorical borders underscoring their polysignificance and heterogeneous essence (Balibar 2002, 75–86; Mezzadra and Neilson 2013, 4–7), a more contemporary approach as a state institution to manage and determine the included and excluded (Vila 2000, 1–20), and the purpose they serve for ‘world-configuring’ (Balibar 2002, 79). Departing from a critical border studies (CBS) perspective, the border should be understood through the notion of bordering practices defined as:

The activities which have the effect ... of constituting, sustaining, or modifying borders. Such practices can be both intentional and unintentional; carried out by state actors and non-state actors, including citizens, private security companies, and others engaged in the conduct of that Chris Rumford has called ‘borderwork’... emphasize attention to ‘the everyday’ – the processes through which controls over mobility are attempted and enacted – and the effects of those controls in people’s lives in social relations more widely

Parker and Vaughan-Williams 2012, 3

Bordering practices then make the border intersect with state border policies of control and management. Because of such an interaction, several conditions and dynamics are constructed. Such is the case for transborderism, defined by Norma Iglesias (2011, 43) as ‘the frequency, intensity, directionality, and scale of crossing activities; the type of material and symbolic exchanges; and the social and cultural meanings attached to the interactions’. Transborderers, including transborder pupils and students, have a complex and deep understanding of border practices (Iglesias 2018, 43–62) and policies of human mobility management, including border-crossing protocols at POEs. Transborder students and pupils in this chapter, who are Mexican or binational, live on the Mexican side of the border and cross it even twice daily to attend school on the US side. Their high levels of interaction with border policies, practices, and mediators make this population relevant for in-depth analysis and understanding of the US-Mexico border. Unfortunately, this demographic group has been mostly understudied in border and migration scholarship (Castañeda 2020, 2), including the experiences of female transborder students that would contribute to the developing of a gender border approach.

## Mediating the Border: The Role of CBP

The narratives and experiences of transborder people contribute to the understanding of the border beyond a ‘line of division’. They endure the assemblages of power and state policies crystallized in quotidian dynamics. Transborder populations, including pupils and students, live on the Mexican side, but cross the border often or daily to attend to work or school in the US. In this sense, they have to go through US POEs, where their trustworthiness to access to the US will be granted or denied. Currently, there are 48 POEs along the US-Mexico border (GSA 2018). The POE is also a space of contestation, resistance, oppression, and power asymmetry. It is essential to look at these POEs and their implementation of state policies to fully grasp border-crossing dynamics that are mainly mediated by interactions with UCBP.

The infrastructure of US POEs varies throughout the US-Mexico border stripe. These POEs have different ecologies depending on the city and if crossing by car or foot. Although the process of any type of crossing begins before getting in line to cross the border, the main focus in this chapter is on the gendered practices endured by female transborder students and pupils at the Mexicali, Baja California-Calexico, California POE. In general, land-based POEs have been evolving from symbolic demarcations to the techno-structure in place today (Vukov and Sheller 2013, 233–237). POEs serve different purposes, such as human mobility management rendered by CBP officers. Hence, CBP law enforcers become the primary mediators between border crossers and US state politics. Carl Schmitt defines the sovereign as ‘he who decides on the exception’ (Schmitt 2005, 5). In a Schmittian way, CBP officers are the temporal sovereigns deciding over exception and inclusion of transborder people. Such law

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enforcement practices crystallize the absorption of documented border crossing and migration into the national security continuum that characterizes contemporary US politics and their War on Terror.

CBP was created in 2003 and has since become one of the largest law enforcement organizations in the world, with approximately 60,000 active officers. After the terrorist attack on the World Trade Center in New York City in September 2001, the Department of Homeland Security consolidated various law enforcement groups, such as the Border Patrol, Immigration Inspectors, US Customs Service, Agricultural Inspectors, and Texas Rangers, among others. Each year, CBP officers process 390 million people through all their POEs (land, air, and sea), apprehend approximately 416,000 persons at POEs, arrest 8,000 wanted criminals, and identify 320,000 persons of national security concern (US Customs and Border Protection 2019). Based on these statistics, the US government is continuously increasing the number of CBP officers to 'safeguard the sovereignty' of the United States from aliens and their inherent dangers. Even though the attack to the Twin Towers happened hundreds of miles away from the US-Mexico border, overall documented border crossers but specially transborder commuters, have suffered the consequences of harsh US migration policies.

Racism and racial profiling have historically been a characteristic of US Border Patrol and CBP (Castañeda 2020, 3), which is justified by the existence of a 'reasonable suspicion' especially in relation to immigration. In 1974, in the case of the *United States v. Brignoni-Ponce*, the US Supreme Court (1974, 885) ruled that a 'characteristic appearance of persons who live in Mexico' is a valid element for reasonable suspicion. Thus, the court's decision in the Brignoni-Ponce case made the US Border Patrol an essentially racist law enforcement organization regardless of their comprehensive advertized approach to their work and the border community. This decision is especially critical at the US-Mexico border and for documented border crossers who cross northbound and have 'Mexican features'.

In addition to the already precarious and vulnerable situation of transborder students when transiting the border, gender violence worsens their daily dynamic. Female transborder students endure mainly sexual harassment from Mexicans and CBP agents at the POEs while waiting in line to cross the border. Specifically, female documented border crossers are subjects experiencing assemblages of different types of power and violence, such as political and gender-related practices of oppression. Unfortunately, migration scholarship has been mostly interested in the narratives of undocumented women and their transit.

## Women and the Construction of the US-Mexico Border

A gender perspective was introduced during the 1980s in migration studies related mostly to undocumented international mobility (Donato et al. 2006, 8-10). This needed approach crystallized the complexity and diversity of experiences in the immigration phenomenon. It is in this sense that the inclusion of the narratives of documented female border crossers is pivotal to the understanding of the border as a space for legal human mobility management.

Gender and sexuality are essential elements on the construction of identity, along with race and class. This entanglement is particularly crucial in a border context where international crossers are continually negotiating their identity with regards to the state (Medrano 2013, 235). Joane Nagel (2003, 14) coined the term 'ethnosexual frontiers', referring to 'territories that lie at the intersections of racial, ethnic, or national boundaries-erotic locations and exotic destinations that are surveilled and supervised, patrolled and policed, regulated and restricted, but that are constantly penetrated by individuals forging sexual links with ethnic Others across ethnic border'. Nagel's definition assertively shows the relation between the state and the construction of identities particularly in a border context.

Part of the identity of the US-Mexico border and thus of its borderlands was constructed throughout the 20th century. The 'vice' and therefore 'dirty' element of the Mexican identity appointed by the US government and its policies had its peak in the 1920s. The era of prohibition in the US (1920-1933) contributed to the explosion of 'vice tourism' in the Mexican borderlands. Mexican bars and cabarets experienced a boom in international customers. US citizens crossed the border southbound to consume alcohol and adult entertainment (Medrano 2013, 236). In the case of the Mexican border city of Mexicali, Eric Schantz (2009) writes about the importance of the Owl Café and Theatre with

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regards to the local economy and the binational relations with the US, based on the negotiations of contrasting domestic policies concerning the local reality. At that time, US reformers warned about the dangers of Mexicans and their 'vice essence' that represented a direct threat to US moral identity. People from different backgrounds aligned with this conception affecting domestic policies. Law enforcers at the border needed to protect the US population from the 'contaminated' Mexican border crossers, especially women, as they comprised the majority of sex workers (Schantz 2004, 9–14). In words of Medrano (2013, 235) in particular, state actors, including law enforcement agencies, immigration inspectors, border patrol agents, and military personnel racialized and sexualized Mexican women's bodies, emphasizing their 'dangerous femininity' and their perceived threat to the body politic'. Mexican women's bodies and their sexual identity and 'immorality' helped shaped border policies as they became victims of gender violence.

At US POEs, women have suffered sexual violence historically. One of the most discriminatory, racist, and sexually violent episodes at this border is known as the 'Bath Riots'. On January 28th, 1917, Carmelita Torres, a 17-year-old border commuter working as a housekeeper in El Paso, Texas, initiated a riot against the delousing practices implemented at the US POE. She refused to undergo the delousing process, which consisted of transiting through different chambers as part of the 'sanitary process' established to contain the spread of typhus. US authorities believed the disease was prevalent in Mexican revolutionary groups. The first step of the delousing process was to force children, women, and men to remove their clothes to have their body inspected by customs inspectors. Those who had lice were shaved immediately. Their clothes were steam dried and fumigated in a separate chamber that could cause damage. Border commuters that passed the body inspection were directed to a gas chamber to be fumigated with Zyklon B. Then, their disinfected clothes were returned and granted a pass to the US for only eight days. After this period, documented border crossers needed to undergo the process again. This episode had a profound impact on international events. Dorado (2013) found a German pest science journal called *Anzeiger für Schadlinskunde* written by Dr. Gerhard Peters demonstrating the effectiveness of Zyklon-B on killing pests and referring to the delousing chambers at the Texas border. This doctor then became one of the leading suppliers of such a chemical, which was used in Nazi gas chambers. Peters was convicted during the Nuremberg trials but found not guilty of charges (Dorado 2013, 153–173). Dorado (2013, 165) states that 'the events in Germany did not take place in a historical vacuum. There were important connections between the discourse of eugenics, immigration control, and the racialized politics of public health underlying the disinfection chambers in both parts of the world'.

This humiliating process not only crystallized the systemic discrimination of Mexicans in the US, but also reflected gender violence practices by customs and border officers. One of the reasons that made Carmelita Torres refuse to go through the delousing process was the fact that the border officers in charge of the process took pictures of the naked women and posted them on the wall of a local bar in El Paso, Texas. Carmelita and many other women working in El Paso, but living in the Mexican city of Juárez, Chihuahua were victims of sexual harassment (Dorado 2013, 153–173).

Today, discriminatory, sexual harassment practices and gender violence are still present in US CBP practices. CBP agents do not post pictures of Mexican or binational women on the walls of local bars, but rather their harassment is made public through Facebook groups. In 2016, a group of attorneys from Philadelphia, Pennsylvania made public several Facebook posts from local authorities with explicitly violent, sexist, and bigoted content (The Plain View Project 2017). In 2019, a Facebook group of CBP officers called 'I am 10-15' was made public. '10-15' is an allusion to a code used by CBP officers for 'aliens in custody' (Thompson 2019). At least 70 officers were identified, out of which 62 were active law enforcers at that time. The alarming content of such posts included sexually explicit comments attacking immigrant women, especially those of Latin American descent. Later that same year, a second Facebook group of CBP officers of the exact nature was disclosed. CBP authorities only expressed that their investigation was still in process (Sands and Valencia 2019).

This systemic gender violence and abuse of power throughout border law enforcement agencies are part of the fabric that transborder students and pupils have to navigate daily. In addition, they experience sexual violence while lining up at POEs on their way to school. It is in this sense that their experiences and narratives of gender violence in such spaces reflect the assemblages of power from both countries crystallizing the Mexican *macho* culture and sexual harassment by US CBP officers. When this 'gender violent combo' is part of one's daily routine, it is easy for victims

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to normalize it and not feel as transgressed as they would in a different context. Currently, there is no mechanism in place to generate information with regards to gender violence suffered specifically by documented border crossers at US POEs. The lack of indicators and data, unfortunately, perpetuates the invisibility of their condition.

## Female Former Transborder Pupils and Students at the Mexicali-Calexico Port of Entry

The word Mexicali is a composition of the words Mexico and California. The name of the city on the other side *el otro lado*, is Calexico, which is a composition of the words California and Mexico. The city deal of Mexicali includes a dotted line in the name representing the border with the US. As for the city deal of Calexico, the Mexican flag is included along with the motto, 'Where California and Mexico Meet'. In a way, the conception of these twin cities, a term regularly given to urban duos (Gildersleeve 1979, 1-5; Kearney and Knopp 1995, 2; Alegría 2012, 148-174) was strongly linked with each other. The historical link between Calexico and Mexicali contributes to the development of border dynamics, such as transborderism.

Mexicali has two land POEs in the area, Calexico and Calexico East. The latter was constructed in 1996 (General Services Administration 2010, 1) to help with heavy traffic and crossings to Calexico. With data from 1996 to 2020, the Calexico POE reports a total of 129,056,999 of personal vehicles, 278,482,108 of passenger vehicles and 132,667,217 of pedestrians (Bureau of Transportation Statistics, 2020). However, during the same period, the number of pedestrian border crossers decreased at the Calexico POE with an average of 5,300,000 per year (US Custom and Border Protection 2020). These numbers reflect the regular crossing dynamics of this border city with a population of just 988,417 (INEGI 2020). The transborder community represents an essential part of this circular border motion, as stated previously.

The invisibility of the transborder phenomenon renders a lack of updated statistical information preventing us from having an accurate picture of this dynamic. With numbers from 2015, the *Prontuario sobre Movilidad y Migración Internacional: Dimensiones del Fenómeno en México*, published by the Mexican government, estimated a total of approximately 124,000 transborder migrants, out of which 43,918 (35.2 percent) were women (Government of Mexico 2015). This publication showed that 36,470 people crossed the border daily to study, and an additional 3,129 crossed to study and work in the US. A total of 39,599 transborder students represent 31.8 percent of all transborder migrants. The Mexican border city of Tijuana, Baja California, holds approximately 37.2 percent of all transborder population, which means a total of 46,337 migrants. Out of which, the female population was of 14,808. The border city of Mexicali has a transborder population of 18,329, and the female population consists of 6,209 migrants. With regard to specifically transborder students and pupils, Tijuana has a population of approximately 9,221 (19.9 percent) and Mexicali has a population of roughly 4,472 (24.4 percent). These numbers show that at least 13,696 transborder students and pupils crossed the border daily to attend school in the US. (CONAPO 2017). However, that number could be potentially higher now as not all transborder pupils and students are open about their daily dynamic. One of the requirements for accessing US public education is their place of residence since the budget for education relies heavily on property taxation (Kenyon 2007, 4). Under this rule, US students living on the Mexican side of the US-Mexico border should not have access to US public schools. These students or the parents of the pupils use different mechanisms to meet the requirements.

If analyzed by city, these students do not represent half of the population commuting daily. However, if interpreted by states, they do represent 44.3 percent of the commuters in the Baja California-California region. In other words, in Mexicali, approximately 4,780 students attended school daily in the US and, in the case of Tijuana, we are referring to about 10,464 students with the same characteristics. In the case of Mexicali, and taking into consideration all levels of education, including postgraduate students, transborder students represented 1.65 percent of all students in Calexico. In the case of Tijuana, they represented the 2.23 percent of all students in San Diego, California (Rocha and Orraca 2018, 109-111). Unfortunately, there is no statistical information disaggregated by gender. The lack of data furthers the invisibility of women's experiences and their epistemological value to the understanding of the US-Mexico border.

As stated previously, the transborder dynamic is a complex process of state policies and socio-cultural intersections. This practice renders a deep understanding of the methods that constitute the US-Mexico border. The day for these

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students can begin as early as 3 a.m. They need to get ready and prepare to line up at the POE, which could take up to several hours. Even if it seems to be a regular day, anything can happen at the border. They cross the border by car or foot. If driving, they would sleep or have breakfast while waiting in line. If they cross the border by foot, they would mostly do homework or eat something. These are not the only border hacks these students developed but are amongst the most common.

Those crossing by foot were more likely to be by themselves, with siblings, or with friends. However, the absence of a parent or adult is typical. This means that those transborder pupils are documented unaccompanied children crossing one of the most policed and surveilled borders in the world. Nevertheless, they are not included in the traditional notion of unaccompanied children as it exclusively focuses on the undocumented population. This indicates that documented unaccompanied children border crossers are not likely to be considered vulnerable. In addition, this is a normalized border dynamic in the US-Mexico region but not well researched or documented. In this context, the absence of a guardian in their binational transit contributes to the struggles and violence endured by female transborder pupils and students.

The Mexicali-Calexico POE that was modified in 2020, had a unique ecology. This location was surrounded by shops or stands selling all kind of products, including Mexican indigenous handcrafts. The Hotel del Norte is one of the most iconic buildings in the city and present in most of the stories of documented border crossers. There is also a Chinese Pagoda that reminds passers-by of the immigration history of the city and the close connection with the Chinese population. This POE is in a busy location where the heterogeneous population confluence on their entry or exit to the US. The designated path where the pedestrians line up to cross northbound is also surrounded by shops, currency exchange locales, and pharmacies. This area also attracts homeless people asking for money and peddlers. This border area is considered a dangerous zone by locals based on the amount of violent incidents that occur. This space of concern is part of the daily school trajectory of transborder students and pupils, which is experienced differently depending if people cross by car, by themselves or accompanied, and depending on one's gender. In general, it is in this area of the POE where female transborder students and pupils experience gender violence.

Gender violence in Mexico has been increasing exponentially in the last years. Now, Mexico is experiencing a critical phase of gender violence. In a study published in June 2020 by the Mexican National Institute for Women, the government reported that approximately 66 percent of women age 15 or older had experienced some type of violence in their lifetime (INEGI 2020). Furthermore, 10 women are victims of femicide daily. The Mexican state of Baja California is ranked as one of the most violent states for women, having 81 femicides between January and April 2020 (INMUJERES 2020). In addition to the risk these female pupils and students face when interacting with US CBP officers, they endure sexual harassment waiting in line or transiting the POE while still on the Mexican side. Unfortunately, the male population present in such a space shouts obscenities at these female students. Such conduct is normalized, as there are no repercussions for it and therefore, they are easily and continuously reproduced.

Specifically speaking of gender violence in the form of sexual harassment, which includes sexual offenses and comments directed at the body or gender, the National Institute for Statistics, Geography, and Computing (INEGI) reported that in the second semester of 2019, 13.6 percent of women age 18 or older had experienced sexual harassment in their city (INEGI 2020).

The former female transborder students and pupils in the Mexicali-Calexico context do have 'anecdotes' where they felt uncomfortable either in line or when crossing to the US. Most of them recalled that it was quotidian to be the target of sexual comments by the male population present at the POEs either passing by, lined up, or who were workers from the shops. Such offenses included comments about their bodies and uniforms. It is worth pointing out that these episodes happened when they were aged 13 or older and without parental supervision. Just a few of them said that their parents would accompany them the entire way. Hence, this population is not only vulnerable to the harsh methods of CBP but also because of their gender, as stated previously. When female former transborder pupils or students described the POE, they would commonly portray it as a dangerous place due to overall insecurity and sexual harassment. In contrast, male former transborder students or pupils only mentioned the levels of insecurity in Mexicali that would extend to the POE.

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Concerning the encounters with CBP officers, one-third of this female population reported that they have felt uncomfortable or offended at least once. They recall being asked if they had a partner, what they do after school, or other types of insinuations. Since dealing with an authority with a historical lack of accountability, none of them filed a complaint. It was normal, and because nothing serious happened after the encounter, they did not feel the need to report. Moreover, they felt that reporting it would only cause them troubles in their daily routine. A myriad of these type of cases by female transborder students goes unnoticed by the authorities and scholarship.

Without a doubt, these stories illustrate the pervasiveness of gendered border violence that, regardless the age or nationality, female transborder students and pupils still face today. Their bodily experiences contribute to the analysis of the US-Mexico border mostly seen through the undocumented migration lens, or through the lens of trade. Documented border crossers, especially women, hold a unique perspective of the border and of how their gender shapes transborder dynamics by showing the assemblages of violence they endured daily. Transborder women are not exempt from gender violence at the US-Mexico border; they experience it daily.

## Conclusion

Aggressive gendered border practices and violence have been part of the construction of the US-Mexico border. Women's bodies and sexual identity shaped border policies that are still in place today. Through a critical border studies perspective, the border is conformed and built through everyday practices, such as transborderism. Female documented border crossers have been experiencing gender violence at POEs as the episode of the 'Bath Riots' illustrate. Carmelita Torres was the first transborder woman to rebel against gendered border violence and sexual harassment by border protection law enforcers at the El Paso POE. Today, similar practices by CBP are present on technological and social platforms. Such is the case with Facebook groups where active and former CBP officers post sexist and discriminatory comments towards immigrants. The experiences of female former transborder students or pupils provide a snapshot of the prevalence of gender violence suffered at the Mexicali-Calexico Port of Entry.

Until we take into consideration the narratives of documented women crossing the border, we will be unable to fully grasp what constitutes it, its essence, and all the levels of violence suffered by border crossers, especially when conditioned by their gender. These stories need to be further researched and, most importantly, to be told.

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