

Summer 6-19-2019

Immigration/Migration and Settler Colonialism: Doing Critical Ethnic Studies on the U.S. - Mexico Border

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**IMMIGRATION/MIGRATION AND SETTLER
COLONIALISM: DOING CRITICAL ETHNIC STUDIES ON
THE U.S. – MEXICO BORDER**

By

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DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Doctor of Philosophy
American Studies**

The University of New Mexico
Albuquerque, New Mexico

July 2019

DEDICATION

This dissertation is dedicated to my beloved grandparents, Josefina Saénz González and Martín Gardéa González, including the Tohono O’odham people and their land, as well as all Indigenous peoples of the Americas, and to undocumented border crossers, past, present, and future.

ACKNOWLEDGEMENTS

I would like to give deep thanks to my dissertation chair Dr. Antonio T. Tiongson Jr. for encouraging me to continue and always giving me perspective, especially in moments when it felt impossible to finish. I am also thankful for his invaluable guidance, feedback and comments in every step of the way while writing my dissertation. Just as well, I am very appreciative of Dr. Jennifer Nez Denetdale for her indispensable feedback and comments throughout my revision process, as well as for her agreeableness to continue with me since my dissertation comprehensive exams. I am profoundly proud and grateful to be trained by both Dr. Denetdale and Dr. Tiongson, and to have taken graduate courses with them since they influenced so much of my scholarship. All the same, I am sincerely thankful to Dr. Barbara O. Reyes and Dr. Jennifer Rose Nájera for their academic support and mentorship throughout my graduate career in addition to their feedback and comments regarding my dissertation process. I am wholeheartedly obliged that my dissertation committee made up such a great team for me.

I would also like to recognize Majed Abdullah, my Graduate Resource Center (GRC) dissertation coach, colleague, and friend, and Matthew Irwin, my American Studies friend, writing partner, and colleague. In different, important and needed ways, they both motivated me in moments when I felt lost, held me accountable to our meetings, gave me room to fall apart as well as to come back stronger. I am thankful for Majed's time management and chapter goal spreadsheets, for his energetic joy and optimism he brought to every coffee meeting, for every Arabic dinner and tea time, and

zestful conversation beyond dissertation stuff. Just as well, I am grateful Matthew reached out to me when I asked about getting a writing group started because since then, I not only gained a writing partner but also a friend to confide in about life and all stuff academic. Thank you Matthew for every kind way you have shown me acceptance and support, and for helping me come up with a final dissertation title! Moreover, my dissertation journey was filled with optimism because of my sweet friend, mentor, and colleague Farah Nousheen. Farah has taught me so much and has always reminded me of my north star, what is it and where it is, while in her friendship, providing me a place of refuge. In this, I am forever thankful to you Farah.

Furthermore, I am thankful to Sandy Rodrigue for being the absolute best American Studies department administrator to me for the past nine years. I appreciate the ease you brought to me in every meeting, in every processing of paperwork, giving me perspective on the many things I would come to you for, for being compassionately available to lend an ear and time in your busy schedule. Also, I am grateful to Dr. Irene Vasquez, Antoinette Rael, Dr. Raji Vallury, Dr. Scarlett Higgins, and Dr. Alex Lubin, for offering me teaching assistantships that allowed me to incur six years of R-1 teaching experience and a living while completing my dissertation.

Lastly, I would like to acknowledge and thank my Tía Martha for her immense support. I am forever giving thanks to you, and finding ways to give you my love. Just as well, I give endless thanks and love to my mom Ruth, my dad Joe, my brother Greg and my Tía Coco for always being my backbone, my strength, my ultimate support, and my abundant source of love. Indeed, I would not have been able to start or finish this without you all as my family. Finally, thank you Lessy for being my ultimate canine

companion and joining me on this journey, and to my soul heart, Phillip Franklin Lujan for joining me right at the end, for being my listener as I talked about all my chapters in preparation for my defense, and letting me practice my presentation with you. I love you all.

IMMIGRATION/MIGRATION AND SETTLER COLONIALISM: DOING CRITICAL ETHNIC STUDIES ON THE U.S. – MEXICO BORDER

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ABSTRACT

My dissertation argues that the U.S.-Mexico border, and the militarized operations of the U.S. Department of Homeland Security via Border Patrol and Immigration and Customs Enforcement along the border, including state and federal anti-immigration law, are historically ongoing settler colonial structures of U.S. imperialism, and empire, which are asserted upon, and over Indigenous people and their land. I claim that these anti-immigrant, and anti-migrant structures and operations perpetuate Native dispossession, and removal, as well as deny Native presence and sovereignty. I also contend that undocumented immigrant and migrant justice must be accountable and responsible to Indigenous peoples, their land, and to their struggles for sovereignty. Hence, I illuminate the discrete and overlapping, simultaneous, complex struggle for Indigenous sovereignty, and undocumented immigrant and migrant justice at the border with specific focus on Tohono O’odham land, and the political work of and by O’odham activists in the settler state of Arizona. My methodology draws upon the analytics of “relationality,” and “difference” as used within the field of Critical Ethnic Studies. The conceptual language of “relationality” spotlights the converging points of tension, and

silences among the differentially, devalued conditions of Indigeneity, and undocumented status within the United States. Moreover, “difference” pinpoints the jointed colonial processes of U.S. racialization at the border as they disjointedly happen among these distinct groups. Further, I ground these analytics within the field of Critical Indigenous Studies by foregrounding Native land, Indigenous presence, and by deploying U.S. settler colonialism as my analytic for interrogating the border. Accordingly, I call my methodology a *critical relational framework*. In this, I interrogate the differentially related complicated formations of U.S. settler colonialism and imperialism at the U.S.-Mexico border. I examine the inter-related points of struggle between Indigenous sovereignty, and undocumented justice. As such, my methods include textual and visual analysis. My sources of examination are imperial ethnographic texts, the 2015 American film *Sicario*, the Tohono O’odham Solidarity Across Borders website; and lastly, a 2018 public forum I attended in Albuquerque, New Mexico titled: “Sovereignty and Sanctuary.”

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Chapter One

The Practice Of Critical Ethnic Studies: Alternative Framings Of The U.S.-Mexico Border and Undocumented U.S. Immigration and Migration

“Indeed, Indigenous struggles have often exceeded the dominant conceptual paradigms of U.S. ethnic studies anchored by race, citizenship, war and labor migration, and transnationalism and diaspora, to only name a few. Despite the crucial importance of these frameworks in the institutional history of ethnic studies, they have tended to relegate Indigeneity rather than blackness to the “position of unthought.” My hope is that a critical ethnic studies frame will enable a durable Native American critical existence in relation to the totality.”¹

Iyko Day, “*Being Or Nothingness*”

Introduction

In what is typically known as the U.S. state of Arizona, alongside the U.S.-Mexico border where Nogales, Arizona is separated from Nogales, Sonora, Mexico, the Tohono O’odham Nation upholds itself as an Indigenous population caught in the crossfires of Border Patrol and Immigration and Customs Enforcement procedures aimed at illegal entries into the United States. Dissected and bisected by the U.S.-Mexico border, original Tohono O’odham land is increasingly undergoing implantations of U.S. militarized surveillance equipment used by Border Patrol in order to detect illegal and criminal activity, or in other words undocumented border crossing. In the U.S.-Mexico borderlands not only are undocumented border crossers and undocumented immigrant and migrants within the United States vulnerable to U.S. state violence, the Tohono

¹ Iyko Day, “Being Or Nothingness: Indigeneity, Antiblackness, and Settler Colonial Critique,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 118, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0102>.

O'odham people too live within the context of border militarization and anti-immigrant/migrant law enforcement. How come we have not known of Indigenous struggles at the border when undocumented movements know border violence too well? How come issues of Indigenous sovereignty, land repatriation, and self-determination have been invisible to the politics and activism around the U.S.-Mexico border and issues of immigration and migration? Moreover, why have issues of immigration and migration and border violence been the least of concerns for Indigenous communities and scholars not directly affected by anti-immigration policy and Border Patrol or Immigration and Customs Enforcement (ICE)? It has not been until recently that these concerns have begun to come to the forefront in the fields of Chicana Studies, Critical Indigenous Studies and Critical Ethnic Studies. Thus, this context, I look to the geography of Tohono O'odham land and draw upon the political blogs authored by O'odham organizers and activist on the *O'odham Solidary Project* and *O'odham Solidarity Across Borders* websites as my case study to explore Indigenous invisibility at the U.S.-Mexico border and among immigration and migrant rights discourse.



Figure 1 - Cropped original map of the jurisdictional and traditional boundaries of the Tohono O'odham Nation by Forest Purnell used under Creative Common SA License.²

The ancestral lands of the Tohono O'odham originally encompassed a large portion of what is now colonially called the Sonoran Desert, particularly portions of Arizona's Pima, Pinal and Maricopa counties.³ Since time immemorial, the Tohono O'odham and neighboring Indigenous communities like the Yaqui, the Maricopa or Piipaash, the Quechan, also known as Yuma, and Akimel O'odham known as the Pima shared the desert with the Tohono O'odham.⁴ As a result of Spanish, Mexican and United States colonialism, imperialism and empire building over and upon Indigenous land, Native peoples have undergone extreme change, survived tremendous genocide and are

² Cropped original map of the jurisdictional and traditional boundaries of the Tohono O'odham Nation by Forest Purnell used under Creative Common SA License. <https://www.hpaied.org/sites/default/files/publications/TO%20Profile.pdf>.

³ Wikipedia, *Indigenous Peoples of Arizona* page, accessed July, 2016, https://en.wikipedia.org/wiki/Indigenous_peoples_of_Arizona.

⁴ Ibid.

ongoing in their refusals against outside invasion and appropriation. In this, my focus on the O'odham is to trace the developments of the U.S.-Mexico border and the border regime – anti-immigration law, militarized border surveillance, and Border Patrol and Immigration and Custom Enforcement (ICE) practices of deportation, detainment, imprisonment, and harassment of border crossers – as emerging out from and upon the simultaneous colonizations of the Spanish, Mexican and United States empires. My goal is to present the case that immigration and migration struggles implicate issues of Native sovereignty and land, and visa versa.

Thus, I argue that the U.S.-Mexico border, undocumented border crossing and the U.S. border regime are residual and ongoing materialities of U.S. settler colonialism. In tandem with U.S. settler colonialism, I claim that these phenomena are modern-day iterations and emergences of U.S. imperialism and empire. In this, I theorize the border, border crossing and the border regime as a simultaneous, triangular configuration of U.S. colonialism, imperialism and empire. Further, I contend that the border, border crossings and the border regime happen upon Indigenous land and people. Thus, they perpetuate the ongoing reality of Native removal, erasure, invisibility, genocide, dispossession, including the denial of Indigenous presence, sovereignty, self-determination and life ways. As a result, I contend that the gamut of undocumented immigrant and migrant critique as within the academic fields of Borderlands and Chicana Studies, including undocumented immigrant and migrant justice movements must be accountable and responsible to Indigenous struggles for sovereignty, self-determination and land repatriation.

In this, I address questions that interrogate the foundational claims of Borderlands Studies and Chicana Studies around immigration, migration and the U.S.-Mexico border by centering Critical Indigenous Studies claims about land and sovereignty. In this, I submit a different set of questions than what has previously been asked and answered within the fields of Borderlands and Chicana Studies such as how does Native land and sovereignty paradigmatically shift how we understand international state borders? How does Native presence at the border and Indigenous activism against it reframe Chicana critiques about undocumented border crossing, undocumented immigration and migration into the United States, including the U.S.-Mexico border? By foregrounding Native land and life, these questions require developing a different way to think about categories of the “settler” and Indigeneity in relation to undocumented conditions of living within the United States. Accordingly, I am not invested in figuring out who is a settler and who is not. Rather, this study is focused on interrogating the ideological work that settler colonialism does to highlight the implications and consequences produced by alignment with the United States as a settler colonial and imperial empire.

Thus, I employ a Critical Ethnic Studies methodology to theorize the problems and complications that arise by bringing together Borderlands, Chicana, and Critical Indigenous Studies. These problems include not only the invisibility of Native land, sovereignty and presence in critical discourses like Chicana and Borderlands Studies, but also in popular settler discourses like American film that depict the border as violent due to drug trafficking; and which also characterize border crossers and Mexicans as dangerous “illegal aliens” thus, requiring national security measures like increased border militarization. Chicana and Borderlands Studies have reconfigured these dominant

nation-state narratives about the border and border crossers particularly through the language of “undocumented” for example, to refer to immigrants and migrants in the United States who are not here legally. Additionally, undocumented immigrants and migrants have claimed their humanity against harsh anti-immigrant sanctions by seeking federal recognition as cultural U.S. citizens. Such that, although undocumented persons are not legally U.S. citizens they are worthy of U.S. citizenship given their civic and cultural engagement with American values and work ethic. In this way, undocumented activism and movements for immigrant and migrant justice require the U.S. settler state to affirm their existence. Considering the facts of Indigenous land, sovereignty and presence, the U.S. nation-state becomes delegitimized as a given. As a result, mobilization for undocumented rights and sanctuary becomes undone and unsettled, and the problem of the border as only against undocumented entry expands in the face of Native land, sovereignty and Indigenous refusals of the U.S.-Mexico border. In the face of these tensions and challenges it becomes urgent and necessary to bridge the gap between Chicana, Borderlands and Critical Indigenous Studies. Undocumented rights cannot be successful at the expense of Indigenous land, sovereignty, life and presence. Problem-solving in critical fields like Chicana and Borderlands Studies to give humanity to undocumented persons cannot be accomplished without addressing how the border also impacts Native land, life, and sovereignty. Thus, these distinct political and disciplinary problems require inter- and cross-disciplinary interventions, and expanded and newer theorizations that can account for the totality of injuries that marginalized and oppressed peoples face by the U.S.-Mexico border, particularly as Native people and as undocumented persons. Ergo, I hope to offer a way to think through these complications

that can deliver solutions to the overlapping challenges emerging out of the violence of the U.S.-Mexico border and border regime.

Interdisciplinary and Cross-disciplinary Interventions

Consequently, research on the U.S.-Mexico border falls in alignment with the colonial ideology Byrd and Medak-Saltzman are critical of. In studies about border crossings, the act of crossing the border delineates a transgression that disrupts the nation-state narrative of a culturally homogenous nation. This is why undocumented immigrants and migrants are reified as *illegal aliens*. U.S. settler colonial ideology operates under the assumption that America must be protected under militarized surveillance and security regimes from all unwanted outside entry into the settler nation. Accordingly, the unwanted like undocumented persons become racialized, criminalized and demonized with settler language like *illegal alien* and *terrorist*. In this way, undocumented entry into the United States becomes a transgression. However, Simpson clarifies that for Native people “the border acts as a site not of transgression but for the activation and articulation of their *rights* as members of reserve nations...they are reserve members before they cross...as they cross...and when they arrive where they want to be.”⁵ In this, the everyday lived reality for Native communities, whose lands are dissected and bisected by the imperial settler borders of Mexico, the United States, and Canada, crossing the border is an exhausting and violent, daily experience of exercising rights as Tribal members, and facing such recognition by Border Patrol, and Immigration and Customs Enforcement (ICE) agencies.

⁵ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 116-117.

As a developing field, Critical Ethnic Studies has sought to correct these concerns. Medak-Saltzman and Tiongson Jr. affirm: “A critical ethnic studies project must take the necessity of such critical engagement seriously if we are to actually incorporate Indigeneity as a lens of analysis in a meaningful and substantive manner.”⁶ For example, informed by Native scholarship, Eve Tuck and Wayne K. Yang have interrogated the meaning of decolonization within Ethnic Studies. They delineate the settler colonial triad of relations in the United States between the settler-Native-slave as a foundational assumption upon which all people of color enter into. In this, the colonial pathways of immigration and migration, creates conditions in which the “refugee/immigrant/migrant is invited to be a settler in some scenarios, given the appropriate investments in whiteness, or is made an illegal, criminal presence in other scenarios.”⁷ The problem however is not to figure out who is a settler and who is not. The key is to interrogate the ideological work that settler colonialism does in order to uncover the material consequences engendered by being aligned with the settler state. This is key because Tuck and Yang further assert that solidarity frameworks and coalitional politics regarding people of color tend to homogenize various experiences of oppression under the rubric of colonization. Accordingly, this is a settler move that underwrites Indigenous erasure, and overwrites Indigenous presence and the ongoing settler colonial conditions of Native peoples. In this, they explain: “Calling different groups ‘colonized’ without

⁶ Danika Medak-Saltzman and Antonio T. Tiongson Jr., “Racial Comparativism Reconsidered,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 3, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0001>.

⁷ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 17, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

describing their relationship to settler colonialism is an equivocation...”⁸ As such, provided the challenges and complications foregrounding Native scholarship within Ethnic Studies, Dean Itsuji Saranillio emphasizes: “This signals a need, as articulation theory argues, for an attempt to situate these different histories in complex unity – not flattening difference and assuming they are always in solidarity of falling into the pitfalls of difference framing these groups as always in opposition.”⁹ As such, Critical Ethnic Studies has taken itself to task in correcting its settler colonial paradigms. Likewise, in my examination of the U.S.-Mexico border, and immigration and migration, I foreground Indigenous sovereignty and Indigenous critiques of settler colonialism; in this, I deviate from the ways in which previous scholarship has generally understood these issues. Instead, I interrogate how nation-state borders, border regimes, and constructions of illegality and criminality are fundamentally emerging from and ongoing palimpsestic iterations of settler colonial nation-state imperialisms.

Thus, I am critically engaging with Borderlands Studies, Chicano/a Studies, Critical Ethnic Studies, and Critical Indigenous Studies, and putting them in challenging and necessary conversation with each other. Around key terms such as land, Indigenous sovereignty, citizenship, culture and tradition, and migration and movement, my goal is to illuminate the discrete and complicated struggles and tensions among and between Indigenous sovereignty, and undocumented immigrant, and migrant vulnerability in the United States as revealed at the U.S.-Mexico border. I seek to spotlight the simultaneously differentiated relationalities between and among these groups resulting

⁸ Ibid.

⁹ Dean Itsuji Saranillio, “Why Asian Settler Colonialism Matters: A Thought Piece On Critiques, Debates, and Indigenous Difference,” *Settler Colonial Studies* 3, no. 4 (September 2013): 282, <https://doi.org/10.1080/2201473X.2013.810697>.

from the settler colonial imperial border. Ultimately, by centering Critical Indigenous Studies within Borderlands and Chicana Studies, and by centering the Tohono O'odham land and peoples within border phenomena, I am problematizing normative discourse around and about state borders, transnationalism, citizenship, and immigration and migration.

Thus, this project is located in the chasm between the scholarly debates and political organizing around indigenous sovereignty, and undocumented immigrant, and migrant justice. It is positioned in the fissures between Critical Indigenous Studies, Critical Ethnic Studies, and Chicana Studies. The intentional intersection I have created in this dissertation between these fundamentally different, incommensurable groups and discursive fields, spotlights and illuminates complications and tensions that are overlooked, elided, and silenced. This kind of project is necessary provided that the fundamental structures of violence against undocumented immigrant and migrant lives in the United States are the more evolved, and ever ongoing settler colonial nation building designs used to continually remove Native populations and dispossess them from their land. Thus, my overall efforts are to make connections where they appear impossible or do not make sense in order to ideologically work towards a more coherent and substantive critique of U.S. imperialism and settler colonialism from a critical ethnic studies methodology that takes seriously indigenous scholarship. Accordingly, my analysis moves us in a direction of alliance and solidarity as Chicana and Indigenous people.

The conceptual analytics, language, and study of borders, transnationalism, migration, immigration, Indigeneity and settler colonialism are historically and politically

discrete categories and disciplinary specific. Mohawk scholar Audra Simpson writes: “The study of borders within North American is dominated by and imagined almost exclusively within the Chicano Studies literature.”¹⁰ Simpson writes about how the Mohawk are dissected and bisected by the U.S.-Canadian border and the ways in which the international boundary-line affects them as an Indigenous group who are constantly subjected to interrogation, harassment, and read as non-Indigenous by Border Patrol. Her work functions as a rupture to the dominant discourse Borderlands Studies has within Chicana Studies. The overdetermination of Chicana Studies to dominate the study of borders, border crossings, undocumented experiences, and Mexican immigration and migration into the United States emerges from a long history of Latin American (forced) mobility in the Americas. However, this disciplinary discreteness indeed limits analysis in terms of time and space from ascertaining the actual scope and density of white U.S. settler colonial and imperial sovereign state power. Indeed, the Critical Ethnic Studies imperative, which I undertake in this dissertation, is to understand how the violence of settler borders, and the dehumanization of immigrants and migrants critically relates to and is undergirded by the ongoing removal of Native peoples, denial of Native sovereignty, and dispossession of Native land.

Chicana Studies and the field of (Comparative) Ethnic Studies uncritically deploy the language of Indigeneity, settler colonialism, and anti/de-colonialism. Although shifts are being made in Ethnic Studies to center Indigeneity and move it out from the “position

¹⁰ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 116.

of unthought,”¹¹ thus the rebranding to critical ethnic studies, both fields tend to locate Indigeneity, settler colonialism, and anti/de-colonialism within critical race paradigms. This ultimately elides the indigenous specificity of Indigeneity, settler colonialism, and anti/de-colonialism for Native peoples and Native scholars. As such, Danika Medak-Saltzman asserts: “In no uncertain terms, Indigenous populations remain entrenched in fundamentally different situations than those faced by other racialized groups.”¹² Moreover, she states: “We cannot simply expect that theoretical frames that are useful in making sense of the experiences of other racialized groups will be equally relevant when applied to Indigenous peoples and contexts.”¹³ While Chicana Studies foregrounds the undocumented brown subject as the fundamental victim of the U.S.-Mexico border, Ethnic Studies foregrounds all people of color as marginalized by the neoliberal U.S. nation-state. However, these variegated, group-differentiated dynamics overlook the primacy of U.S. settler colonialism and the discrete positionality of Native peoples within this imperial, colonial formula. Byrd argues: “Indigenous peoples in Atlantic and Pacific new world geographies remain colonized as an ongoing lived experience that is not commensurable with the stories the postcolonial pluralistic multiculturalism wants to tell of itself.”¹⁴ Additionally, these concerns are expressed further in Lisa Kahaleole Hall’s

report:

¹¹ Iyko Day, “Being Or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 109, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0102>.

¹² Danika Medak-Saltzman, “Empire’s Haunted Logics: Comparative Colonialisms and the Challenges of Incorporating Indigeneity,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 11, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0011>.

¹³ Danika Medak-Saltzman, “Empire’s Haunted Logics: Comparative Colonialisms and the Challenges of Incorporating Indigeneity,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 14, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0011>.

¹⁴ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, (Minneapolis: Minnesota Press, 2011), 6.

In the United States the contemporary conception of race is firmly anchored in civil rights ideologies...and does not address very different concepts of indigenous nationhood...For this reason many indigenous women are wary of the lumping together of racialized groups of indigenous, immigrant, and enslaved origin in one homogenous category, “people of color,” on the grounds that the specificity and particular rights of indigenous people disappear in the mix.¹⁵

With this, the problem with Chicana Studies and (Comparative) Ethnic Studies is that they have made the logic of race the foundational violence upon which all marginalized groups are encompassed in. This is what Byrd takes issue with, describing how colonization has been replaced by racialization. Aileen Moreton-Robinson explains: “As things are possessed, Indigenous peoples must be emptied of our ways of being in order to come into existence as the homogenous Indian subject created through racialized rights discourse, first in the form of treaties, then in the form of citizen and human rights...”¹⁶ Again, Day reminds us that: “Indeed, Indigenous struggles have often exceeded the dominant conceptual paradigms of U.S. ethnic studies anchored by race, citizenship, war and labor migration, and transnationalism and diaspora, to only name a few.”¹⁷ In this way, Chicana Studies has deployed Indigeneity without interrogating its own desire to use this conceptual framework, which is fundamental to critical Indigenous studies scholarship. Providing Emma Perez’s *Decolonial Imaginary* as an example, Medak-Saltzman explains:

The invocation of Indigeneity across disciplines cannot yet be counted on as an indication of an author’s fluency with the legal, epistemological, and political particularities of Native peoples’ experiences with settler colonial

¹⁵ Lisa Kahaleole Hall, “Strategies of Erasure: U.S. Colonialism and Native Hawaiian Feminism,” *American Quarterly* 60, 2 (June 2008): 277, <https://www.jstor.org/stable/40068535>.

¹⁶ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: Minnesota University Press, 2015), 191-192.

¹⁷ Iyko Day, “Being Or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 118, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0102>.

realities... “Indigeneity” is all too often invoked as a term – rather than a concept – which reduces it to jargon, removes it from its vital context, and embeds it in writing that otherwise betrays a very limited intellectual and scholarly understanding of Native experiences, issues, and histories.¹⁸

The trend of Indigenous absence and erasure in critical discourses like (Comparative) Ethnic Studies and Chicana Studies reveals how the production of knowledge is undergirded by colonial ideologies. Moreover, it demonstrates how little those employing Indigeneity in the United States actually understand its conceptual meaning as theorized by Native scholars.

Undoing and Redoing Foundations

This research is an ongoing iteration of a long pressed inquiry about the U.S.-Mexico border and undocumented immigration and migration into the United States, which I began as an undergraduate student at the University of California, Riverside (UCR). I begin this introduction with an explanation of the origins of my research inquiries and their developing formations to make sense of how it is that Critical Indigenous Studies matters to my work, and why it is that I frame my work as a Critical Ethnic Studies project. At UCR I pursued an honors thesis that examined the everyday experiences of undocumented UCR students. I made a case for how their financial struggles, and educational and career goals humanized their existence as valuable and worthy cultural American citizens; and that the United States government should recognize them valuable subjects rather than uproot and deport them to a place they

¹⁸ Danika Medak-Saltzman, “Empire’s Haunted Logics: Comparative Colonialisms and the Challenges of Incorporating Indigeneity,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 12, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0011>.

considered not home. While completing my Masters at the University of New Mexico (UNM), Albuquerque, my research shifted methodologically from conducting interviews and fieldwork to visual analysis of the nationwide undocumented student youth movement. The activist work of Julio Salgado and Favianna Rodriguez in particular caught my attention. I became fascinated with the symbolism of the butterfly as transcending boundaries and borders, and the language of “coming out” as undocumented and its resonances with coming out as queer. Again, I made the case that undocumented youth and students are valuable of a dignified life in the United States because their humanity is undeniably a natural birthright and therefore, deserving of U.S. citizenship. Then throughout my Ph.D. coursework, I became curious about the complications of examining the border, and immigration and migration in relation to Native land and Indigenous sovereignty with my exposure to Critical Indigenous Studies courses offered in my home department of American Studies. Indeed, Dr. Antonio Tiongson Jr.’s Comparative Racializations course and Dr. Jennifer Nez Denetdale’s Critical Indigenous Studies course together broadened my awareness about the vexed tensions of the erasure of Indigenous presence within scholarship, politics, and debates specifically around immigration and migration, and undocumented pathways to U.S. citizenship. Just as well, my growing awareness of Albuquerque as a settler city and my status as a settler “arrivant,”¹⁹ drawing upon Jodi A. Byrd and that I will elaborate more upon in chapter four, presented to me a moment of reckoning especially since my training in the American Studies department at UNM focused on questions of empire, imperialism and U.S. settler colonialism. It became ever more urgent for me to responsibly and

¹⁹ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, (Minneapolis: Minnesota Press, 2011), xix.

accountably prioritize and integrate Critical Indigenous Feminist frameworks and analytics within my thinking, writing, and speaking. In these ways, my research interests in Arizona's draconian anti-immigrant legislation like SB1070, a law passed in 2010 that intended to legalize racial profiling in order to deport and remove undocumented immigrants, migrants and Mexicans but was blocked by a federal judge the day before it was due to go into effect, including militarized surveillance at the border needed fundamental adjustment. That is, these events needed recontextualization given the centrality of Native land and sovereignty foregrounding the geography upon which anti-immigrant praxis happens. Accordingly, my dissertation research questions underwent a recalculation around questions, arguments, and scholarly interventions in the recognition of these violent happenings on Tohono O'odham land and to O'odham communities.

The field of Critical Indigenous Studies and Indigenous Feminisms expanded and unsettled my methodological toolbox as it was grounded in an Ethnic Studies that was not yet, critical in the sense that it centered Indigenous perspectives. I realized that Indigenous genocide, removal, and the denial of Indigenous sovereignty undergirded the racial constructions and the experience of the *illegal alien*, and the systematic deportation, criminalization, detainment, and killing of undocumented persons in the United States. This chasm of understanding in the academy that the racialized experience of marginalized ethnic American nationals and undocumented American cultural citizens are not analogous to the settler colonial experience of Native communities was theoretically, politically, and emotionally jarring and compelling for me to make theoretical, paradigmatic adjustments. As such, the illumination of this historical,

epistemological erasure of Indigenous critique from Ethnic Studies frameworks, and in my own scholarly research have and will continue to influence my scholarship.

Furthermore, Comparative Ethnic Studies, which presented the problem that Ethnic Studies, as a developing field was initially too nationalistic and patriarchal. As a solution to this rigid nationalism and over-determined masculine discourse, Ethnic Studies made the paradigmatic comparative turn, and using the concept of difference, developed the analytical language of *relationality*. Yet difference and relationality seemed to fall short still, even as it broke out of old paradigms, and was critically careful to not do analogous comparisons across ethnic and national differences in the United States. As Iyko Day states, the problem with Ethnic Studies, and all other critical, radical, leftist, and anarchist discourse, has been that “they have tended to relegate Indigeneity rather than blackness to the “position of unthought.”²⁰ Ethnic studies hence reframed itself and its methodology as *Critical Ethnic Studies*. The *critical* delineates the centrality of indigenous critique in relation to black critical thought, and the centrality of settler colonialism in relation to antiblack racism and differentiated racializations, as fundamental assumptions within and among all *relational* research in the field of Ethnic Studies.

In this way, Critical Indigenous Studies and Critical Ethnic Studies have been deeply expansive and pivotal literatures and methodologies for me to unconditionally integrate in my own thinking and writing. I realized that any critique of the border, advocacy for U.S. citizenship, and any argument for undocumented life to just be within the fabric of the American economy as valued and worthy cannot be made without the

²⁰ Iyko Day, “Being Or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” 109, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0102>.

centrality of Critical Indigenous Studies. In fact, when doing so, I realized that the categories of borders, immigration, migration and citizenship would be completely unsettled in light of Native land and sovereignty. As a person who requires knowing the truth to live the best way possible, I was willing to face these tensions, to hold them, and to sit with them for as long as I needed, and still do need in order to offer the rest of us some sense about how to move forward.

Moreover, I also realized that centering Critical Indigenous Studies requires brave innovation for imagining other possibilities for life and affirming life because centering this field profoundly problematizes the desire for recognition through settler citizenship status, for example. So we need other ways of accessing life and requiring life for all, and in addition to mobilizing for undocumented life, we also need, as Day states: “a durable Native American critical existence.”²¹ For me, this has meant centering Critical Indigenous Studies with its use of frameworks like settler colonialism where Indigenous scholars center land, and Indigenous sovereignty among the political and theoretical debates of nation-state borders, undocumented life, border crossings, antiracist, anticapitalist and heteronormative critiques, struggles for citizenship and sanctuary, and solidarity efforts, and coalition building. Indeed, doing this challenges epistemological assumptions in critical discourses like Border Studies, Transnational Studies, Chicana Studies, and Immigration and Migration Studies. For example, we cannot assume the U.S.-Mexico border as given; we cannot be satisfied that it is the narrativized landscape upon which undocumented life is subjected to premature death.²² What is termed borderlands in Chicana Studies is in fact Native land owned by the O’odham, Comanche-

²¹ Iyko Day, “Being Or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” 118, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0102>.

²² Ruthie Wilson Gilmore, “Race and Globalization,” 261.

Lipan, the Navajo nation. How do we talk about the border considering the fact that the border cuts through Native land, divides Native communities and restricts Indigenous movement throughout their lands? How do we theorize Central American and Mexican undocumented immigration and migration given that undocumented border crossing happens on Native land and among Indigenous nations like the Tohono O’odham Nation?

Moreover, in the context of Native land, presence and struggles for sovereignty, immigration and migration must be re-framed as part of the settler colonial and imperial circuits of two capitalist Empires, and in critical relation to Indigenous migrations like the O’odham. Also, this puts into question the claims to Aztlán and Indigeneity within the Chicana Studies. Indeed, Chicana Studies needs to account for Indigenous peoples and their claims that for example, Tohono O’odham land is O’odham land and not Aztlán and that O’odham are O’odham and not Chicana. In this, a Critical Indigenous Studies analysis questions Chicana claims that indigenous lands are Aztlán. Accordingly, I take up these under-theorized complications in this dissertation by prioritizing Indigenous land, Tohono O’odham land at the crossroads of international border surveillance and policing against undocumented immigration and migration.

Certainly, this requires a complicated and yet brave shift of overwhelming perception that uncovers urgent problems otherwise unseen, and asks different questions which are not easily answerable, but they are deserving of thinking through, such as: How can the fields of Chicana and Latina Studies recalibrate their conceptual meanings of racialization, colonization, and Indigeneity in relation to Critical Indigenous Studies? How can we do this in ways that are more, simultaneously accountable and responsible to both undocumented migrants and immigrants in the diaspora, who have been

economically and colonially displaced from their homelands, while being in alignment with the vision of liberation for Indigenous communities in North America?

In one sense, my mother's parents, my grandmother and grandfather are the simple reason for this journey of my academic inquires, including this dissertation. Their experiences of migration and immigration to the United States, of illegal entry, of becoming naturalized citizens, of living first in Las Cruces, New Mexico and then moving to Los Angeles, California – this history that I am a part of, as part of a larger history of U.S. immigration and migration, is my simple reason for why this dissertation. They are the quiet, and dark, and hidden passion driving every question in each chapter, and every argument made in totality. Indeed, the doing, the undoing, and the redoing of my theoretical formations across time and space, which culminate now in this moment stem from my grandparents as source.

Moreover, moving in 2010 from California to Albuquerque, New Mexico, the first time I would ever leave the place I considered home, and the only place I ever knew as home, to the high deserts where the earth was red and the skies were not so far a reach away, have given me an undeniable and palpable experience that have influenced the formation of my dissertation. I did not plan to live in Albuquerque for nine years but I have. Without knowing or comprehending at first, I witnessed variously specific struggles within and among Native communities, families, and individuals for self-determination, self-affirmation, and for political and economic sovereignty, and land rights through their own negotiations and politics of resurgence, and refusal. Thus, my settler “arrivant”²³ status while living on the sacred lands of occupied Navajo, Comanche,

²³ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, (Minneapolis: Minnesota Press, 2011), xix.

and surrounding Pueblo Nations, has radically affected how I understand my place in this world, in this time, and in all the spaces I occupy. Additionally, it has conditioned my thinking as a scholar in the academy as revealed in this dissertation. Thus, the doing of this dissertation is a culmination of every undoing and redoing of my methodological and political foundations as I have delineated unto now.

Theoretical Frameworks:

The Settler Colonial Palimpsest

I deploy palimpsest as a useful trope, analytic and alternative to a standard historical framing to illuminate the relational, sedimented, and overlapping implications of distinct settler colonial projects. Palimpsest allows me to conceptualize the U.S.-Mexico border as a layered space marked by the superimposition of multiple colonial and imperial projects of the Spanish, Mexican and United States empires. It is a Latin word derived from Ancient Greek, which means “again scraped;” this compound word literally means “scraped clean and ready to be used again.”²⁴ The Ancient Greeks used wax-coated pads to write on with a stylus, in which these writings could be erased to write something else by smoothing the wax surface. Over time, traces of former writings would re-emerge and present-day scholars could examine and decipher them. Advancing this meaning metaphorically, Milton Santos describes palimpsest as a “layered space of movement, epochs, objects, information, and ideas, actual, imposed, and

²⁴ Definition of palimpsest, *Online Etymology Dictionary*, March 25, 2019, <https://www.etymonline.com/word/palimpsest>.

superimposed.”²⁵ In this sense, Christen A. Smith applies Santos’s concept of palimpsest in the context of Bahia, Brazil to show how Brazil’s present-day state-sanctioned killings of black bodies and the racialized segregated community of Afro-Paradise, in Bahia are ongoing conditions emerging from the region’s colonial history, and its modern day relationship to slavery. She explains that “Bahia is a black geography,” where its physical geography is “bound up in, rather than simply the backdrop to, social and environmental processes.”²⁶ In this context, palimpsest becomes useful in understanding how the contemporary materiality of anti-black violence in Bahia emerges from, and is compounded upon the region’s colonial history around slavery. As such, Smith uses palimpsest to construct the state as a scrambled space in which the past, present, and future of simultaneity interwoven with each other.

Furthermore, Deborah Thomas describes palimpsest as an analytical category and method “to parse the place of the past in the present.”²⁷ Following this understanding, M. Jacqui Alexander conceptually describes palimpsest in relation to time, as an idea that is “neither vertically accumulated nor horizontally teleological.”²⁸ Additionally, Achille Mbembe claims: “Time is not a series but an interlocking of presents, pasts, and futures that retain their depths of other presents, pasts, and futures, each bearing, altering, and maintaining the previous one.”²⁹ In alignment with Thomas, Alexander and Mbembe, Smith affirms: “When thinking about the relationship between the colonial and the

²⁵ Christen A. Smith, *Afro-Paradise: Blackness, Violence, and Performance in Brazil*, (Urbana, Chicago and Springfield: University of Illinois Press, 2016), 62.

²⁶ Ibid.

²⁷ Deborah Thomas, *Modern Blackness: Nationalism, Globalization, and the Politics of Culture in Jamaica* (Durham: Duke University Press, 2011), 11.

²⁸ Christen A. Smith, *Afro-Paradise: Blackness, Violence, and Performance in Brazil*, (Urbana, Chicago and Springfield: University of Illinois Press, 2016), 62.

²⁹ Christen A. Smith, *Afro-Paradise: Blackness, Violence, and Performance in Brazil*, (Urbana, Chicago and Springfield: University of Illinois Press, 2016), 63.

present, it is even more imperative to avoid teleological models of time...Colonial practices are neither frozen nor neatly circumscribed within temporalities.”³⁰ In this way, palimpsest is a way to think about colonial space outside of time, as a simultaneous and ongoing happening, in which past, present and future realities are bound up with each other, and where modern iterations of colonial violence pull the past into the present and future.

I deploy these meanings of palimpsest as a central theoretical relational framework and analytic to mobilize Indigenous history, Indigenous bodies, and Indigenous land, specifically Tohono O’odham, as the geography and region where the materiality of the border and the border regime are residual iterations and accumulations of colonial and imperial violence. As a relational methodology, palimpsest helps me to spotlight and connect multiple realities, past and present, of different colonialisms as they happened, changed, and continue to happen on Tohono O’odham land and to the O’odham people. Furthermore, it helps demonstrate how the colonial and imperial temporalities and processes of the Spain, Mexico and the United States empires on O’odham land and people can be understood in this current age as a settler colonial palimpsest upon which the U.S.-Mexico border and the border regime emerges from. Accordingly, I turn time on its head and reconceptualize our understanding of history. As such, I theorize palimpsest similar to Smith where, in this study, the border region is a scrambled space³¹ in which the settler colonial and imperial logic of the border and anti-immigrant and migrant state violence emerges from colonized Native land as an ongoing and historic entanglement. As such, I use palimpsest to re-think about the formation of

³⁰ Christen A. Smith, *Afro-Paradise: Blackness, Violence, and Performance in Brazil*, (Urbana, Chicago and Springfield: University of Illinois Press, 2016), 63.

³¹ *Ibid.*, 62.

the U.S.-Mexico border, and the reality of the border regime, including undocumented immigration and migration through colonized Native land, and the colonial relationality between Indigenous and undocumented struggles.

U.S. Settler Colonialism

As a Critical Indigenous Studies logic of critique, I situate U.S. settler colonialism as my other framework through which to critique the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States. Through my relational methodology, I theorize the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States as palimpsestic colonial and imperial materialities that make, have made, and continue to be re-made as sedimented re-invasions, re-settlements, and on-going dispossessions, removals, and denials of Indigenous land and bodies. In this, rather than enter into debates on the terminology of U.S. Settler Colonialism, which, is not my goal, I carve out instead intentional meanings of the term as I employ them. As such, I situate U.S. settler colonialism as the dispossession, theft, settlement, and appropriation of Indigenous land; the physical and cultural genocide of Indigenous peoples; the privatization, exploitation, resource extraction, and profiteering of earth's resources; the perpetual erasure of the presence of Indigenous peoples; and the denial of imperial settler-nation-states in addressing Indigenous sovereignties.³²

³² I define United States settler colonialism in these multiple ways based on my in-class note-taking, understanding through course readings, and listening to Dr. Jennifer Nez Denetdale speak in her American Studies graduate course titled *Critical Indigenous Studies* at the University of New Mexico, Albuquerque in Fall 2014. The breathe of this definition culminates includes scholarly works from Joanne Barker, Elizabeth Cook-

Furthermore, Alyosha Goldstein asserts that the U.S. is a volatile assemblage and shifting empirical configuration. In this, understanding the overlapping, sedimented and various colonial conditions and colonial practices are necessary to understanding U.S. formations past and present. He states: “Analyzing U.S. colonialism demands understanding U.S. empire, and the imperial nation- state as itself a comparative project, and mode of power.”³³ According to Goldstein, comparative projects that bridge U.S. empire and U.S. imperialism through various instances of U.S. colonialism deliver a more holistic picture of the U.S. settler state as made up of jointed, and disjointed formations. Thus, I draw upon Goldstein’s framework of U.S. colonialism as it employs a comparative methodology that turns away from simple linear comparison towards a simultaneous evaluation of various locations, times and contexts to understand the overlapping and changing nature of U.S. empire, imperialism and settler colonialism. As such, I interpret U.S. settler colonialism as a three-pronged mechanism materialized over time, space and bodies, and also as an analytic that describes the formulation of U.S. empire, imperialism and settler colonialism as relational materialities. In this way, I analyze and interrogate the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States as settler colonial, and imperial materiality created out of multiple empires, and across different epochs, which are all spatially accumulated and ongoing on Tohono O’odham land.

Lynn, Vine Deloria Jr., Glen Sean Coulthard, Jodi A. Byrd, Audra Simpson, Kevin Bruyneel, Qwo-Li Driskill, Chris Finley, Brian Joseph Gilley, Scott Lauria Morgensen, Mishuana Goeman, Scott Richard Lyons, Kim Tallbear, Linda Tuhiwai Smith, and the Kino-nda-niimi Collective.

³³ Alyosha Goldstein, Editor, *Formations of United States Colonialism*, Durham: Duke University Press, 2014, 1-3.

However, I do not mean to say that U.S. settler colonialism is a totalizing predetermination, nor am I collapsing these terms as one and the same, and I am not rendering insignificant other axis of violence, and power. Rather, my point is to wield a three-pronged understanding of settler colonialism to reframe the U.S.-Mexico border as a settler colonial project that is historically contextualized within different imperialisms and several empires. This is necessary and productive when relationally examining the inconstant and multiple conditions of the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States as disjointed and jointed formulations out of the Mexican and Spanish empires. Indeed, colonialism is not a liner, historical story, nor is it a phenomenon of the distant past but rather it is an ongoing emergence through Border Patrol, the border wall, anti-immigrant and anti-migrant stereotypes, and border crossings.

Isabel Altamirano-Jiménez argues that colonialism is not a homogenous force but a multiplicity of structured violences that result in differential practices of domination, resistance, negotiation, and adaptation.³⁴ Just as well, Laura Stoler says: “Colonizers themselves were not by nature unified, nor did they inevitably share common interests and fears; their boundaries – always marked by whom those in power considered legitimate progeny and who they did not – were never clear.”³⁵ Thus, the colonial projects between the Spanish, Mexico and the United States were not and are not the same; and there is a hierarchy between the U.S. and Mexico – the U.S. has an ongoing advantage over Mexico in establishing and asserting its settler state regime. Given this

³⁴ Isabel Altamirano-Jimenez, *Indigenous Encounters with Neoliberalism: Place, Women, and the Environment in Canada and Mexico* (Seattle: University of Washington Press, 2014), 211.

³⁵ Ann Laura Stoler, *Carnal Knowledge and Imperial power: Race and The Intimate In Colonial Rule* (Berkeley: University of California Press, 2002), 24.

reality, I relationally examine how these discrete colonial projects are mutually imbricating and constitutive, and perpetually emergent as the U.S.-Mexico border and border regime.

In this, I write against the methodological periodization and chronology of time of history to spotlight the disconnected and complicated entanglements evident by Tohono O’odham refusals and resurgences. Jodi A. Byrd asserts that “there is a long line of continuity between the past and present that has not been disrupted despite the fact that the stories we tell may or may not acknowledge that continuity... Indigenous peoples must be central to any theorizations of the conditions of postcoloniality, empire, and death-dealing regimes that arise out of Indigenous lands.”³⁶ In alignment with Goldstein and Byrd, I relationally foreground settler colonialism in tandem with palimpsest to seam a fractured critique of the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States in relation to the presence and assertions of the Tohono O’odham against invasion, removal, genocide, erasure, occupation, and settlement.

Subordinate Settler/Settler Arrivant

A final and significant theoretical framing I draw upon is Eve Tuck and K. Wayne Yang’s “subordinate settler,” and Jodi A. Byrd’s settler “arrivant” categories which attempt to theorize the uneven and vexed relationality undocumented migrants and immigrants in the United States have to Native peoples and their land. Through these categories Tuck, Yang and Byrd expand the settler/native, and enslaved/master

³⁶ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xiv.

(black/white Manichean) dichotomies that typically frame our understanding of U.S. settler colonialism. Byrd explains that her usage of settler “arrivants” derives from “African Caribbean poet Kamau Brathwaite to signify those people forced into the Americas through the violence of European and Anglo-American colonialism and imperialism around the globe.”³⁷ She relays: “If colonialism has forced the native to “cathect the space of the Other on his home ground as Spivak tells us, then imperialism has forced settlers and arrivants to cathect the space of the native as their home.”³⁸ Informed by Byrd, Tuck and Yang explain: “People of color who enter/are brought into the settler colonial nation-state also enter the triad of relations between settler-native-slave.”³⁹ By people of color they are indicating the refugee, immigrant, and migrant, and the ways in which they enter the U.S. settler state through colonial pathways such as ‘immigration.’⁴⁰ Furthermore, this relational triad situates people of color into the possibility of becoming a “subordinate settler” – the ability of a minority to become a citizen of the settler nation and thus becoming a brown settler.⁴¹ Such possibility depends on either becoming “a settler in some scenarios, given the appropriate investments in whiteness, or [being made into] an illegal criminal presence in other scenarios.”⁴² In this sense, undocumented immigrants, and migrants are what Tuck, and Yang call a

³⁷ Jodi A. Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xix.

³⁸ *Ibid.*, xxxix.

³⁹ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 17, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

⁴⁰ *Ibid.*

⁴¹ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 18, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

⁴² Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 17, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

“subordinate settler;” that is to say, there is a potential for a minority citizen to become a settler through recognition of, and by the settler nation.⁴³

A Critical Relational Framework

Overall, the framing of palimpsest and U.S. settler colonialism together become my relational methodological practice at the disciplinary junctures of Critical Ethnic Studies and Critical Indigenous Studies. By methodology I mean the theoretical framework by which I am approaching my research questions and doing thinking process. Thus, through the aforementioned configurations of palimpsest and U.S. settler colonialism, I draw upon the Critical Ethnic Studies analytics of relationality and difference. The conceptual language of “relationality” spotlights the converging points of tension, and silences among the differentially, devalued conditions of Indigeneity, and undocumented status within the United States. Moreover, “difference” pinpoints the jointed processes of colonialism, imperialism and empire as they disjointedly happen upon Tohono O’odham land. Put another way, palimpsest becomes a way for me to articulate and crystalize the simultaneous colonial dynamics of relationality and difference at the border. Taken together, I call this methodology a *critical relational framework*. For me, this framework spotlights the connecting points of incommensurabilities among and between the colonial and imperial conditions and experiences of the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States in relation to the Tohono O’odham

⁴³ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 18, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

peoples and their land. In these regards, it allows me to make sense of things that are indeed fundamentally different, and that do not seem to be connected or symbiotic upon first glance. In this, I am able to examine and critique the U.S.-Mexico border, the U.S. border regime, and undocumented immigration and migration into the United States as a settler colonial structure and phenomena by centering ongoing Native refusals to settler materialities and underlining Tohono O'odham presence.

Moreover, I am also able to submit a different set of questions than what has previously been asked and answered concerning Borderlands and Chicana Studies. For me, these questions have been: How is the U.S.-Mexico border and border regime an ongoing settler colonial modern day iteration? How is the border an extension of, and the culmination of the colonial history of O'odham land? Indeed, these questions have germinated more questions like: How do the racialized settler categories of the illegal alien and the drug smuggler at the border enfold and interpellate both undocumented border crossers and Indigenous subjects within them? In what ways then do racialized settler practices collapse group difference while targeting undocumented border crossers and denying Native subjectivity? How do settler nationalist ideologies in popular visual culture about the border concurrently perpetuate these racial tropes and the invisibilization of Indigenous presence? How can an undocumented immigrant and migrant politics against the border recalculate their organizing and activism in such a way that is aligned with, and accountable and responsible to Indigenous critiques against the border such as the Tohono O'odham? These questions are tension questions; questions that point to the challenges, complications and incommensurabilities between and among undocumented and Indigenous subjectivities that are both differentially affected and

effect by the U.S. settler colonial border. Antonio T. Tiongson Jr. states: “The challenge is to critically address questions and complications that revolve around the uneven terrain underlying this kind of work, to resist the sort of idealization or facile analogy.”⁴⁴ What Tiongson Jr. warns against is the simplistic reduction that happens in comparison. It is not enough, nor is it good enough; in fact it is inadequate, and harmfully erroneous to simply compare Indigenous and undocumented difference. The uneven terrain of the border wrought by several colonialisms and imperialisms is seriously too complex for analogy; analogy and comparative projects cannot grasp its tremendous materiality. In this, my work has been and is to relationally grapple with and ascertain every complexity and complication in every arrangement of difference in the study of the settler colonial and imperial border. Thus, this practice, this method, and methodology, what I am calling a critical relational framework is what I believe the project Critical Ethnic Studies to be, particularly my project in regards to analysis of the U.S.-Mexico Border and U.S. immigration and migration.

Methods, Sources and Chapter Outlines

Given my investments in theorizing and applying a *critical relational framework* to rethink my observations of how the border and undocumented immigration and migration has historically been thought, written, and talked about in various academic fields, I mainly rely on textual and visual analysis as methods for my dissertation. I interrogate several anthropological texts that I consider to be imperialist/colonial texts,

⁴⁴ Antonio T. Tiongson Jr., “Afro-Asian Inquiry and the Problematics of Comparative Critique,” *Critical Ethnic Studies* 1, no. 2 (Fall 2015): 53, <https://www.jstor.org/stable/10.5749/jcritethnstud.1.2.0033>.

including an assortment of American settler films about the border. Moreover, I examine these archives in critical relation to political statements written by Tohono O’odham organizers and activists on the *O’odham Solidarity Project* and *Tohono O’odham Solidary Across Borders* websites. Additionally, for my closing chapter, I provide a close reading and description of a public forum titled *Sovereignty and Sanctuary* that I attended last year in March 2018. Thus, I deploy textual and visual analysis in my Critical Ethnic Studies project in order to encourage paradigmatic and epistemological expansion that can better align with the political urgencies of Critical Indigenous Studies.

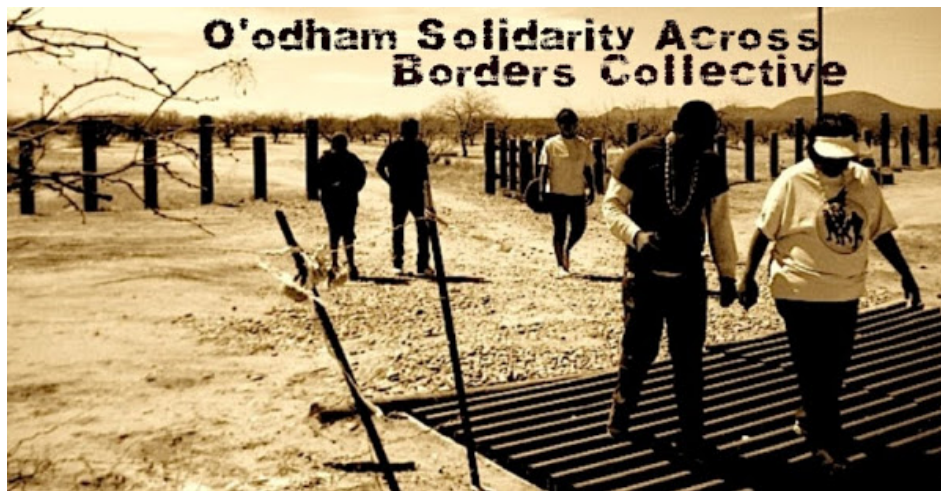


Figure 2 - Photo header for the O'odham Solidary Across Borders Collective website.⁴⁵

⁴⁵ O’odham Solidarity Across Borders Collective website. Front cover and heading website photo. <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.



Figure 3 - Photo header for O'odham Solidarity Project website.⁴⁶

Therefore, in chapter two, I visually analyze the 2015 American film *Sicario* as a modern day Western, and I contextualize it among other films that similarly depict the U.S.-Mexico border as a chaotic zone and desolate wilderness of drug smuggling and illegal border crossing. *Sicario* is a dominant representation of the U.S.-Mexico border as a war zone filled with drugs, illegal alien criminal activity, and thus a boundary-line needing security via Border Patrol and increased militarized surveillance. In this, critical scholarship and activist cultural productions about the border and immigration and migration have sought to rewrite these narratives of violence and dehumanization. For example, Alicia Schmidt-Comacho's *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* humanizes the experiences of border crossers and the risks they take to cross the border for a better life. In addition, Alex Rivera's film, *Sleep Dealer*, shows the vulnerability undocumented border crossers experiences as disposable and exploited workers subjected to the violence and abuse of U.S. economic tutelage.

⁴⁶ O'odham Solidarity Project website. Front cover and heading website photo. <http://www.solidarity-project.org>.

In this, I visually index and argue how the ongoing legacies of settler colonialism and imperialism continue to structure the U.S.-Mexico border. As such, I situate “the visuality of American border films” as implicated in or constitutive of settler colonial imaginaries predicated on Indigenous disavowals and erasures. I demonstrate how the settler colonial and imperial U.S. structures via Border Patrol, ICE, and militarized surveillance mechanisms over and upon Indigenous land affirm anti-immigrant and anti-migrant cultural beliefs, which inherently affirm Indigenous dispossession, erasure and denial of sovereignty, while at the same time, these hegemonic beliefs uphold the border regime as settler colonial apparatus. Hence, the substructure and superstructure of the U.S. border regime are symbiotic machinations of the settler colonial palimpsest.

In chapter three, I examine two settler colonial, imperial, anthropological texts that give historical accounts of Tohono O’odham land and life after and during pre-contact. I also examine the written account of Ofelia Rivas, O’odham activist, who wrote a statement on the O’odham Solidarity Project (an Indigenous activist organization) website, explaining the ongoing colonial experience of O’odham peoples. Rivas, the *O’odham Solidarity Project* and *O’odham Solidarity Across Borders Collective* trouble and provide a necessary corrective to standardized, non-indigenous sources. Through these archives, I argue and conceptualize the U.S.-Mexico border as a layered space marked by the superimposition of multiple colonial projects – Spain, Mexico and the United States. That is, foregrounding Native land and Native bodies at the geography of the U.S.-Mexico border, the border itself becomes a sedimented and overlapping colonial space that is marked by several imperialisms and empires in an ongoing and shifting configuration of colonial power. In this, the border becomes a dense colonial geography

in which border militarization and surveillance operations against undocumented persons implicate Indigenous critiques and resistance. With this, I deploy palimpsest as a framing analytic and alternative to the standard historical framing of overlapping yet distinct settler colonial projects. This chapter is not “historical;” as such, I intentionally, relationally, and critically collapse the past, present, and future. My overarching goal is to theorize the afterlife⁴⁷ of settler colonialism and imperialism in its various permutations. In this conceptualization, the Indigenous body is contested terrain overlain by multiple layers of violence where “Indian” transits through empire as *illegal alien*. Hence, this is why palimpsest becomes an indispensable analytic. It enables me to theorize the settler colonial present specifically at the U.S.-Mexico border, and within the struggles for undocumented immigrant and migrant rights.

In chapter four, I textually analyze written statements from the O’odham Solidarity Project that provide accounts of O’odham experiences of the border dissecting and bisecting their land, and interactions with Border Patrol as occupied settlers. I investigate the concurrent processes of racialization between Indigenous and undocumented border crossers. I argue that the simultaneously and relational reification of border crossers and O’odham as illegal aliens, as drug smugglers, and as terrorists, is fundamentally the settler colonial palimpsest of “Indian” as the racialized other transiting

⁴⁷ My use of “afterlife” draws on the work Saidiya Hartman in *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Strause and Giroux, 2007), 6. Here Hartman says: “If slavery persists as an issue in the political life of black America, it is not because of an antiquarian obsession with bygone days or the burden of a too-long memory, but because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago. This is the afterlife of slavery--skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment.” Thus, in particularly different and yet related ways, there is an afterlife of settler colonialism and imperialism in which Indigenous land, life and presence is devalued.

through U.S. empire. In alignment with Jodi A. Byrd, I trace how the ontological category of “Indian” and “Indianness” transits through empire via iterations of unwanted, outside others.

In chapter five, the final chapter, I do a close reading and give description of a public forum I attended on March 9th 2018 in Albuquerque, New Mexico titled: “Sovereignty and Sanctuary,” and I visually analyze the flyer that was circulated advertising this forum. I explore the challenges to a politics of solidarity between Indigenous sovereignty and undocumented immigrant and migrant rights by juxtaposing “sanctuary” and “sovereignty.” In this, I examine the connections and tensions between the two formations and how they are mutually constitutive. I use the forum as practice to explore what it means to think of these analytics *relationally* without collapsing them or using them as analogy. Moreover, I delineate the ways in which the forum speaks to settler colonial permutations in relation to the U.S.-Mexico border.

Overall, I begin this dissertation with an American film about the U.S.-Mexico border to demonstrate the normalization of U.S. settler colonialism as related to the border and immigration and migration. The following chapter unsettles the settler normalcy of border militarization, in which the proceeding chapter three complicates the violence engendered by the border through foregrounding Native bodies within the category of the “illegal alien.” In this, chapter five deliberates over the challenges and potentials to solidarity between and among Indigenous and undocumented communities.

Contextualizing the Tohono O’odham

Borderland Studies and Chicana Studies have not critically and adequately articulated the presence of Indigeneity along the border. I foreground Tohono O’odham land and two O’odham activist websites that address Indigenous critiques of the U.S.-Mexico border and issues concerning undocumented immigration and migration in order to address this epistemological harm. Thus, I center Native land, Native bodies, and Native scholarly and political ideas of sovereignty to rethink the way the U.S.-Mexico border has been critiqued, and to relationally challenge endeavors for undocumented immigrant and migrant justice around the stakes for Indigenous sovereignty, specifically Tohono O’odham sovereignty.

In this, I do not aim to tell and I do not give an “authentic” or thorough description of O’odham way of life prior and after multiple European invasions and occupations. To do so would imply a standard of Indigenous authenticity that consequently forces the colonial burden of proof back upon Indigenous peoples and that problematically makes a colonial agenda out of “going back” to how things were before European invasion. Barker explains, “The challenge then, is not how to capture the truth or the essence of the Native in the category of the Native; it is not about which discourse gets its “right.” Rather it is to think through the kinds of historical circumstances that have been created to produce coherence in what “the Native” means and how it functions in any given historical moment or articulatory act.”⁴⁸ With this in mind, I am aware that “most of the specific information about early O’odham history comes from records kept by Europeans who moved into O’odham lands as missionaries or as Spanish military personnel.”⁴⁹ In this vein, I do aspire to offer a critical and political understanding of

⁴⁸ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity*, 19.

⁴⁹ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 19.

O’odham life that is consciously aware of the unequal forces of power invisibly at play within the historical record or lack thereof. As such, this following section provides a brief context of the Tohono O’odham in relation to the violent making of the international boundary and what it does and has done to the O’odham as Indigenous peoples.

The O’odham creation story tells the Pima version of O’odham history beginning with the creation of the universe unto the end of the Apache wars. It begins with a pure spirit named Jeoss who makes the heavens out of darkness.⁵⁰ He proceeds to make Earth Doctor – Jewed Ma:kai – who fashions another being, Siuuhu. Earth Doctor and Siuuhu take clay and shape a man and a woman and breath life into them.⁵¹ These first two humans become the original ancestors of the O’odham. Earth Doctor and Siuuhu then create the dawn, sun, deer, jackrabbit, windstorm, clouds, and rain as well as the moon, Coyote, the Milky Way, and Buzzard who shapes the mountains.⁵² Ultimately a great flood destroys this first creation. In one version of this narrative, the flood is caused by the tears of a baby born from the penis of a promiscuous young man.⁵³ Only Earth Doctor, Siuuhu, and Coyote survive and Earth Doctor returns to the heavens, but Coyote and Siuuhu take refuge in a flute and a house.⁵⁴ Siuuhu emerges first and begins to be called S-e’ehe, or Elder Brother, and later in the narrative, he is also called P’ittoi.⁵⁵ This is where the creation narrative leaves the realm of mythology and enters “prehistory.”⁵⁶ Siuuhu then makes more people including the O’odham, whom he teaches how to cultivate a variety of crops like corn, cotton and tobacco, to make saguaro wine as well as

⁵⁰ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 19-20.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

to irrigate their fields from canals.⁵⁷ Bringing them from the earth through a sacred cave nestled in the foothills of the sacred Baboquivari Mountains, I'itoi gives them their land, which stretched for thousands of miles across southern Arizona and northwestern Mexico, singing songs of protection.⁵⁸ Erickson explains: "From the underworld, I'itoi led our ancestors, the O'odham, upward into their land, a land stark and dry, yet beautiful. With patience, the O'odham came to understand the land, and from it, they learned to shape their lives and their unique and lasting traditions."⁵⁹

In this, Rivas says: "Our people history begins at the creation of the world...Our oral history is passed throughout time in our teachings and story tellings that occur during the wintertime. Our teachings identify who we are as O'odham peoples and how to follow Him'dag, the O'odham way of life."⁶⁰ The significance of the O'odham creation story is that it affirms Tohono O'odham land as given to them by a higher power. Through protection songs this creator consecrated a portion of the earth and all its provisions to the O'odham people. By this same divine source the O'odham, themselves were willed into existence for precisely inhabiting this particular space. Rivas expresses: "The Creator made the O'odham from the lands of the O'odham and taught the O'odham how to live in the desert. Being O'odham is a great responsibility, you can say, being Indigenous is a great responsibility and the greatest honor. We are the keepers of this universe; we keep the universe in balance through our teachings from the Creator,

⁵⁷ Ibid.

⁵⁸ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History*, 15.

⁵⁹ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History*, 1.

⁶⁰ Ofelia, Rivas, "Lideres Tradicionales de O'odham de la el Territorio de O'odham Cu:Wi l-gersk Comunidad, Sonora, México/Traditional O'odham Statement At the Zapatistas' Encuentro," *O'odham Solidarity Project*, November 2007, accessed July 2016, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

through our songs and ceremonies maintain the balance of the universe.”⁶¹ O’odham land in this sense is sacred and more so because it holds the remains of their ancestors who have shared and kept this narrative across generations into the present. Perhaps the most central and sacred places are in the Baboquivari Range which is in central Pápaquería where Kitt Peak and the sacred mountain, Baboquivari Peak lay. In this peak, it is said that I’itoi, the Elder Brother who brought O’odham ancestors to this land, lives there in a cave there that is obscured by scrub forests and rocky cliffs.⁶²

Given this centrality of Native land, O’odham migrated to and from their land living in a two-village migratory system where they moved to different locations depending on the season and available food from the earth. In this, during the hot summer, they traveled to cooler mountain valleys, which was at the base of the mountains.⁶³ They lived there until crops were planted and growing well before winter season, often making trips higher up the mountains to collect acorns, pine nuts, and edible grasses.⁶⁴ When winter came, they moved into the mountains where there were wells, springs or pools of water in natural catch basins, there, hunting became the main source of food.⁶⁵ Even as water was scarce in the desert, the O’odham had intimate knowledge of their land in which they were able to find other sources of water by digging in washes or other places, and harvesting saguaro cacti fruit pods to make wine for rainmaking ceremonies.⁶⁶

⁶¹ Ibid.

⁶² Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 2.

⁶³ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 8.

⁶⁴ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 12.

⁶⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 10.

⁶⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 4, 9-10.

As a result of overlapping Spanish, Mexican and U.S. colonialism, the O’odham have encountered, survived and resisted an unrelenting number of structural changes: from 1783 when the San Xavier mission was first begun built to 1848 when the Treaty of Guadalupe Hidalgo was signed to the 1854 when Gadsden Purchase legalized the United States’s stealing of more Native land from the colonial state of Mexico to 1874 when the San Xavier reservation was established to 1917 when the Tohono O’odham reservation established and to 1937 O’odham adopted their first constitution.⁶⁷ Today the Tohono O’odham are an apartheid and occupied Nation colonized by the U.S. and Mexican state regimes. In particular, the Border Patrol has established checkpoints, detention centers and surveillance mechanisms encircled throughout their land and reservation. As the international boundary dissects and bisects their land, the U.S. and Mexico governments have proposed construction projects for waste and chemical dumps on site, including U.S. initiatives for Air Force bases, anti-immigration laws, and Arizonan municipal and property ordinances over their mountain ranges and water wells.

Where once O’odham were villagers who maintained close-knit kinship systems through economic and ceremonial practices that required the freedom of movement to variously dispersed regions and sacred sites,⁶⁸ now they are caught in the crossfires of the U.S.-Mexico borderlands where they mistaken as “illegal aliens” and are subjected to harassment, detainment, and deportation by Border Patrol. In the gravity of this, Indigenous sovereignty for the Tohono O’odham is historically contingent in their

⁶⁷ Official Web Site of the Tohono O’odham Nation, Tohono O’odham History, Calendar Stick, <http://www.tonation-nsn.gov/tohono-oodham-history/>.

⁶⁸ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History*, 25.

him'dag – the O'odham way of life.⁶⁹ O'odham sovereignty is first and foremost land based; it is made up of their deep relations and connections to the earth as it requires freedom, movement and mobility precisely on these terms of kinship, economic, and ceremonial relations across their nation. In this, the Tohono O'odham people are not immobile and bisected, they are itinerant, regional, and evasive of boundaries, including reservation boundaries and wish to remain so.

Accordingly, understanding O'odham him'dag requires contextualizing the political and conceptual language of “Indigenous sovereignty” as formed in the field of Critical Indigenous Studies as a way to resist the language and realities of colonialism, imperialism and empire. In this, Joanne Barker critically interrogates how sovereignty has its etymological roots in European political and philosophical discourse. She explains: “Sovereignty as a discourse is unable to capture fully the Indigenous meanings, perspectives, and identities about law, governance, and culture, and thus over time impacts how those epistemologies and perspectives are represented and understood.”⁷⁰ Furthermore, Barker also says that sovereignty is historically contingent and because so it has no objective, fixed meaning to which the challenge then becomes understanding “how and for whom sovereignty matters.”⁷¹ While acknowledging visions for Indigenous sovereignty vary across different Native communities, I take up Barker's “how and for whom” to specifically foreground and center O'odham Indigenous sovereignty.

Moreover, Isabel Altamirano-Jiménez excavates the colonial/neoliberal material

⁶⁹ Rivas, Ofelia, “Our Way Of Life,” *O'odham Solidarity Project* <http://www.solidarity-project.org>. Accessed: 8.29.16.

⁷⁰ Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, 19.

⁷¹ Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, 21.

specificities of four Indigenous communities in Mexico (Zapatista/Zapotec) and Canada (Inuit/Nisga'a). She explains how global, universal articulations of Indigeneity are rooted in a European nationalism that reduces it to mere culture. Altamirano-Jiménez argues that Indigeneity needs to be reframed in a way that prioritizes specific historical senses of place as they are heterogeneous, and stem not only from established relationships with nature and cultural landscapes, but from specific roles, practices and responsibilities.⁷² Thus, in alignment with self-determination, self-government, and inherent right to historical location, Rivas affirms O'odham him'dag as the O'odham way of life, conveying: "Our creation tellings record history and teach the O'odham principles of life. The survival of O'odham today is based in our him'dag."⁷³ In this way, O'odham him'dag is the integrity, ethos, and material expression for O'odham sovereignty to be in its fullest form.

Conclusion: Against Settler Colonial Reconciliations and Recognitions

At the junctures of Critical Ethnic Studies, Critical Indigenous Studies, Borderlands Studies and Chicana Studies, the hegemonic paradigmatic assumptions of borders, nation-states, migration, immigration, transnationalism, citizenship, decolonization, colonialism, and solidarity, to name a few, become undone and unsettled by the analytical categories of *Indigenous Sovereignty and Indigeneity* only to be remade, expanded and informed by Critical Indigenous Studies. The materiality of Indigenous

⁷² Isabel Altamirano-Jimenez, *Indigenous Encounters with Neoliberalism: Place, Women, and the Environment in Canada and Mexico* (Seattle: University of Washington Press, 2014), 212-213.

⁷³ Rivas, Ofelia, "Our Way Of Life," *O'odham Solidarity Project* <http://www.solidarity-project.org>. Accessed: 8.29.16.

presence and assertion against imperial, colonial structures of erasure, removal, settlement, as a historical and present-day reality in relation to land and governance, effectuates the upending of long-standing paradigm shifts, and requires radical reconceptualization. Indeed Simpson asserts: “Indigeneity is quite simply a key to critical analysis, not as a model of an alternative theoretical project or method... but simply a case that, when considered robustly, fundamentally, interrupts what is received, what is ordered, what is supposed to be settled.”⁷⁴ Provided this, my dissertation is an unsettling project; between these political and scholarly fields, I seek to intentionally create interruptions in order to practice an ethic of incommensurability. Moreover, my project is in alignment with recent developments in the formation of Critical Latinx/Indigeneities as a new emerging field also grounded also in an ethic of incommensurability. Alongside Maylei Blackwell, Bianet Castellanos, and in particularly Aimee Carrillo Rowe’s “Settler Xicana: Postcolonial and Decolonial Reflections on Incommensurability” and María Josefina Saldaña-Portillo’s “Critical Latinx Indigeneities: A Paradigm Shift,” I am in conversation within an underdeveloped area of theorizing that needs more theorizing. In this, myself and the aforementioned scholars are invested in offering better and productive ways to think about and understand the tensions around Indigeneity and indigenismo, Turtle Island in relation to Aztlán, and overlapping colonial designs that produced two difference indigeneities where the category of Chicanx describes a detribalized loss while Native tribalization secures Indigenous resurgence against the settler state.

Accordingly, Tuck and Yang explain that “an ethic of incommensurability, which

⁷⁴ Audra Simpson, “Settlement’s Secret,” *Cultural Anthropology* 26, no. 2 (April 2011): 209, <https://doi.org/10.1111/j.1548-1360.2011.01095.x>.

guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence.”⁷⁵ What both scholars assert is that settler dispositions of unsettled innocence, that is ignoring Native presence and sovereignty, in fact reify settler desire to maintain the settler colonial order. In this, reconciliation has been a mechanism of this unsettled innocence because reconciliation has never delivered to Indigenous Nations total freedom from the settler colonial establishment. Moreover, questions of – What will decolonization look like? And What will happen after the dismantling of the U.S. settler state? – are in fact questions that reconciliation is concerned with. As such, according to Tuck and Yang reconciliation has only ever been about rescuing settler normalcy and rescuing a settler future. To counteract this, the conceptualization of incommensurability acknowledges that inquiries on how to dismantle the settler colonial order may not be able to be fully answered, and this is permissible, because the point is that decolonization can still exist as a framework that is not accountable to settlers.⁷⁶ The act of unhinging decolonization from settler paradigms is a gesture in which decolonization refuses belonging to settler futurity. Instead, it belongs and answers to Native futures, and the Native lives to be lived after the settler nation is gone.⁷⁷ This is what an ethic of incommensurability is responsible to. Thus, an ethic of incommensurability upholds interruptions, things unsettled, and it gives raw space to this discomfort without looking away. This is what Lena Carla Palacios affirms in advocating for a justice that is aligned with the simultaneous understanding of social death and

⁷⁵ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 35-36, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

⁷⁶ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 35, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

⁷⁷ Ibid.

blackness as fungible, and with Indigenous politics of refusals, while at the same time apprehending the challenging ways in which marginalized forms of self-determination unsettle both colonial and Indigenous specific decolonial forms of determination.⁷⁸

In this, Indigenous politics of refusal reject reconciliation and its assimilationist orientations as Glen Sean Coulthard's explains. He affirms: "This orientation to the reconciliation of Indigenous nationhood with state sovereignty is still *colonial* insofar as it remains structurally committed to the dispossession of Indigenous peoples of our lands and self-determining authority."⁷⁹ As such, the language of rights, assimilation, citizenship and nationalism, are settler-colonial, white sovereign, possessive technologies that violently dispossesses Indigenous peoples not only of their land but also of their ontologies, epistemologies, and spiritualities. Moreover, Simpson's politics of ethnographic refusal is about an Indigenous refusal against the ethnographic totality of Indigenous erasure and what Day calls *nothingness*. It is a refusal "to disappear, a refusal to be on the other end of Patrick Wolfe's critical, comparative history – to be "eliminated."⁸⁰ Further, she states that "refusing to go away, to cease to be, in asserting something beyond difference" means "contorting oneself in a fundamental space of misrecognition," which, "is not just about subject formation; it is about historical formation."⁸¹ On these terms, Indigenous critique and politics affirm and assert actual Native relationship to land, histories, sovereignties, and practices, individually and

⁷⁸ Lena Carla Palacios, "Killing Abstractions: Indigenous Women and Black Trans Girls Challenging Media Necropower In White Settler States," *Critical Ethnic Studies* 2, no. 2 (Fall 2016): 38, <https://www.jstor.org/stable/10.5749/jcritethnstud.2.2.0035>.

⁷⁹ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 151.

⁸⁰ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 27.

⁸¹ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 22.

collectively. Thus, an ethic of incommensurability indeed is aligned with repatriating land to sovereign Native tribes and nations, to abolishing slavery in its contemporary forms, and dismantling the imperial metropole, and anti-imperialism elsewhere. Thus, such as been the practice and meditation of this dissertation.

Chapter Two

Law and Order in Sicario: Critiquing The American Settler Colonial Superstructural Discourse

“Sovereignty carries the horrible stench of colonialism.”⁸²

Joanne Barker, *Sovereignty Matters*

Introduction: The Politics of Violation

On July 30, 2013, in a public statement requesting public support, Tohono O’odham activist, Ofelia Rivas declared that the United States Government, Department of Homeland Security, and Border Patrol Forces have “with malicious intent and with armed aggression,” 1) violated O’odham rights to life, 2) violated O’odham cultural rights, 3) violated O’odham rights of mobility, and 4) trespassed and destroyed O’odham cultural property.”⁸³ Against these violations, Rivas requested support on the terms of “demanding a stop to these profoundly offensive and repeated violations occurring to the O’odham by the United States...and demanding protection of O’odham right to life, cultural rights, rights of mobility and cultural properties.”⁸⁴ Rivas’s public statement turns the United States on its head, including our naturalized assumption that the United States is a sovereign and lawful, nation-state. In this, Rivas draws our attention to how

⁸² Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska, 2005), 26.

⁸³ The O’odham VOICE Against the Wall, “The O’odham VOICE Against the Wall: US Border Patrol Violates O’odham Rights,” *O’odham Solidarity Across Borders*, July 30, 2013, accessed 8/16/2016, <http://www.tiamatpublications.com/docs/OSP-PRESS-RELEASE-8-1-2013.pdf>.

⁸⁴ Ibid.

the United States is a settling and occupying empire, sustained in colonial and imperial practices of invading, occupying, stealing and appropriating Native land, and creating and maintaining immobile conditions of surveillance of Native bodies through these ongoing aforementioned violations to O'odham Him'dag.

In this, the palimpsestual perpetuation of the United States as an ongoing settler colonial empire is demonstrated by the fact that this public statement took place in 2013. The United States is naturally considered an ostensibly sovereign, democratic country that delivers freedom, justice and democracy, but Rivas's public statement counter-positions and undoes precisely this ideology of American exceptionalism. This being so, Indigenous presence and self-assertion then eclipses and dislodges the over-determined settler colonial teleologies and epistemologies of American nationhood and patriotism as they function to reify and make unseen the totality of U.S. settler colonialism, empire and imperialism. Thus, Indigenous presence and self-assertion inherently problematize the positivistic assumptions of violation in the White American and European Western sense, as they are politically bound within U.S. settler colonial jurisprudence. In this, the meaning of *violation* becomes politicized then rather than holding absolute meaning; and *violation* instead, is a discursively contingent category whose definition cannot be objectively defined, and is inherently contested. Ergo, in this context of Tohono O'odham immemorial right to life, land, and mobility, I politically situate the United States as engaged in an ongoing violation against Indigenous sovereignty, land, life-ways, traditional and cultural values, and mobility and movement.

Accordingly, I engage with the politics of *violation* through a visual analysis of the 2015 American movie, *Sicario*, to critically explore *violation* in the material context

of the Tohono O’odham Nation. As such, in this chapter, I am extensively focused on *Sicario* while considering several other secondary films like *No Country For Old Men*, *Traffic*, and *The Three Burials of Melquiades Estrada*. *Sicario* reinscribes the U.S.-Mexico borderland as U.S. property, as a volatile “frontier,” the edges of empire and imperial projection, where militarized protection is enforced against the outside threat of Mexican cartels, drug smuggling, and “illegal aliens.” *Sicario* is a prime example of typical Hollywood movies similar *No Country For Old Men*, *Traffic*, and *The Three Burials of Melquiades Estrada* that pin the inferior settler nation-state of Mexico, undocumented movement, unwanted smuggling, and drug cartels as threats against the settler colonial U.S. government, Border Patrol, and Immigrations and Customs Enforcement (ICE). In this, I raise the point of both the racialized construction of the “illegal alien,” and the fear of the Other by blunt militarized state surveillance, in critical relation to the invisibility of the Tohono O’odham as Indigenous peoples who live along the border. Moreover, I theorize *American Settler Colonial Superstructural Discourse* to situate how the producing, marketing, consuming and viewing of American films about the border altogether function in the mundane to crystallize the everyday settler colonial and imperial practices of palimpsestic violation collectively performed by U.S. Border Patrol, ICE, and other U.S. state agencies upon Native bodies and land. In this, while I examine *No Country For Old Men*, *Traffic*, and *The Three Burials of Melquiades Estrada*, I use my visual analysis of them to give broader context to *Sicario* as part of Hollywood’s industry to create films about the border that support U.S. settler colonial and imperial structures of violation through the simultaneous, ongoing makings of racialized others and the invisibilization of Native presence and land.

Thus, in this chapter I centrally analyze *Sicario* as a settler colonial visual artifact of *American Settler Colonial Superstructural Discourse*. Through a relational analytic that centers Native land, presence and sovereignty, I uncover the palimpsestic, settler colonial and imperial logics of U.S. empiricism in the film. This analysis of *Sicario* does not focus on the cinematography and technicalities of filmic structure; instead, I spotlight the cultural, political narrative and the invisibility of the imperial materiality of the U.S.-Mexico border, and the reality of settler occupation and militarization of Tohono O'odham land in the film through visual analysis. My research questions informing this analysis are: What does a settler colonial critique of *Sicario* reveal about our understanding of the border regime in relation to Indigenous presence and sovereignty? In what ways is *Sicario* a settler colonial film? How does a visual analysis of *American settler colonial superstructural discourse* further our understanding of the settler colonial palimpsest?

My goal in this chapter is to show how the visual cultural genre of Hollywood films about the U.S.-Mexico border are bounded within and reifies this *American settler colonial superstructural discourse*. Moreover, I situate *American settler colonial superstructural discourse* within the settler colonial palimpsest as an ongoing, emerging, and continual iteration of settler colonial enunciation and materiality. Furthermore, by visually analyzing *Sicario*, I show how *American settler colonial superstructural discourse* reinforces settler colonial material violence, and the U.S. border regime at the U.S.-Mexico border. In this, I argue that the visuality of American border films, in relation to the reality of the Tohono O'odham people at the U.S.-Mexico border, is a settler colonial palimpsestic continuation of U.S. imperialism and empire. Thus, I begin

this chapter with an analysis of visibility as it relates to American films that specifically depict the border. Subsequently, I discuss other border films that are similar to *Sicario* to provide context of the scope of the invisibility of Native land, presence and sovereignty within *American Settler Colonial Superstructural Discourse*. Following, I extensively analyze *Sicario* and consider how it is a settler colonial modern day Western. Lastly, I conclude with a descriptive layout of the material realities of the U.S.-Mexico border in critical context and in relation to the Tohono O’odham.

Superstructural Framings of U.S. Settler Colonial Discourse

U.S. settler colonialism is materially reified and normalized in, by and through American visual culture, specifically in Hollywood films about the U.S.-Mexico border. These films are grounded in racialized, gendered and sexist ideologies that support and demarcate American exceptionalism, nationalism, and patriotism. Indeed, they solidify the entire U.S.-Mexico border apparatus as a given. In this, the producing, marketing, consuming and viewing of American films about the border altogether function in the mundane to crystallize the everyday settler colonial and imperial practices of palimpsestic violation collectively performed by U.S. Border Patrol, ICE, and other U.S. state agencies upon Native bodies and land – this is what I am calling *American settler colonial superstructural discourse*. Accordingly, American visual culture, in particular Hollywood film about the border, is a nation-wide, settler colonial and imperial superstructure masked in patriotism, nationalism, homeland defense, and politically covert military operations.

In this, *American settler colonial superstructural discourse* validates and preserves the materiality of U.S. settler colonial empire and imperialism through territoriality, settler sovereignty, and racial gendered violence at the border. *Sicario* and similar films are part of this hegemonic discourse that creates and re-creates symbolic and material justified violations carried out by the settler colonial and imperial United States Empire. Moreover, films like *Sicario* politically fabricate and reinforce deeply seeded epistemologies about Indigenous land, Indigenous sovereignty, and Indigenous bodies as non-existent, while ontologically assuming the United State's absolute territoriality and white sovereignty against Mexico, and undocumented subjectivities. In effect, the visuality of the U.S.-Mexico border in Hollywood normativizes the settler colonial palimpsest as culturally given, and as violent allowable entertainment. It fantastically permits that all cost and calculated measures of violence, brutality, and death be taken, not only to ostensibly ensure national security and state sovereign power but to also celebrate it. In this, the visual, symbolic and representational domain is crucial to the settler colonial palimpsest material formation of the border, and border militarized surveillance. The way the visual appears, how the visual is constructed for viewing, and how this viewing is interpreted, reify the materiality of the border even if it is exaggerated and or inaccurately represented. In this, Hall gives a brief account of the intellectual genealogy and discourse of ideology as a concept, and generally describes it as a category of analysis within materialist theory that describes how "social ideas arise," and "what their role is in a particular social formation."⁸⁵ He explains that "Marx most often used 'ideology' to refer specifically to the manifestations of bourgeois thought; and

⁸⁵ Stuart Hall, "The Problem of Ideology: Marxism Without Guarantees," *Journal of Communication Inquiry* 10, no. 2 (June 1986): 26, <https://doi.org/10.1177/019685998601000203>.

above all to its negative and distorted features.”⁸⁶ Furthermore Hall states: “By ideology I mean the mental frameworks – the languages, the concepts, categories, imagery of thought, and the systems of representation – which different classes and social groups deploy in order to make sense of, define, figure out and render intelligible the way society works.”⁸⁷ I take Hall’s conceptualizing of ideology to analyze *American settler colonial superstructural discourse* as it materializes visually in border films. Ideology constitutes ideas and beliefs of the collective mind, and consciousness of the American settler nation state to the extent that it becomes a controlling, and normative ‘material’ force of U.S. settler society, and its imperialist agendas at and beyond the border.

Thus, *American settler colonial superstructural discourse* in terms of U.S. films about the border, co-constitutively delivers a settler colonial ideology that renders itself into material existence at the border through actual surveillance activity. Likewise, the materiality of the border informs the symbolic staging of such American films. Stuart Hall explains that culture is a process, a set of practices engaged with “the production and exchange of meanings – the ‘giving and taking of meaning’ – between the members of a society or group... [that it] depends on its participants interpreting meaningfully what is around them, and ‘making sense’ of the world, in broadly similar ways.”⁸⁸ In this, the hegemonic American practice of making culture about the border is inherently a settler colonial practice of “seeing” and “making sense;” and this is apparent in *Sicario* because

⁸⁶ Stuart Hall, “The Problem of Ideology: Marxism Without Guarantees,” *Journal of Communication Inquiry* 10, no. 2 (June 1986): 28, <https://doi.org/10.1177/019685998601000203>.

⁸⁷ Stuart Hall, “The Problem of Ideology: Marxism Without Guarantees,” *Journal of Communication Inquiry* 10, no. 2 (June 1986): 26, <https://doi.org/10.1177/019685998601000203>.

⁸⁸ Stuart Hall, editor, “Introduction,” *Representation: Cultural Representations and Signifying Practices* (Milton Keynes: The Open University, 1997), 2.

it perpetually reproduces the settler justification of the border and border militarization at the expense of Native land and bodies through their invisibility.

Jonathan Beller conveys: “The cinema “is not only a scene of representation, but of production.”⁸⁹ What Beller means is that the cinematic movement of images actuates the collective, national subconscious, which creates passive spectatorship central to the the materiality of U.S. settler-state empire and imperialism. According to Beller, the quick change in images rapidly impresses onto the audience hegemonic ideological epistemologies that form the dominant social and political structure of society. In this way, the cinematic image is a “paradigmatic mediator between the political economy and the psycho-symbolic orders of production.”⁹⁰ As such, this understanding of the discursive and ideological production through the filmic visual allows me to critically deconstruct and demonstrate the ways in which Indigenous land, presence and sovereignty are ignored and rendered invisible in the settler effort to hyper-securitize the border, stop the drug trade, kill drug lords, and expunge illegal immigrants and migrants. It helps me to demonstrate the ways patriarchy, sexism, and racism are inseparable regimes of U.S. settler colonial imperial power that undergird the military border complex, while disavowing and denying Indigenous existence, even as Indigenous presences clearly asserts themselves in material ways. Thus, the normative violence of the settler colonial and imperial border regime relational to the lived reality of Indigenous and undocumented immigrants and migrants, as a result of it, are structurally constructed

⁸⁹ Jonathan Beller, *The Cinematic Mode of Production: Attention Economy and Society of the Spectacle* (Hanover: Dartmouth College Press, 2006), 2.

⁹⁰ Jonathan Beller, *The Cinematic Mode of Production: Attention Economy and Society of the Spectacle* (Hanover: Dartmouth College Press, 2006), 26.

through imperial practices, which flow from such ideological American films about the U.S.-Mexico border.

For such reasons, I have selected *Sicario* because it is the most recent example of *American settler colonial superstructural discourse*, as it symbolically supports the imperial and empiricist palimpsestic regimes emerging from the U.S. Department of Homeland Security in regards to the border. The hegemonic totality of this *American settler colonial superstructural discourse* rest upon the removal, denial, erasure, and invisibility of Native presence and sovereignty; this is particularly demonstrated in *Sicario* where the film's visuality completely overlooks O'odham presence while depicted on Indigenous that has been imperially and colonially claimed as Arizona. Even as Indigenous presence is materially asserted in various ways, for example through O'odham embodiment, activism, O'odham tribal government, etc., the film pictures the border in Arizona through the visual obliteration of Native existence. As a result, this perpetuates and affirms *American settler colonial superstructural discourse*.

American settler colonial superstructural discourse is fundamentally a visual and symbolic realm that reinforces the settler colonial and imperial materialities of the U.S. border regime. Moreover, it is formatted within the colonial rubrics of anti-Indian racism, white superiority, heteronormativity, and economic neoliberalism. In this way, the U.S.-Mexico border is a critical site to understand and interrogate *American settler colonial superstructural discourse*. It is here that the interplay between U.S. settler colonial ideologies and practices are visibly solidified and that the visual landscape, rife with settler patriotism and national, militarized security, entwines with the material "frontier" of the U.S.-Mexico border, against the variously perceived threats of the "terrorist," the

“drug smuggler,” and the “illegal alien,” overlaying Indigenous assertion to life and living. Moreover, in alignment with the political campaigns like “the war against drugs,” the “war against poverty,” and Trump’s “law and order,” *American settler colonial superstructural discourse* palimpsestically aggrandizes border militarization, surveillance, deportation, detention, and criminality over and against devalued and illegitimate others, through the continual and yet shifting iteration of settler occupation, appropriation of Indigenous land, and the erasure of Indigenous people like the Tohono O’odham. While the invisibility of Indigenous presence is not absolute, the effect and affect of *American settler colonial superstructural discourse*, in its visual and material landscape, subtracts and invisibilizes Indigenous presence and sovereignty; thus, making the United States the sovereign over stolen land, and therefore justifying its settler colonial and imperial border regime.

The Visuality of American Settler Colonial Superstructural Discourse

Elena Dell’agnese explains in “The U.S.-Mexico Border in American Movies: A Political Geography Perspective” that “American-Mexican relations have been a major theme since the foundation of the film industry” and that “movies not only provided the American public with powerful images of the region, but also produced a popular discourse.”⁹¹ Dell’agnese also says that the U.S.-Mexico border has historically been a central figure in numerous genres of American movies from westerns to science fiction. Moreover, that it is always depicted as a racialized and gendered space, as a region where

⁹¹ Elena Dell’agnese, “The U.S.-Mexico Border in American Movies: A Political Geography Perspective,” *Geopolitics Journal* 10, no. 2 (May 2006): 205, <https://doi.org/10.1080/14650040590946548>.

colonial fantasies are played out, where historical claims to land, identity, and culture are contested, and as a symbolic and material landscape of violence and contact. In this way, Hollywood ideologically manufactures the U.S.-Mexico border into a signifier where it reifies the signified border. I see this phenomenon as a colonial dialectic, where the materiality of the border also informs settler representations of the border in films, *visa versa*. Consequently, the filmic production of these settler representations deliver extreme nationalist and patriarchal ideologies grounded in imperial, colonial state violence that reaffirm the United States in the name of security, justice, and democracy; and *Sicario* demonstrates exactly this. In this, Dell'agnese explains: "Manufacturing difference has been the most common theme for American filmmakers,"⁹² and difference meaning the construction of excluded, marginalized and devalued others. I find Dell'agnese's work about American films that represent the U.S.-Mexico border useful for understanding how the border is a site for the American film industry to hegemonically hail popular expressions of typecasting racialized, gendered and sexualized alterity. However, I also expand her analysis to say that these popular, typecast alterities such as the dirty Mexican and the righteous American police officer are bound within the hegemony of *American settler colonial superstructural discourse*. As a result, the American police officer or Border Patrol personnel represent the power of the settler colonial and imperial state, thereby reaffirming its dominating sovereignty through the erasure of and violation into Native land, life, and sovereignty. Additionally, tropes and characters like the dirty Mexican produce a triangulation among these contested relationships between the settler

⁹² Elena Dell'agnese, "The U.S.-Mexico Border in American Movies: A Political Geography Perspective," *Geopolitics Journal* 10, no. 2 (May 2006): 215, <https://doi.org/10.1080/14650040590946548>.

state and invisibilized Indigeneity. In a summarizing way, I read *The Three Burials of Melquiades Estrada*, *No Country For Old Men*, *Traffic* and *Sicario* in this way.

In the 2005 French-American neo-western film directed by Tommy Lee Jones called *The Three Burials of Melquiades Estrada*, Melquiades Estrada is the central character. He is a naturalized, Mexican-American cowboy living near the border in Van Horn, Texas. The film opens with him shooting a coyote to protect his goats in an open range field. In the distance a newly employed border patrolman Mike Norton is jerking himself off while looking at a porn magazine. Norton hears Melquiades shooting the coyote but without any discernment or knowledge of what is going on he ruthlessly shoots Melquiades and kills him. Norton does not report this situation, but instead buries Melquiades in the desert. His body is later found when two other border patrolmen walk to the dead carcass of a coyote they previously shot. Eventually, Pete Perkins, a white ranch foreman, and best friend to Melquiades demands that the local police investigate his murder, but they refuse and remain focused on preventing illegal Mexican immigration. Even when Pete eventually finds out that Norton killed Melquiades, the police still refuse to investigate the crime and arrest Norton.

Norton's xenophobic hate and death-dealing actions of racialized ethnic Mexicans are not only deliberately upheld by the local police agency and Border Patrol in the film's narrative, so too are his racial gendered and sexualized embodiments of border violence. The porn magazine he used to jerk off with hails not only his objectification of women, but of a larger American national heterosexist patriarchal practice of misogyny. This objectification is further revealing by his relationship with his wife. After coming home from border patrolling one evening he approaches her for sex in the kitchen and she

whispers “no,” but gives in anyway because he does not either hear or listen, perhaps both. As he is behind her feeling his way, she is facing the kitchen sink. The camera angle catches her face that gives a feeling of being so disconnected and used in that moment, looking down at the dishes in her hand.

These instances in the film are connected with another scene where Norton busts a smuggling attempt, and he violently separates an undocumented Mexican man from his wife, calling her a bitch while aggressively and angrily manhandling both of them to the ground saying racial slurs. In this clip, Norton emasculates the husband, while his display of misogyny is obvious. Overall, through Norton’s character we see how racism, sexism, and patriarchy are inseparable tools of domination and oppression, and fundamental to the mechanics of U.S. settler colonial and imperial regimes like the border patrol. If the main racialized ethnic target in this film was Melquiades, although a rancher who lived in the borderlands region in the film, and others like him illegally crossing, then U.S. sovereignty is profoundly normalized in the backdrop of Indigenous erasure. It is no surprise that in the visual landscape of border films, the U.S. is felt, known, and seen as having right to claim its settled territory by the invisibilization of Native land, bodies and life ways.

Similarly, in 2007, *No Country For Old Men*, a crime thriller directed by Joel and Ethan Coen, tells a story about welder and hunter Texas cowboy, Llewelyn Moss who discovers, near the border in west Texas, the remains of several drug runners who have killed each other in an exchange gone brutally wrong. Instead of reporting the scene, Moss extracts from the site two million dollars for himself, which puts him in the direct path of a psychopathic killer and hitman, Anton Chigurh, who is hired to retrieve the

money. Chigurh dispassionately murders every rival, bystander, including his own employers in his pursuit of his quarry and the money. Sheriff Ed Tom Bell blithely oversees the investigation in its sheer enormity of the carnage Chigurh has trailed. Hired by Mexican cartel men to retrieve drug money in west Texas in a small remote town, Chigurh is depicted as a Mexican, psychopathic killer hitman in opposition to Moss who is a white local simple American townsman and Texas cowboy. The juxtaposed typcasting of Chigurh and Moss imply that Chigurh's savagery is representational of Mexico, the Mexican Cartel, and that Mexico is enemy to the United States, in which, through Moss, the United States is in need of saving from such brutality.

What is interesting near the mid-end of the film, Moss eventually flees to Mexico to find safety and hide away. He crosses the border and on his way over pays a young white man for his jacket and his bottle of beer. Moss pretends to be a drunk Mexican wandering over, hiding the fact that Chigurh has injured him in his abdomen. After spending some time in the hospital in Mexico, Moss eventually crosses back into the United States in his medical garment, convincing a border patrol agent that he was a U.S. war veteran so that the agent can give him patrol clothing. The false, easy flexibility that Moss is able to move back and forth with across the border symbolically indicates how American whiteness embodies settler colonial and imperial privilege to claim other bodies and other land beyond a given territory. Meanwhile, through Chigurh, the film's gaze imagines Mexico and the illegal drug trade as a monstrous phenomenon to circumvent given that the film ends with Moss's inevitable death and Chigurh's escape from the local police. Accordingly, *No Country For Old Men* assumes U.S. territory as given and sovereign, including justified boundary passing against the lesser and

problematic Mexico. In this rubric, nation-state squabbles crystallize in narratives such as that between Moss and Chigurh. Once again, as with *The Three Burials of Melquiades Estrada*, Indigenous presence is erased and obliterated. This falsely masks the United States as having ontological, epistemological and cosmological right to land stolen and taken from Indigenous Nations in North America.

Relatedly, the 2000 American drama, *Traffic*, directed by Steven Soderbergh, depicts the convoluted dynamics at play surrounding drug trafficking between the settler empires of Mexico and the United States. In this film, the Mexican Cartel is not simply the sole oppositional, evil criminal player pinned against the United States that it is often narrated to be. Instead, players on the side of the United States are implicated as contentious forces, that are otherwise unassuming, deeply engaged in drug trafficking. In this, *Traffic* intertwines vignettes about America's war on drugs, starting with Ohio Supreme Court judge, Robert Wakefield who is appointed the nation's drug czar. However, his political reputation eventually becomes controversial when he discovers that his honor student, teenage daughter Caroline is a cocaine addict. Meanwhile, DEA agents Montel Gordon and Ray Castro are investigating Helena Ayala, wife of jailed kingpin Carlos Ayala, a high stakes dealing businessman and distributor in the U.S. for the Obregon Cartel in Tijuana. Parallel to these, in Mexico, Javier Rodrigues and his partner Manolo are fighting their own battle to stop the transportation of drugs into the United States. What is interesting about *Traffic* is that it debunks the ostensible innocence inherent in American exceptionalism through the personas of the honor student, the Supreme Court judge, the prominent businessman who's pregnant wife embodies symbolizes hetero-normative nuclear family household. In this way, *Traffic* delivers a

different kind of complicated representation of the United States in American border films in relation to *No Country For Old Men*. Even with debunking U.S. integrity somewhat, the visuality of vignettes in Mexico depict Javier Rodriguez and his partner Manolo as dubious, sweaty Mexican officials working as part of a suspicious Mexican government in the drug trade. In this, once again the symbolic realm of *American settler colonial superstructural discourse* bounds *Traffic* within it, making it a given that awareness of Native sovereignty and presence on occupied and invaded land is incomprehensible.

Altogether, these films affirm what Dell’agnese argues: “American popular culture has turned the border into an icon that supports the making of a complex narrative of the national self in its relation with the external other.”⁹³ Indeed, these films demarcate the U.S.-Mexico border as a geopolitical boundary but it is more than this. Materially and symbolically, it is a settler colonial palimpsest where U.S. occupation, empire and imperialism are visibly still at work (I will discuss this further in Chapter three). In addition to being a marker of differential and hierarchical sovereignty between the United States and Mexico, the end of the nation-self between in the face of another nation-self, and the beginning of an open frontier, where the “other” empire is, the border palimpsestically delineates a settler colonial assemblage of biopolitical, and necropolitical operations. These operations function over and upon Indigenous land and life ways to control and determine not only the exchange of goods, but also the capacity of movement of people – not only of undocumented migrants, and their conditions of living and/or dying but also that of the Tohono O’odham.

⁹³ Elena Dell’agnese, “The U.S.-Mexico Border in American Movies: A Political Geography Perspective,” *Geopolitics Journal* 10, no. 2 (May 2006): 215, <https://doi.org/10.1080/14650040590946548>.

Settler Colonial and Imperial Ideologies In *Sicario*



Figure 4 - DVD front cover for the 2015 film *Sicario*.⁹⁴

Indigenous erasure through *American settler colonial superstructural discourse* is not total, however the excess of the settler colonial logic informing these films overrides Native presence. In this, Michelle H. Raheja examines the American film industry as it deliberately vanquishes the Native to a forgotten past and inserts the white settler as the authentic indigene while producing representational practices that do not mirror reality. She argues: “The violence of invisibility has plagued Native American communities primarily through its contradictions...Native Americans stand at the center of the dominant culture’s self-definition because Euro-American identity submerged and

⁹⁴ Front cover of DVD for the 2015 film, *Sicario*. <https://www.amazon.in/Sicario-Emily-Blunt/dp/B07GDS8P9W>.

formed upon the textual and visual culture register of the Indigenous “other.””⁹⁵ With this filmic colonial production of erasing the Native, Gillian Rose explains that the visual imagery is always constructed through various practices, technologies and knowledges.⁹⁶ As such, the tools used to create films like *Sicario*, including the ideological work of the film itself, in addition to the beliefs the audience brings to the film when viewing the image, constitute central aspects of the production of *American settler colonial superstructural discourse* that override Indigenous sovereignty, land, life ways and presence. Ergo, *Sicario* is a site of cultural production that mirrors this *American settler colonial superstructural discourse*. As such, Elena Tajima Creef explains that “visual representations can be read on two fundamental levels: (1) as “narratives” that can be subjected to the same kind of critical and theoretical scrutiny, interpretation, and analysis as literary texts, and (2) as symbolic “texts” that instruct us how to read the narrative of citizenship and national formation through the lens of race, class and gender politics.”⁹⁷ Thus, in the following section, I examine *Sicario* as a productive hegemonic, political-cultural narrative of settler-colonial U.S. nationalism, empire and imperialism, and as a reified symbolic text that materially (re)produces the colonial violence of the U.S.-Mexico border. In this filmic visual analysis, I situate the U.S. and its territorial border as a settler colonial and imperial regime of warfare, conquest, and domination whose militarized border industrial complex perpetually occupies and colonizes O’odham land,

⁹⁵ Michelle H. Raheja, *Reservation Reelism: Redfacing, Visual Sovereignty, and Representations of Native Americans in Film* (Lincoln: University of Nebraska Press, 2010), xii.

⁹⁶ Gillian Rose, *Visual Methodologies: An Introduction to the Interpretation of Visual Materials, Second Edition* (London: Sage Publications, 2007), 14-15.

⁹⁷ Elena Tajima Creef, *Imagining Japanese America: The Visual Construction of Citizenship, Nation, and the Body* (New York: New York University Press, 2004), 9.

and denies O’odham sovereignty, and exploits and makes vulnerable to various incapacities, O’odham citizens and migrants crossing.

Sicario was release in theaters nationwide in 2015. It is an American crime-thriller directed by Denis Villeneuve, written by Taylor Sheridan, and starring Emily Blunt, Benicio del Toro, Josh Brolin, and Victor Garber. This film takes place alongside the U.S.-Mexico border near the corridors of El Paso, Texas and in Arizona, which is on Tohono O’odham land. The film elides the reality of O’odham presence and sovereignty entirely, which of course, is no surprise since it is a hegemonic visual narrative in *American settler colonial superstructural discourse*. *Sicario* opens with written words: “The origin of the word “sicario” is from the time when Jewish zealots hunted the Romans who occupied Jerusalem. In Mexico, the word means “hitman.”” In summation, the plot’s main goal and resolution is to disable the drug trade in Mexico in a larger effort to reduce the drug industry to a single cartel in Columbia. This effort would make the violence of the drug trade more manageable and hopefully quell the use of cocaine in the U.S. In the plots unfolding, we discover that Alejandro, played by Benicio del Toro, was a prosecutor from Cartagena, Columbia who previously worked for Medellín, a Columbian drug lord who now works for the Americans under special assignment of the CIA. Throughout the whole film Alejandro’s agenda is suspicious and secretive, and it is not until the near end of the film that the audience realizes his main objective. Ultimately, Alejandro was brought on to assassinate the Sonoran drug lord, Fausto Alarcón. His assassination not only dismantles the Sonoran Cartel but also becomes the opportunity for Alejandro to get his past revenge of Alarcón’s ordered murder of his wife and daughter.

In this, the audience comes to understand Alejandro's past, that he was once part of the Columbian drug trade, and is now a CIA approved employed hit man for the Americans.

Kate Macer is characterized as a white protagonist female; a principled, moral and ethical leader of a Phoenix based kidnap response unit for the FBI. She is recruited to work on a special operations team led by Matt Graver of the CIA, whose partner is Alejandro, both who are on special assignment for the Department of Defense, working behind a Delta Force team. This special assignment is unbeknownst to Kate because what is, and will be required in the mission, as the storyline progresses is unprincipled violence in the name of U.S. "law" and "justice." Nonetheless, Kate agrees to the assignment believing that the work of the team would avenge the deaths of the officers killed at the drug raid in Chandler, Arizona. This drug raid is the opening scene of the film.

Agreeing to this mission, Kate, along with Matt and Alejandro board a federal jet plane and fly to El Paso. There they meet up with U.S. Marshals, DEA agents, and a U.S. Army Delta Force unit. Their mission is to drive into Ciudad Juárez, Mexico and extradite Guillermo Díaz from prison and bring him under U.S. jurisdiction in the United States. Guillermo Díaz is second in command to his brother and cartel head, Manuel Díaz, both who work under drug lord Alarcón. In this clip, the spectacle of the numerous, massive military vehicles lined up behind each other, caravanning through the border, equipped with weapons and having easy clearance and access to and from the border is symbolic of U.S. imperial expansion and colonial insertion into "foreign," "alien," and "threatening" lands. Anne McClintock argues that gender and race are fundamental axis of colonial domination; that they are needed to secure and maintain the

imperial enterprise. She states: “European men were the most direct agents of empire.”⁹⁸ In this clip, this settler colonial logic that entwines gender, race and imperialism is depicted through the superfluous U.S. military fleet entering Juárez that is comprised of all white men with the exception of Kate, the only white female.

Once Guillermo Días is successfully apprehended, the xenophobic fear of being in Mexico becomes a heightened projection especially in the following scene when the team is crossing back into the United States. Here, they assume that several alleged cars are a hit squad. In the midst of traffic at the border with cars bumper to bumper, heading towards the United States, several team members get out of their cars, and approach another car that is suspected to be Mexican cartel gang members. What ensues is an impulsive slaughtering of many assumed to be Mexican cartel gunmen. This happens in broad daylight on the main border-crossing checkpoint highway in order to preempt an ambush that never happened. In this clip, Kate reluctantly shoots a bandit sneaking up behind her vehicle; she also witnesses the reckless killings, and her own participation in it. It is in this moment that Kate begins to question the ethics and legality of the teams methods and mission. This is one monstrous scene out of several in the film depicting the settler-national-security empire recklessly slaughtering a racialized other in broad daylight.

The bifurcated border between the settler empires of Mexico and the United States are inherently racialized and gendered. Mexico’s racialization as brown, illegal, a drug threat, a criminal/alien threat is connected to its colonial interpellation as a feminized, un-pure, and weaker nation that is penetrable by its stronger, more masculine

⁹⁸ Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 5.

counterpart, the Anglo, Christian endowed United States. McClintock argues: “As European men crossed the dangerous thresholds of their known worlds, they ritualistically feminized borders and boundaries...the feminizing of the land appears to be no more than a familiar symptom of male megalomania, it also betrays acute paranoia and a profound, if not pathological, sense of male anxiety and boundary loss.”⁹⁹ As such, as Matt, Alejandro, Kate and the rest of the team cross back into the United States, their gendered and racial paranoia is met with brute militarized force resulting in carnage of Mexican border crossers.

After this mission in Juarez is complete, the team drives to Tucson to question Mexican illegal aliens, who have been removed from their transport buses. Alejandro interrogates and forces them to identify the location of a secret tunnel under the border that Díaz revealed to him when he was being tortured by Alejandro at the United States air base in El Paso shortly after crossing back from Juárez. Díaz uses this underground tunnel to smuggle drugs into the U.S. Once the location is known, Alejandro and the Delta Force team lead a running gun battle at night in the tunnel with the smugglers and mules inside. Alejandro observes a Mexican border patrol agent named Silvio unloading drugs from his Mexican police vehicle in a warehouse above the tunnel entrance. Kate sees Alejandro apprehend Silvio and hold him at gunpoint; she attempts to stop him but he shoots her purposefully in her vest and tells her to never aim a weapon at him again. He then forces Silvio into his police car giving him directions while coordinating with the Americans through radio technology. Alejandro forces Silvio to drive until they see Manuel Díaz’s car and he makes Silvio pull Díaz over. He then tells Silvio to step out

⁹⁹ Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 24.

of the car. Silvio walks out to confront Díaz, and then Alejandro shoots Silvio in the back, killing him, while wounding Díaz in the leg. He then forces Díaz to drive to Alarcon's house. Alejandro arrives at Fausto's estate and kills the guards and finds Fausto having dinner with his wife and two sons. He kills his wife, two sons and tells him to finish his meal, and then he kills Fausto. With the help of a CIA surveillance drone, Alejandro kills Díaz, his family and all his bodyguards.

This tunnel scene happens somewhere in southern Arizona, which is Tohono O'odham land. This setting does not depict O'odham presence, nor does it situate the region as O'odham land. Instead, it portrays an emptied barren desert managed and controlled by the team's surveillance technology. In this, the settler colonial myth of the virgin land is also the myth of empty land, which involves a gendered, sexist and racial logic of land appropriation and Indigenous removal, genocide, and denial of sovereignty. Moreover, this scene, as with many others, portrays the powerful, unlawful military force of the United States against Mexico, and its racialized, illegal drug smugglers, and Cartel members. In this, the function of *American settler colonial superstructural discourse* is not only to circulate these colonial narratives of land but to also build upon them a settler colonial palimpsestual visual against racialized and differentiated bodies that emerges with films such as *Sicario*. Jodi A. Byrd states: "As the liberal state and its supporters and critics struggle over the meaning of pluralism, habitation, inclusion, and enfranchisement, Indigenous peoples and nations, who provide the ontological and literal ground for such debates, are continually deferred into a past that never happened and a future that will never come."¹⁰⁰ In this, Byrd explains that U.S. empire is established upon a deferred

¹⁰⁰ Jodi A. Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 221.

“Indian” as it claims itself to be sovereign over Indigenous land; more specifically, they state that the “Indian” transits through empire, meaning that the “Indian” is recycled and reproduced in such a way that functions for the ongoing, ostensible totality of U.S. empire. As such, the “Indian” is refashioned to be border crossers, drug smugglers, the Mexican Cartel that must be conquered and killed in order for the U.S. to continue reigning as a powerful imperial settler colonial state. The settler colonial palimpsest, thus, becomes a process of racialization that replaces colonization as a site of analysis, and the structuring logics of Native dispossession are displaced onto settlers, drug smugglers, and illegal border crossers. Thus, the violence of *American settler colonial superstructural discourse* in *Sicario* is this substitution and erasure of the indigene in order to consolidate control difference specifically at the U.S.-Mexico border.

Furthermore, while Alejandro is getting his revenge, on the American side of the border, Kate is the last person out of the tunnel. She angrily punches Matt, and in a scuffle between them both he overpowers her and yells at her to calm down. She is outraged that she has not been fully informed of the mission and its illegality. She learns that Alejandro is not a Mexican federal agent but an assassin who is originally a member of the Columbian Cartel who has been hired by the CIA to catch Díaz’s boss, Alarcon, the local head of the Mexican Sinaloa Cartel. Alas, Mat finally tells her that the CIA thinks they can control drugs better if the Columbians are in charge. As Matt explains this, Kate learns that by disabling the Sonora Cartel, they are attempting to return to a time when a single cartel, Medellín, ran the drug trade. This would ultimately return order to the industry and reduce violence, and until the Americans stop using cocaine, this is the best they can hope for. Moreover, Alejandro, who worked for Medellín, was

brought on to assassinate Alarcón. Matt explains to Kate that Alarcón had decapitated Alejandro's wife and their daughter into a vat of acid, and that this is Alejandro's opportunity for revenge.

In the closing scenes, Alejandro slips into Kate's apartment unseen late at night. He hands her a document and orders her to sign it, confirming that everything they did was "done-by-the-book." Kate refuses to sign it but Alejandro holds a gun under her chin, stating she'll be committing suicide if she doesn't sign it. He wipes her tears away from her cheeks but still keeps the gun held at her. Ultimately, Kate is forced to and reluctantly signs. Alejandro then leaves telling her to go to a smaller town where the rules of law still apply. Subsequently, the final scene is in Ciudad Juarez where Silvio's widow watches her son's soccer game. The game is briefly interrupted by the sound of gunfire, before continuing.

An interesting moment in this film is when Kate, Matt, Alejandro, and the rest of the team cross back into the United States, and are temporarily stationed at the air force base in El Paso, Texas. After their successful apprehension of Díaz, Alejandro uses sexual force on Díaz as a form of torture in a secluded room to get him to reveal information about Alarcón's hidden drug tunnel on the Arizona/Sonora border. In this particular scene, Alejandro and Matt are the only ones in the room with Díaz, who is strapped to a chair. Matt is sitting perpendicular to Díaz while Alejandro stands right in front of him, and unzips his pants, and then the scene cuts off to the next. Eithne Luibhéid explains: "Border Patrol agents have been implicated in incidents of rape and sexual abuse of undocumented women."¹⁰¹ What is interesting here is that sexual torture is a

¹⁰¹ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), 118.

patriarchal military tactic used not only by Border Patrol, but also by secret U.S. agents. What's more, the gendered violence that Alejandro queerly performs is homosexualized; it is also racially pornographic with Matt, a white male, in the room viewing what is happening. This illuminates the contradictory racial, gendered and sexualized dynamics that are at play within the settler colonial surveillance and control of the spatial border. Raheja explains: "Within this masculinist paradigm of the western, film, and literary plots often center on queer and what Eve Kosofsky Sedgwick calls "homosocial" relationships between men."¹⁰² In this, Matt and Alejandro enforce patriarchal and heteronormative standards through militarized aggression publically as with the mass killings on the border highway; but actualize non-normative, homosexual practices as tools of settler colonial domination and oppression. Heteropatriarchy prides itself in clear delineations of bifurcated genders and their expected forms of sexuality. However, Alejandro deviates from this when he forces Díaz to give him a blowjob. Just as well, what queers this scene is Matt's proximity to this situation and his intimate watching of the blowjob happen. Matt is watching homosexual porn and torture simultaneously. Here patriarchy breaks its own heterosexist rules of gender roles with Díaz taking on the "female" role of being forced to give the blow job, while momentarily being two gay men, Matt views and Alejandro receives.

Moreover, although mostly White men are centered in *Sicario*, Alejandro functions as the racialized exception. As a brown other, he is included but included in such a way that in the film he takes on the most monstrous unlawfulness throughout the film. In this, it is Alejandro who is the main hitman, the main enforcer of sexualized

¹⁰² Michelle H. Raheja, *Reservation Reelism: Redfacing, Visual Sovereignty, and Representations of Native Americans in Film* (Lincoln: University of Nebraska Press, 2010), 47.

torture, and the main character to enter into the tunnel killing off anyone on his path. It is as if the “innocent” U.S. hired an “un-innocent” non-white, non-American to do their state-sanctioned dirty work. Thus, Alejandro’s proximity to whiteness, even as he appears as a “good guy,” nonetheless interpellates him as more monstrous in terms of his practices of unlawfulness. This reveals how non-white, racialized masculinity is perceived to be more evil and brutal than white masculinity; and how in this film Alejandro’s masculine, sexualized aggression is desired by the U.S. to be used against outside threats.

From the perspective of Kate Macer, played by Emily Blunt, the white female protagonist, the audience learns that any moral assumption and idealization of U.S. justice is only abstract, and that the material reality of American justice in action at the U.S.-Mexico border is rather one of ruthless carnage and corruption. In fact, injustice is the law of this special assignment. Kate’s disillusionment of this builds up throughout the film. She demands several times as the film progresses that Matt explain to her what is really going on. Every time, however, Matt withholds information telling Kate that it is none of her concern or business. The withholding of information from Kate demonstrates the ways in which patriarchy and male dominance looks down upon women even as Kate held top position and authority leading the kidnapping unit team in Phoenix. Kate is the only woman on the team; moreover, she is the only white woman among all white men. In this, it appears that everyone on this mission knows about what is happening except for Kate. McClintock expresses:

Colonial women made none of the direct economies of military decisions of empire and very few reaped its profits...the rationed privileges of race all too often put white women in positions of decided – if borrowed – power, not only over colonized women but also over colonized men. As such, white women were not

the hapless onlookers of empire but ambiguously complicit both as...privileged and restricted, acted upon and acting.¹⁰³

The prominence of Kate as a white woman clearly elaborates upon McClintock's assertions. Kate holds a significant leadership position in the FBI field office in Arizona. This status makes her superiors see Kate as a crucial team member for the special assignment she agrees and is invited to be on. However, she is not given all the facts of the mission upfront. In this, the audience knows just as much as Kate does, seeing through her perspective. Eventually, Kate puts the pieces together as she goes deeper into the mission, especially near the end of the film when she realizes that Alejandro has been given U.S. federal permission to revenge his own family by killing Alarcón, his family, his bodyguards and the rest of the main players in the Mexican cartel. This was the main mission – the upfront slaughtering of the Mexican Cartel in which Alejandro is sicario, the U.S. hitman. Ultimately, Kate realizes that at the border of empires, on the boundary lines between territories, U.S. sovereignty and enactments of authority, security against outside threat is in fact unjust – injustice is the law on the U.S.-Mexico border.

Saidiya V. Hartman explains how the violent diffusion of terror in slavery was perpetuated under the rubric of pleasure. Hartman explains: “The repressive effects of empathy...can be located in the ‘obliteration of otherness,’ of the facile intimacy that enables identification with the other only as we “feel” ourselves into those we imagine as ourselves.”¹⁰⁴ Hartman is referring to the intimate moments of sensual desire, and discipline and punishment, when slave masters would force their slaves into dance or song in a moment of their own mental, emotional and physical humiliation and sexual

¹⁰³ Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 6.

¹⁰⁴ Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 20.

violation by their white owners. Hartman spotlights these moments as spectacular and as everyday practices of normalizing violence, theorizing the visibility of violence as entertainment. In related ways, *Sicario* represses empathy towards the differentiated racialized other who faces obliteration at the hands of Alejandro, Matt and Kate. Moreover, *Sicario* creates a complicated intimacy that agrees with Alejandro's vengeance, and Matt and Kate's participation in carnage along the border. Aileen Moreton-Robinson states: "The ideal of the "illegal immigrant" [and I will add illegal drug trafficking] serves to ideologically affirm the possessiveness of patriarchal white sovereignty through its border-protection policy."¹⁰⁵ The ideological and cultural diffusion of *American settler colonial superstructural discourse* as exemplified by *Sicario* is about what Moreton-Robinson calls the white possessive; and in terms of visibility, I will also include the value of whiteness mirrored back to an American audience and white enjoyment. The reality of U.S. Empire is ultimately about settler colonial possession of Indigenous land through masculine, sexualized, militarized, patriarchal aggression, and through racialized differentiation and hierarchalization. It is about the ongoing settler colonial palimpsestual structuring of a patriarchal white sovereignty, over and against Indigenous people, and then over and against illegal activity across the border. Together, both this patriarchal white possessive visibility of the border in tandem with the materiality of the border itself, normalizes all extra-legal violence in order to secure the U.S. settler colonial imperial empire in Native land and at the expense of Native presence and life. As such, *American settler colonial superstructural discourse* informs the militarized imperial practices of Department of Homeland Security, Border Patrol, ICE,

¹⁰⁵ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 147.

and nationwide U.S. law enforcement. In this, *Sicario* reveals how *violation* is hegemonically constituted by and within imperial and settler colonial technologies of racial, gendered sexism against Indigenous presence, and upon Indigenous land. What becomes glaringly obvious as the film progresses is that American *justice* becomes a disguise for settler colonial state-sanctioned, extra-legal violence and patriarchal, imperial occupation and intrusion, overriding other contested meanings of violation. Here violence becomes valued, legitimate, necessary, and required as the normal conditions of U.S. imperial sovereignty and territoriality.

***Sicario*: A Modern-Day Western**

All aspects of *American settler colonial superstructural discourse* override, erase and invisibilize the reality of Indigenous land, sovereignty, and presence, particularly in films about the border that target illegal immigration, migration, and illegal drug trafficking. The figure of the border in both the symbolic and material realms symbiotically operate as a sight for U.S. settler colonial and imperial military expansion, and the claiming and executing of U.S. sovereignty. Moreover, the border is an ongoing palimpsestic, settler colonial *frontier* of the neoliberal, modern era. As such, I situate *Sicario* as a modern-day, American Western that depicts this current day, settler colonial, neoliberal-frontier. An Entertainment Weekly review of *Sicario* described Matt and Alejandro as “a cagey cowboy of an elite government agent and a Mexican national whose intentions – and allegiances – are unclear.”¹⁰⁶ As such, I see the cagey cowboy

¹⁰⁶ Kevin P. Sullivan, “SICARIO,” *Entertainment Weekly*, no.1377/1378 (August): 26–28,

leading a shady, chaotic task force, through legitimized violence as legally justified on the U.S.-Mexico border, as a current day iterations of the Western genre.

In this, Westerns tell stories of the American Old West, and stereotypically depict the cowboy who rides a horse, bandits, lawmen, bounty hunters, outlaws, buffalo soldiers, farmers, ranchers, townsfolk, and Native Americans as savage, voiceless, uncivilized, heathen, and barbaric. They are disturbingly racist and patriarchal in their depiction and validation of usurping and colonizing Native land. In her examination of the Western genre, Michelle H. Raheja states: “Certainly one of the more insidious effects of Hollywood’s racial optics regime was that, despite intentional and unintentional inaccuracies, the films served as pedagogical and knowledge production for spectators. These films have been highly influential in shaping perceptions of Native Americans as, for example, a dying race that is prone to alcoholism and is inherently unable and unwilling to adapt to change.¹⁰⁷ Although *Sicario*, including *No Country For Old Men*, *Traffic*, and *The Three Burials of Melquiades Estrada* did not have the typical characters of a Western film, their elision of Indigenous presence, sovereignty and land is seriously worth noting. This speaks to Byrd’s analysis of how the “Indian” transits through U.S. empire,¹⁰⁸ and how in this case, the colonization of the west has now become the border-protection regime against the racialized illegal other.

Moreover, Westerns are mostly set in the harshness of the wilderness, in arid, desolate landscapes of deserts and mountains, with plots mostly about ranchers protecting

<http://libproxy.unm.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=f3h&AN=108918910&site=eds-live&scope=site>.

¹⁰⁷ Michelle H. Raheja, *Reservation Reelism: Redfacing, Visual Sovereignty, and Representations of Native Americans in Film* (Lincoln: University of Nebraska Press, 2010), x.

¹⁰⁸ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, 76.

their family from rustlers, revenge stories, Calvary fighting Native Americans, and bounty hunters tracking down his quarry. These depictions of landscape as central to Westerns legitimize Native land as an empty and virgin frontier waiting to be conquered and capitalized. In effect, it crystalizes the settler colonial practices of stealing Native land through the confederate military power in order for the United States empire to expand and establish itself as a sovereign nation. In this, the landscape in *Sicario* as with *No Country For Old Men*, *Traffic*, and *The Three Burials of Melquiades Estrada* are set in the border regions of Texas, Arizona, and California which visually depict endless backdrops of an isolating desert without any living presence of historically ongoing living Indigenous communities like the O’odham. Accordingly, as a modern-day Western, *Sicario*’s frontier is the border carved through the settler colonial names of the Sonoran and Chihuahua deserts of the southwest, with drug traffickers, undocumented border crossers, and private CIA task forces all wrapped up in a cat and mouse game that sustains sensationalized and normalized settler colonial violence through the invisibilization of Indigenous life. At the same time, *Sicario* is a queer tale about a queer frontier, where settler male friendships and imperial rivalries constitute love-hate relationships, as seen with Alejandro character role, all in efforts to regain control of the region against illegal drug smuggling.

Gilberto Rosas distinguishes ““the border” – as a historical moment of established largely solvent territorial demarcations of Mexico and the United States – from [what he calls] “the new frontier” with its diffused lines, flowing bodies, and blurring economies, in which sovereignty, always incomplete and tenuous, must be constantly reaffirmed”¹⁰⁹.

¹⁰⁹ Gilberto Rosas, “Policing Life and Thickening Delinquency at the New Frontier,” *Journal of Latin American and Caribbean Anthropology* 16, no. 1 (2011): 28,

While discussing how policing and sovereignty in the border region, at the new frontier between the United States and Mexico is a concomitant blurring of licit and illicit economies, and intertwined technologies of racialization and criminalization, Rosas argues that “policing at the new frontier thus signifies the tenuous nature of sovereignty at the border under neoliberal governmentality.”¹¹⁰ I find Rosas’s wording of the border as “the new frontier” intriguing but for different reasons apart from what he explains. Rosas calls the border “the new frontier” because of its increased criminalizing and surveillance activity paralleled with undocumented immigrant and migrant labor, encapsulated within this neoliberal moment. Moreover, it is in this neoliberal moment where governmentality at the border ensues as a brawl between two different sovereigns, Mexico and the United States. Moreover, Mae Ngai explains: “That the undocumented immigrant was the least desirable alien of all denotes a new imagining of the nation, which situated the principle of national sovereignty in the foreground...The association of immigration control with the state’s authority to wage war reveals that sovereignty is not merely a claim to national rights but a theory of power.”¹¹¹ In alignment with Rosas’s framework, Ngai affirms that the militarized practices at the new frontier against undocumented persons are fundamentally about the right to assert sovereignty power. However, what Rosas and Ngai both miss are the ways in which “the new frontier” is a settler colonial palimpsest made up of several, overlapping, diverging, and ongoing white patriarchal claims over and upon Native land, and against Indigenous sovereignty.

<https://doi.org/10.1111/j.1935-4940.2011.01123.x>.

¹¹⁰ Gilberto Rosas, “Policing Life and Thickening Delinquency at the New Frontier,” *Journal of Latin American and Caribbean Anthropology* 16, no. 1 (2011): 26,

<https://doi.org/10.1111/j.1935-4940.2011.01123.x>.

¹¹¹ Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014), 62, 12.

Winona LaDuke asserts: “Native people have seen our communities, lands and life ways destroyed by the military. Since the first European colonizers arrived, the U.S. military has been a blunt instrument of genocide, carrying out policies of removal and extermination against Native peoples.”¹¹² She further contends: “White settler hero worship [is] a western frontier mentality of “how the west was won.”¹¹³ Therefore, the language about the U.S.-Mexico border as a modern day frontier is first and foremost about the ongoing imperialism and colonialism over and upon Indigenous land, and the ongoing erasure and genocide of Indigenous presence and sovereignty, even as these violent systems are not totalizing or complete. As such, this follows Byrd’s critique that: “The Indian is simultaneously, multiply, a colonial, imperial referent that continues to produce knowledge about the Indigenous as “primitive” and “savage” otherness within poststructuralist and postcolonial theory and philosophy.”¹¹⁴ Byrd’s main point is that the racialization of *any* other and the scholarly critique (Ngai and Rosas for example) of every racialization is established upon, and emerges from the colonial violence of the Indigenous subject. Moreover, the structuring of U.S. empire is about understanding the ways in which the “Indian” transits through it, in all its racializing transmutations. Thus, all discourse about the U.S.-Mexico border, and “illegal” activity, is fundamentally about the ongoing settlement of U.S. empire not only against undocumented border crossers, but also against Native land and Indigenous presence.

¹¹² Winona LaDuke, *The Militarization of Indian Country* (East Lansing: Makwa Enewed, 2013), xvi.

¹¹³ Winona LaDuke, *The Militarization of Indian Country* (East Lansing: Makwa Enewed, 2013), xi-xii.

¹¹⁴ Jodi A. Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 19.

Border Militarism In Arizona

As a modern day Western the film reaffirms the settler colonial violence of the militarized border surveillance regime; and likewise, the violence at the U.S.-Mexico settler colonial frontier reaffirms the ideological collective of *American Settler Colonial Superstructural Discourse*. In this, the militarized surveillance regime on the U.S.-Mexico border is resonates with the visuality of *Sicario* created in real time, in real life, in which both materially and symbolically invisibilize Native presence, land and sovereignty. Todd Miller explains that the Border Patrol “can do a warrantless search on anyone who is within one hundred miles of U.S. coastal-lines and borders. These Homeland Security officers have federal, extra-constitutional powers that are well above and beyond those of local law enforcement.”¹¹⁵ This means that the state is also in violation of its own settler colonial laws regarding Fourth Amendment protections because at the border, and interior to the border, the Fourth Amendment has been rolled back on with the Department of Homeland Security’s extra-legal power. We see this kind of dominating and oppressive power wielded in Rivas’s public statement, and in *Sicario* through the characters of Alejandro and Matt, including Kate’s reluctant willful participation. Moreover, Miller explains that Border Patrol articulates themselves as a team assigned to protect their hemisphere and the way of life for their people.¹¹⁶ This was the language used at the Sixth Annual Border Security Expo that took place in Arizona in March 2012. What is interesting about this language is that their usage of “hemisphere” instead of “country” signals the assumption that the United States domain goes well

¹¹⁵ Todd Miller, *Border Patrol Nation: Dispatches from the Front Lines of Homeland Security* (San Francisco: City Lights Open Media, 2014), 15.

¹¹⁶ Todd Miller, *Border Patrol Nation: Dispatches from the Front Lines of Homeland Security* (San Francisco: City Lights Open Media, 2014), 22.

beyond its territorial boundary-lines. This aligns with Kaplan's critique of empire and imperialism, always expanding beyond its said territorial borders while excluding and expunging everyone unwanted within it who is suspected to be a social threat. The extent of this U.S. settler colonial empire imperial regime is that Iraq is one of many overseas countries where Border Patrol training missions take place. Miller explains: "“CBP Agent Adrian Long says that in Iraq they train them “in Border Patrol techniques like cutting sign, doing drags, setting up checkpoints and patrols.””¹¹⁷ In this way, the Border Patrol and ICE become the imperial and settler colonial forms of U.S. Empire especially at the border.

The Arizona-Sonora settler state border is the backdrop in *Sicario* where the plot thickens near the end of the film. In the film, the area is unmarked as the desert region of the Tohono O'odham lands and people, where Alejandro, Matt and Kate find the tunnel where illegal drugs get smuggled across the border, where Alejandro begins his successful revenge, and where Kate unsuccessfully fights Matt over her realization of the illegality of the assignment. Interestingly, Phoenix, Arizona is opening location for the beginning of the film too. In this, the southern region of Arizona is significant; it is foremost, the Tohono O'odham lands belonging to the O'odham. Upon Native land, Arizona is a settler colonial extension of the imperial workings of U.S. Empire through its leading central military-style activity throughout the borderlands. There is no coincidence in the political election of sheriff, Joe Apraio from 1993-2017, in the 2012 Border Expo in Phoenix, in laws like SB1070 and the ban on Ethnic Studies in 2010, or in setting the location for *Sicario* primarily in Arizona. As a result, Arizona has become

¹¹⁷ Todd Miller, *Border Patrol Nation: Dispatches from the Front Lines of Homeland Security* (San Francisco: City Lights Open Media, 2014), 23.

an iconic site for draconian, racist-sexist anti-immigrant and anti-migrant sentiment. This becomes clearer as the University of Arizona in 2018 received a \$17million, six-year grant “to develop, test, and eventually commercialize its [border patrol products] including sensors, fencing, perimeter, surveillance, drones, and other instruments of social control...to advance and strengthen the capacities of the national surveillance state.”¹¹⁸ Moreover, while it may seem that the days of settlement and annexing Native land is an ancient and forgotten chapter in American history, the ongoing experience of the Tohono O’odham Nation according to Rivas’s public statement shows us that nothing is further from the truth. The border regime against unwanted others is foremost a settler colonial and imperial regime against Indigenous land, people and Native sovereignty. It is a violating boundary building and enforcement project where O’odham communities are made immobile, and their land and relatives human and non-human are dissected and bisected by the U.S.-Mexico border.

Conclusion: Reframing Border Talk and Asserting Native Life

From a global perspective, Ruben Andersson discloses that since 2012 supranational configurations of power between Spain, France, and Greece have coordinated and integrated control centers throughout Europe’s southern maritime border into what is now called Eurosur, the European external border surveillance system.¹¹⁹ Eurosur specifically targets clandestine African boat migrants migrating to Europe from

¹¹⁸ Todd Miller, *Border Patrol Nation: Dispatches from the Front Lines of Homeland Security* (San Francisco: City Lights Open Media, 2014), 47-49.

¹¹⁹ Ruben Andersson, *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe* (Oakland: University of California Press, 2014), 7.

North Africa.¹²⁰ Andersson calls this the “illegality industry” because it not only produces careers, creates networks, circulates knowledge, and channels increasing amounts of money, but it also constructs the illegal alien within a neoliberal economic, capitalist logic of risk that translates to threat.¹²¹ This ideology of threat envisions the border as the site through which alien invasion, drug smuggling and terrorist attacks become fearsome possibilities for a nation-state. In the case of Europe it reifies the bodies of African migrants as targeted enemy objects in which the blackness of their skin embodies the reality of such national threats. I mention Andersson’s “illegality industry” because his insight offers a global context that situates the militarized surveillance U.S. border regime in relation to other border regimes.

Similar to Europe’s maritime border “illegality industry,” the United States Senate in 2013 passed the Border Security, Economic Opportunity, and Immigration Modernization Act, which constructed the largest border policing and surveillance system that the United States has ever witnessed.¹²² “The result,” Senator John McCain said, “is the most militarized border since the fall of the Berlin wall.”¹²³ Like Eurosur’s illegality industry, the U.S. militarized surveillance regime “provides for the hiring of almost 19,000 new Border Patrol agents, the building of 700 additional miles of walls, fences, and barriers, and an investment of billions of dollars in the latest surveillance

¹²⁰ Ibid.

¹²¹ Ruben Andersson, *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe* (Oakland: University of California Press, 2014), 8.

¹²² Todd Miller, “Tomgram: Todd Miller, Surveillance Surge on the Border,” *TomDispatch.com: A Regular Antidote to the Mainstream Media*, July 11, 2013, accessed August 2016, http://www.tomdispatch.com/blog/175723/tomgram%3A_todd_miller%2C_surveillance_surge_on_the_border.

¹²³ Ibid.

technologies, including drones.”¹²⁴ This is in alignment with Europe’s Eurosur maritime border neoliberal project and can also be similarly understood as the U.S.’s own subscription to the global “illegality industry.” As with Eurosur’s risk-threat ideology, the Border Security, Economic Opportunity, and Immigration Modernization Act reifies the border in a constant state of threat, invasion and contamination.

Provided this global perspective on the “illegality industry,” which is somewhat useful in understanding the mechanics of surveillance at the U.S.-Mexico border, application of it, is limiting given how this neoliberal border production invisibilizes Native life, land and sovereignty. The centrality of Indigenous land and sovereignty is a crucial factor in understanding and forming any critique of imperial and empiric borders, in particular regards to the Tohono O’odham. Thus, any critique and analysis of the “illegality industry” in any border zone within the fields of Borderlands and Chicana Studies will be shortsighted through the invisibilization of Indigenous presence, land, and sovereignty. Indeed, Ofelia Rivas states: “Although the Tohono O’odham Nation is a sovereign nation, it has no control of its lands and has no control over the administration of its own tribal form of government.”¹²⁵ Even as sovereignty holds contested meaning as explained by Joanne Barker, the meaning of sovereignty is a settler construction certainly has significant, recycled meaning for the affirmation and determination of Indigenous peoples everywhere as with Rivas’s demand to end U.S. violations through the repatriation of their land, mobility, and life ways. Joanne Barker explains: “Indigenous peoples were recognized by England, France, Canada, New Zealand, and the United States as constitutional nations that possessed rights to sovereignty – by treaty, by

¹²⁴ Ibid.

¹²⁵ Ofelia Rivas, “Our Way Of Life,” *O’odham Solidarity Project*, accessed February 2016, http://www.tiamatpublications.com/docs/Our_Way_of_Life.pdf.

constitution, by legislative action, and by court ruling.”¹²⁶ U.S. Chief Justice John Marshall accepted terms like nation, sovereign and treaty in colonial U.S. law in reference to American Native tribes. Additionally, the U.S. Supreme Court “obligated to adhere to the internationally accepted definitions of those terms in relating to the tribes as independent sovereigns.”¹²⁷ Barker goes on to say, however, that “the blatant contradictions are between the recognition of the sovereignty of Indigenous peoples through the entire apparatus of treaty making and the unmitigated negation of Indigenous peoples’ status and rights by national legislation, military action, and judicial decision.”¹²⁸ She explains that the Marshall Trilogy – *Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worester v. Georgia* (1832) – established an ongoing precedence for what sovereign and nation would mean for Indigenous tribes and members in relation to the United States. As such, *Johnson v. McIntosh* instituted that Indigenous peoples were not the full sovereigns of the lands they possessed but were rather the users of it, roaming and wandering for purposes of shelter and sustenance.¹²⁹ *Cherokee Nation v. Georgia* found that Indian tribes were domestic dependent nations whose relationship to the U.S. federal government was that of a ward to a guardian;¹³⁰ and *Worester v. Georgia* determined that the Cherokee were a sovereign possessing

¹²⁶ Joanne Barker, Editor, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 5.

¹²⁷ Joanne Barker, Editor, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 6.

¹²⁸ Ibid.

¹²⁹ Joanne Barker, Editor, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 7.

¹³⁰ Joanne Barker, Editor, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 10.

partial powers as depended wards under the more supreme governing authority of the U.S.¹³¹ Overall, the U.S. settler colonial and imperial Empire has assumed its own settler sovereignty over Native land and bodies. Through symbolic and material means it asserts is settler sovereignty to manage and control and exterminate outside others while simultaneously doing so over and upon Native land and peoples like the Tohono O’odham.

The point here is to not only counter U.S. border militarism for the sake of undocumented border crossers but to counter it for them with the central urgency of delivering reparations to Native land and life who are just as well affected and effected by the settler colonial palimpsestic border. As such, Rivas shares: “without true sovereignty, the [O’odham] tribal government lacks the authority and ability to denounce the abuses of human life and the irreparable destruction of the natural habitat of our relatives – the plant life and animal life [as a result of the border and militarized border surveillance]. This is in direct violation of the O’odham principles of life.”¹³² In this, the materiality of the border and its *American settler colonial superstructural discourse* cannot be anymore and must be undone for the will to affirm Native life and those lives fated to cross borders.

¹³¹ Joanne Barker, Editor, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 12.

¹³² Ofelia Rivas, “Our Way Of Life,” *O’odham Solidarity Project*, accessed February 2016, http://www.tiamatpublications.com/docs/Our_Way_of_Life.pdf.

Chapter Three

Colonial and Imperial Palimpsestic Land: Paradigm Shifts of the U.S.-Mexico Border

“The O’odham way of life is based on the land that has held the remains of our ancestors since the creation of this world. The O’odham did not migrate from anywhere according to our oral history.”

Ofelia Rivas, “*Our Way of Life*”

“Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insist on settler sovereignty over all things in their new domain.”¹³³

Eve Tuck and K. Wayne Yang, *Decolonization Is Not A Metaphor*

Introduction: Native Land and Native Bodies: Geographies Of The Settler Colonial Palimpsest

On Thursday, November 20, 2014 Alex Soto from Komkch’ed e Wah’osithk (Sells), Tohono O’odham Nation, writes of former president of the United States, Barack Obama’s 2014 immigration plan:

First and foremost, it will direct more resources to border security. Meaning...further militarization of Indigenous communities who are divided by the so-called border, such as my home community of the Tohono O’odham Nation. Our O’odham him’dag (way of life) will once again be attacked by settler border politics, as it was in 1848 and 1852 when the so-called border was illegally imposed. Attacked like we were in 1994 when the North American Free Trade Agreement (NAFTA) was enacted. These borderland policies are being devised and implemented without any settler consciousness to the Indigenous peoples who

¹³³ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 5, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

will be most negatively impacted by such policies. The Indigenous Nations who pre-date so-called Mexico and the United States end up almost voiceless.¹³⁴

Soto's articulation between Obama's 2014 immigration plan as twenty-first century colonization through the mechanics of border militarization, the border itself, NAFTA, anti-immigration policies, including Trump's recent efforts to build an entirely thorough border wall while imposing the longest government shutdown in American history, signals a fundamental conceptual shift in how we understand history proper, and the debates about the U.S.-Mexico border and immigration and migration into the United States. The site of Native land and the materiality of Native bodies becomes a palimpsestic geography where and through Soto's critique of U.S. settler colonialism and imperialism becomes crystalized and visible as continuous and connected across different points in time. Moreover, among discrete points in time, different settler colonial developments emerge out of Tohono O'odham land, grounding the totality of the violence of the U.S.-Mexico border regime. In this, Soto shifts our attention from the positionality of the undocumented migrant and immigrant to Indigenous Land and Indigenous bodies, not to relegate as unimportant or devalued but instead to illuminate the extent and gravity of the border regime in this place as a function of and a materiality within a settler colonial and imperial history. Additionally, the centrality of Native land and bodies upon which the border has violently been imposed, unhinges the undocumented migrant and immigrant subject as the primary casualty of the border. Instead, the legibility and centrality of Native land and body resituates the undocumented migrant and immigrant subject within this colonial, imperial matrix.

¹³⁴ Alex Soto, Komkch'ed e Wah 'osithk (Sells), "Deferred (In)Action: Where's The Solidarity With Indigenous People Facing Militarization?," *O'odham Solidarity Across Borders Collective*, November 2014, accessed October 2016, <http://oodhamsolidarity.blogspot.com/search/label/Indigenous%20Border%20Issues>.



Figure 5 - Cropped original map of the jurisdictional and traditional boundaries of the Tohono O’odham Nation by Forest Purnell used under Creative Common SA License.¹³⁵

In this chapter, I focus on the historical formation of the U.S.-Mexico border region, specifically at the site of Tohono O’odham land, and I frame this material landscape as made up of overlapping, shifting, disjointed, jointed, and distinct yet connected, ongoing settler colonial projects. The facts of Soto’s reality and statement require a fundamental re-configuration of the border as a settler colonial palimpsest. As such, I argue that the present day U.S.-Mexico border and the U.S. border regime (border militarization and surveillance, Border Patrol, ICE, detention centers, and U.S

¹³⁵ Cropped original map of the jurisdictional and traditional boundaries of the Tohono O’odham Nation by Forest Purnell used under Creative Common SA License. <https://www.hpaied.org/sites/default/files/publications/TO%20Profile.pdf>.

immigration law and policy) make up the settler colonial palimpsest asserted upon O’odham land, life, presence, and sovereignty. Moreover, they signal the presence and failure¹³⁶ of multiple, differentiated and related imperial establishments (Spanish, Mexican, and American) that make up the settler colonial palimpsest. Accordingly, I selectively outline the compounded developments of multiple colonial formations established by Spain, Mexico and the United States upon Tohono O’odham People and land, as discrete yet continuous, and relational accumulations, which are ongoing today. As such, this chapter is about an interrogation of several colonialisms as palimpsestic developments and their colluding relationalities and contradicting divergences as colonial and imperialist projects as revealed when Soto says: “Our O’odham him’dag (way of life) will once again be attacked by settler border politics, as it was in 1848 and 1852 when the so-called border was illegally imposed. Attacked like we were in 1994 when the North American Free Trade Agreement (NAFTA) was enacted.”¹³⁷ Given this, I assert the indispensability of Native land and the Indigenous body to the analysis of the U.S.-Mexico border and border regime. I make the case that these historical colonialisms are disjointedly and continuously present, materialized in the violence U.S.-Mexico border, and the U.S. border regime, and articulated by a refusing, Indigenous presence. Overall, by centering Native land and the Indigenous body as the geography upon which the U.S.-Mexico borderlands and border regime is inscribed and characterized by, I aim to show how the U.S.-Mexico border and the U.S. border regime needs re-articulation as

¹³⁶ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 7-8.

¹³⁷ Alex Soto, Komkch’ed e Wah ‘osithk (Sells), “Deferred (In)Action: Where’s The Solidarity With Indigenous People Facing Militarization?,” *O’odham Solidarity Across Borders Collective*, November 2014, accessed October 2016, <http://oodhamsolidarity.blogspot.com/search/label/Indigenous%20Border%20Issues>.

accumulated violence that emerges from this palimpsestic settler colonial ongoing history.

Suspicious Archives and Alternative Archives

The relational methodology of palimpsest allows me to ask a different set of questions because it orients my focus on the continuities, divergences, and accumulations among and between Spanish, Mexican and U.S. colonialism on O’odham land. In this, I am able to understand how the U.S.-Mexico border and the border regime is shaped by historical precedents of Indigenous dispossession and genocide as well as Indigenous refusal and resurgence often hidden from view. Victor Bascara says of palimpsest: “To recognize nonlinear emplotment is to recognize incommensurable contradictions”¹³⁸ Hence, this chapter intentionally observes nonlinear emplotments and incommensurable contradictions through which I am able to interrogate how the racial stereotypes and the targeting of the illegal alien, illegal criminal, terrorist, and drug mule emerge from the violent history of the U.S.-Mexico region and its relationship to settler colonialism and imperialism, and Indigenous genocide, dispossession, removal, and denial of presence and sovereignty. Thus, I ask the following questions: What are the colonial continuities and divergences between the Spanish invasion, the Republic of Mexico, and the United States, upon the Tohono O’odham peoples and land? How can we understand these disjointed and jointed colonial formations as a palimpsest? How does palimpsest allow

¹³⁸ Victor Bascara, “Collaboration, Co-prosperity, and “Complete Independence: Across The Pacific (1942), Across Philippine Palimpsest,” *Filipino Studies: Palimpsests of Nation and Diaspora* Editors Martin F. Manalansan IV and Augusto F. Espiritu (New York: New York University Press, 2016), 92.

for the asking of different questions, and what are the political and theoretical implications of this?

To address these questions I rely on an Indigenous source from the Tohono O'odham Across Solidarity Borders website, a blog written by O'odham activists, Jon Riley, whom, in his organizing work, has critiqued and written about the U.S.-Mexico border and the border regime as it affects the Tohono O'odham. I also rely on two settler colonial, imperial, anthropological texts: *Sharing the Desert: Tohono O'odham in History* by Winston P. Erickson and, *At the Border of Empires: The Tohono O'odham, Gender, and Assimilation, 1880-1934* by Andrae M. Marak and Laura Tuennerman. Among the plethora of anthropological texts on the subject, I chose Erickson's because the ethnography was supervised and influenced by O'odham members appointed by the O'odham government who were formative in the production of the text. Additionally, I chose Marak and Tuennerman's text because their narrative focuses on gender and sexuality; for me, this was distinguishable and particular from other ethnographic texts, which did not. Just as well, I hold these texts in critical hesitation, such that, I do not take their in total trust. My reason for this is that these texts are written by white scholars, mostly men, one white woman, and the primary source for these texts are colonial documents. This is typical since most of the early record of O'odham history in the sixteenth century is apprehended through the colonial gaze and writings of Spanish men, as missionaries and military personnel who invaded and occupied their land. In this way, these texts are colonial and imperial formations of U.S. empiric cultural production via the academy. Ned Blackhawk explains that: "Unrecorded paradigmatic shifts in Indian cosmology, for example, remain lost to historical inquiry, while the social and

demographic revolutions unleashed by the spread of Spanish horses, microbes, and economies are only faintly visible.”¹³⁹ As such, I situate *Sharing the Desert: Tohono O’odham in History* and, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation* as settler colonial and imperial archives. I see these secondary ethnographic sources as the epistemological parameters of knowing, reading, and making legible the conditions of settler colonialism and imperialism, and its aftermath.¹⁴⁰ In this way, I am not excavating these texts to fill a gap, fix or recover an unseen past, or to make claims that a hidden past must make its way into visibility, among the dominant narrative of colonial and imperial histories. Rather, I critically examine these texts as optics and registers of power by how they tell a narrative of empire, imperialism and settler colonialism on Tohono O’odham land and life-ways.

Accordingly, in alignment with Lisa Lowe’s “History Hesitant,” I problematize the question of recovery, and the belief that it amounts to correctives about history, which is why this chapter does not deliver a normative, chronological narrative of the settler colonial palimpsest. Drawing on the tradition of black social critique, Lowe questions the question of recovery in relation to slavery and freedom, that is, the endeavor to recover overlooked and overwritten archives within a Western discourse that has intentionally blotted them out. Lowe says: “I observe that slavery and colonialism are not just the conditions of possibility for the liberal monopoly on freedom – whose vehicles are political emancipation, wage labor, free trade, and liberal government – but that liberal history and epistemology do the work of obfuscating these connections.”¹⁴¹ In this, Lowe

¹³⁹ Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 19.

¹⁴⁰ Lisa Lowe, “History Hesitant,” *Social Text*, 33, no. 4 (December 2015): 87.

¹⁴¹ Lisa Lowe, “History Hesitant,” *Social Text*, 33, no. 4 (December 2015): 97.

delineates, if the institution of slavery in the United States is ongoing through anti-black racism, police brutality, and the prison industrial complex, etc., while freedom is a neoliberal racial design, then the promise of freedom within the institution of slavery is faulty. Moreover, the investments in archival recovery, to recover within, and as part of an overarching liberal history of freedom (which is the history of slavery) are problematic. In this, Lowe further states: “the project of recovery often confirms or upholds the dominant histories we receive of liberal modernity: slavery to freedom, progress of industrialization and wage labor, liberal democracy through representative government.”¹⁴² Thus, as settler colonial and imperial archives Erickson, Marak and Tuennerman demonstrate to me the scope of the logics, the technologies, the administrations, and the methods of imperial, colonial violence over O’odham land and upon O’odham peoples, which, at the same time reveal its instability, its contradictions, and its failures.

In tandem, as alternative archives, I strategically analyze Riley’s political written work and place it in dialogue with Erickson, Marak and Tuennerman. Riley’s critique and refusal of the settler colonial and imperial history over O’odham land and peoples, asserts the total presence of an Indigenous existence. In this, Riley, and the O’odham Solidarity Project (as an archive), trouble and provide a necessary alternative to the non-indigenous sources. Thus, both archives, the settler colonial and imperial in relation to these alternative ones, informs my reading of the texts altogether and my interrogation of the settler colonial palimpsest in the border region. This archival combination allows me to specify different moments of settler colonial and imperial violence operating as the discipline, subjugation, and organization of the O’odham people and land. Further, it

¹⁴² Lisa Lowe, “History Hesitant,” *Social Text*, 33, no. 4 (December 2015): 90-91.

reveals the legacy of this ongoing violence as materialized in the border region and within the border regime. Deploying my archive in this way allows me to ask my aforementioned research questions guiding this chapter. It enables me to talk about multiple settler colonial projects colliding and converging, and emerging now as the U.S.-Mexico border and the overarching border regime. In this way, I theorize and mark the border by the violence of the settler colonial palimpsest.

Entangled Colonial and Imperial Militarisms

On Tuesday, April 27, 2010 Jon Riley submitted a blog titled Movement Demands Autonomy: An O’odham Perspective on Border Controls and Immigration on the O’odham Solidarity Across Borders Collective website. Below the title there is a photo posted of three banners in the backdrop held up by their edges tied around the bodies of trees, strung to branches, and wrapped around sticks pegged into the ground. The banner on the left reads: “Indigenous Peoples For Migrant Rights and Dignity – Solidaridad – Anti-colonial, anti-capitalist, no borders.” The banner on the right says: Welcome 2 O’odham land / No Borders / Free Movement / Indigenous Migrant Solidarity / Reform Militarization.” The banner behind this second one, only the top part is visible, it reads: “Free Movement.” In the foreground there are a group of youth sitting on the ground circled around poster making supplies; it appears as though they are making more posters and more banners of the same kind.



Figure 6 - Photograph by Jon Riley of OSABC standing in solidarity with anti-SB1070 convergence at the Arizona State Capitol April 2010.¹⁴³

This photo was taken the week before Riley posted this blog. In the week prior, the OSABC (O’odham Solidarity Across Borders Collective) stood in solidarity with the anti-SB1070 convergence at the Arizona State Capitol where hundreds of people gathered in peaceful protest against the bill. In 2010 the U.S. settler state of Arizona signed into law the broadest and strictest anti-immigration bill known as Senate Bill (SB) 1070. This bill intended to legalize racially profiling, marking anyone suspected to be and found “illegal” as criminal and trespassing on U.S. property unlawfully. The day before it would have gone into effect a federal judge blocked it. SB1070 was considered one of the harshest anti-immigration policies known throughout the settler nation at the time and it influence other settler states to pass similar copycat bills like Utah’s HB 497, Georgia’s

¹⁴³ This photo was uploaded in the blog by Jon Riley titled “Movement Demands Autonomy: An O’odham Perspective on Border Controls and Immigration” that published on April 2010 on the O’odham Solidarity Across Borders Collective. I accessed it August 2018. <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

HB 87, Alabama's HB 56, South Carolina's SB 20, and Oklahoma's SB 1446. Other settler states like Maine, Florida, North Carolina, Tennessee, Kentucky, Illinois, Michigan, Indiana, Nebraska and California followed in similar draconian anti-immigration policies that went into effect while others were blocked by federal judges. At the time, undocumented immigrant and migrant youth movements were mobilizing nationally across the settler U.S., and emerging as a strong political force as DREAMers using slogans like "Undocumented Unafraid" and "Migration is Beautiful." While the movement for undocumented rights was building, heightened anti-immigrant sentiment and politics was growing across the settler nation with Arizona being a major player. In this context, undocumented border crossing channeled into Arizona due to militarized surveillance and push out from other border regions such as Texas and California. Against undocumented entry, Joe Arpaio, Arizona's Sheriff (from 1993-2017) of Maricopa County (where ancestral O'odham lands are) became known as "America's toughest sheriff" against illegal immigration. As a result, over time the location of Arizona not only as a border settler state but also a republican settler state denotes the development of white supremacist politics. In this, Arizona's SB1070 is but one of several efforts to repress people of color, in particularly targeting undocumented immigrants and Mexicans. Moreover, while cities like Tucson and counties like Maricopa are settled upon Native land, specifically Tohono O'odham land, this attack against undocumented immigration is also an ongoing war against Indigenous peoples.

In this backdrop, O'odham Solidarity Across Borders collective writes about how as O'odham they are impacted by the border regime in ways that affect their freedom of movement, their access to sacred sites, and the ability to have sovereign jurisdiction over

their ancestral lands. Their positionality as Native people whose lands are occupied by the border and border regime offer insight that reframe our theorizations of the undocumented movement as well as deliver a solidarity with immigrant and migrant struggles for justice. Accordingly Riley writes:

OSABC would like to show a perspective and experience that is often overlooked in the immigration struggle, that being the Indigenous impacts. Indigenous communities have, and still are being attack by the state (meaning the political entity, also called "government") since the first migrants, European settlers, arrived to this hemisphere. But that, we already know. What OSABC would like to express is, WE ARE STILL HERE. As O'odham, we have seen our lands occupied by three colonial states (Spain, Mexico, and now the United States), and STILL, we have endured in the face of colonization. The very land that this bill was passed on is still O'odham land! From the Phoenix Valley, to Scukson (Tucson is from an O'odham word), to Rocky Point, to the Sierra Madres in Mexico, this is O'odham jewed.¹⁴⁴

Riley brings to our attention the fact that the Indigenous perspective and Indigenous communities are too often overlooked in the immigration struggle. His main points are that Indigenous communities “have, and still are being attacked” by, and “are still here,” in spite of the occupation of O’odham land, specifically by three colonial empires – Spain, Mexico, and the Unite States. The significance of Riley’s statement is that it intervenes in immigration and migration, and borderlands discourses in a triangular way that disrupts our understanding of tensions around border and immigration as solely between unwanted “alien” others and the U.S. settler state. Riley expands this these discourses by situating Native land and Native peoples as the resurgent and surviving geography upon which border militarization and anti-immigrant policy happens. In this, Riley foregrounds this settler colonial and imperial violence within the context of

¹⁴⁴ Jon Riley, “Movement Demands Autonomy: An O’odham Perspective On Border Controls and Immigration,” *O’odham Solidarity Across Borders Collective*, April 2010, accessed, March 2017, <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

Arizona's SB1070 in 2010, which was the harshest anti-immigrant and migrant bill at the time, influencing the creation of several copy cat bills in other U.S. states. Riley's assertion is was that "the passing of SB1070 leads us to the police state, and that it does not just affect migrants."¹⁴⁵ If passed, SB1070 would increase militarized presence and surveillance on O'odham land. However, Riley adds: "SB 1070 like policies already occur on the Tohono O'odham Nation since the mid-90's with the state's push for immigration enforcement."¹⁴⁶ The implications of SB1070 would have only exacerbated an already pre-existing condition of settler colonial and imperial occupation on O'odham land; and this is Riley's point, that the legacy of border patrol surveillance, border militarization, anti-immigrant and anti-migrant border regime have created a "Berlin-like wall through our lands to control movement."¹⁴⁷ Ultimately, border security policies by the DHS (Department of Homeland Security) regime have required the forced removal and relocations of Indigenous communities that live in the border region like the Yaqui, Lipan Apache, and Mohawk for example. In this Riley asserts: " This dismissal not just shows the colonial attitude that both reformist activists and politicians have, but also the settler privilege that they evoke when constructing border policies."¹⁴⁸ As such, the presumed territorial occupation and settlement of Mexico and the United States as sovereign empire and imperial states locates the normalcy of the colonial violence of the border regime, and all reformative attempts about the border within the United States as ongoing settler colonial and imperial reifications.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

Riley's blog speaks directly about the settler colonial and imperial palimpsest. The present day militarization and surveillance of the border, the border patrol and checkpoints around the perimeter of the reservation and border materialize in a blunt force of normalized settler colonial and imperial violence masked and measured as "state security." In this, he makes direct linkages between the past and the present on the terms of militarization, occupation, invasion, land usurpation, and settlement. As imperial forces of empire and settlement, the military has been deployed in order to appropriate and possess Native land, and re-establish the settler colony as a settler state. In the same blog, Riley conveys: "The Spanish crossed O'odham land in the mid 1500's. The Spanish Conquistadors were in search of gold, but did not find any riches on their travels throughout what is now the southwest of the United States."¹⁴⁹ Stating that the Spanish crossed O'odham land puts into question the settler colonial and imperial ways in which O'odham land has been perpetually crossed today. It also orients our focus to the primacy of Native land and an analysis of violence through occupation, invasion, and Indigenous land grabbing via military force. Vine Deloria Jr. states: "The ideological basis for taking Indian land was pronounced by the Christian churches shortly after the discovery of the New World, when the doctrine of discovery was announced."¹⁵⁰ European religious institutions economically and politically supported the doctrine of discovery through militarized exhibitions. Deloria Jr. further asserts: "Land acquisition and missionary work always went hand in hand in American history."¹⁵¹ Using the name of God to affirm ideologies of manifest destiny, European infantry validated land seizures by religiously

¹⁴⁹ Ibid.

¹⁵⁰ Vine Deloria Jr, *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), 30.

¹⁵¹ Vine Deloria Jr, *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), 102.

claiming it as called terra nullius, and naming Indigenous presence as an “Indian problem.” This doctrine of discovery is rooted in anti-Indian racism, which perceived the Indigene as barbaric and subhuman, therefore negating the rights of Natives to their own land. Additionally, Ned Blackhawk asserts: “The violent transformation of Indian land and lives characterizes European and American expansion. Neither natural nor inevitable, the violent deformations of Native communities locate these Indigenous pasts within the broader field of European global colonialism.”¹⁵² The expansion efforts by creating the U.S.-Mexico border are undergirded by the imperialist expansion agendas of the sixteenth century. In this time, Spanish settlers came with military fleets, religion, and diseases like measles, chicken pox, and strains of flu. In this, having no immunity to these diseases, O’odham communities were substantially reduced during the eighteenth century although exact figures cannot be determined.¹⁵³ Ofelia Rivas states:

The first attack was foreign disease, many people died and many people are still suffering lasting effects imbedded in our immune systems. This was the deadliest attack because it altered our genetic makeup. We were people of the natural world within our own regions. The foreign diseases are not of our herbal medicine knowledge that we can cure. Our knowledge of the medicinal plants is vast. Even this very knowledge is threatened.”¹⁵⁴

Riley and Rivas both argue that the regimes of imperialism and settler colonialism of three different and overlapping empires have been ongoing attacks unto today.

Specifically Rivas affirms that the attacks upon O’odham land and people have first and foremost been on the basis of biological warfare – Native and ecological genocide. In

¹⁵² Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 9.

¹⁵³ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 47.

¹⁵⁴ Ofelia Rivas, “Lideres Tradicionales de O’odham de la el Territorio de O’odham Cu:Wi l-gersk Comunidad, Sonora, México/Traditional O’odham Statement At the Zapatistas’ Encuentro,” *O’odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

thinking about the U.S.-Mexico border today, such violence against the Indigenous body and Native land are everyday lived realities and experiences because of the established border, and heavy militarized presence in the border region. This militarization resonates with Riley's naming of the Spanish Conquest as the start of European settlement on O'odham land. In 1528, settlers reached the Sonora Desert from what is now Florida and went south into New Spain, what is now Mexico. Eventually, settlers in New Spain went back into the Sonoran Desert, passing through O'odham lands, failing in their quest for gold and instead reaching the Zuni Pueblos and being killed by them. When New Spain heard of what happened they organized a new military venture called the Coronado expedition in 1540.¹⁵⁵ Erickson states that this was the first exposure the O'odham had with Spanish military forces in which more than a hundred armed men with horses traveled through their lands.¹⁵⁶ Traces of military presence and infantry on O'odham land from the 1500s emerge through the Border Patrol regime albeit under different circumstances, not for gold or for mining the earth for metals, but for the "protection" and "security" of an imperial and settler colonial border against "illegal aliens," "terrorists," and "illegal drugs." On the basis of foregrounding Indigenous land and sovereignty, and O'odham right to movement, mobility, and O'odham way of life, Riley and Rivas draw connections to this past in relation to and in critique of the present border, the border wall, and anti-immigrant policy to problematize its settler colonial and imperial discourse. In this, Riley and Rivas both affirm O'odham presence in spite of totalizing assumptions within the rubrics of settler military violence of Native

¹⁵⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 20-21.

¹⁵⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 21.

obliteration, erasure, and genocide, particularly in Riley's statement: "WE ARE STILL HERE."¹⁵⁷

Sedemented Colonial and Imperial Empires

Riley's blog in 2010 criticizes settler discourse about constructing a border wall along the U.S.-Mexico international boundary. Although there has never been an actual border wall there have been vehicle barriers dissecting and bisecting O'odham land, and ongoing debates of building an actual wall. Riley's statement in 2010 remains keen provided that Trump is in this year of 2019 is attempting to set into motion the construction of a wall along the border. He states:

Department of Homeland Security (DHS) recent, unprecedented power to waive existing law along the borders of the United States to construct a massive Border Wall and implementations of stricter border crossing regulations, undermines the Tribal Sovereignty, Indigenous Autonomy and Self-Determination of the many Indigenous Nations whose ancestral lands span into Mexico and Canada. The O'odham people, particularly the Tohono O'odham people, of southern Arizona are one such Indigenous nation once again caught in the middle of the United States Border Policies. Policies that have disregarded the history, voice and cultural impacts that any border wall will bring to all Indigenous people whose homeland will be further disconnected by the U.S. push to establish the 1,951 mile barrier on the U.S./Mexican Border, 75 miles of which rest on Tohono O'odham Nation southern boundary...represents the continuation of the colonization of Indigenous people and land in the 21st Century.¹⁵⁸

The permanence of Riley's 2010 blog in 2019 signals the gravity of the settler border, the settler border regime, and settler attempts to build a border for Indigenous people whose movement and natural migration patterns are obstructed by these impositions, and whose

¹⁵⁷ Jon Riley, "Movement Demands Autonomy: An O'odham Perspective On Border Controls and Immigration," *O'odham Solidarity Across Borders Collective*, April 2010, accessed, March 2017, <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

¹⁵⁸ Ibid.

lands are continually occupied, and dissected and bisected by empire states like the Tohono O’odham. Indeed the totality of the border – geographical and political boundaries, surveillance and militarization forces, anti-immigrant and migrant law and policy, etc. –erases, and denies Tribal sovereignty, Indigenous autonomy and life ways, and Native politics of settler refusal. Moreover, it overwrites Indigenous relationships to land, and the state of being-ness in which the land simply is by which Native communities live in symbiotic relation to it. As Riley asserts, a border wall “represents the continuation of the colonization of Indigenous people and land in the 21st century.”¹⁵⁹ Thus, today, U.S. militarized presence as ongoing imperialism, and settler colonial palimpsestic materialities on O’odham land are deployed over past invasions and among present settler nation-making establishments. In this way, the totality of the border is a past residue of expansion, war, settlement, and empire making between Mexico and the United States. In this, it is a palimpsestic marker that continually affirms these historical violent outcomes over and upon Native land and Native presence, and against unwanted, outside others.

The territorial land wars between Mexico and the United States led to the U.S.-Mexico border dissected Tohono O’odham land and communities in half without their knowing. Ofelia Rivas expresses: “In 1853 the United States and Mexico claimed our lands and created an international boundary without the consent of the O’odham. This boundary bisected our lands. As traditional O’odham we do not recognize this international boundary.”¹⁶⁰ The logic of Mexican and U.S. settler colonialism is

¹⁵⁹ Ibid.

¹⁶⁰ Ofelia Rivas, “Lideres Tradicionales de O’odham de la el Territorio de O’odham Cu:Wi I-gersk Comunidad, Sonora, México/Traditional O’odham Statement At the

inherently patriarchal and racist; they are imperial and militarized processes that aggressively dehumanize, emasculate and hypersexualize Indigenous populations, in order to invade, plunder, occupy, settle on, and build their own empire nations over Indigenous land, as well as against each other as settler states. Ned Blackhawk states: “Violence both predated and became intrinsic to American expansion...From the initial moments of American exploration and conquest, through statehood, and into the stages of territorial formation, violence organized the region’s nascent economies, settlements, and policies.”¹⁶¹ In the 1830s, the Mexican government allowed the U.S. to enter Texas, which created a flood of American migrants into the southwestern area. This led to several years of tension and wars between the U.S. and Mexico, which resulted in the Treaty of Guadalupe Hidalgo in 1848 that ended the war. In 1854, the U.S. Senate ratified the treaty and established the international boundary line. In the outcome the U.S. usurped about two thirds of the area inhabited by the O’odham while the other one third remained under Mexico’s control.¹⁶² The Treaty of Guadalupe is memorialized in American history as a successful reach in its expansion westward through conquest over Mexico; it is part of the U.S. settler nationalist discourse of manifest destiny. The significance of this treaty is that it solidified the territorial, juridical, and sovereign geographical markers between Mexico and the United States, as they exist today. In the process, Tohono O’odham lands would forever be claimed by imperial sovereigns, and divided between two settler empires.

Zapatistas’ Encuentro,” *O’odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

¹⁶¹ Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 9.

¹⁶² Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 75.

Throughout the 1850's, the United States failed to keep its promises in the treaty by conquering and usurping more land from Mexico. In this time, the O'odham witnessed several accounts of fleets of armed men invading their lands. In 1853, President Pierce of the United States sent General James Gadsden to Mexico to further these desires of American expansion.¹⁶³ Financially spent from the war, Antonio Lopez de Santa Anna, the president of Mexico at the time, was forced to sell 29,640 square miles of land for \$10 million American General James Gadsden. Thus, in twelve years, beginning with the Texas war of independence, Mexico lost more than half of its land to the United States.¹⁶⁴ These were catastrophic moments of change for the O'odham because it led to the splitting of their lands between two nations.¹⁶⁵ The Treaty of Guadalupe turned over almost all of the tribal lands of the Tohono O'odham to the U.S. In 1854 when the Treaty of Guadalupe took effect, one-third of Tohono O'odham became part of Mexico. The rest became U.S. territory. No one discussed the purchase with the Tohono O'odham; Americans or Mexicans did not consider that for centuries the O'odham inhabited the land they bartered.¹⁶⁶ Initially, the division of their land between two countries had no major impact. O'odham were able to cross back and forth between the border to visit family, buy food and participate in traditional ceremonies, etc. It would be years before strong enforcement of border policies would occur. In this time, however, no one asked the O'odham about their land, and no one informed them of the changing governmental relations.

¹⁶³ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 69.

¹⁶⁴ Ibid.

¹⁶⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 68.

¹⁶⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 49.

The border is a marker of nation building for the Republic of Mexico and the United States as settler empires over and upon Tohono O’odham land. On their own, these colonial projects were not even or analogous, but they deployed relational forms of imperial expansion and settler colonial designs. As a continuation and emergence out of New Spain’s militaristic exhibitions, Mexico formed itself into a settler empire separate from Spain, while the United States settled itself in its break away from Great Britain. Glen Sean Coulthard explains that our “conceptualization of settler-colonialism as a structure of domination predicated on the dispossession of Indigenous peoples’ lands and political authority...[should also be understood] from its ability to produce *forms of life* that make settler colonialism’s constitutive hierarchies seem natural.”¹⁶⁷ Coulthard points to how settler colonialism produces life in such a way that it appears normal while its colonial violent construction goes undetected. Forms of life, of American and Mexican nationalism that presume the United States and Mexico as given territorial state sovereigns like independence day celebrations, and holidays like Thanksgiving, for example, elide the palimpsestual colonial atrocities upon Indigenous peoples and land that undergird these ostensibly natural structures. Thus, it is imperative to understand that the settler state formations of both the U.S. and Mexico are not natural or normal but rather a colonial palimpsest of militarized aggressions, exploratory expeditions, violations, and expansions, which led up to and established the U.S.-Mexico border. This international border is an enduring and perpetual settler colonial structure emergent from European wars over earth and its resources, and the desire to possess Native land through establishing territorial borders. Lisa Ford explains that the European idea of nationhood is

¹⁶⁷ Glen Sean Coulthard, *Red Skin White Masks: Rejecting The Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 152.

made up of a legal trinity – sovereignty, jurisdiction, and territory, and that this legal trinity “has a recent history that has yet to be told. It is a history suspended between empire and statehood, between local and global. It is about defining sovereignty as the ordering of Indigenous people in space.”¹⁶⁸ This legal trinity of empire settler states is a colonial consciousness that orders Indigenous peoples invisible in space. Moreover, it undergirds the totality of U.S. border discourse to Indigenous erasure. In this, Riley’s blog unsettles this trinity through the refusal of the border wall not only in 2010 but now in 2019.

Violent Accumulations Over and Upon the Indigenous Body

Along with brute, military force as invasion, occupation, and settlement of Indigenous land, the immobilization and containment of Native bodies are colluding designs of imperialism and settler colonialism. From Spain’s missionizing settlements, to Mexico’s assimilative integration policies, to the U.S. instituting of Indian reservations and boarding schools, the Indigenous body has been a parchment, written over by the violence of imperial conquest and settler colonial invasion. Recalling Riley’s words: “WE ARE STILL HERE,”¹⁶⁹ the colonial and imperial violence over and upon the Indigenous body, as it is still here, signals Indigenous body as a palimpsest of refusal and assertion against various settler colonial and imperial entanglements as they have been in

¹⁶⁸ Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in American and Australia 1788-1836* (Cambridge: Harvard University Press, 2010), 1.

¹⁶⁹ Jon Riley, “Movement Demands Autonomy: An O’odham Perspective On Border Controls and Immigration,” *O’odham Solidarity Across Borders Collective*, April 2010, accessed, March 2017, <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

the past and as they are ongoing today. The reality of Indigenous presence in the face its ongoing erasure, thus becomes the locality of critique through which to make legible the emplotments and entanglements of the settler colonial and imperial palimpsest. Further along in Riley's blog, he states:

I like to note, TON [Tohono O'odham Nation] is the BIA recognized governing body of the Tohono O'odham people that was established by the Indian Reorganization Act (IRA) of 1934. Since its conception, the legitimacy of this body has been called into question by the traditional people of the community. Many Traditional O'odham and parts of the community feel that TON decisions do not speak for the community as a whole...TON lack of effort to enforce sovereignty, or realization that they don't really have any sovereign rights under IRA would soon come to light with the O'odham peoples struggle to maintain autonomy in its everyday affairs. The split between TON and the traditional O'odham is not new, but would sadly play out in the struggles to come. True sovereignty over Tohono O'odham lands would not allow the many negative policies [border policies for example] to come.¹⁷⁰

In this, the empiric establishments to "found" a nation, the United States and Mexico, through the denial of Indigenous sovereignty, required the containment and control management of the Native body through reservations by various settler state legalities and politics.

In the United States, following the years after the Treaty of Guadalupe, U.S. Congress ordered O'odham lands, except those covered by Spanish claims based upon Mexican law, to be used for grazing and mining minerals. This subjected O'odham more than ever before to the intrusion of miners, cattlemen, and homesteaders, and in effect, this would result in the deterioration of the natural environment of O'odham land.¹⁷¹ In this process, Anglo-Americans would dispossess O'odham from their land, establish

¹⁷⁰ Jon Riley, "Movement Demands Autonomy: An O'odham Perspective On Border Controls and Immigration," *O'odham Solidarity Across Borders Collective*, April 2010, accessed, March 2017, <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

¹⁷¹ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 77.

reservations and relocate them there. Proponents of U.S. imperialism such as William T. Hagan explains that when the U.S. adopted its reservation policy in the 1860s and 1870s, “there was almost unanimous agreement among the whites that this [reservation policy] was the Native American’s best hope of survival.”¹⁷² In this, President Grant used an executive order to establish the reservation at San Xavier, setting aside 69,200 acres surrounding the mission for the use of the O’odham, turning them into wards of the U.S. government.¹⁷³ Moreover, in 1884, another executive order created a smaller reservation called the Gila Bend reservation for O’odham who had moved north to the Gila River west of the Pima lands. Eventually it was made even smaller with the encroaching Anglos that wanted the land, and the water that was available there.¹⁷⁴ Today’s combined reservations include some 4,500 square miles. Still the reservation lands are much smaller than the original Papaguería of the Desert People even as their reservation is the second largest in the U.S. after the Navajo Nation.

In 1887 Congress passed the Dawes Act, or the General Allotment Act to further steal Native land through selling what was left of Native land that had not been designated for reservations to U.S. citizens.¹⁷⁵ Settler U.S. logic for this was that Natives

¹⁷² Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 9.

¹⁷³ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 17-18, 78.

¹⁷⁴ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 78.

¹⁷⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 91-92.

could eventually adopt the American way of life and farming techniques.¹⁷⁶ In this, allotment of O'odham land did not begin until 1890. When the allotments were complete, the U.S. government allotted nearly 42,000 of the 71,090 acres of San Xavier lands.¹⁷⁷ By 1897, the U.S. granted them a reservation of slightly more than 111 square miles around San Xavier del Bac. Shortly thereafter, they were granted an additional area of 35 square miles at Gila Bend. Even though the reservation was divided into individually owned allotments, the O'odham continued to work the land as they had for many years, ignoring the artificial boundaries imposed by the government. For example, O'odham who owned allotments seldom made wills, so when they died, land was divided among the heirs, who received equal parcels. O'odham who chose to live off the reservation had no legal rights through American law to their land; the U.S. government considered it public domain even though they inhabited this area for centuries. In effect, without any American settler documentation of land ownership, O'odham land became fragmented as ranchers increasingly occupied and purchased their land.

In 1936, the O'odham reservation was divided into 11 districts, with two elected representatives from each district serving on the Tribal Council. The O'odham drew up a constitution that was approved by popular vote and in 1937 the Secretary of the Interior approved the constitution and by-laws, marking the first time in history that the Papago Tribe had been unified under a single government. At the turn of the century American efforts meld varied Tohono O'odham dialects and villages into one tribe. Fomented by non-Papago, these efforts resulted in the competing League of Papago Chiefs and the Good Government League. Both leagues were attempts at governance developed by non-

¹⁷⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 92.

¹⁷⁷ *Ibid.*

Papago, but they were not able to unify a people with various local identities. With the very idea of tribal identity being a creation of whites, the Tohono O’odham tribal council that began to meet in 1937 did not have a centralized system.¹⁷⁸ Assimilation not only through missions, farming, and citizenship but also through federally recognized tribal governing is also a form of violence indispensable to the project of settler colonialism. Glen Sean Coulthard affirms: “This orientation to the reconciliation of Indigenous nationhood with state sovereignty is still *colonial* insofar as it remains structurally committed to the dispossession of Indigenous peoples.”¹⁷⁹ For Coulthard the language of rights, assimilation, citizenship and nationalism are settler-colonial, white technologies that dispossess Indigenous peoples not only of their land but also of their ontologies, epistemologies, and spiritualities. In tandem, Denetdale also shares: “It is crucial to recognize the ways in which the federal government acknowledges Indian nations and citizenship to reinforce U.S. domination over Native peoples.”¹⁸⁰ Tribal governments were not a traditional way of daily life even as they used them to deal with the U.S. and Mexico, for issues such as getting permission for members to travel freely across the border, to grant dual citizenship so that they can obtain health care and social services.¹⁸¹ Today, the eleven districts within the reservation remain and they continue to have their own councils and chairman, which function with some autonomy in district matters. The

¹⁷⁸ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 7.

¹⁷⁹ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 151.

¹⁸⁰ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 320.

¹⁸¹ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 54.

Council established headquarters in Sells, Arizona, where a modern building now houses offices for many tribal services. Interestingly, Ofelia Rivas affirms:

The United States created a government known as the Tohono O’odham Nation formerly the Papago Tribe. This government does not operate according to traditional laws. The traditional O’odham resistance against this government system is documented in a 1900 United States record stated by Mr. Cato Sells from the government agency, “About 300 Indians located on the south of Mexican border does not recognize the authority of any agency.”¹⁸²

The Mexican government attempted to “liberate” the O’odham people from their language, customs, and culture, through *mestizaje* – an ideology of race and culture mixing – and through *indigenismo* – an elite-led attempt to redeem Indigenous people by transforming and modernizing them – to assimilate them into mainstream society. In this, the O’odham people were emptied of their Indigenous ontologies and relegated to the refuse of the Mexican nation.¹⁸³ Ultimately, O’odham people chose to live at the outskirts of the Mexican state as they had done with the missions, unwilling to adopt mainstream cultural norms or open up their ancestral lands to civilized outside developers. Even as the Mexican settler state ostensibly accepted Natives more readily, than U.S. citizens, which, led to their integration into the dominant Mexican culture, there were O’odham, nonetheless, who wished to continue in traditional ways of life. Thus, over time, O’odham also moved northward to the outskirts of Mexico because the Mexicans in Mexico had no more regard for their rights to their lands than the Anglo-Americans in the

¹⁸² Ofelia Rivas, “Lideres Tradicionales de O’odham de la el Territorio de O’odham Cu:Wi l-gersk Comunidad, Sonora, México/Traditional O’odham Statement At the Zapatistas’ Encuentro,” *O’odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

¹⁸³ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 129.

U.S. This was also in part because O’odham in Mexico were not strictly managed by settler law like those in the United States were.¹⁸⁴

Different from U.S. federal reservation systems, Mexico engaged the Tohono O’odham through genocidal (integrative and assimilative) policies that were at once, racist, gendered, and classed. Spanish missions had allowed settlers to move freely into O’odham land, thus establishing stake holds for civilian managers in the Republic of Mexico to sell O’odham land where missions had once been. This led to “authorized” settler Mexican federal land grabbing, through denying Indigenous land claims and proletarianizing many O’odham, calling them campesinos. Racializing and classing O’odham as campesinos was a strategy the Republic of Mexico used to grant O’odham Mexican citizenship so that they can then buy land, and pay taxes to the settler Mexican state.¹⁸⁵ Isabel Altamirano-Jiménez explains that in Mexico, “extractive colonialism implied that Indigenous peoples were recognized as subjugated peoples who had to render tribute and pay taxes to the colonial authority.” This was formalized in 1921 through the Education Ministry that viewed the Tohono O’odham living in Mexico’s northwest as “proto-citizens” who were in need of “state tutelage” before they would be capable of assuming and attaining full citizenship. Furthermore, Mexico established that men could own property and that legal rights would protect that property. This stood in contrast to O’odham ways of life where families had the right to use the fields, and a family’s ability to cultivate land determined the size of the field. This also disregarded the seasonal migrations of the O’odham to move about freely where certain foods, such

¹⁸⁴ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 152.

¹⁸⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 59.

as saguaro fruits were abundant. In this, they used only what they needed and shared any surplus food they harvested, which gave them no need for private property.¹⁸⁶ In addition to these settler juridical integrative processes, José Vasconcelos advocated a cosmic mestizo race as the outcome of modernization, and tried to kick-start a rural development program by promoting a literacy campaign that sent out cultural missions to teach rural dwellers new productive habits, thus encouraging the incorporation and assimilation of O’odham into mainstream society.¹⁸⁷ This would mean that the O’odham in Mexico would be more assimilated into Mexican society while those in the U.S. were isolated from Anglo-American culture through Indian reservations. In this, the vast majority of O’odham in Mexico, assimilated, intermarried, or remained on the outskirts of the Mexico’s empire.

Following Byrd’s critique of how the “Indian” and “Indianness” transit through empire, Mexico’s colonialism through absorbing the Native body by removing the Indigenous subject from its land base, and denying Indigenous sovereignty and life ways through genocidal practices of integration and assimilation, is through claiming Native ontology in replacement of actual Native presence. Altamirano-Jiménez explains that in Mexico, while the meaning of *mestizaje* celebrates the Indigenous past, “living Indigenous peoples were constructed as the internal “Other.””¹⁸⁸ In this, while Mexico prides itself as having an Indigenous identity in which Indigeneity is central to its national narrative, this settler colonial and imperialistic nationalist narrative materially,

¹⁸⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 25.

¹⁸⁷ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 137.

¹⁸⁸ Isabel Altamirano-Jimenez, *Indigenous Encounters With Neoliberalism: Place, Women, and the Environment in Canada and Mexico* (Vancouver: UBC Press, 2013), 41.

ontologically, and ideologically erases and denies the ongoing presence of the first peoples upon which New Spain, now Mexico imposed itself. Aileen Moreton-Robinson shares: “As things that are possessed, Indigenous people must be emptied of their way of being in order to come into existence as the homogenous Indigenous subject created through a racialized rights discourse.”¹⁸⁹ Moreover, Shona Jackson explains how certain myths are fuel for imperial and colonial conquest as with the doctrine of discovery. She states: “The myth of El Dorado was central after Guyana’s independence in facilitating a transition from colonial narratives of exploitation and domination to one of national destiny.”¹⁹⁰ Jackson examines how certain myths like El Dorado validated the recreation of Creoles as Indigenous and that this was shaped by attachment to the land, which ultimately is an Indigenous attachment. Jackson troubles this logic to show how such settler nation myths not only displace its original inhabitants but also shaped the eventual transformation of territories. The theft of land is also the theft of Indigenous ontologies in which the Native becomes racialized as an assimilated ethnic other and minority within the settler nation’s racial hierarchy. In this, Nicole M. Guidotti-Hernández affirms: “By privileging that “Indian essence,” mestizaje fetishizes a residual, abstract, dehistoricized Indian identity that obscures Mexican, Mexican Indian, and American Indian participation in genocide and violence against other American Indians and Mexicans in the U.S.-Mexico borderlands.”¹⁹¹ Together, Guidotti-Hernández, Jackson, Moreton-Robinson and Altamirano-Jiménez focus our attention on the ways in which Mexico’s

¹⁸⁹ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 192.

¹⁹⁰ Shona N. Jackson, *Creole Indigeneity: Between Myth and Nation in the Caribbean* (Minneapolis: University of Minnesota, 2012), 35.

¹⁹¹ Nicole M. Guidotti-Hernández, *Unspeakable Violence: Remapping U.S. and Mexican National Imaginaries* (Durham: Duke University Press, 2011), 18.

violent cultural practice of celebrating Indigenismo can be understood as a racial practice of imperialism and settler colonialism. Unlike the U.S. policies of Indian reservations and historical narratives of the Native as lost, gone and frozen in the past, Mexico problematically resurrects and reifies the Indian as its national icon while denying actually Indigenous presence, land and sovereignty. In this way, Native peoples are subject to multiple forms of violence.

Conclusion: Simultaneities of Imperial Settler Violence and Indigenous Refusals

Today, the longstanding San Xavier del Bac Mission on the Tohono O’odham reservation outside of Tucson, Arizona is visibly seen off highway 19. This main highway passes through the large Saguaro cacti, and is heavily regulated by Border Patrol, taking you straight to the Nogales, Arizona – Nogales, Sonora, Mexico border. It is constructed on O’odham land just as the San Xavier del Bac Mission was constructed on O’odham land since 1697. Today the mission is touted as a tourist site in the city of Tucson where tourists can enter the O’odham reservation and celebrate the civilizing successes of the O’odham by the Spaniards. In reality, this mission materializes the settler colonial and imperial palimpsest by Tucson’s American celebration and memorial of the Spanish Conquest over O’odham people. As an ongoing permanence of settler rule, occupation, population control, and forced religious conversion that emasculated and over-sexualizing O’odham in need of saving and purification, the San Xavier del Bac mission became the first mission on O’odham land. Rivas asserts:

The onslaught of attack on O’odham continues, first from the Spaniards and missionaries and American and Mexican government systems. The United States agenda is to assimilate the Indigenous peoples. They created boarding schools for

assimilation, then relocated O’odham and many Indigenous peoples in the United States into cities to assimilate people to the American way of life. The destruction of the social structures of the people is evident today; the people are dependent on the system to exist. Our language that was forbid in boarding school is today surviving but by a small degree.¹⁹²

Ultimately, all these impositions would influence and change O’odham housing structures, community and social organization, their style of clothing, and introduce them to automobiles, as well as transition them over to a cash economy.¹⁹³ Rivas affirms that the settler colonial assault continues, and she explicitly says that it first began with the Spaniards and their missionary system, followed by the American and Mexican imperial empires. In this, Marak and Tuennerman explain that the Tohono O’odham underwent three waves of missionaries, the Spanish Jesuits and Franciscans, and then the Anglo-American Presbyterian Christians. These three missionary systems had a colonial desire to assimilate and acculturate the Tohono O’odham people as part of the expansion efforts to “bring a backward people into the modern era.”¹⁹⁴ In this, Erickson explains that in 1668 the leaders of the Jesuit missionary system in New Spain decided to send Father Eusebio Francisco Kino to the northwestern extremes of Spanish settlements to establish missions on O’odham lands, in what the Spanish named Upper Pimería.¹⁹⁵ He established headquarters in the Altar Valley in Mexico and then began making journeys north to get

¹⁹² Ofelia Rivas, “Lideres Tradicionales de O’odham de la el Territorio de O’odham Cu:Wi l-gersk Comunidad, Sonora, México/Traditional O’odham Statement At the Zapatistas’ Encuentro,” *O’odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

¹⁹³ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 97.

¹⁹⁴ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O’odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 1-3.

¹⁹⁵ Winston P. Erickson, *Sharing The Desert: The Tohono O’odham History* (Tucson: University of Arizona Press, 1994), 23.

acquainted with the unknown peoples living there. Kino and his companions estimated that they visited more than 12,000 O'odham. Since they had not traveled though all of the O'odham land, one can imagine how populated the land was then. Once missions were established, the O'odham were asked to work on the farms, exposing them to both the teachings of Christianity and European methods of farming and of raising cattle and sheep.¹⁹⁶ The exposure to and exchange of agricultural and European religion were ultimately genocidal (assimilative) strategies of eliminating O'odham ways of life and existence. Ofelia Rivas asserts:

The second attack was foreign religion. The O'odham warriors burned the original missions and missionaries in the southern region, now Mexico. This is documented as the Pima Revolt of the 1600's. O'odham were forced into religion for survival. The very Churches catholic O'odham pray in were constructed with O'odham slaves controlled by missionaries.¹⁹⁷

The imperialist assertion of these religious and agricultural exchanges and exposures onto the O'odham were fundamentally militarized tactics of the Spanish empire to occupy O'odham land for resource extraction. Subsequently, by the late 1700s and the early 1800s, the Spanish military sought to eliminate the missions so they could mine and farm O'odham land. Some Spaniard settlers did not caring to civilize the O'odham but instead forced them into slavery and exploited labor in the mines.¹⁹⁸ Others employed them, trying to instill European work habits along with a European ethic of dress and behavior. As a result, this would caused O'odham to migrate further into more remote regions thus

¹⁹⁶ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 24.

¹⁹⁷ Ofelia Rivas, "Lideres Tradicionales de O'odham de la el Territorio de O'odham Cu:Wi l-gersk Comunidad, Sonora, México/Traditional O'odham Statement At the Zapatistas' Encuentro," *O'odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

¹⁹⁸ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 36.

erasing the numerous differences that had once distinguished them as various O'odham groups,¹⁹⁹ which helped them to avoid forced acceptance of Spanish domination for as long as they could. In this, Riley states:

The missions were part of the Spanish's "soft power" tactics to colonize the O'odham to Spanish culture. Contrary to most O'odham historians thought, this "soft power" was not effective and only lured a few O'odham to the Spanish way of life...But the Spanish misinterpretation of O'odham seasonal movement, which is mostly cited by historians as acceptance to Spanish culture, is questionable. The Spanish took advantage of seasonal migrations to wetter areas, for example the establishment of the San Xavier Mission and Magdalena. The O'odham move to wetter areas was interpreted as acceptance to the Spanish way of life but for the most part, a great number of Tohono O'odham rejected and in many cases rebelled...In 1665, 1751, 1756, and 1776, major rebellions occurred, in which the Tohono O'odham expelled the Spanish entirely, and burned down their missions. These rebellions temporarily expelled the Spanish military from O'odham lands and prevented the Spanish from gaining a tight hold in the region which led to their missions not being build any farther north than what is now Tucson.²⁰⁰

Interestingly, the Erickson, Marak and Tuennerman texts do not go into detail of the rebellions, as Riley explains that the O'odham expelled the Spanish entirely. As colonial and imperial archives they also do not convey that the Spanish observed and followed O'odham migration patterns, therefore deciding to build missions in what is now the San Xavier Reservation. These texts frame the Indigenous migration patters of the O'odham as retreating back into their lands where there were no settlements, avoiding the missions and settlers except when food scarce or when they wanted to trade their goods.²⁰¹ The incommensurabilty between Riley and the imperial colonial archives signals the legacy of the hegemony of U.S. settler colonialism and imperialism as ongoing, while at the same

¹⁹⁹ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 50.

²⁰⁰ Jon Riley, "Movement Demands Autonomy: An O'odham Perspective On Border Controls and Immigration," *O'odham Solidarity Across Borders Collective*, April 2010, accessed, March 2017, <http://oodhamsolidarity.blogspot.com/2010/04/movement-demands-autonomy-oodham.html>.

²⁰¹ Winston P. Erickson, *Sharing The Desert: The Tohono O'odham History* (Tucson: University of Arizona Press, 1994), 54.

time it is a failed project because of the refusal and assertion of O'odham presence then and now against the border wall.

In this, the ancestral lands of the Tohono O'odham, in Mexico, were at least half of the original O'odham lands before the first Europeans moved into the area. Today, the O'odham in Sonora no longer live in their desert communities, nor do they live by cultivating their own lands, and very few speak the O'odham language. As of 2002, there were only between 363 and 1,400 O'odham in Mexico. This represents up to a 90 percent drop in population from the estimated 3,000 to 4,000 that lived in the region in the nineteenth century. Rivas elaborates on this, saying:

In Mexico, the O'odham lands are nearly all lost to Mexican ranchers and farmers and corporate development and mining. In 1845, 45 villages existed in the southern territory; today there are nine surviving villages. My father, Tomas Jose Rivas's community of Cu:Wi I-gersk is threatened by illegal squatters claiming legal rights to our land title.²⁰²

Furthermore, Rivas affirms: "The magnitude of injustices on the Indigenous peoples of this world has reached a critical moment on this universe, due to restriction of mobility on our territories and exploitation of our lands and destruction of our cultures through genocide and ethnocide." In this, the Tohono O'odham ultimately have been violently removed from their ancestral lands and pushed to the marginal chaos of American and Mexican settler borders. The expansiveness of their diverse communities have been condensed within the confines of reservation borders, and bifurcated by imposed empire

²⁰² Ofelia Rivas, "Lideres Tradicionales de O'odham de la el Territorio de O'odham Cu:Wi I-gersk Comunidad, Sonora, México/Traditional O'odham Statement At the Zapatistas' Encuentro," *O'odham Solidarity Project*, November 2007, accessed January 2017, http://tiamatpublications.com/O_S_P_Oct_2007_Encuentro_lstatement.html.

borders, in which, their peripheral status is marked by disruption and invisibility by two dominating settler-colonial nations.²⁰³

As such, the U.S.-Mexico border and the current day border regime is wrought out of simultaneous entanglements of the settler colonial and imperial palimpsest of overlapping and dissenting empires. Today, the positionality of the border as a historical norm of two settler empires locates Native land and the Native body as an empty geography over and upon which to affirm settler state sovereign borders against the illegal alien and as that foreign other. In this, the U.S.-Mexico border and the border regime etches over normalized settler colonial and imperial historical violence. It is a layered, simultaneous, entangled violence that produces the current day reality of the border making the border an extension of the settler colonial and imperial projects of Spain and in particular, Mexico and the United States.

²⁰³ Andrae M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O'odham, Gender, and Assimilation 1880-1943* (Tucson: University of Arizona Press, 2013), 7.

Chapter Four

Colonial Racializations and Entangled Relationalities On Tohono O’odham Land

“We are called “illegal aliens,” but we are not. We are O’odham. We are Indigenous to these lands, our lands.”²⁰⁴

Guadalupe Castillo and Margo Cowan, *It Is Not Our Fault*

Introduction: Racial Collapse and Indigenous Eclipses

The U.S.-Mexico border spans nearly two thousand miles from California to Texas. This international boundary line is the historic corridor through which undocumented border crossers enter the United States. Over time, increased border patrol presence and heightened U.S. militarized surveillance in places like Texas, New Mexico, and California forced migration routes into the Tohono O’odham reservation. Border policies during the Clinton era that disregarded O’odham presence and sovereignty such as Operation Gatekeeper in San Diego, CA, Operation Hold the Line in El Paso, Texas, and Operation Safeguard in Nogales, Arizona aimed to crack down on undocumented crossing through these portals, thus forcing border crossing through the Sonoran Desert, specifically the Tohono O’odham lands. With the influx of migrants now crossing the Tohono O’odham lands, O’odham members have experienced forced restrictions of their mobility living on both sides of the border. Moreover, in the mid-1900s the United States

²⁰⁴ Guadalupe Castillo and Margo Cowan, *It Is Not Our Fault: The Case for Amending Present Nationality Law to Make All Members of the Tohono O’odham Nation Untied States Citizens Now and Forever* (Sells: Tohono O’odham Nation Executive Branch, 2001), 57.

began a campaign known as “the war on drugs,” which initiated the militarization of the border. Settler state-sanctioned laws like NAFTA in the 1980s, Operation Gatekeeper in 1994, the Secure Fence Act in 2006, and the aftermath of 9/11 aggressively compound the militarization of the border even more so on O’odham land. The O’odham experienced more than ever before the encroaching occupation of border patrol checkpoints spread along the perimeter of their reservation, and surveillance devices scattered throughout their land. Describing these complications further for the O’odham, O’odham hip hop activist Alex Soto, Komkch’ed e Wah ‘osithk, blogged in 2014 on the O’odham Solidarity Across Borders Collective website:

I recognize this is a complex issue. I do not want fellow Indigenous migrants coming from the southern hemisphere to be criminalized by racist laws. I do not want families to be separated, loved ones to be deported, or for them to ever have to walk the hot desert in the first place, just to have a "chance" in this neo-liberal, NAFTA world we are forced to slave in. But at the same time, I do not want my homeland to be a police state. I do not want our ceremonies to be disrupted. I do not want our jewed (land) destroyed by border security apparatus. I do not want our sky to be polluted by more Border Patrol helicopters, cameras placed atop rotating cranes as tall as skyscrapers, or drones. I do not want freedom of movement for O'odham to be granted only to the holders of bio-metric colonial passports. I do not want CANAMEX/NAFTA corridors scarring our lands with freeways (Loop 202/Interstate 11). Ultimately I do not want, in the words of my late grandfather, who saw the Berlin Wall with his own eyes while being stationed in Germany, "an O'odham Berlin Wall" built at the border.²⁰⁵

Soto highlights the settler colonial conditions of the twenty-first century that the Tohono O’odham experience as a result of the U.S. occupation via border militarization and surveillance, what he calls a police state. Under these colonial conditions O’odham are caught in the matrix of the border regime in which they are mistaken for “illegal aliens,” “drug traffickers,” and “terrorists.” On a daily basis, O’odham encounter Border Patrol in

²⁰⁵ Alex Soto, “Deferred (In) Action: Where’s the Solidarity With Indigenous People Facing Militarization?,” *O’odham Solidary Across Borders Collective*, November 24, 2014, accessed August 29, 2016, <http://oodhamsolidarity.blogspot.com/2014/11/deferred-inaction-wheres-solidarity.html>.

ways that target and criminally mark them for removal, deportation, detainment and incarceration. O’odham members, Guadalupe Castillo and Margo Cowan write:

We are all subject to arrest, prosecution, incarceration and deportation. Our family members are subject to arrest, prosecution and incarceration for aiding, abetting, harboring and transporting us...Most of us are full-blooded O’odham. We speak O’odham and English; most of us do not speak Spanish. Most of us have children and grandchildren born in the United States. Historically, O’odham born in the south have lived and worked in the north. This is our cultural tradition. Today, when we practice our ancient custom, we are criminalized.²⁰⁶

Given these circumstances, in this chapter I am interested in the colonial racial overlaps between undocumented immigrants and migrants or border crossers, and O’odham members at the site of the border on O’odham land. I am curious about the ways in which the border regime erases the Indigenous body through interpellating and presuming it to be an “illegal alien,” while at the same time reinscribing the racial construction of the “illegal alien” as “Indian” and “Indianness” through the transit²⁰⁷ of U.S. empire as Jodi A. Byrd states. Thus, I elaborate on Byrd’s thesis that racial and colonial notions of the “Indian/Indianness” transit through empire, in particular, I claim through the settler colonial palimpsest of the U.S. border regime. I make the case that, at the border specifically, the racial category and construct of the “illegal alien” is a marker of difference that emerges out from and is collapsed upon another racial marker of the “Indian” to blot out Indigenous presence in order to perpetually settle the United State as a sovereignty nation state against unwanted, undocumented others. Key to understanding this is that, it is upon Native land and lives foremost that the border regime and

²⁰⁶ Guadalupe Castillo and Margo Cowan, *It Is Not Our Fault: The Case for Amending Present Nationality Law to Make All Members of the Tohono O’odham Nation Untied States Citizens Now and Forever* (Sells: Tohono O’odham Nation Executive Branch, 2001), 57.

²⁰⁷ Jodi A. Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 76.

undocumented border crossing exists. As such, the U.S. settler colonial project at the border simultaneously targets undocumented border crossers and Indigenous subjects within the same colonial raciality of the “illegal alien” and entangles both differentiated subjectivities, collapsing their ontological specificities within a simple racializing rubric of undocumented precarity that is undergirded by anti-Indian-ness. In this way, the Indigenous body and the reality of Indigenous presence particularly at the border unsettles the normative ways in which U.S. settler ideology understands the border, and undocumented immigration and migration whether from a point of view that supports the border regime or from pro-immigrant and migrant groups that support immigration reform. Thus, I argue that the U.S.-Mexico border is not just an issue about undocumented precarity but about ontological and epistemological Indigenous erasure, removal, and invisibility, and invasion and occupation of Native land.

My leading questions guiding this chapter are: What are the colonial mechanics of racializing O’odham as “illegal aliens”? How are they in excess of the “alien” category? What is the colonial relationality of Tohono O’odham and undocumented border crossers at the site of the geographical border on O’odham land? Given this simultaneous racial colonial overlap, how we do re-evaluate the positionality of undocumented subjects at the border and in the United States? To address these questions I apply my *Critical Relational Framework* by drawing upon Byrd’s concept of settler “arrivant” and Tuck and Yang’s “subordinate settler” to interrogate the positionality of undocumented precarity in relation to Indigenous subjectivity such as the Tohono O’odham. I also draw upon Day’s analysis of the differential settler-Native-slave-immigrant relationships to

theorize the complicated relationality between the Tohono O’odham and border crossers at the border.

Again, Byrd’s theorization of settler colonialism considers the forced conditions of migration, offering the conceptual language of settler “arrivant”²⁰⁸ to describe conditions of involuntary migrations as distinct from settlers. Settlers, according to Tuck and Yang, are “are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations.”²⁰⁹ In this, the distinction between the settler and arrivant emerges from an ongoing debate within Chicana Studies, Native Studies and Critical Ethnic Studies that is still negotiating arrivant conditions of existence in relation to the settler and Native. Day theorizes this settler-Native-arrivant triangulation offering “race is thus an organizing principle of settler colonialism in North America. The governing logic of white supremacy embedded in a settler colonial mode of production relies on and reproduces exploitability, disposability, and symbolic extraterritoriality of a surplus alien labor.”²¹⁰ What Day points out is that the racialization and unsovereign status of ethnic others like forced African slaves and subsequent voluntary and involuntary refugees, immigrants and migrants to the United States were prerequisite for their exploitation and disposability within a U.S. settler colonial racialized economy. In this, the differentiated and shifting racializations of alienness like African slavery and illegal aliens are a production of U.S.

²⁰⁸ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, (Minneapolis: Minnesota Press, 2011), xix.

²⁰⁹ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 6-7, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

²¹⁰ Iyko Day, *Alien Capital: Asian Racialization and the Logic of Settler Colonial Capitalism* (Durham: Duke University Press, 2016), 24.

settler colonialism. Day further points out “the border is a key apparatus of neoliberal multiculturalism that facilitates the fulfillment of settler colonial capitalism through the migrant labor system” which results in various racializations.²¹¹ In this way, Day highlights how racialized and exploited systems of U.S. capitalism around immigration and migration exist because of U.S. settler colonialism. Accordingly, white supremacy becomes a mechanism by which settler colonialism creates value systems over settler bodies while collapsing racialized categories of difference.

Moreover, as land and labor are features of settler colonial racialization, Tuck and Yang affirm that “dispossessed people are brought onto seized Indigenous land through other settler colonial projects” whether by imperial and external forms like militarized enlistment of foreign land, resources and people, or empiric and internal forms such as prisons, segregation, surveillance, ghettos, policing.²¹² Again they state:

People of color who enter/are brought into the settler colonial nation-state also enter the triad of relations between settler-native-slave. We are referring here to the colonial pathways that are usually described as ‘immigration’ and how the refugee/immigrant/migrant is invited to be a settler in some scenarios, give the appropriate investments in whiteness, or is made an illegal, criminal presence in other scenarios.²¹³

While Tuck and Yang present an uneasy problem of the positionality of immigrants and migrants who are people of color on seized Native land in the settler colonial United States, what is key to understand is their racialized subordination under a U.S. settler colonial palimpsest. In this, my concern is understanding how conditions of

²¹¹ Iyko Day, *Alien Capital: Asian Racialization and the Logic of Settler Colonial Capitalism* (Durham: Duke University Press, 2016), 155.

²¹² Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 4-7, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

²¹³ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 17, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

undocumented precarity within the United States emerge from imperial and capitalist palimpsestial enunciations of multiple settler colonialisms. After slavery, Chinese, Filipino, and Mexican immigrant and migrant labor, for example, have been, and continue to be the exploitive methods through which to sustain, and build the economic infrastructure of the U.S. settler state. Cheap, exploited, undocumented immigrant and migrant labor have been the settler colonial means of establishing and maintaining the United States, even as it simultaneously enforces exclusionary practices to keep “illegal aliens” barred from full inclusion into its settler society. In this, undocumented immigrant, and migrant precarity is established upon the American settler “land-grabbing” of Indigenous land and Native genocide, including the stealing of African bodies to then institutionalize African slavery for capitalist gain.

Within this context, I highlight the simultaneous and complicated multiplicity of racial logics, and racisms and situate these within the settler colonial palimpsest of the border. Indeed, this is continuously organized by and through the materiality and visuality of *American Settler Colonial Superstructural Discourse* as explicated in Chapter two. As such, the settler colonial racialization of Indigenous people is a perpetual process of dispossession, erasure, removal, and genocide. It is also one of constantly interpellating Indigenous people as barbaric, uncivilized, extinguished, and frozen in a prehistoric past. As an emergent result from this, the palimpsestial racialization of undocumented persons relationally entails cheap labor, disposable bodies, deportation, detainment, arrests, and criminalization through the language of the “illegal alien.” Even as both Native and undocumented-ness exist as distinct and differentiated ontological categories at the material site of the border, the function of racialization at border as an

aspect of the settler colonial palimpsest collapses all embodied difference as targets and as threats against the settler state. Impetus and justification for this collapsed racialization can be explained by settler land appropriation and maintenance of settled land as U.S. territory and property. In this, the United States claims itself to be the original Indigenous subject and therefore, claiming sovereignty right over the land through which Border Patrol, ICE, and all aspects of the carceral U.S. settler state materially assert this settler colonial and imperial claim as true. Iyko Day argues: “It was against the backdrop of Indigenous possession and the “problem” of Asian immigration that settler colonial expansion could be justified through ideologies of liberal democracy.”²¹⁴ Here, Day points to how Indigenous land becomes the imperial and colonial quarrel of possession, ownership, property, and territoriality. Day further explains that the imperialist endeavor of nation building through capitalism – exploited immigrant, and migrant labor – is also what makes settler colonialism possible. In alignment with Day, I also draw upon Aileen Moreton-Robinson’s theorization where whiteness is implicated in the possessive logics of patriarchal sovereignty to solidify my analysis of how the colonial racialized entanglement of undocumented and Indigenous subjects materializes at the border. Thus, altogether, Byrd, Tuck, Yang, Day and Moreton-Robinson help me to make sense of the colonial relationality of Tohono O’odham and undocumented border crossers at the site of the geographical border on O’odham land. They allow me to re-evaluate the positionality of undocumented subjects in relation to Indigenous subjects at the border and in the settler colonial United States.

As such, my archive is the blocked Arizona law, SB1070; and the O’odham

²¹⁴ Iyko Day, *Alien Capital: Asian Racialization and the Logic of Settler Colonial Capitalism* (Durham: Duke University Press, 2016), 17.

Solidarity Project website, the online site for the O’odham Solidarity Across Borders Collective, specifically bloggers from the webpage that describe the vexed conditions of O’odham at the border in relation to undocumented crossers and Border Patrol. I textually and analytically investigate SB1070 to explore how anti-immigration law and policy materially functions for the U.S. settler imperial state to claim possession over Indigenous land through racial and patriarchal force. In relation, I analyze the virtual statements written by O’odham activists whose presence and critique of the U.S.-Mexico border is itself a palimpsestic refusal against the totality of the ongoing settler colonial and imperial palimpsest of the U.S.-Mexico border. Thus, this chapter is first describes the ways in which O’odham are caught in the matrix of Border Patrol. Here I delineate the current predicaments for the O’odham because of the border. Following, I discuss the ways in which O’odham subjectivity is collapsed and subsumed within the racial category of the “illegal alien” as a result of erasure within immigrant rights discourse specifically looking at U.S. settler law-making like Arizona’s SB1070. Following, I explore the racial gendered violence of O’odham subjection to the border regime then close with an analysis of the relationality between undocumented and Indigenous positionality at the border.

Caught In The Border Matrix

It is customary practice for O’odham to migrate across and within the expanse of their land without any obstruction to their mobility. The O’odham would migrate throughout the Sonoran Desert depending on weather patterns, plant seasons for harvesting, visiting family, and traditional ceremonies. It is also tradition for O’odham to

assist mobile people as they pass through their homeland. O’odham member Ofelia Rivas expresses: “It is the tradition of the “desert people” to help sojourners in need of food, water and medical care.”²¹⁵ In this, Rivas’s sister used to leave sandwiches and water for border crossers on a daily basis on the U.S. side, however, O’odham members are at risk and indeed are arrested for “aiding and abetting,”²¹⁶ despite their supposed sovereignty and tribal recognition by the United States.

The U.S. Border Patrol and the DHS are aware of Tohono O’odham presence, sovereignty and their ancestral lands. However, acknowledgment of O’odham land and sovereignty are only gestures of the tongue. In actuality, Border Patrol headquarters in Tucson, Arizona engage the Tucson community and the O’odham tribal government in outreaching programs that enfold Indigenous presence within the sovereignty of the settler state. In speaking with Tucson Border Patrol Agent Jacob Stukenberg, the Border Community Liaison explains that the Tucson BP unit seeks to honor O’odham sovereignty and also seeks to recruit Arizonians and Tohono O’odham on the U.S. side in joint efforts to quell illegal migrations and drug trafficking.²¹⁷ The undeniable facts however are that Border Patrol only claims to honor Tohono O’odham sovereignty, presence and land. On a daily basis Border Patrol occupies the perimeter of the reservation with three immovable checkpoints including other checkpoints that are portable. While surrounding the reservation, they occupy the remainder of O’odham land claimed by the city of Tucson with military cars, helicopters, drones, off road mountain

²¹⁵ Ofelia Rivas in an interview with Tom Boswell, “Caught in the crossfire,” *National Catholic Reporter*, December 20, 2010, accessed May 15, 2018, <https://www.ncronline.org/news/justice/caught-crossfire>.

²¹⁶ Ibid.

²¹⁷ Jacob Stukenberg, interview with Tucson Border Patrol Agent, May 5, 2018.

bikes, trained military canines, ground sensory equipment, and erected, technologized towers that transmute mobile activity, body heat, and visual imagery. Even while Border Patrol claims to recognize O’odham sovereignty and presence, the irony is that they reinscribe O’odham as part of the U.S. settler nation through this recruiting program. This reinscription presumes the U.S. settler nation and territory as historically given, and it projects outward into past, present, and future this normative incorporation of the O’odham and all Indigenous peoples into the U.S. settler state. While border patrol acknowledges O’odham sovereignty as logically differentiated from undocumented Mexican immigrants/migrants the presumption is not to afford full O’odham sovereignty but instead to erase it through maintaining U.S. sovereignty. This U.S. settler colonial reinscription of the “Indian” within the settler apparatus also happens when Border Patrol arrests O’odham for aiding and abetting undocumented border crossers traveling through O’odham land. The denial of O’odham sovereignty is even more blatant as many O’odham are often mistaken for “illegal aliens” and “terrorists.” What makes matters more complicated is that Tohono O’odham politics and individual negotiations under occupation are trying and contradictory. For example, some O’odham support and work as border patrol while others actively resist and organize against them. At the same time, the reservation is extremely impoverished, and assisting and engaging in drug smuggling becomes a fast and easy way to assuage financial burdens while other O’odham are held at gunpoint, harassed and forced into drug trafficking.

What is just as challenging are issues concerning settler citizenship and imposed settler colonial requirements for Indigenous recognition. Approximately one thousand

four hundred O’odham members were born in Mexico.²¹⁸ Additionally, twenty-four thousand were born in the United States. However it is estimated that around seven thousand O’odham members have not been able to prove that they were born in the settler U.S. territory.²¹⁹ O’odham without birth certificates cannot get social security numbers, work, receive retirement, and veteran benefits, cash checks, travel, and get a passport or a drivers’ license. The problem is U.S. settler law requires O’odham to have birth certificates while historically denying birth certificates and citizenship status to O’odham people – this creates complications for O’odham today. Traditionally, O’odham never saw a need for birth certificates or to document any sort of citizenship status. Living on their land was substantial enough for O’odham assert their sovereignty. However, through the appropriation and dispossession of Indigenous land, and the juridical requirement of legal documentation like birth certificates and citizenship, U.S. settler colonialism erases and removes Indigenous presence and sovereignty. Over time, this Indigenous genocide simultaneously has forced the O’odham to seek settler recognition in which settler recognition is been given conditionally and partially via tribal government, tribal membership and naturalized citizenship. It produces a materiality in which Indigenous survival depends upon settler recognition. For example, the Tohono O’odham Citizenship Act of 2001 reveals this settler colonial perplexity. The act amends sections of the Immigration and Nationality Act of 1965 by stipulating that enrolled members of the Tohono O’odham nation are granted U.S. citizenship. Prior to 1965 they were not U.S. citizens. It also states that O’odham membership suffices “as the legal

²¹⁸ Edward D. Manuel, Chairman and Henry A. Ramon, Vice-Chairman, *Its Not Our Fault: The Case for Amending Present Nationality Law to Make All Members of the Tohono O’odham Nation United States Citizens, Now and Forever*, Guadalupe Castillo and Margo Cowan, eds. (Tucson: Tohono O’odham Nation, Executive Branch, 2001), 10.

²¹⁹ Ibid.

equivalent of a certificate of citizenship or State-issued birth certificate for all Federal purposes.”²²⁰ Provided this however, many O’odham today straddling both sides of the international boundary line are not rendered intelligible as sovereign O’odham members with U.S. citizenship status and birth certificates.

Moreover, even though the United States formally “recognized” the Tohono O’odham as an Indigenous sovereign nation and instituted its tribal government in 1937, O’odham on both sides of the border are required to obtain immigration documents to enter their own nation. They are given permission to stay only a few days, are interrogated about their travel plans, cannot receive tribal membership benefits, often times have their vehicles are seized, and are barred from entering their homelands. Treated like undocumented migrants crossing the border and undocumented immigrants living in the United States, O’odham are subjected to racial profiling, house raids, detainment, arrest, police harassment, prosecution, forced at times into being drug mules, and criminalized if caught helping or housing undocumented migrants. O’odham Chairman Edward D. Manuel asserts: “When the United States conducted the census [in 1937], which resulted in formal recognition of our Nation...the United States affirmed our Nation’s definition of membership based on O’odham blood. Members were included in what is known as the “base roll,” the actual document which formed the basis for recognition of our Nation.”²²¹ The census was administered on both sides of the border. Thus, the incongruity is that Mexican O’odham are denied O’odham membership as

²²⁰ H.R. 2348 - Tohono O’odham Citizenship Act of 2001, accessed September 13, 2018, <https://www.congress.gov/bill/107th-congress/house-bill/2348/text>.

²²¹ Edward D. Manuel, Chairman and Henry A. Ramon, Vice-Chairman, *Its Not Our Fault: The Case for Amending Present Nationality Law to Make All Members of the Tohono O’odham Nation United States Citizens, Now and Forever*, Guadalupe Castillo and Margo Cowan, eds. (Tucson: Tohono O’odham Nation, Executive Branch, 2001),12.

“recognized” by the United States, and are unable to enter their land and visit their relatives north of the border. Settler recognition through documentation is cumbersome not only in the United States but also in Mexico given that Mexico does not assign Indigenous reservations, tribal membership, councils or quasi-sovereign statuses. As a result, over time O’odham have lost more of their land base to Mexican elites and citizens, to chemical waste dumps and landfills, and to assimilative projects compared to the contained system of reservation in the United States. While Mexican O’odham are supported by O’odham on the U.S. side to be granted U.S. citizenship, the contradictory desires for this kind of settler recognition are several – to be distinguished from the material violence of settler colonial interpellations of racial processes, to be given access to medical and welfare benefits, and to re-assert O’odham sovereignty through freedom of mobility, movement and migration over their land base as in alignment with their traditional life ways.

According to Tohono O’odham creation stories, the O’odham were vastly spread across the Sonoran Desert, which required the freedom of movement to variously dispersed regions and sacred sites.²²² As a result of several colonialisms by Spanish, Mexican and American invasions their migration patterns have drastically become restricted over time. Not being able to practice ceremonial migration routes, access sacred sites, burial grounds, and traditional hunting areas, nor being able to visit health care facilities in Arizona, or traveling from Mexico for specific food items like cheese, demands analysis of the U.S.-Mexico border as a settler colonial materiality. This

²²² Edward D. Manuel, Chairman and Henry A. Ramon, Vice-Chairman, *Its Not Our Fault: The Case for Amending Present Nationality Law to Make All Members of the Tohono O’odham Nation United States Citizens, Now and Forever*, Guadalupe Castillo and Margo Cowan, eds. (Tucson: Tohono O’odham Nation, Executive Branch, 2001), 9.

nuances the language of migration in North America as it is overdetermined by undocumented Mexican migration. Indigenous migration like Tohono O’odham migration demonstrates that migration cannot always be understood as settler colonial phenomena linked to the imperial capitalism. Thus, Indigenous land is at the crux U.S.-Mexico border and this makes the border a settler colonial and imperial ongoing and a reality today. The violent interplay between DHS as a whole and undocumented migrants and immigrants cannot forego the simultaneously occurring settler colonialism on Native land and towards Indigenous peoples; indeed, DHS treatment of undocumented migrants and immigrants is a materiality of U.S. settler colonialism and imperialism.

Arizona’s SB1070 and the Colonial Erasure of Tohono O’odham Presence and Sovereignty

Aileen Moreton-Robinson describes the logic of “possession” as “having an excessive desire to own, control, and dominate” whereas “patriarchal white sovereignty” delineates a regime of power that “operates ideologically, materially and discursively to reproduce and maintain its investment in the nation as a white possession through a discourse of security.”²²³ In this she argues that “the possessive logics of patriarchal white sovereignty restrict the availability of the modern world for Indigenous embodied ontologies,” and, moreover, “as things that are possessed, Indigenous people must be emptied of our ways of being in order to come into existence.”²²⁴ In this, Moreton-Robinson demonstrates how the stealing of Native lands are inherently a racial and

²²³ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 67, xxiii.

²²⁴ Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 191-192.

patriarchal project, and that the settler state desire to possess and own through a discourse of territorial protection requires the disembodying of the Indigenous subject.

Accordingly, I explore this violent colonial logic within Arizona's 2010 SB1070 law to understand the ways in which it is deployed within this discourse of security of white patriarchal sovereign possession through the criminalization of undocumented subject.

My aim is to show how this logic empties O'odham ontologies within the very landscape and spatiality upon which they are indeed present.

In 2010 Arizona signed into law SB1070 (which ended up being blocked by a federal judge the day prior to its implementation) that required noncitizens to carry registration documentation at all times, authorizing warrantless arrests of anyone believed to be undocumented, turning the very fact of being an unlawfully present in Arizona into a crime punishable by imprisonment and deportation. This law not only legalized racial profiling that specifically targeted Mexican, Central and South American border crossers; it also made it illegal for them to apply for or perform work, prohibiting also Arizona drivers from transporting undocumented persons.²²⁵ Section 2, E of the bill states: "A law enforcement officer, without warrant, may arrest a person if the officer has probable cause to believe that the person has committed any public offense that makes the person removable from the United States."²²⁶ Section 3, A explains: "In addition to any violation of federal law, a person is guilty of trespassing if the person is both: present on any public or private land in this state" and lastly, section 5, C reads: "It is unlawful for a person who is unlawfully present in the United States and who is an unauthorized alien to

²²⁵ Seth Freed Wessler, "A Colorblind Supreme Court Hearing On Arizona's Anti-Immigrant SB1070," *Colorlines*, April 26, 2012, accessed January 8, 2016, <http://www.colorlines.com/articles/colorblind-supreme-court-hearing-arizonas-anti-immigrant-sb-1070>.

²²⁶ SB1070 Bill, pg. 2.

knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state.”²²⁷ Given this, the legal language of the bill is interesting such that police power is extensive, performing arrests without warrant if there is belief in having committed any kind of public offense. If there is probable cause, this can result in removal, deportation from the United States. What is more grievous is that undocumented subjects by their undocumented status are considered to be in violation of federal law to be present on any public or private U.S. land. Considering the previous chapter, through centering Indigenous presence, it becomes clear how the U.S. settler state embodies and executes a logic of sovereign possession over Native land – *American Settler Colonial Superstructural Discourse* an epistemology that is both normative and colonial where visual representations and everyday functions of the state like police violence are assumed over Native land and bodies. This racialized possessive logic of U.S. colonial sovereignty is thus against the undocumented brown body while at the same time against Indigenous ontologies.

Moreover, as SB1070 made undocumented persons in violation of trespassing on U.S. settler claimed land by the fact of their noncitizenship status, it erased O’odham presence; making it appear as the border region in Arizona was empty of Indigenous subjectivities. The example of Arizona constructing the undocumented subject a criminal by the very nature of their non-citizenship status is part of an ongoing U.S. materiality of anti-immigrant sentiment and xenophobia. In this, at the same time that the U.S. settler state juridical process racially constructs the illegal alien as a subject barred from the United States, Indigenous subjectivities are invisibilized and subsumed within these racial categories of “illegal alienage.” Jon Riley conveys:

²²⁷ SB1070 Bill, pg. 5.

The passing of SB1070 leads us to the police state, and does not just affect migrants, it affects us all! ... We face the ever-growing crucial attacks on homes, traditional routes, and identity as Indigenous people...and the right of passage through our routes have become a killing field and a battle ground.²²⁸

Riley describes SB1070's potential impact on O'odham land and among O'odham people as a designated war zone for the systematized control and killing of undocumented bodies. It would increase police presence and create obstructions to traditional O'odham migration routes, and everyday comings and goings on a daily basis. Curiously, as Riley affirms his disagreement with U.S. settler law and military occupation, Ofelia Rivas conveys some of the nuances of the complexity of this border situation. She explains:

“The Tohono O'odham Nation has allowed the Federal government to control the northern territory” and in doing so it “refuses to oppose the harassment, home invasions, tailgating at high speeds and deaths of the O'odham caused by the United States Border patrol and other agencies (FBI, special drug agents, US customs, special rescue forces on the reservation, etc.).”²²⁹ She further shares: “At the initial proposal of sealing the border, the Department of Homeland Security and the tribal government used fear tactics as they campaigned for the support of the “wall” throughout the reservation...The community politicians agreed...even though it closes off the ancestral routes crossing the

²²⁸ Jon Riley, “Movement Demands Autonomy: An O'odham Perspective on Border Controls and Immigration,” *O'odham Solidarity Across Borders Collective*, Tuesday, April 27, 2010, accessed August 17, 2016, <http://oodhamsolidarity.blogspot.com/search/label/SB1070>.

²²⁹ Ofelia Rivas interviewed by Jeff Hendricks, “Immigration, Imperialism and Cultural Genocide: An Interview with O'odham Activist Ofelia Rivas Concerning the Effects of a Proposed Wall on the U.S./Mexico Border,” *O'odham Solidarity Project*, page 2, accessed August 17, 2016, http://www.tiamatpublications.com/docs/imperialism_interview_article.pdf.

border...”²³⁰ Moreover, Rivas states: “The Tohono O’odham Nation claims to be a sovereign nation, but it is not a true sovereign nation, as it does not manage its own affairs, especially dealing with the International Boundary.”²³¹ Even as O’odham activists like Riley and Rivas reject the ongoing settler colonial and imperial palimpsest in its current iteration of the border regime, the lines between the colonizer and colonized are not so distinctly drawn. Given these complexities, the key point is that U.S. settler order overrules and denies Native sovereignty and presence, and in this case SB1070 would have made the border regime more astringent upon the O’odham as Riley and Rivas explain. In this, the ongoing harassment, home invasions, tailgating at high speeds and deaths of the O’odham completely unaccounted for, erased among the totality of U.S. immigrant and migrant discourse. In this way, settler laws and policies like Arizona’s SB1070 assume the settler state as the original sovereign, and wield their racist, militaristic force not only against undocumented subjects but over Native land and upon Native peoples, situating them in vulnerable conditions of premature death, and imperial colonial violence.

In this, Byrd argues that socially constructed notions of “Indian/Indianness” continuously persist by undergoing reconfigurations within settler colonial, imperial processes. They explain that Indigenous peoples function as a “blank screen,” frozen in a prehistoric time and space, deferring the “Real” colonial violence of Indigenous

²³⁰ Ofelia Rivas interviewed by Jeff Hendricks, “Immigration, Imperialism and Cultural Genocide: An Interview with O’odham Activist Ofelia Rivas Concerning the Effects of a Proposed Wall on the U.S./Mexico Border,” *O’odham Solidarity Project*, page 3, accessed August 17, 2016,

http://www.tiamatpublications.com/docs/imperialism_interview_article.pdf.

²³¹ Ibid.

communities.²³² Like Moreton-Robinson, they further elaborate that in the emptying out of an Indigenous ontology, certain racialized notions of “Indianness” become chronotopically fixed in a prehistoric colonial past making it so Indigenous peoples appear to be nonexistent today. Thus, settler laws like SB1070 invisibilize Indigenous presence like the Tohono O’odham, and this erasure articulates an anti-Indian ideology, which renders the category of “Indian/Indianness” as nonexistent. This ideological genocide is rooted in material genocides of Native bodies, of Indigenous subjectivity as threats to U.S. settler statehood. In this, the density of “Indian/Indianness” is a composite of the “illegal alien,” in which the undocumented is now the prominent threat, while Native presence and quasi-sovereignty is controlled within the bounds of reservations. Rivas affirms: “We are always under scrutiny and always suspect in our own land as criminals, either drug traffickers or human traffickers.”²³³ As such, the formation of the “illegal alien” and the targeting “illegal alien” in settle law is an emptying process of the particularities of Native ontology; it is where the possession and domination of Native bodies and land happens in order for the ongoing securitizing possession against “illegal aliens” to continue.

The Racial Gendered Violence Of White Patriarchal Sovereign Possession

Marla Henry, chairwoman of Chukut Kuk district, which is adjacent to the militarized border, explains what happens when being forced to be a drug mule: “People

²³² Jodi A. Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xxiv.

²³³ Tom Boswell, “Caught in the Crossfire: Border Crisis Threatens Traditional Way of Life for Sovereign Tohono O’odham nation,” *O’odham Solidarity Across Borders Collective*, December 12, 2010, accessed March 5, 2016, http://www.tiamatpublications.com/docs/caught_in_the_crossfire.pdf.

will knock on your door, flash a wad of money and ask if you can drive this bale of marijuana up north.”²³⁴ She further says: “People are afraid that if they say no, they’ll be threatened by the cartel.”²³⁵ Even if O’odham villagers were to call the police for help in these instances it might not arrive for two hours or more. Additionally, Verna Miguel shares her experience of being physically assaulted and violated in the bordered war zone: “We can’t even go out to collect wood for the stove... We’ve always picked saguaro fruits and cholla buds... but now we don’t dare do that.”²³⁶ These desert products are used for consumption and rituals and in trying to engage in O’odham *him’dag*, she was physically and emotionally traumatized when a group of migrants coerced her to stop on a road, attacked her and then robbed her of her vehicle.²³⁷ Together, Henry and Miguel provide insight to the sexual, gendered, heteronormative forces at play in the border zone that O’odham women are subjected to on a daily basis. The male aggression manifested not only by the Border Patrol but also by drug smugglers, drug cartels, and undocumented Indigenous migrants desperate for survival make O’odham women in their homelands extremely vulnerable to a gendered, racial and sexualized violence on several fronts. The fact that not much of this violence is documented contributes to the ongoing colonial invisibilization O’odham women are forced to live in. More so, unattended responses to police calls further ignores the particular violences Indigenous O’odham women experience, thus erasing notions of O’odham Indigeneity in the hypersurveillance

²³⁴ Marla Henry interviewed by Erik Eckholm, “In Drug War, Tribe Feels Invaded by Both Sides,” *The New York Times*, January 24, 2010, accessed August 29, 2016, http://www.nytimes.com/2010/01/25/us/25border.html?pagewanted=all&_r=0.

²³⁵ Ibid.

²³⁶ Verna Miguel, interviewed by Erik Eckholm, “In Drug War, Tribe Feels Invaded by Both Sides,” *The New York Times*, January 24, 2010, accessed August 29, 2016, http://www.nytimes.com/2010/01/25/us/25border.html?pagewanted=all&_r=0.

²³⁷ Ibid.

of “illegal aliens,” “drug mules,” and terrorists. As with Henry’s narrative, O’odham women get caught in the smuggling of drugs and as such become arrested and subjected to Border Patrol violence.

Mishuana Goeman adds that it is not “just about conquering Native lands through mapping new ownerships but it is [also] about the conquest of bodies, particularly women’s bodies through sexual violence.”²³⁸ In this, the settler colonial and imperial palimpsest of the U.S.-Mexico border regime is inherently racialized, and gendered. Ofelia Rivas spotlights this racial, gendered violence explaining how she has been interrogated by Border Patrol agents on the main road of the reservation while traveling with her daughter and grandson:

Actually, you are on my land...I’m an O’odham and this is O’odham land [As the agent pulled his gun and put it on her head demanding to know if she was a U.S. or Mexican citizen]...He said he was going to throw me on the pavement, handcuff me, detain me, and then deport me...My daughter was crying and my grandson was crying.²³⁹

Rivas calls attention to the ways in which this settler colonial project on her homeland enunciates itself as a violent encounter between her, her daughter, grandson and the Border Patrol agent. On her own homeland, Rivas is racially suspected to be an illegal alien, drug mule, and/or terrorist. Within a settler common sense logic, her presence on and near the U.S.-Mexico border presumes that she is ontologically one of these threats. The fact that she can only be either an American or Mexican citizen further assumes that her Indigenous presence is insubstantial and for that matter her sovereign right to

²³⁸ Mishuana Goeman, *Mark My Words: Native Women Mapping Our Nations* (Minneapolis: University of Minnesota Press, 2013), 33.

²³⁹ Ofelia Rivas interviewed by Tom Boswell, “Caught in the Crossfire: Border Crisis Threatens Traditional Way of Life for Sovereign Tohono O’odham nation,” *O’odham Solidarity Across Borders Collective*, December 12, 2010, accessed March 5, 2016, http://www.tiamatpublications.com/docs/caught_in_the_crossfire.pdf.

mobility and access anywhere on the reservation is impossible. This is a flat out rejection and invalidation of Rivas's Indigenous identity, which ultimately reduces O'odham Nation land, presence and sovereignty as nonexistent, devalued and erased. Moreover, as the agent verbally and physically threatens Rivas with deportation, detainment and arrest his male dominance and aggression demonstrates how typical this behavior is among Border Patrol agents. As such, gendered violence and racial profiling are violent dynamics of settler common sense that disavow and eliminate native people and their land. Again, the settler presumption of the Border Patrol agent to assert his male aggression alongside his gun as a tactic to map out, control and manage mobility at the border in the O'odham reservation as shown with Rivas and her family, shows how the militarization of the U.S.-Mexico border is a male dominated regime imbricated with racialized settle colonial imperial violence. In this, the settler colonial conquest then over the U.S.-Mexico border becomes a patriarchal conquest over Rivas's body as a gun is pointed to her head. It also is an affective and psychological present day reencounter with settler colonial conquest, scarring the memory Rivas's daughter and grandson as they traumatically witness Rivas's bodily apprehension by the Border Patrol agent. Ultimately, this experience Rivas narrates in her homeland maintains U.S. militarized surveillance of the border as a racialized, gendered violent settler colonial regime.

Chris Finley explains: "Native men as well as Native women have been sexualized, gendered, and racialized as penetrable within colonial and imperial discourses."²⁴⁰ This means that within a settler colonial imperial discourse Indigenous

²⁴⁰ Chris Finley, "Decolonizing the Queer Native Body (and Recovering the Native Bull-Dyke): Bringing "Sexy Back" and Out of Native Studies' Closet," *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature* (Tucson: University of Arizona Press, 2011), 35.

peoples are racialized as nonwhite, savage and uncivilized, they are also feminized and emasculated and therefore seen as weak and helpless in which harassment and abuses unto death by colonizing settlers are allowable. In this way the Border Patrol agent was able to force and assert his settler, nonnative, male power over Rivas, her daughter and grandson, denying and erasing recognition and presence of O’odham peoples, life ways, and land. In this way the Border Patrol can relentlessly raid Tohono O’odham homes. In the search for drugs an O’odham woman explains that she “was breastfeeding her baby at 4:45 A.M. [when] the border control just walked in with flashlights looking for undocumented people.”²⁴¹ In another instance another O’odham woman was sleeping when she “saw border control agents peeking in [her] window.”²⁴² Rivas further recalls one situation between an O’odham man and the Border Patrol: “One of the Border Patrol agents stopped a man from the village and the man from the village tried to tell him that we have rights. The border control official responded by saying ‘Oh you Indians think you have sovereign rights, but you don’t have any rights. We are the authority here.’”²⁴³ What Goeman, Rivas and Finley convey then is that the heteronormative logics of race, gender and sexuality constitute the settler colonial common sense matrix at the U.S.-Mexican border which functions to erase, remove and dispossess Indigenous sovereignty and O’odham presence. O’odham peoples become mistaken for illegal aliens, drug mules, and terrorists. In this way, the Indigenous subject gets relationally reconfigured as a racialized other. This licenses the erasure, dispossession and disavowal of Tohono

²⁴¹ Ofelia Rivas in conversation with Kristina Pyclik and Jennifer Leibig, “Living in No-Man’s Land,” *Cultural Survival Quarterly*, 30.3, 2006, accessed August 14, 2016, <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/mexico/living-no-mans-land>.

²⁴² Ibid.

²⁴³ Ibid.

O’odham peoples and land in the targeting of undocumented Indigenous migrant subjects crossing the border.

Conclusion: Racialized Colonial Entanglements

The vexed social conditions that the Tohono O’odham and undocumented immigrants and migrants encounter at the border highlight the political and material tensions and differences between their experiences as both emerging simultaneously from the settler colonial palimpsestic phenomena of the border. Although both groups experience U.S. settler colonial racial gendered violence in the same space and time, their relationality to such violence is fundamentally not the same. Even as Tohono O’odham are rendered as non-Native but interpellated as “illegal aliens” within the militarized border complex, and even as they participate in Indigenous migrations throughout their land, their presence and migration activities are not the same as undocumented border crossers coming from their Indigenous lands elsewhere. Undocumented positionalities are a formation of the settler colonial and imperial palimpsest, and within this they have been targeted and marked for cheap labor, conditional enfoldment into the settle state, and desired removal by various violent mechanisms. These processes that necessitate characterized colonial migration across the settler border are ultimately aspects of multiple settler colonial projects emerging out of United States, Mexico, Central America, and South America. Mae Ngai explains how, as a result of NAFTA, the transnational Mexican labor force configured a new kind of “imported colonialism” where “new social relations based on the subordination of racialized foreign bodies” work in the United States but who remain excluded from the polity both by law and by

social custom.”²⁴⁴ In Ngai’s analysis, U.S. slavery has morphed from the old institution of African slavery to a modern form, precisely the exploitation of imported Mexican wage laborers. Although Ngai does not consider “imported colonialism” on the basis of Native land appropriation or genocide in relation to African slavery, her analysis is useful in conveying the ways in which immigration restriction as a result of imported colonialism produce the illegal alien as a “*new legal and political subject*, whose inclusion within the nation was simultaneously a social reality and a legal impossibility – a subject barred from citizenship and without rights.”²⁴⁵ Given Ngai’s limited analysis which invisibilizes Native presence and land, I frame undocumented immigration and migration in relation to the Native, slave and settler triad within the settler colonial rubric as a compulsory migratory phenomenon constituted by the total appropriation of Indigenous life and land that produces fragmented and ambivalent positionalities of settler colonial capitalist desire, and varying vulnerabilities of settler colonial national threat.

At the same time, migration is not in and of itself a settler colonial process considering Tohono O’odham ancestral migration patterns throughout their lands according to seasons and the vegetation cycles. In this, how do we make sense of the complicated and vulnerable positionality of undocumented precarity among Native land and within the border regime? Considering this, Tuck and Yang convey that undocumented subjects at the border do not necessarily become “subordinate settlers” since they are reified as an illegal criminal presence as with SB1070. Unless, by way of

²⁴⁴ Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014), 129.

²⁴⁵ Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014), 4.

successfully crossing the border, investments then in American culture do make them “subordinate settlers.” However, Byrd delineates that external conditions of colonialism are prerequisite for immigration and migration as colonial circuits, thus designating the term settler “arrivant.” There is much debate around how to understand settlers of color and which language to use regarding the uneven, racialized and differentiated empiric, colonial and imperial conditions of immigration and migration onto North American Native land. Bonita Lawrence states: “²⁴⁶People of color are settlers. Broad differences exist between those brought as slaves, currently work as migrant labors, are refugees without legal documentation... Yet people of color live on land that is appropriated and contested, where Aboriginal peoples are denied nationhood and access to their own lands.” Overall, Dean Itsuji Saranillio shares: “The settler of color critique is not intended to demonize nonindigenous people of color but rather to assess the manner in which land commodification requires territorial defense, elevating one group of people who are granted power to exclude other people.” Moreover, we can see how according to Saranillio “colonialism entails distinctions that differently implicates all people.”²⁴⁷ In this, we can understand land as a site upon which appropriation, enslavement, migration, relocation and displacement occur.

In these considerations, undocumented crossing within settler colonial migration processes is a settler crossing within a colonial and imperial U.S. migratory system. Although undocumented subjects face death and removal at the border and even within the U.S. settler state, their crossing is still part of an ongoing settler process that occupies, invades, and settles on Native land through violent mechanisms. In this, the eliminatory

²⁴⁶ Bonita Lawrence and Enakshi Dua, “Decolonizing Antiracism,” *Social Justice* 32, no. 4 (2005): 134.

²⁴⁷ Dean Itsuji Saranillio, “Settler Colonialism,” *Native Studies Keywords*, 277.

violence settler “arrivants” face crossing the border contributes to the ongoing elimination, denial and erasure of Indigenous presence and sovereignty, and the ongoing attempts of genocide and dispossession of Indigenous land. Moreover, Saranillio shares: “Migration to a settler colonial space, where Native lands and resources are under political, ecological, and spiritual contestation, means the political agency of immigrant communities can bolster a colonial system initiated by white settlers.”²⁴⁸ In this way we can understand the U.S.-Mexico settler colonial border regime and undocumented migration and immigration to the U.S. settler colonial state. This means that settler colonialism is more than just a bifurcated analysis between the Indigenous and the settler; it is more than just the settler-Native-slave triad. This also means that settler colonialism operates through the oppressed. In this, Saranillio urges the need to examine “other dynamics of power such as labor exploitation, anti-immigrant laws and sentiment...without misrecognizing the context for framing settlers on Native lands seized by the U.S. settler state.”²⁴⁹ Thus, spotlighting Tohono O’odham Indigeneity in relation to undocumented subjectivities at the border requires urgent considerations within any political and scholarly work that seeks to undergo any critique of the border and or immigration and migration to the United States.

As undocumented bodies have been forced to migrate within a the settler

²⁴⁸ Dean Itsuji Saranillio, “Why Asian Settler Colonialism Matters: A Thought Piece on Critiques, Debates, and Indigenous Difference,” *Settler Colonial Studies* 3, no. 3-04 (2013): 286, accessed September 10, 2015, http://opencuny.org/earthseededucation/files/2014/01/Saranillio_Why_ASC_Matters.pdf.

²⁴⁹ Dean Itsuji Saranillio, “Why Asian Settler Colonialism Matters: A Thought Piece on Critiques, Debates, and Indigenous Difference,” *Settler Colonial Studies* 3, no. 3-04 (2013): 288, accessed September 10, 2015, http://opencuny.org/earthseededucation/files/2014/01/Saranillio_Why_ASC_Matters.pdf.

condition in the North American context, sharing in structures of U.S. settler colonial power and oppression, how might migrant movement and mobility and pro-migrant and immigrant politics reconsider their goals alongside Indigenous politics around location, migration, and settlement? I address this in the following and concluding chapter. As well, it is precisely such concerns and tensions that this paper has attempted to bring to the forefront in the hopes of offering up and contributing to an honest and necessary dialogue. Thus, I politically and intellectually call attention to the imperative of responsibly and accountably in confronting arduous fissures concerning Indigenous and undocumented subjects at the violent borders of settle empires.

Chapter Five

Necessary Considerations: Critical Relational Intersections Between Undocumented Immigrant and Migrant Justice and Tohono O’odham Indigenous Sovereignty

“The immigration struggle is also an Indigenous struggle.”²⁵⁰

Shining Soul, “*Papers*”

“Much of the process of decolonization is to understand Indigenous reality.”²⁵¹

– Cornel Pewewardy, *Forward* in *The Militarization of Indian Country*

Introduction: Sovereignty and Sanctuary

On Friday, March 9th a public forum took place in Albuquerque, New Mexico called “Sovereignty & Sanctuary.” This forum emerged out of urgency among activists, organizers and scholars in Albuquerque to address the most recent immigration bans initiated by U.S. President Donald Trump. These executive orders specifically targeted Muslims and Syrian refugees and implicated Mexicans and Central Americans seeking asylum at the U.S.-Mexico border. Upon Trump’s presidential inauguration in 2017, those most marginalized and vulnerable to his discriminatory and criminalizing anti-immigration policies found themselves needing sanctuary from removal, detention, and deportation. In this heightened duress and fear, scholars, activists and organizers especially at the University of New Mexico (UNM) mobilized to make the campus a

²⁵⁰ “Papers,” music video by O’odham hip-hop group *Shinning Soul*, O’odham Solidarity Across Borders Collective, accessed February 8, 2018, <http://oodhamsolidarity.blogspot.com>.

²⁵¹ Cornel Pewewardy, “Forward,” *The Militarization of Indian Country* by Winona LaDuke with Sean Aaron Cruz (East Lansing: Michigan State University Press, 2013), xiii.

sanctuary campus for undocumented students and their families. The language and politics of sanctuary not only recalled the volatile exclusion, targeting and removal of Central American refugees in the 1980's in the United States that prevented them from seeking asylum. More importantly it resurrected the nationwide political actions of community organizers affiliated with religious institutions to claim spaces of sanctuary and safety in their churches for immigrants and migrants against deportation, removal, detainment and criminalization. In this context, immigration and migration, Chicax and undocumented scholars at UNM sought to make the campus a sanctuary campus for undocumented UNM students and their families as part of a larger sanctuary movement that was emerging in response to Trump's xenophobic, anti-immigrant/migrant, white supremacist executive actions.

Additionally, the panel moderators Dr. Rebecca Schreiber and undocu-scholar Ph.D. candidate Rafael Martinez, both from the Department of American Studies and affiliated with the Department of Chicana and Chicano Studies at UNM, collaborated with panelists Diné historian, Critical Indigenous Feminist Studies scholar and American Studies professor Dr. Jennifer Nez Denetdale, and Chicana and Chicano Studies department chair Dr. Irene Vasquez. Together, as community organizers, activists, scholars, colleagues, and co-conspirators across struggles for undocumented immigrant and migrant rights and Indigenous sovereignty and self-determination, they understood the complexity of sanctuary within the context of Albuquerque as a settler city, as an urban space that is often not acknowledged as Indigenous land and space. This awareness is reflective of the Department of American Studies' interdisciplinary and intersectional research and teaching focus in centering Critical Indigenous Feminist Studies. It is also

indicates the cross-disciplinary collaborations between and among Indigenous scholars, students and community leaders with undocumented, Mexican, Latinx and Chicana scholars, students and community leaders forged at the UNM campus. Given this, these collaborations also permeate into the surrounding organizing communities of color since these panelists are just as involved off campus as they are on campus. Thus, in a moment of urgency to address sanctuary for Albuquerque's undocumented student community on the UNM campus, the panel intentionally offered a rupture to make the audience aware of the simultaneous fact of Indigenous land, ergo, the forum's title: "Sovereignty and Sanctuary."

In this, the purpose of the forum was to have a dialogue foregrounding Indigenous sovereignty, presence, and land at the center of the undocumented immigrant/migrant movement in Albuquerque and on the UNM campus. It was intended to provide a thorough understanding of "sovereignty" and "sanctuary" on their own terms in critical relation to these urban spaces. While Albuquerque has a large undocumented immigrant, and migrant Mexican community, the city is a settler colonial establishment built upon the lands of the Navajo, and the Pueblo Nations. Thus, organizing this forum around "sovereignty" and "sanctuary" was an attempt to highlight Indigeneity within immigration and migration discourse in a time of urgency to create sanctuary for those most impacted by Trump's immigration bans. During this turbulent time, it was also a response to the growing awareness among undocumented community organizers and scholars surrounding the Red Nation's emergence as an Albuquerque-based urban coalition of Native and non-Native activists, educators, students, and community organizers advocating Native liberation. The Red Nation's community and scholarly

influence has been to bring critical matters to the forefront not only for Indigenous nations and peoples but to also make connections across the conditions of oppression for other people of color like undocumented persons under settler nation regimes from Turtle Island to Palestine. In this, the *Who We Are* section of the Red Nation's website states: "We formed to address the marginalization and invisibility of Native struggles within mainstream social justice organizing, and to foreground the targeted destruction and violence towards Native life and land."²⁵² Thus, the Red Nation's influence on the UNM campus and in Albuquerque's organizing community has been necessary and generative because it recasts the politics of Indigeneity in urban spaces beyond the reservation, including their efforts to name multiple places of settler colonialism outside the reservation, and beyond specific Native land bases. In this way, the "Sovereignty and Sanctuary" forum emerged out of the sanctuary movement in Albuquerque and on the UNM campus, and in response to the Red Nation's political work as Indigenous community leaders and UNM scholars like Jennifer Marley, Dr. Melanie Yazzie and Dr. Nick Estes.

As an audience member at this forum I was interested in knowing how "sanctuary" would be problematized in relation to Indigenous sovereignty. I was also curious about how "sovereignty" would critically engage with "sanctuary," and if the forum would explain how and why "sanctuary" is significant to Indigenous sovereignty. Recognizing the urgency and timely dialogue of this forum, and how it aligned well with my research, I attended expecting to observe not only how panelists articulated both "sovereignty" and "sanctuary" on their own terms but how they would discuss and resolve the tensions brought about by putting "sovereignty" and "sanctuary" in

²⁵² The Red Nation website, "Who We Are." <https://therednation.org/manifesto/mission/>

conversation with each other. In particular, I was anticipating the panelists to discuss the tensions and challenges presented by the intersectionality of both words. Considering how sanctuary happens on Native land, I was interested in knowing what the stakes and implications were for coalition building among Native nations/communities and immigrant and migrant justice groups. Given that Native nations/communities do not see issues of immigration and migration concerning to them, as unfortunately, mostly, Indigenous nations and people, except if they live along the border, are not concerned about immigration or think that it has anything to do with them, I wanted to know why then should “sanctuary” matter to Indigenous politics. This is an intervention that the Red Nation addresses specifically as Red Nation member Jennifer Marley signified by being a panelist at the forum.

Considering the important and timely efforts made by the panel members these tensions, however, were not directly explained. Although, they were implied when aspects of the panel discussion spotlighted how the Tohono O’odham Nation is caught within the violent matrix of the U.S.-Mexico border, and the militarized targeting of undocumented border crossers. Nonetheless, the stakes and implications of the Tohono O’odham caught in the border regime remained unspoken. The aforementioned expectations I showed up with emerged from the academic debates around the invisibility of Critical Indigenous Studies and Indigeneity within Ethnic Studies and other minoritarian discourses like Chicana Studies and Border Studies. As my research is engaged within these ongoing debates, I seek to examine this forum to consider the challenges and potential resolutions around “sovereignty” and “sanctuary” without delineating a final solution or assuming the problem is solved. Rather I hope to make a

productive entry into a challenging conversation that can support our ongoing theorization of such timely dialogues regarding potential rapprochement between Indigenous and immigrant and migrant struggles and epistemologies.

I begin this final chapter with this forum to center Indigenous sovereignty within the undocumented immigrant and migrant rights movement as it is bound within in the U.S. settler state. In this, it is important to consider that sanctuary happens on Native land. I begin with this tension of sanctuary happening on Native land to call attention to the challenges around justice. In this, while the undocumented struggle seeks rights and inclusion from the settler colonial U.S. state, Indigenous sovereignty requires the complete dismantling of the U.S. settler colonial structure. How then should we conceive of justice for undocumented rights in light of Indigenous sovereignty? Thus, I interrogate the concerns, the tensions, the silences, and contradictions within the forum and the larger context of the forum as part of an art exhibit by a local art gallery called *516 Arts*. The elisions of Indigenous sovereignty and Critical Indigenous Studies' critique of settler colonialism among social justice movements is an ideological settler norm that is symptomatic of the palimpsestic materiality of settler colonialism as ongoing and pervasive. I demonstrated this in my previous chapter by relationally examining the settler colonial processes of racialization at the U.S.-Mexico border, which implicate both, the Tohono O'odham Nation, and undocumented immigrants and migrants. Thus, the gravity of settler colonial erasure, dispossession of land, removal from land, genocide, and the denial of Indigenous presence, and sovereignty are ongoing realities for Indigenous peoples in Albuquerque, and by and large the United States as an entire settler nation. As such, I argue that Indigenous sovereignty in relation to land is fundamental to

the undocumented immigrant and migrant struggle; that it is the starting point for the undocumented immigrant, and migrant movement in the United States.

Accordingly, I address a set of questions: What are the concerns, tensions, silences and contradictions between sovereignty, and sanctuary as they happened at the public forum? How is sanctuary problematized by Indigenous sovereignty? How is sanctuary significant to, and for sovereignty? Lastly, what does the intentional dialogue between sovereignty and sanctuary offer and what insight does it provide to ideas of justice and solidarity? I address these questions from a Critical Ethnic Studies methodology that I call a *critical relational framework* to examine sovereignty, and sanctuary as differentially related, and as relationally complicated formations of self/group-assertion, empowerment, and liberation that emerge from simultaneously occurring, and discrete conditions of U.S. settler colonial violence.

This conclusion is organized into three sections. The first is a visual reading of the flyer for the forum. In addition, I do a close reading describing the forum as I experienced it and the catalyst for it. This lays the groundwork for the following section, which analyzes the interplay between sovereignty, and sanctuary as it was discussed at the community event on March 9th. Finally, I close with an investigation of the meaning of “justice” in relation to sovereignty and sanctuary. I consider the potential for visions of solidarity work between Indigenous struggles for sovereignty, and undocumented immigrant, and migrant rights struggles. Throughout, I reiterate my core claims and arguments in terms of how the forum speaks to settler colonial permutations in relation to the U.S.-Mexico border.

The Public Forum



Figure 7 - Digital Poster Print by 516 Arts²⁵³

On a white canvas, the top right hand side of the flyer in a text box reads: “The US-MEXICO BORDER: PLACE, IMAGINATION AND POSSIBILTY.” The text overlays the top right corner of a photo that was taken at the Albuquerque Museum of an art installation created by Bob Haozous titled *Border Crossing*. Bob Haozous is a

²⁵³ This digital poster print was freely and publically distributed to the American Studies departmental list-serves at UNM by Dr. Rebecca Schreiber; it was the flyer used to invite the American Studies faculty, students and staff to a conversation focusing on these movements. I came across this flyer and invitation from this email that was sent out by our American Studies administrator on behalf of Dr. Schreiber.

Chiricahua Apache sculptor from Santa Fe, New Mexico and *Border Crossing* is his 1991, painted steel, 8'x12'x4' sculpture of the border. This sculpture depicts the desert where the border begins on both ends of the artwork, but then trails up from the earth into the sky, and ending midway. This border is erect with objects that make it appear to be a fence that is finished off at the top with barbed wire. This fence, as it depicts the U.S.-Mexico border, comes to an end midway in the sky, as if to disappear, or as if the sky is devouring it, while leaving the desert, the earth borderless. As the same time, the center of this sculpture shows the earth in the shape of a mountain with one single apex. In this sense, it is as if the earth tore apart the border and broke it, leaving the shredded ends to flip back and then up into the sky. Whichever way this sculpture is observed, it depicts an earth that is free from human barriers, and the sky above it too has no surveillance structures penetrating it. This sculpture freezes this moment of this freedom and liberation. It is as if the immense sky can touch, without any human interference, the earth with its blue hues and white clouds, and the earth can respond back, greeting the sky with its rich vibrant plant-life. In this stilled solace, even with the fence frozen in its dismantling, the desert, as it is becoming unobstructed by the border fence, can breathe with an ease. This glimpse of quiet peace and rest from metal, smoke, and cement is encapsulated in Haozous's sculpture.

Border Crossing is part of a two-part exhibition, which included public programs that was organized by 516 Arts, an art gallery and museum in Albuquerque, from January – April 2018. The public forum on sovereignty and sanctuary was one of several public programs to accompany the exhibition; and in this way, Haozous's sculpture became the main image for the forum's advertising flyer. Curious to learn more about this image

from Haozous's himself, I found my way to his website only to find no description of his comments or reflections of *Border Crossing*. Nonetheless, I was intrigued to find how the forum's flyer was showcased by Haozous's sculpture. The conflicting title of "Sovereignty and Sanctuary" and that these concepts would be the main points discussed seemed to be sidestepped in the flyer by Haozous's art piece. Dominant and popular cultural discourses on the U.S.-Mexico border typically portray critical perspectives from non-indigenous frameworks. Just as well, although Haozous is Chiricahua Apache sculptor, I initially read this particular art piece by him as non-indigenous, especially since the tiny print on the left side, below the photo of Haozous's sculpture, says "Bob Haozous, *Border Crossing*, on view at the Albuquerque Museum." Upon first glance it appears that his sculpture is a critique not only of the border, but that it is also in favor of Central and South American immigration and migration into the United States with the dismantling of the fence. In this sense, the photo and sculpture at once seem to elide the struggles of Indigenous sovereignty as a result of the border; and just as well, the flyer too, appears to sidestep the centrality of Indigenous sovereignty to the conversations of sanctuary and critiques of the border. Accordingly, this image is used in the flier to advertise the "Sanctuary and Sovereignty" public forum held at the Outpost performance space.

As *Border Crossing* is spaced out on the top, mid portions of the flyer, the midsection just below the photo in bold say: "Public Forum: Sovereignty and Sanctuary," followed by the date in read print. Below this are smaller letters that write out the name in list form of the organizations that presented the forum: UNM American Studies, UNM Art and Ecology, 516 Arts, and Outpost performance Space. Then there is a line break

and below is the following text:

“Everyone is invited to a conversation about the meanings of sovereignty for Native nations and that of sanctuary within the migrant justice movement, featuring representatives from Red Nation, New Mexico Dream Team, UNM American Studies, UNM Chicana and Chicano Studies, Tohono O’odham Hemajkam Rights Network and NM Faith Coalition for Immigrant Justice: Jennifer Marley, Eduardo Esquivel, Jennifer Denetdale, Irene Vasquez, Nellie Jo David, Daniel Vega, Rafael Martinez, Rebecca Schreiber.”

Provided this line-up of expert panelists, 516 Arts, a non-indigenous museum and gallery, organized the exhibit and subsequent public programs in which this forum was one. As a white, liberal space, 516 Arts sought to incorporate primarily brown non-indigenous artists, while making Haozous’s participation as an Indigenous artist scarce. In addition, this forum was part of, and the only “Indigenous specific” program among all the public programs related to the exhibit, which included the work of 45 artists and designers; whose work focused on how they negotiate two divided but interconnected realities along the border. Within this context, the forum’s flyer elided any depiction of Indigenous sovereignty in relation to the dismantled border. Likewise, the forum itself, fell short to critically take up the tensions and its own silences between the relationality between Indigenous sovereignty and sanctuary.

In this, the near bottom of the flyer provides in a red text box the location of the forum: “at Outpost Performance Space,” the address: “210 Yale Blvd. SE,” and that it is for “FREE.” Below this is smaller print stating: “Part of the citywide programs organized by 516 Arts and partners for the exhibit *The U.S.-Mexico Border: Place, Imagination, and Possibility* at 516 Arts and Albuquerque Museum through April, 2018.” Alas, at the very bottom of the flyer, the credits show the trademarks from left to right of 516 Arts, UNM, and Outpost; followed by the websites and phone numbers of both, Outpost and

516 Arts.

516 Arts prided itself on the exhibit by including the whole of the ten, US and Mexican states that are situated directly along the border. In its catalogue, it shared that this inclusion “allows the exhibition to acknowledge the persistence and survival of heritage and culture in the passing down of traditional skills and techniques within various communities and families on either side of the border.”²⁵⁴ This statement is a typical neoliberal, multicultural, transcultural assertion that overlooks Indigenous presence, land, and sovereignty. Given this settler hegemonic foundation for the exhibit and the public programs, it is no surprise that the forum problematically presented itself to me. Again, notwithstanding the involvement of Indigenous people, this description and the organization of the exhibit as well as the forum demonstrated a typical presentation of critique of the border from a non-indigenous point of view. This limits critique to ethnic nationalisms and racism, while overlooking the settler colonial palimpsest and therefore, Indigenous presence, land and sovereignty. Indeed, *The U.S.-Mexico Border: Place, Imagination, and Possibility* exhibit participates in this palimpsest through erasure, in which, the forum follows suit in failing to explore these tensions that emerge when undoing and spotlighting this erasure.

Since the forum was part of 516 Art’s gallery and museum, it is apparent that the discussion would be a single event, and the only one of its kind as opposed to an ongoing conversation. Within the context of a museum and an art gallery, which is owned by white liberals, events like this public forum are only ever appropriative, settler colonial acts, even if they are justified as bringing knowledge to the surrounding community as

²⁵⁴ “Introduction,” *The U.S.-Mexico Border: Place, Imagination, and Possibility* Catalogue, accessed August 2018, http://sanitarytortillafactory.org/wp-content/uploads/2017/12/516-ARTS_US-Mexico-Border-Calendar_spreads3.pdf.

free and opened to the public. They are also only ever single events that address great inequity and injustice in which white guilt becomes appeased by organizing events like this public forum. This also explains why the majority of the audience was an all white audience. 516 Arts reached an audience of white liberals, albeit not everyone was white, but most were and this was very obvious and curious to me. The problem with an all white audience is that once again, it puts on display, as if in the actual 516 Art exhibit, all the panelists who were dominantly brown, some undocumented, others Indigenous, with the exception of one person who was the moderator. In this moment, whiteness reifies brown and Native lives, and brown and Native struggles; as such, white bodies consume brown and Native bodies as they are on display before this white audience. This consumption and reification, as an extension of the 516 Art museum and gallery, is a palimpsestic settler colonial logic. Moreover, even as white liberal projects attempt to do good and try to get it right, in all reality the 516 Art agenda, through this public forum, failed to engage Indigenous sovereignty and sanctuary in critical relation to each other.

Reframing Sanctuary In Relation to Indigenous Sovereignty

At the Outpost Performance Space, the University of New Mexico's American Studies Department hosted the public forum. The forum began with introductions, followed by delineating the meaning of sovereignty and sanctuary, and then closed with questions from a majority white audience. The forum presented various group members from the Tohono O'odham Nation, the Santa Clara Pueblo, the Navajo Nation, the New Mexico Dream Team, the New Mexico Faith Coalition for Immigrant Justice, and the University of New Mexico (UNM). Panelists were well known community members and

scholars whose work and activism are directly engage with issues around Native sovereignty and immigrant and migrant justice. Immigration and migration scholar, Dr. Rebecca Schreiber, Diné Historian and Critical Indigenous Feminist Studies scholar, Dr. Jennifer Nez Denetdale, and Chicana and Chicano Studies scholar, Dr. Irene Vasquez, including Ph.D. candidate and undocuschoalr, Rafael Martinez convened with Indigenous and immigrant and migrant activists in Albuquerque and from the Tohono O’odham nation. In tandem with UNM affiliates, Tohono O’odham member Nellie Jo David from the Tohono O’odham Hemajkam Rights Network, Daniel Vega from the NM Faith Coalition for Immigrant Justice, and Jennifer Marley from the Red Nation in Albuquerque engaged in a timely dialogue that put Indigenous sovereignty in conversation with immigration and migration.

The dialogue mainly focused on defining sovereignty and sanctuary without facilitating conversations on the tensions and challenges evoked by placing “sovereignty” in dialogue with “sanctuary.” Perhaps this was due to time but I am not able to confirm this. Provided this, many of the panelists came from critical backgrounds invested in social justice around Indigenous sovereignty and undocumented immigrant and migrant rights movements. In this, the panel was intersectional and interdisciplinary by bringing together experts and community organizers from various backgrounds and communities related to discourses related to Indigeneity and immigration and migration. The only limitation was that critical engagement regarding the stakes and implications by putting “sovereignty” and “sanctuary” in conversation with each other not discussed. Given these limitations however, the forum was necessary and productive given the interventions to

spotlight Native sovereignty, land, and claims within the undocumented sanctuary movement.

Daniel Vega explained that sanctuary has a faith-based history, and being a movement, he says it describes a place, a shelter that is safe from deportation in the ability to be out of the shadows.²⁵⁵ To provide context, the Sanctuary movement in the United States began in the 1980's as a religious and political effort to give safety to Central American refugees from U.S. deportation and detention that were escaping civil conflict in Guatemala and El Salvador.²⁵⁶ Obtaining asylum was impossible for Central Americans in the United States because the United States supplied funds, training and arms to the Salvadorian and Guatemalan governments, and therefore their military operations. As a result, to lawfully admit refugees as “refugees,” the United States would have to contend with their implicit abusive and violent participation in Central America, which they were not willing to do. In response, the Sanctuary Movement marshaled over 500 congregations by declaring themselves official “sanctuaries,” “committed to providing shelter, protection, material goods and often legal advice.”²⁵⁷ Accordingly, Vega shares that sanctuary locates places of refuge within the United States for undocumented immigrants and migrants against the most recent anti-immigrate bans, ICE raids, deportation, detention, arrests, and criminalization.²⁵⁸ In this way, sanctuary takes place in mostly urban spaces, for example Albuquerque, including the UNM campus and other places like San Francisco. However, an important intervention this forum presents

²⁵⁵ Daniel Vega, at the public forum, March 9, 2018.

²⁵⁶ Sanctuary Movement, *Wikipedia*, https://en.wikipedia.org/wiki/Sanctuary_movement.

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

is that juxtaposed to Indigenous sovereignty these urban spaces are under settler jurisdiction and U.S. occupation of Native land.

Indigenous modalities for asserting and affirming Indigenous sovereignty differ across Native groups, and are politically, culturally, economically, and linguistically unique against the material conditions of colonialism. Nonetheless, the Red Nation's meaning of sovereignty provided by Marley intertwined and reflected Indigenous nations' meanings such as Tohono O'odham Hemajkam Rights Network, in which Nellie Jo David mainly discussed the challenges of the border to O'odham life and land. Jennifer Marley expressed that "sovereignty" underscores the self-determination of Indigenous peoples, and calls into question the illegitimacy of the U.S. settler-state.²⁵⁹ Marley pinpoints the crux of Critical Indigenous Studies claims that Indigenous sovereignty is distinguished from U.S. sovereignty in that it asserts Indigenous self-determination, and life ways always in relation to an ancestral land base. She concluded that Indigenous sovereignty in relation to land requires the dismantling of the U.S. settler nation-state as it is established upon Native land in order for Indigenous sovereignty to be fully materialized. Alongside Marley's description of sovereignty, Nellie Jo David talked about what the O'odham experience daily on their land because of the Border Patrol and the surveillance along the international border.

Marley and David's contributions at the panel show how urban Native activism and organizing indeed happens off the reservation. The Red Nation (Marley) and the Tohono O'odham Hemajkam Rights Network (David) makes urban Indigeneity unique in that it often allows different Nations to gather together to offer solidarity to one another in an urban setting. That is, it supports different and multiple groups from the reservation

²⁵⁹ Jennifer Marley, at the public forum, March 9, 2018.

to join in the city, thus cohering Indigeneity into a formulation that is different from Indigeneity on the reservation. Accordingly, these Native organizational movements and groups articulate what Renya K. Ramirez calls “Native Hubs.” Ramirez explains: “The hub offers a mechanism to support Native notions of culture, community, identity, and belonging away from tribal land bases. Moreover, it describes a Native woman’s notion of urban and reservation mobility, and it suggests a political vision for social change.”²⁶⁰ In this way, convened together at this forum, the Red Nation, the Tohono O’odham Hemajkam Rights Network and Native scholars at UNM are urban Native coalitions, movements, and organizations in city spaces formed outside designated Indigenous nations. They are Native hubs made up of various Natives from several different land bases working together for Native liberation not only in Albuquerque but in relation to their own particular Native communities elsewhere. To this end, Marley and David’s contributions on the panel unsettled sanctuary and the U.S. settler state. This was apparent at the forum given the vexed feelings and seriousness energy emerging from the audience while listening.

The reality of sanctuary as it exists today requires Indigenous erasure, genocide, removal, and dispossession of Indigenous land. Sanctuary emerges from these settler conditions; it takes place within a settler city, and it needs, indeed, it relies on a dissenting settler establishment to create sanctuary from raids, arrests, detainments, and deportations, which are sanctioned by DHS via ICE. Thus, sanctuary requires the settler structure; it operates over, and against Indigenous presence, and land. Sanctuary in this sense is a settler colonial palimpsest because its relationship to Indigenous sovereignty is

²⁶⁰ Renya K. Ramirez, *Native Hubs: Culture, Community and Belonging in Silicon Valley and Beyond*, 1.

one of erasure – it overlooks Indigenous presence in the same way the settler establishment does. Understanding sanctuary in this way was not explored or considered at the forum. While the panel did bring together different urban Native activist groups into this particular urban setting at the forum, I did not hear them speak about how Indigenous sovereignty presents challenges to sanctuary movements (as movements that require the settler state to legitimize undocumented presence) and poses complications to solidarity between Native and immigrant and migrant groups.

What is key to understand however is that Indigenous sovereignty continues to be erased by the settler colonial palimpsest via 516 Arts in this case, through white liberals attempting to provide lip service to it, and even within the larger undocumented immigrant and migrant rights movements beyond and outside of Albuquerque and UNM. This is what makes the site of Albuquerque and UNM significant primarily because of the co-conspiring Indigenous and undocumented community members and scholars doing this interdisciplinary and intersectional praxis. Indeed this public forum demonstrated alliance making and coalition building across Indigenous and undocumented difference. Considering how the Tohono O’odham have been and continually are directly affected by the border and the border regime (which is why the Tohono O’odham are an important case study), having David as a panelist in collaboration with the Red Nation, undocumented community organizer Vega, and undocuscholar Martinez, demonstrates how Indigenous people are speaking up and making alliances with those affected by the immigration bans. This is significant because most often Indigenous movements do not take up immigration or illegal immigration issues which makes Indigenous people proponents of forcing immigrants, legal and illegal, out of the United States. Thus, the

forum is significant because of the efforts to create relationships and alliances across the different lines of people and movements of color.

In this vein then, however, there is only more work to do given the limitations of the forum in unpacking the tensions and nuances of Indigenous sovereignty and sanctuary held in tandem with each other on this day. While the panel did bring together different urban Native activist groups in conversation with immigrant and migrant organizations, and even as the forum's intent was to function as an educational tool to make Indigenous sovereignty and land legible to sanctuary movements and urban cities and spaces like Albuquerque, I did not hear panelists speak about how Indigenous sovereignty presents challenges to sanctuary movements (as movements that require the settler state to legitimize undocumented presence) and poses complications to solidarity between Native and immigrant and migrant groups. The forum did not explore how the tensions between "sovereignty" and "sanctuary" by fleshing out complications of how and why sanctuary matters to sovereignty, and what investments sovereignty has with sanctuary which are productive for creating an alternative resistance that is relational and more intersectional across group differences.

In this, considerations of such tensions are necessary and more theorizing needs to be addressed given how the settler colonial palimpsestic violence of ICE raids, deportation, detainment, arrest, and separation takes ground upon the ongoing removal and erasure of Indigenous people. The current reality of the U.S.-Mexico border, and the tremendous militarization materialized on O'odham peoples, and land is what makes undocumented immigrant, and migrant rights "matter" to Indigenous sovereignty. For example, Tohono O'odham activist organizations like Alianzas Sin Fronteras engage in,

and ally with pro-immigrant activism in Arizona. Likewise, pro-immigrant, and migrant rights groups like Coalición de Derechos Humanos in Tucson collaborate with O’odham activists. Furthermore, O’odham activist, Alex Soto affirms: “The immigration struggle is also an Indigenous struggle.”²⁶¹ The brutal experience of everyday settler colonial occupation, and violence – being treated like an “illegal alien,” and forced into being a “drug mule” – indeed make the immigration struggle an Indigenous struggle; but this does not explain why sanctuary matters to sovereignty. If sanctuary requires the settler establishment, sanctuary would not matter at all to Indigenous sovereignty, even as ending anti-immigrant, and migrant xenophobia does matter for the sake of land repatriation and Indigenous self-determination.

These silences over such tensions in the forum highlight the political challenges of solidary, and coalition building even as it was an attempt and community gesture to create these political relations. They also spotlight the gap between the theoretical fields of Critical Indigenous Studies, and studies on U.S. immigration, and migration. Moreover, such points of challenge and erasure, as they were muted at the forum, are significant because they are precisely the productive points of focus for radical, relational, and intersectional coalition building and political solidarity. They provide a sobering awareness, in which, work is needed to find responsible, and accountable ways of working together through divergences. Moreover, the tensions that emerge from exploring the differential relationality between sovereignty, and sanctuary just as well requires a critical relational methodology to ascertain responsible, and accountable ways

²⁶¹ “Papers,” music video by *Shinning Soul*, O’odham Solidarity Across Borders Collective, accessed February 8, 2018, <http://oodhamsolidarity.blogspot.com>.

of theorizing the settler colonial palimpsestial racializations at the border, which encompass both O’odham, and undocumented border crossers.

In this, I recall Byrd, and Tuck and Yang’s language of settler “arrivants” and “subordinate settlers.” Their settler-Native-slave formulas are useful to highlight and understand the complicated realities of undocumented immigrant and migrant precarity in tandem with Indigenous subjectivity like the Tohono O’odham specifically at the border. In this, undocumented immigrant and migrant precarity happens upon the palimpsestial ongoing dispossession and invisibilization of Indigenous peoples within the U.S. settler colonial state, and in relation to anti-black violence. Ergo, the tensions between sovereignty and sanctuary puts sanctuary at risk of maintaining a subordinate/settler/arrivant status unless it actively relates its plight on all accounts to be accountable and responsible to and with Indigenous sovereignty. For a key point is, the plight of undocumented immigrants and migrants in the United States such as the spasmodic acceptance and then refusal, as it creates the conditions for sanctuary, is enfolded within and emerges out from the violent palimpsestial matrix of the settler colonial, imperial, U.S. settler empire.

For such reasons, it is important to consider how liberatory visions must take into account Indigenous sovereignty. Indigenous sovereignty is first and foremost land based. It desires, and aims to dismantle settler colonial structures and establishment; and because of the vexed entwinement between O’odham, and undocumented precarity in the U.S. at the border, Indigenous sovereignty needs sanctuary to be accountable and responsible to Indigenous struggles. Although seen as two separate movements, Soto’s words come to mind again that “the immigration struggle is also an Indigenous

struggle.”²⁶² He elaborates this viewpoint more powerfully in a blog on the O’odham Solidarity Across Borders Collective website. Recalling again the blog titled: Deferred (In)Action: Where’s the solidarity with Indigenous people facing militarization?” He writes:

Our O’odham him’dag (way of life) will once again be attacked by settler border politics, as it was in 1848 and 1852 when the so-called border was illegally imposed. Attacked like we were in 1994 when the North American Free Trade Agreement (NAFTA) was enacted. These borderland policies are being devised and implemented without any settler consciousness to the Indigenous peoples who will be most negatively impacted by such policies. The Indigenous nations who pre-date so-called Mexico and the United States end up almost voiceless.²⁶³

What is apparent in Soto’s viewpoint is that the U.S. border regime, which include its installed vehicle barriers, its militarized reinforcement, and maintenance, and its attempts to build a border wall, are all machinations of settler colonial activity sanctioned by the U.S. imperial empire state. This also includes economic agreements between, both Mexico, and the United States that deliver state-sanctioned, immigrant and migrant cheap labor, as well as create undocumented immigration, and migration. It becomes clear then, that border politics such as anti-immigration law, and restrictive immigration policies are palimpsestial colonial iterations of the United States, and Mexico as settler empires. These are the ongoing conditions that put O’odham way of life, and other Indigenous nations living along side, and interior to the border under attack, which, as Soto states, pre-date Mexico, and the United States. Soto also asserts these “border settler politics” are done without any attentiveness to indigenous presence; they render Indigenous

²⁶² “Papers,” music video by O’odham hip-hop group *Shinning Soul*, O’odham Solidarity Across Borders Collective, accessed February 8, 2018, <http://oodhamsolidarity.blogspot.com>.

²⁶³ SuperO’odham2012 (blog alias name), “Deferred (In)Action: Where’s the solidarity with Indigenous people facing militarization?,” *O’odham Solidarity Across Borders Collective*, November 20, 2014, accessed April 20, 2018, <http://oodhamsolidarity.blogspot.com/2014/11/deferred-inction-wheres-solidarity.html>.

communities unintelligible, and they most negatively impact not just undocumented immigration, and migration, but sustain the Tohono O’odham under a perpetual condition of being attacked. The gravity of Soto’s perspective situates the militarized border complex – the fencing and other barriers, immigration court, biometric identification, anti-immigration law, and anti-immigrant cultural politics, deportation, criminalization, detention, ICE raids, military presence and surveillance, and Border Patrol checkpoints – as a continuing, compounded, palimpsestual phenomena, and modern iteration of settler colonial imperialism. Indeed, this demonstrates how the immigration struggle is also an Indigenous issue.

Political Stakes and Critical Relational Liberations

As the settler border regime targets “illegal aliens” it simultaneously dispossesses, occupies, and denies O’odham land, and sovereignty. Thus, I would like to share three points that were made near the conclusion of the public forum that call fourth a need for solidarity between undocumented immigrant and migrant precarity, and Indigenous struggles for sovereignty. First, undocumented immigrants, and migrants, and Indigenous peoples are set up for elimination, and death in different, and relational ways at the border. Second, because of this, more Native communities need to see immigration, and migration as a central issue that concerns them. Just as well, it behooves undocumented immigrant, and migrant movements to understand the ways in which Indigenous sovereignty is also their struggle. Lastly, the treatment of Indigenous people traverses through empire. That is, the racialization of unintelligible others, and their experiences of death, disavowals, and being made un-human is only possible because of the ongoing

elimination, and denial of Indigenous sovereignty. The undocumented immigrant, and migrant condition is a result of settler colonial rule over, and upon Indigenous peoples, and until the United States changes its treatment towards Indigenous people, it will not change its treatment towards undocumented people.

These points reveal the junctures of tension for solidarity between Indigenous sovereignty, and undocumented immigrant, and migrant justice. Indeed, they demonstrate the challenging yet possible objectives in what solidarity could potentially look like between both groups. Lisa Marie Cacho cautions: “The most vulnerable populations in the United States are often represented as if they are the primary sources of other’s social denigration.”²⁶⁴ Further, Cacho also explains how “human value is made intelligible through racialized, sexualized, spatialized, and state-sanctioned...notions of morality.”²⁶⁵ Her theorization of value is insightful because as neoliberal, normative valuation requires the devaluation of a differentiated, marginalized group, valuation also pins aggrieved communities against each other. Cacho’s relational analysis is helpful here even as her interrogations are of a different context, which is vast in location, and spread across different, aggrieved groups in the United States like African Americans, Arab and Muslim Americans, and Latinx Americans. In light of this, she examines how U.S. liberal valuation distinguishes the Dreamers from those undocumented persons who did not or could not prove they qualified under the DREAM Act.

The implications of the potential DREAM Act were such that only the “civically good,” and “academically achieved” undocumented students are worthy, and deserving to

²⁶⁴ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 27.

²⁶⁵ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 4.

U.S. citizenship. This suggests that undocumented students who are not “civically good,” or “academically achieved” are undeserving, and morally un-right, and therefore, do not deserve U.S. citizenship. This hegemonic narrative of justice, of the DREAM Act, as it took the national platform at the start of the twenty-first century overlooked the oppressive structures that informed, and created the conditions of being undocumented. What about those undocumented students whose grades, and GPA struggled because of long work hours, or because of mental, and emotional un-wellness due to financial burden, and distress at home, or in relationships? What about not having the ability to civically engage because of the pressure of getting good grades and/or having to work in order to pay for school, buy food, and living expenses? At the time, this normative rhetoric of justice overlooked such nuances among DREAMers. If the DREAM Act was approved, it would nonetheless leave unresolved the experience and reality of being undocumented in the United States, even if it would prove beneficial to some, and even if it was a step forward. The DREAM Act did not address the root problem of immigration; rather it would have further created an ongoing, rightless condition of living. As a vulnerable population in the United States, qualified DREAMers would gain validation through the denigration of other undocumented realities.

The point is that the valuation of some Dreamers happens over others; more so, this happens on Native land, where Native land is outright obliterated. Thus, the politics of sanctuary, and the undocumented immigrant, and migrant movement, at large is engaged in a settler colonial system of valuation that ultimately disavows Indigenous sovereignty. Even as the public forum was an attempt to foreground Indigenous sovereignty, sanctuary as it was discussed is still a politics grappling with its own

engagement with settler valuation, and settler protection. At the same time, Indigenous sovereignty by and large has yet to fully engage with undocumented immigrant, and migrant struggles. Moreover, what is interesting about examining sovereignty, and sanctuary at the U.S.-Mexico border, on Tohono O’odham land, is that the inherent need for solidarity work is obvious.

Solidarity Against The Border

On Friday, May 21st, 2010 in Tucson, Arizona, O’odham organizers, and undocumented immigrant and migrant activists locked-down, and occupied the United States Border Patrol Headquarters in Tucson. This is the largest centralized hub for Border Patrol in all of Arizona, and it is located in the largest city closest to the border by 67 miles where the O’odham reservation lays on its outskirts. This lock-down was a protest against the Border Patrol, the Department of Homeland Security, and all layers of government that perpetuate settler violence against O’odham members, which terrorizes them as well as undocumented migrant, and immigrant communities.²⁶⁶ Marisa Duarte, one of the protestors, said; “Borders are a colonial weapon used to continue the genocide of Indigenous people and their culture.”²⁶⁷ Duarte’s statement shows the border to be a colonial implementation of war, in which, the border is itself, a colonial weapon that continues the extermination of Indigenous people, and the occupation of Indigenous land.

²⁶⁶ SuperO’odham2012 (blog alias name), “Border Patrol Headquarters Occupation Protesters Found Not Guilty – Reaffirms Call to End Border Militarization,” *O’odham Solidarity Across Borders Collective*, June 30, 2011, [accessed April 15, 2018, http://oodhamsolidarity.blogspot.com/2011/06/border-patrol-headquarters-occupation.html](http://oodhamsolidarity.blogspot.com/2011/06/border-patrol-headquarters-occupation.html).

²⁶⁷ Ibid.

She affirms that the U.S. settler state has been forged through Indigenous extermination, removal and land appropriation. Furthermore, a list of demands, and redress the protestors submitted in Tucson reveals the differential relationality underlining the activism and the organizing against the border, and its settler border policies. This list included:

The immediate withdraw of National Guard Troops from the U.S./Mexico border, the immediate halt of the development of the border wall, the immediate removal of drones and checkpoints, the decommission of all detention camps and the release of all presently held undocumented migrants, the immediate honor of Indigenous peoples rights to self-determination, full settler state compliance with the UN Declaration on the Rights of Indigenous Peoples, the respect of Indigenous people's inherent right of migration, the end of NAFTA and other trade agreements, the immediate end of all CANAMEX/NAFTA highway projects like the South Mountain Freeway, the immediate repeal of SB1070, the end of racial profiling, Border Patrol encroachment/sweeps on sovereign Native land, and an end to all raids and deportations.²⁶⁸

These demands also included the immediate, and unconditional legalization of all people, that human freedom, and rights of all people, including Indigenous people, be upheld. That all people, Indigenous and non-indigenous be given support, dignity, respect, and freedom of movement. These demands reverberate a common undocumented immigrant, and migrant rights slogan articulated as: "Migration is Natural," which tells us that everyone has an inherent birthright to movement. Thus, where O'odham are brutally affected by border militarization, and migrants die crossing it, the need for an anti-colonial/de-colonial praxis of justice, and solidarity is crucial, but one that is critically relational, that addresses both, undocumented immigrant, and migrant concerns, and Indigenous sovereignty. Tuck and Yang assert that "justice" is a colonial temporality, that

²⁶⁸ Ibid.

it has “limited actions within a colonial moment against colonial structures.”²⁶⁹ They suggest turning to “outside elsewhere” for alternative visions, and creations of justice. “Outside elsewhere” describes dislodging justice from the legal, and political realms of state sovereignty that comprises not only Indigenous concepts of life, self-determination, coalitions across movements, resurgence politics, abolition, subversive language, and art as resistance, but also, any objective where movements can define their own elsewhere against injustice, and beyond justice.

This notion of justice as “outside elsewhere” is provoking because Glen Sean Coulthard has pointed out that recognition for Indigenous peoples typically means recognition by the U.S. settler state. The activist, and organizers at the protest were not seeking recognition from the United States Border Patrol Headquarters. They desired to assert their Indigenous sovereignty over their land, related communities, and bodies, to move about freely without any settler state interference. This birthright of Indigenous sovereignty is the “outside elsewhere” for the conditions of justice to materializes for the Tohono O’odham. Indeed, in contrast to settler sovereignty, Indigenous sovereignty for all Indigenous peoples is the “outside elsewhere” for materializing justice. In protest with undocumented organizers and activists, together both groups demonstrated resistance to the state border, and its agents of enforcement around a set of demands that desire the complete removal of the settler state apparatus. The vision is that O’odham land, and people can take back their ancestral birthright of sovereignty, and relate in better ways to undocumented immigrants and migrants journeying through their land.

²⁶⁹ Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 6, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

The differential relationality between O’odham, and undocumented immigrants, and migrants is certainly challenging and complicated. O’odham at the border are not coming from elsewhere, and undocumented immigrants, and migrants are. O’odham land, and relatives are split by the border while Border Patrol, surveillance technologies, drug traffickers, and border crossers impinge throughout their land. At the border, where both undocumented immigrants and migrants, and the Tohono O’odham, differentially, and yet relationally face the violence of the settler border regime, it becomes key to think about the U.S.-Mexico border “differentially,” and “relationally.” Rather than examine immigration, and migration in United States as disjointed from U.S. settler colonialism, immigration and migration are central aspects of struggle for Indigenous sovereignty. The language of “sovereignty,” and “sanctuary” offers a challenging yet productive intersection that needs more working through, and a more nuanced interplay between undocumented immigrant and migrant precarity, and Indigenous subjectivities. This kind of examination offers a decolonial, and anticolonial vision of solidarity, and justice that steers away from seeking recognition from a colonial system. For indeed, the foundational violence of the United States is against Indigenous peoples, and undocumented immigrant and migrant justice will be insubstantial if attained at the cost of Indigenous sovereignty.

Conclusion

Today the Tohono O’odham are a colonially settled and occupied Indigenous nation by two invading settler empires – Mexico and the United States. On the United States side where the majority of O’odham are, O’odham have quasi-sovereignty

institutionally confined to a reserve nation that has been federally (colonially) created. In Mexico, some O’odham live on the outskirts of the empire’s republic, on their ancestral land, refusing a colonial history of Mexico’s assimilation and civilizing practices, while others over time have entered into these practices as a way of survival. In both Mexico and the United States, the O’odham have no control over their own land, their own life ways, or their ability to move freely across the border with an ever-increasing and ongoing militarized border surveillance regime. As central enforcers of the border regime, Border Patrol has established checkpoints, detention centers and surveillance mechanisms encircled throughout their land and reservation on the U.S. side. Moreover, as the international boundary dissects and bisects O’odham land, the U.S. and Mexican governments have proposed construction projects on their so-called empiric territories (O’odham land) for waste and chemical dumps, including U.S. initiatives for Air Force bases, anti-immigration laws, and Arizonan municipal and property ordinances over their mountain ranges and water wells.²⁷⁰ Thus, spotlighting these settler colonial structures that bring apartheid, violence and dissolution to O’odham land and people, Native land and sovereignty emerge as the palimpsestic backdrop for undocumented border crossing, the international border and the border regime.

Thus, the category of Indigeneity and of Indigenous Sovereignty as articulated within the field of Critical Indigenous Studies is absolutely an undeniable conceptual framework and analytical language necessary to and for any praxis and discourse on immigration, migration and border issues. In this, there is an existing literature and scholarship base that is developing and engaged with these concerns that I highlight in

²⁷⁰ Ofelia Rivas, “Our Way of life,”
http://www.tiamatpublications.com/docs/Our_Way_of_Life.pdf

this dissertation. In addition to Critical Ethnic Studies scholars like Iyko Day, Eve Tuck, K. Wayne Yang, there are emerging scholarly works from Chicana Studies like Maylei Blackwell and Jessica Lopez Lyman, including a new developing field called Critical Latinx/Indigeneities where scholars like Lena Carla Palacios, María Josefina Saldaña-Portillo, M. Bianet Castellanos, and Aimee Carrillo Rowe are taking up the challenges and tensions presented in this dissertation. At the 2019 National Association of Chicana and Chicano Studies conference, in a roundtable with Jessical Lopez Lyman titled: “What is the “Indigenous” in Chicana/o/x Studies?,” Maylei Blackwell emphasized that there is a lot of theorizing to do around Indigeneity and *indigenismo*, around how the category of the “mestizo” is a genocidal logic of disappearance, around how there are two simultaneous colonial systems that create two different Indigeneities. In this Chicana people are characterized by a detribalized loss and Native tribalization has helped to fuel resurgence among Native communities. Ultimately, Blackwell emphasized that both these marginal trajectories of Indigeneity are a colonial design.

The complicated messiness that erupts out of this interruption, and refusal, out of this Indigenous affirmation, is a necessary weight to bear through the mechanisms of relationality and an ethic of incommensurability. For the material and visceral reality of Indigenous Nations dissected and bisected by imperial, settler colonial empires, as demonstrated by the Tohono O’odham Nation, fundamentally puts into question the analytical and theoretical organization and practice of any discourse lacking serious engagement with Native knowledge through the mechanism of relationality. As such, this dissertation has been a refusal to this erasure, silence and lack. Indeed, beyond being a self-imposed project, this dissertation has imposed upon itself its own unsettling. It has

intentionally practiced and enacted its own interruptions, and disintegrations of settler designs. While doing so, it bears the weight of eruption, tension, discomfort, and challenge in order to bring attention to the urgent implications of settler colonialism and imperialism if continually ignored.

Audra Simpson argues: ““Indigenous” is embedded conceptually in a geographic alterity...as the Other in the history of the West,”²⁷¹ and this indicates colonialism’s ongoing existence and simultaneous failure. She further states: “Colonialism survives in settler form. In this form, it fails at what it is supposed to do: eliminate Indigenous people, take all their land, absorb them into a white, property-owning body politic.”²⁷² Thus, the daily reality of the settler occupation and invasion of Tohono O’odham land by the international boundary line, the U.S. state of Arizona and the Mexican State of Sonora, and the unrelenting removal of O’odham off their land by Border Patrol unmasks the myth of colonialism as a distant past that is over and done with. Instead they mark the historically ongoing palimpsestic violence of settler colonialism, imperialism and empire upon Native land and bodies.

Daily living among the border for the Tohono O’odham in which their mobility is already a crime, a breach of the fixity of place, borders, and settled states, and interpellated as “illegal” and “alien” movement, delineates the racialization practice of the settler colonial project. These uneven overlaps with undocumented border crossers with Native ontologies signify how white supremacy functions to secure imperial and empiric border through colonial mechanisms such as the U.S. border regime. This

²⁷¹ Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 7.

²⁷² Audra Simpson, *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham: Duke University Press, 2014), 7-8.

ongoing palimpsestic project is not totalizing however, given that the O'odham continue to assert their presence, bodies, and voices against the border and the border regime as with the O'odham activist and organizing groups such as the O'odham Solidary Project and the O'odham Solidarity Across Borders Collective.

Awareness of these settler colonial and imperial realities that Native nations have been and are continually facing today required the foregrounding of and recalibration that comes with centering Indigenous critiques of settler colonialism in relation to Borderlands and Chicana Studies, including the undocumented immigrant and migrant justice advocacy such as Sanctuary movements.

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Map of O’odham land in chapter 2. This photo was uploaded in the blog by Jon Riley titled “Movement Demands Autonomy: An O’odham Perspective on Border Controls and Immigration.” Published April 2010 on the O’odham Solidarity Across Borders Collective.
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“OSABC stands in solidarity with anti-SB 1070 convergence at the Arizona State Capital” photo used in chapter 2. This photo was uploaded in the blog by Jon Riley titled “Movement Demands Autonomy: An O’odham Perspective on Border Controls and Immigration.” Published April 2010 on the O’odham Solidarity Across Borders Collective.
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“Sovereignty & Sanctuary” digital poster print in chapter 5. This digital poster print flyer was freely and publically distributed to the American Studies departmental list-serves at UNM by Dr. Rebecca Schreiber. It was the flyer used to invite the American Studies faculty, students and staff to a conversation focusing on these movements. I came across this flyer and invitation from this email that was sent out by our American Studies administrator on behalf of Dr. Schreiber.

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