EVERYDAY EXPERIENCES OF NATIONAL SECURITY

ON THE OLYMPIC PENINSULA

by

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B.A., University of Puget Sound, 2009

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF

THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES

(Geography)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

August 2013

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Abstract

The United States–Canada political boundary has long been praised as the most extensive peaceful international border in the world. However, this reputation has shifted considerably in recent years. The US has strengthened its northern border security infrastructure at and between ports of entry, hiring new enforcement personnel and upgrading technology to respond to potential threats emerging from Canada. I analyze this change of United States policy and practice by focusing on one US borderland context: northwestern Washington’s Olympic Peninsula. My analysis is driven by the following questions: (1) how do security tactics respond to specific cross-border threats; and (2) why are some Olympic Peninsula residents contesting securitization? In working through these questions, my objective is to foreground everyday enforcement encounters as constitutive of geopolitics – in other words, to identify how the people and places of the peninsula both impact and are impacted by border practices.

I argue that national security tactics make borderland residents on the Olympic Peninsula insecure. More specifically, border policing practices carried out in remote inland areas make both law enforcement officers and peninsula residents targeted for policing feel unsafe, without clearly responding to precise cross-border threats. In response, grassroots groups have organized, questioning the relationship between the mission and everyday practices of the United States Border Patrol in rural areas of the US northern border. Analytically, I draw from materially-grounded feminist theory, basing my argument on two conceptual points of departure – first, that security is embodied; and second, that inequalities are interconnected. Drawing insights from the contestations to securitization on the peninsula, I conclude with a consideration of how national security tactics could be more accountable to the wellbeing of borderland residents.
Preface

This thesis is an original, unpublished, independent work by the author, Leigh Barrick. The fieldwork reported throughout the thesis was approved by the UBC Behavioural Research Ethics Board under the project identification number H12-01105, for which Dr. Juanita Sundberg was the Principal Investigator.
# Table of Contents

Abstract ............................................................................................................................................. ii  
Preface ............................................................................................................................................. iii 
Table of Contents .............................................................................................................................. iv 
List of Figures .................................................................................................................................... vi 
List of Abbreviations ........................................................................................................................ vii 
Acknowledgements ........................................................................................................................... ix 
 Chapters ........................................................................................................................................... x 
Chapter 1: Introduction ..................................................................................................................... 1 
Chapter 2: Analytical framework and methodology ........................................................................ 5 
  2.1 Analytical framework ................................................................................................................... 5 
     2.1.1 Security as embodied .............................................................................................................. 5 
     2.1.2 Inequalities as interconnected ............................................................................................... 9 
  2.2 Methodology ............................................................................................................................. 13 
  2.3 Conclusions ................................................................................................................................ 20 
Chapter 3: Securitization in context ................................................................................................. 21 
  3.1 Introduction ............................................................................................................................... 21 
  3.2 Contemporary securitization ..................................................................................................... 22 
  3.3 Securitization: A new development? ......................................................................................... 24 
  3.4 The Border Patrol ...................................................................................................................... 29 
  3.5 Conclusions ................................................................................................................................ 31 
Chapter 4: National security ............................................................................................................ 33 
  4.1 Introduction ................................................................................................................................ 33 
  4.2 Prevention through deterrence ................................................................................................. 35 
  4.3 Cross-border threats .................................................................................................................. 40 
     4.3.1 From contraband, to terrorism ............................................................................................ 40 
     4.3.2 Growing DHS authority ....................................................................................................... 46 
     4.3.3 Rural landscapes .................................................................................................................... 50 
  4.4 Security on the Olympic Peninsula ............................................................................................ 55 
     4.4.1 Brush picking ......................................................................................................................... 55 
     4.4.2 The securitization of salal ...................................................................................................... 61
List of Figures

Figure 1: Map of the Olympic Peninsula; Cartography by Eric Leinberger. ................................................ 14
Figure 2: Peace Arch, between Douglas, BC and Blaine, WA; Photo by Leigh Barrick. ................................. 21
Figure 3: Border Patrol vehicle near border fence in southern Arizona; Photo by Leigh Barrick ............... 35
Figure 4: Forks Logger Memorial; Photo by Leigh Barrick .......................................................................... 57
Figure 5: View of Port Townsend Bay from Port Townsend, WA; Photo by Leigh Barrick. ....................... 103
List of Abbreviations

9/11  September 11, 2001
ACLU  American Civil Liberties Union
BC bud  British Columbia-produced marijuana
BPFN  Border Patrol Free Network
BSET  Border Security Evaluation Team
CBP   Customs and Border Protection
CBSA  Canada Border Services Agency
DEA   Drug Enforcement Administration
DHS   Department of Homeland Security
DNR   Department of Natural Resources
DOI   Department of the Interior
DOJ   Department of Justice
FBI   Federal Bureau of Investigation
FHR   Forks Human Rights Group
FOIA  Freedom of Information Act
FS    Forest Service
GAO   General Accounting Office/Government Accountability Office
IBET  Integrated Border Enforcement Team
ICE   Immigration and Customs Enforcement
IMET  Integrated Maritime Enforcement Team
INS   Immigration and Naturalization Service
LEP   Limited English Proficiency
MOU   Memorandum of Understanding
NAFTA North American Free Trade Agreement
NBC   Northern Border Coalition
NPS   National Park Service
NWIRP Northwest Immigrant Rights Project
OAM   [CPB] Office of Air and Marine
OASCR [USDA] Office of the Assistant Secretary for Civil Rights
OPNET  Olympic Peninsula Narcotics Enforcement Team
PEIS  Programmatic Environmental Impact Statement
RCMP  Royal Canadian Mounted Police
RCW 76.48  Washington State Specialized Forest Products Act
STC  Stop the Checkpoints
UNESCO  United Nations Educational, Scientific and Cultural Organization
US  United States
USBP  US Border Patrol
USDA  US Department of Agriculture
Acknowledgements

I would like to acknowledge and sincerely thank those who kindly shared their time and experiences with me in northwestern Washington. I was endlessly inspired by the work being done there to make border security tactics more accountable to the wellbeing of borderland communities.

Thanks so much to Paige Patchin, Alex Pysklywec, and Lisa Dumoulin in the UBC Geography Department for many thought-provoking conversations. An extra thanks to Alex for listening to my symposium presentation so many times that he can probably still recite it himself!

Thank you to Dr. Merje Kuus for generously offering her time and insights as my second reader. I would also like to thank Dr. Karen Bakker for helpful comments on an earlier draft of Chapter 4.

I am immensely grateful to Dr. Juanita Sundberg for thoughtful supervision – from countless discussions that challenged me to think in new ways, to opportunities to witness the extremes of border securitization in Texas and Arizona. I would also like to thank Dr. Sundberg for generous intellectual and financial support through two research assistantships.

Thanks are in order for the funding institutions that supported my research assistant work: the Social Sciences and Humanities Research Council of Canada and the UBC Humanities and Social Science Research Fund.

Finally, I very much appreciate the family and friends who have patiently helped me work through the mysteries of border securitization. Thanks so much to Miriam Nolte, Ron Barrick, and Cindy Barrick. And a special thanks to Kunal Nayyar, who, like Alex, can probably still recite my presentation.
Chapters
Chapter 1: Introduction

The idea for this project developed out of my own surprise. From 2010 to 2011, I worked for a nonprofit immigration law office in Washington State that serves low income clients. My main duty was to carry out Spanish language intake interviews over the phone. The majority of clients whom I worked with originated from Mexico or Central America, and many, though not all had entered the United States by crossing the border from Mexico without documents. Sitting in an office cubicle with a headset on, I listened to hundreds of narratives of this cross-border journey, in which the methods and places of crossing were infinitely varied. Sometimes the journey involved encounters with border agents, which generally ended in detention or deportation. Every story was unique, but I came to expect one consistency: that encounters with the United States Border Patrol (USBP) took place at the US-Mexico border.

The first time that a Spanish-speaking client told me he had been detained by the US Border Patrol in northwestern Washington’s Olympic Peninsula, I assumed that I had misunderstood – that my Spanish language skills had failed me. This would not be the first time that my accent or a misinterpretation on my part would create barriers to meaningful conversation. “Which border?” I asked several times until confirming that we were indeed talking about an encounter near the US border with Canada. In the weeks and months to come, I learned that this was not a unique story. Latinos and Latinas1 and other people of color living throughout northern Washington and the northern United States, inland of the international border, were frequently being questioned and detained by border agents. Some people targeted for policing were US citizens, while others held legal permanent resident status, work permits, or other valid immigration status. However, many were without papers, and were thus most vulnerable to the initiation of deportation proceedings.

There were two reasons for my surprise upon hearing about such experiences. First, these individuals did not enter the United States from Canada – so why was the USBP, an agency that focuses on deterring and interdicting unauthorized border crossings, apprehending them so frequently in Washington State? Further, the US-Canada border is often referred to as the longest peaceful

1 By Latino(a)s, I refer broadly to individuals who originate from or have ancestry connected to Latin America who reside in the United States. See Mignolo (2005).
international boundary in the world, so what were so many USBP agents doing there? These questions reflected my unfamiliarity with a recent transformation in ideas and practices of security at the US-Canada border, a change that had largely not affected me. I lived in a major city some distance from the border, took infrequent trips to Canada, and perhaps most importantly, I am easily identifiable as a white woman, US citizen, and native English speaker of upper-middle class background. With these traits, I am not a target of scrutiny for immigration enforcement in North America. Thus I was largely unaware that the US-Canada border has undergone a process of *securitization* in recent years, meaning that new personnel and surveillance technologies have been deployed on both the US and Canadian sides for the purpose of securing the political boundary. In the United States, calls to action in federal policy and in some popular accounts have pinpointed this border as vast and porous, and as a source of potential threats from Canada such as terrorism and drug smuggling (Andreas 2005; Nicol 2006).

The second reason for my surprise stemmed from my unfamiliarity with the demographics and labor politics of northwestern Washington. I did not know that many Latino(a)s live on the Olympic Peninsula – a rural, forested, mountainous region that forms a maritime border with Canada. Despite having grown up in the Pacific Northwest, my rudimentary understanding of who might live on the Olympic Peninsula is partially a result of the little time I had spent there for hiking trips, and also perhaps a product of dominant imaginaries of Pacific Northwest forests in the United States. Brinda Sarathy argues that in these sites, the main actors are generally portrayed to be white male loggers and environmentalists. This popular idea of forest actors erases the presence of indigenous peoples, and also obscures the recruitment and settlement of people from Mexico and Central America to carry out non-timber forestry work going on in the Pacific Northwest since the late 1970s. Indeed, Latino(a)s have comprised the majority of forestry workers in the United States for the last decade (Sarathy 2012).

I was struck by how little I knew about these transformations at the border and in forestry work, and disturbed by the stories I heard, in which border agents frequently targeted borderland residents who had not crossed the Canadian border. My Master of Arts studies brought me to the University of British Columbia in Vancouver, providing a new vantage point and an opportunity to interrogate these dynamics in solidarity with the social justice-oriented work being done to clarify the role of border

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2 Here and throughout this thesis, I use the term *Pacific Northwest* to refer in a general sense to Oregon and Washington, though the term can also encompass British Columbia.
policing at the US boundary with Canada. In this thesis, I analyze how securitization has played out in one US northern borderland context: Washington’s Olympic Peninsula. Although securitization has been impactful throughout northern Washington and the northern United States (see Curry et al 2012), I decided to limit my focus to the Olympic Peninsula. I found the peninsula to present an especially perplexing scenario, given that this region does not have a land connection to Canada. My thesis responds to two principal research questions around the securitization of the US northern border: (1) how do security tactics respond to specific cross-border threats; and (2) why are some Olympic Peninsula residents contesting securitization?

Research for this thesis on everyday enforcement encounters on the Olympic Peninsula leads me to argue that national security tactics make borderland residents on the peninsula insecure. My objective is to identify how the people and places of the peninsula both impact and are impacted by border practices. I find that border policing tactics in remote inland areas make both law enforcement officers and peninsula residents targeted for policing feel unsafe, without clearly responding to specific cross-border threats. In response, grassroots groups have organized, questioning the relationship between the mission and everyday practices of the United States Border Patrol in rural areas of the US northern border. Analytically, I draw from materially-grounded feminist theory to make my argument, based on two conceptual points of departure – first, that security is embodied; and second, that inequalities are interconnected. By embodied, I mean that security and insecurity (in other words, vulnerability) materialize as lived experiences that take place in particular bodies, rather than trickling down from above. The notion that inequalities are interconnected asserts that hierarchical relations based on social difference do not form in isolation. Instead, they build on each other. The methodology I used for this project is informed by my analytical commitment from the outset: to examine everyday experiences of security – encounters between borderland residents and border agents. Before moving into my analysis, I outline the structure of the thesis.

In Chapter 2, I elaborate my analytical assumptions – that security is embodied and inequalities are interconnected – in full detail, and also explain my methodology. Chapter 3 establishes a historical context for the securitization of the US-Canada border in the Pacific Northwest. I review contemporary critical geopolitics and border studies scholarship on issues of security at the border. Then, I consider the intersections between border security tactics today and the violences and exclusions of settler colonialism in the North American West. My argument in this chapter is that conceptualizing the US-
Canada border as a peaceful site relies on exclusionary and statist notions of security. In Chapter 4, I consider my first research question: how do security tactics respond to specific cross-border threats? As I demonstrate, the securitization of the US northern border is fueled by a prioritization of national security over all other types of security, in which the cross-border threats to national security are vaguely-defined. On the Olympic Peninsula, border securitization has resulted in lived experiences of vulnerability unrelated to any cross-border threat. The border policing tactics pursued in the forest in particular, quite far inland from the maritime border, make peninsula residents and law enforcement officers feel unsafe during enforcement encounters. I point to the ways that border tactics impact, and are impacted by the physical and human geographies of the peninsula, where the politics of land management and forest labor, as well as the biophysical properties of the forest and coastal landscapes, are consequential to the daily work of Border Patrol agents.

Chapter 5 is mainly concerned with my second research question: why are some Olympic Peninsula residents contesting securitization? The argument I make is that national security tactics make people feel insecure on the Olympic Peninsula for multiple reasons, and that resultant contestations have reshaped the Department of Homeland Security’s (DHS) tactics in significant ways. In making this argument, I seek to illuminate the dynamic relationship between the DHS bureaucracy and its social environment. Along the way, I explain the Border Patrol practices that have been most controversial, many of which have been curtailed as a result of vocal protests on the peninsula, in concert with activism in other US northern border regions. Chapter 6 examines the restrictions that have been placed on the activities of USBP personnel in northern border sectors, and highlights some potential policy changes on the horizon. I make the point that together, many distinct contestations to evolving Border Patrol practices have called into question the relationship between the agency’s everyday activities and its mission, restricting USBP practices. Nonetheless, DHS still maintains broad authorities that are largely out of reach of democratic participation, leaving open the possibility that the agency will continue to expand along the northern border.

In Chapter 7, I review the arguments, objectives, and questions that run throughout this thesis. Then, I offer some thoughts on the conclusions that can be drawn from this study in regards to deterrence strategy at the US-Canada border, and consider how the Department of Homeland Security could be more accountable to the wellbeing of borderland communities. Ultimately, the debate continues about what security means at the United States borders, and who should benefit from it.
Chapter 2: Analytical framework and methodology

2.1 Analytical framework

Inspired by materially-grounded feminist theory, my objective is in this thesis is to foreground everyday enforcement encounters as constitutive of geopolitics – in other words, to identify how the people and places of the Olympic Peninsula both impact and are impacted by border practices. My central argument is that national security tactics make borderland residents on the peninsula insecure. In order to make my argument, I present two analytical points of departure that will run throughout my analysis. First, security is embodied. By embodied, I mean that security and insecurity (in other words, vulnerability) materialize as lived experiences that take place in particular bodies, rather than trickling down from above. That is to say, national security tactics do not necessarily create lived experiences of safety within national boundaries. I use the term embodiment not solely to refer to human bodies, but also to nonhumans whose wellbeing is at stake, whether an understory plant like salal, or a broader assemblage of actors that make up the forest landscape. My second analytical point of departure is that inequalities are interconnected. This means that hierarchical relations based on social difference do not form in isolation, instead, they build on each other. For example, discriminatory policing practices may rely on markers of both race and class status. In this chapter, I first contextualize why these analytical points are relevant. Then, I explain my methodology.

2.1.1 Security as embodied

At first glance, the concept of security seems to be commonsense, conjuring a confidence in safety or freedom from threats. The term can refer to safety of person, but is often invoked to cover entire groups – for example, ‘national security.’ In order to explain the need for an embodied conception of security, I draw from J. Ann Tickner’s genealogy of the Western academic study of security. In the aftermath of the World Wars, she explains, the dominant international relations scholarship was state and military-centric, considering the state to be the primary actor. In this approach, known as realism, security is conceptualized as the protection of the state by vigilant guarding of national values and territorial borders. Realist approaches are inspired by Hobbes’ ‘state of nature’ thesis, which assumes that relations between states are an inherently chaotic power contest. Thus security threats are

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3 I draw from Bruno Latour’s conceptualization of the term assemblage – a collective of social actors that comprise society, human and nonhuman alike (see Latour 2005).
considered to emanate from outside, rather than from within national territory (Tickner 2001: 38). For realists, the state’s security is premised on defensive moves – the buildup of military might and the capacity to use force for protection. Realists found the political world order to be stable during the Cold War as a result of a bipolar balance of power between the United States and the Soviet Union (ibid: 45).

As the Cold War wound down, critical security studies developed. Scholars in this field pointed out that the supposed stability in the world system was not experienced by everyone. Instead, the security of the militarily powerful states was propped up by myriad violent conflicts in the Global South – conflicts that were intimately connected to colonialism and interventions by the two global powers. Ideas of security that take seriously everyday wellbeing beyond the arenas of war – for example Johan Galtung’s notion of structural violence – were granted new purchase in security studies. Poststructural scholarship in international relations and political geography also emerged, highlighting the inseparability of policy decisions from epistemological and ontological points of departure, or ways of knowing and being. Such scholarship argues that realist paradigms are consequential to how global politics are interpreted and enacted, given that they delimit frames of understanding (ibid).

Within these critical approaches, feminist interventions began interrogating who benefits from security initiatives, and considering how security could be enacted more inclusively. As Cynthia Enloe argues, seemingly distinct power structures are supported by the notion that they are traditional, natural, or timeless – from global political arrangements, to gender relations within the household. Such commonsense, however, falls apart when we began asking questions. Enloe advocates for curiosity, where we must “…take seriously the experiences of ordinary women and men, who follow the breadcrumbs leading from national and international elite decisions back to the daily lives of people who seem to wield little political influence” (Enloe 1993: 6; Enloe 2004). Feminist analyses of global politics have redefined security as intimate, embodied and relational, while correlating military might with the insecurity of individuals within marginalized groups (Enloe 1989; Tickner 2001; Wastl-Walter & Staeheli 2004). Gender may be a central category of feminist analysis. However, other axes of difference are also recognized as forming the bases of hierarchical power relations, for example, class, race, caste, ability, religion, ethnicity, nationality, etc (Hyndman 2004: 309). In contrast to the realist tradition, feminist approaches pay attention to the insecurities that proliferate when armed forces grow.
Alongside feminist approaches to international relations, the subfield of feminist geopolitics developed in geography. Scholars advancing this approach position it as drawing from and contributing to critical geopolitics. Like other poststructural approaches, critical geopolitics works to deconstruct and critique in order to expose unequal power relations behind global politics. Scholars working in critical geopolitics draw freely from various critical approaches, such as Marxism, postcolonial theory, and feminism.

Traditional geopolitics, on the other hand, subscribes to many of the central tenants of realism. Its problematic past extends a bit further, however, to mid-nineteenth century organicist theorizations of how states and empires survive. Conceptualization of states and empires as living organisms have been used to justify various imperial, nationalist and fascist projects during the world wars, the Cold War, and despite a great deal of criticism, sometimes resurface into the present. Arguments ‘from nature’ have long been used to justify expansionism and articulate difference in an oppressive way (Bassin 2003; Dodds, Kuus & Sharp 2013). The calculated use of nature for political ends has reemerged in shifting forms over time, made plausible through ‘the assumption that political scenarios are inscribed in the material physicality of the world by God, Providence, Fate or Nature’ (Fall 2010).

Territorial borders continue to be a central object of study in traditional geopolitics. As Kuus (2007: 5) argues, despite the marginalization of determinist points of departure, “To speak of geopolitics is still to speak of geographical realities. Security debates, for example, are based on assumptions about ‘natural borders,’ whether physical or cultural ones” (also see Fall 2010). Beyond invoking a natural explanation for unequal power relations, such statist approaches also conceptualize security in terms of the nation, and agency, or the capacity to act, in terms of elite state actors who act in concert with singular state interests. Kuus (2013b: 383) explains that critical geopolitics, on the other hand, presents agency in a more complicated way, with the goal to investigate “...the role of individual and collective actors in producing, resisting and transforming the practices that supposedly happen over their heads, and to thereby open up our analysis of what constitutes geopolitics and how it matters in everyday life.”

Feminist geopolitics seeks to enact embodied analyses of security with the objective of fostering more equitable social relations. An embodied approach recognizes that geopolitics does not take place in an abstract realm where elite policymakers are the sole actors. Instead, myriad actors facilitate, contest, or simply experience geopolitics in a concrete and quotidian way. At the United States border with Mexico, for example, Sundberg (2008) and Sundberg and Kaserman (2007) investigate how everyday encounters between US citizens and the material objects left behind by migrants in the borderland produce
exclusions and inclusions. Items of survival for a desert journey, like water bottles and clothing, are framed as ‘trash’ in government analyses, popular media, and in humanitarian circles, contributing to notions of who belongs in the United States and who does not. Global politics and the intimate belongings and bodies of migrants are intertwined and relational (see Pratt & Rosner 2006; Hyndman & Mountz 2006). In this sense, the geopolitical power propping up inequalities does not necessarily trickle-down from above, but materializes simultaneously at different scales (Sharp et al 2000; also see Kuus 2007). Embodiment thus implies recognition of the interconnections between scales that are generally taken as discrete – both zooming in and out from state institutions, looking to individual bodies and to relations across national borders. Hyndman (2004: 318) argues that “People’s bodies are construed as territory or property. They become public sites of violence on which constructions of the nation and its boundaries take place, and therefore, of central concern to feminist geopolitics.”

The embodied approach advocated by feminist scholars also sees geopolitics as constituted by people whose bodies are differently marked in relation to power systems, in contrast to statist approaches focused on disembodied elites. The reason to focus on the body, as Wastl-Walter and Staeheli (2004: 150) explain, is that “It is through the materiality of our bodies that we experience the outside world and that the outside world experiences us...Indeed, one could easily argue that our bodies are what shape our access to the spaces of public and private and our experiences of those places.” The material properties of our bodies are thus inextricably entangled with our everyday experiences and frames of understanding. For example, my own surprise in learning about the politics of US forest management and the securitization of the US northern border was tied to the privileges that I embody and that allow me to experience North American borderlands and forests in particular ways.

On a related note, feminist approaches to geopolitics also emphasize another more basic connection between the body and politics. The body is of concern because, in a material sense, it facilitates the psychology and physicality of (in)security. Emotions, from fear to joy, and sensory experiences, from pain to comfort, take place within the body (see Pain 2009; Pratt & Rosner 2006). Thus a focus on embodiment highlights that (in)securities are felt in particular bodies, and are experienced in specific places, whereas the notion of ‘national security’ is abstract because nations do not live, breathe or have feelings. A final point about the notion of embodiment is that it implies relationality. Specific bodies are of concern, but not in a discrete sense. In this thesis, I take enforcement encounters to be constitutive of geopolitics (regarding the notion of encounter, see Haraway 2008; Latour 2005; Sundberg 2008; 2011).
This means that the geopolitics of the US northern border comes into being relationally when various actors meet – most notably, during encounters between Olympic Peninsula residents, border agents, and the assemblage of actors that comprise the peninsula landscapes.

Sharp (2007) argues that feminist interventions offer some unique contributions to the broader field of critical geopolitics. She notes that feminist approaches stand out for not only critiquing inequalities, but also suggesting progressive alternatives. Some feminist thinking conceptualizes insecurity, or vulnerability, as relational, given that we all inhabit a body that can be either cared for or harmed by others. In her analysis of the post-9/11 maneuvers that justified pre-emptive approaches to national security in the United States, Judith Butler points to the inherent vulnerability of the human body as a political possibility, given that vulnerability is a shared condition. She writes: “Mindfulness of this vulnerability can become the basis of claims for non-military political solutions, just as a denial of this vulnerability through a fantasy of mastery (an institutionalized fantasy of mastery) can fuel the instruments of war” (Butler 2004: 29; also see Whatmore 2002). The point is that we cannot ever completely protect our bodies from harm. On the contrary, Butler notes that the struggle to protect is impeded not only by outside forces of violence, but also by some things that are out of our control, like the agential force of our bodies, as well as our inevitable mortality (2004: 26). The question of relationality brings me to the second analytical framing enacted in my analysis.

2.1.2 Inequalities as interconnected

I conceptualize feminist geopolitics as a materially-grounded approach because it engages with particular bodies as sites of security. When considering overt force perpetuated by state actors or ongoing structural violences, scholars in this field generally take the human as the central actor of concern. Violence is often interpreted in terms of dehumanization or violation of human rights. However, just as feminist scholarship has interrogated seemingly commonsense categories like gender and national security, it has also illuminated how notions of ‘the human’ as a stable category are entangled with unequal power relations (Sundberg 2013a; also Anderson 2007; Emel 1995; Haraway 1989; Merchant 1980; Nightingale 2011; Wolch & Emel 1998).

I am inspired by calls to animate geopolitical analyses by engaging with embodiment and materiality beyond the human, advanced by Juanita Sundberg (2013a; 2011) in concert with other calls to bring themes of nature and materiality into political geography (also see Braun 2008; Braun & Whatmore
critical ecological feminism offers a helpful point of departure for the project of animating geopolitics. Plumwood argues that within dominant western philosophies, seemingly distinct forms of oppression are interconnected and justified by a common logic of mastery. In this logic, non-humans and ‘groups of humans and aspects of human life’ cast as somehow lacking in rationality are categorized as part of the natural sphere. Nature is framed in contrast to a binary opposite: the human. The human is assumed to be a rational actor who intentionally acts, while members of the natural sphere are acted upon. As Plumwood explains, this binary forms the basis of many other exclusionary binaries: the human is to nature as: mind is to body, male is to female, master is to slave, rationality is to animality, civilized is to primitive, public is to private, subject is to object, etc (1993: 43). The logic behind these binary divisions is that the human has capacity for intellectual thought and reason, and therefore is of greater value than the material or the natural.

The heritage of the rationalist tradition is firmly entrenched within notions of hierarchical existence, dating back to the ancient Greek philosophers Plato and Aristotle, as well as to early Christian traditions. These early bodies of thought emphasized that to be fully human means to be transcendent of nature in an interior sense through the mastery of traits seen to be animalistic, such as instincts and extreme emotions (Plumwood 1993: 104-119). Rationalist thought expanded dramatically during the Enlightenment, most evident in the proliferation of the ideas of Descartes. With the development of new technologies at this time, including new forms of machines and weaponry, an assuredness grew that external nature could also be controlled (ibid; Merchant 1980). During this era, distinct oppressions perpetuated under colonial projects at various times and places were justified by assumptions about interior and exterior natures. Certain human groups were categorized as uncultured or barbaric, while uncultivated or communal land was framed as terra nullius, an ‘empty’ space for the taking. Difference was valorized hierarchically in new ways, but drawing from older ideas in the Western rationalist tradition, whose influence was now spread further than ever before around the globe (Plumwood 1993).

A logic of mastery, Plumwood argues, underpins rationalist traditions – that rational human actors are entitled to instrumentally cultivate and use the natural for their own purposes. Because actors deemed to be part of the natural sphere are not regarded as fully human, they can be exploited. They are treated as passive, objects or tools, a vacant background at the disposal of rational actors (ibid). As Plumwood and other feminist scholars committed to materiality beyond the human argue, the logic of mastery and
the devaluation of the natural continue to reemerge in new forms. For example, Nightingale (2011) analyzes the joint production of body, caste, class and environment in rural Nepal. In some communities, women who are menstruating or have recently given birth are considered to contaminate the environment around them. As a result, their spatial exclusion from the inside of homes is rationalized. As Sundberg (2013a) argues, the reason that humans can be collapsed into nature in order to justify violences is because the natural is taken as unquestionably inferior. These dynamics highlight the way that inequalities along distinct axes of power may intersect.

To summarize, my analysis is informed by two analytical points of departure: (1) security is embodied, and (2) inequalities are interconnected. What does this have to do with the border tactics utilized on the Olympic Peninsula? I find that a logic of mastery propels border policing on the peninsula and justifies various forms of marginalization at work, from the surveillance of all community members, to racialized and class-based policing of specific individuals, to the prioritization of the use of certain land for Department of Homeland Security purposes. The Olympic Peninsula, and the people who live there, are treated as background, the theatre of border strategy – based on the assumption that gaps between mission and practice will be hidden by the physical remoteness of the region. The backgrounding of the borderland is also a function of the realist assumptions embedded within the Border Patrol mission – that the buildup of personnel and infrastructure at the border is necessary for the protection of US citizens from outside threats. National security is the primary goal of this work, in which the individual safety of citizens is seen to trickle down from above, or to emanate inland from the US perimeter.

The United States Border Patrol seeks to deter and apprehend terrorists, drug smugglers and undocumented migrants coming across the borders. In practice, however, border tactics on the peninsula consist largely of the policing of community members who have not crossed the border from Canada and are thus not an agency priority. They are framed as a secondary target, and perhaps used as arrest statistics to stand in for the lack of cross-border interdictions and thereby to justify further calls to action. Securitization of the border zone has resulted in the increased surveillance and policing of all borderland residents on the peninsula. For example, during 2007 and 2008, the US Border Patrol held temporary highway checkpoints in the region in which every vehicle was detained, and the occupants were questioned about their citizenship. At the same time, securitization clearly affects borderland residents unevenly. Individuals assumed to be Latino(a)s, Spanish speakers, people of color, and/or non-timber forestry workers have been targeted for policing. Within certain proximities of the border, in an
ad hoc way over time, the authority of the Department of Homeland Security has been prioritized over of all federal, state and local law enforcement prerogatives. This means that border security concerns often trump constitutional rights, as well as environmental and public safety laws.

Beyond the expansive legal authorities wielded by DHS, the personal security of the individuals most heavily targeted for policing can be disregarded because their wellbeing is not taken seriously—Latino(a) non-timber forestry workers are framed as “illegals” that can be “hunted” by border agents, as human rights advocates explain it (see Section 4.4.4). Such exclusionary categorizations, in which certain people are treated as less than human, are held up, as Sundberg (2013a) argues, by popular disregard for nonhumans. My objective in this thesis is to foreground everyday enforcement encounters as constitutive of geopolitics. Borderland residents are made to feel insecure, but they also have profoundly shaped the terms of engagement. New policing practices have been steadily introduced to the US northern border. Then, as borderland residents, from Washington to Vermont have questioned, contested, and filed lawsuits, the Department of Homeland Security has revoked the most controversial practices one by one, sometimes without explanation.

This thesis makes an analytical contribution to the fields of critical and feminist geopolitics by enacting an embodied and animated account of geopolitical power relations, drawing from approaches to the study of border politics advanced by Sundberg (2008; 2011; 2013a). This thesis also makes an important empirical contribution. The contemporary securitization of the US-Canada border is well-studied at border crossings. Critical scholars have demonstrated how some individuals have become more mobile, while others deemed to be risky are subjected to greater surveillance at ports of entry (ie Bhandar 2004; Gilbert 2007; Hale 2011; Nicol 2006; Sparke 2006). The implications of securitization for US borderland residents, especially those in rural areas between ports of entry, has received less critical scholarly attention (see Bruyneel 2011; Miller 2006; 2012). The role of securitization in rural areas is especially significant, given that Department of Homeland Security authority on certain federal lands has grown in recent years, and that government lands, such as parks and wilderness areas, run alongside almost one fourth of the linear US-Canada border mileage (Konrad & Nicol 2008: 220). As Konrad and Nicol (2008: 219-220) contend, more systematic research is required to understand how designated environmental spaces fit into border policy and practices. This thesis delves into such questions in regards to the Olympic Peninsula, a region which hosts a great deal of public land (see Figure 1 below). Finally, this thesis builds on and contributes to border studies literature that takes into account the interconnections
between policy and practice at the US-Mexico and US-Canada borders (Andreas 2003; 2005; Hale 2011; or historical focus: Ettinger 2006; Lee 2003). Below, I explain the methodology I used to carry out my analysis.

2.2 Methodology

The methodology I used for this project is informed by my analytical commitment from the outset: to examine everyday experiences of security – encounters between borderland residents and border agents. Throughout the thesis, I respond to two principal research questions around the securitization of the United States northern border: (1) how do security tactics respond to specific cross-border threats; and (2) why are some Olympic Peninsula residents contesting securitization? The development of these questions as well as my responses to them result from a two week visit to the Olympic Peninsula in July 2012 and from textual analysis. After receiving approval from University of British Columbia Behavioral Research Ethics Board to carry out research, I began contacting potential participants. My goal was to speak with individuals who had been publically outspoken about border enforcement tactics in the region, for example, those who had spoken to journalists, written reports, organized community groups, etc. I sought interviews with civic leaders, law enforcement officers, and grassroots organizers. Three principal grassroots groups had formed on the Peninsula in response to increased USBP presence: The Forks Human Rights Group, Stop the Checkpoints, and the Border Patrol Free Network. Organizers with these groups were not only open and generous in speaking with me, but were also incredibly helpful with putting me in touch with other people active on the issue.
Figure 1: Map of the Olympic Peninsula; Cartography by Eric Leinberger.

This map features the urban areas and federal land designations mentioned throughout the thesis. One US Federal Indian Reservation that is proximate to the Olympic Peninsula but not pictured here is Squaxin Island.
I carried out interviews in the cities of Port Townsend, Port Angeles, Forks, Shelton, and during a separate trip, in Bellingham, Washington (See Figure 1). I used a semi-structured method to interview a total of sixteen individuals. This means that I had questions prepared, but participants directed our conversation towards the topics most meaningful to them. I varied my questions, depending on the individual’s particular role. But all interviews revolved around the participants’ experiences of US border enforcement practices in the region. I informed participants that their responses would not be attributed to them by name in my thesis or any subsequent publications, and asked their permission to make an audio recording. One participant preferred that I not make an audio recording, so instead, I took detailed notes. Some interviewees expressed that they did not mind attribution by name. Nonetheless, I keep all references to interviewees confidential throughout the thesis in order to follow the terms set out in my Behavioral Research Ethics Board approval. I refer to interviewees throughout the thesis with reference to their role – for example ‘organizer,’ ‘civic leader,’ ‘law enforcement officer,’ etc. In some cases, I use the more generic reference ‘interviewee’ for clarity and/or order to assure non-attribution. Interviews lasted between a half hour and two hours, depending on the time participants had available or wished to speak with me. Several of the interviews were carried out in groups of two or three individuals who were all affiliated with the same group or role.

In total, I interviewed five civic leaders and/or local law enforcement officers (there is some overlap between such roles), three former US Customs Service officers, and eight grassroots organizers or activists.5 While I was in the area, my understanding was also advanced by various informal conversations and experiences – from participating in a Stop the Checkpoints monthly meeting, to watching the Forks Fourth of July parade, to witnessing the new Border Patrol station under construction in Port Angeles. In an attempt to ground my analysis historically, I looked through the archives of the Clallam County Historical Society in Port Angeles – where some records exist of the US Customs Service and the Coast Guard, but little information on the Border Patrol, given that the USBP has a shorter and less prominent history in the region. As a result, I draw some contextual understanding of the Border Patrol’s historical presence on the peninsula from my interview with the former Customs officers.

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5 With the term civic leaders, I refer to local elected officials – ie city council members, mayors, sheriffs, etc.
I arrived at the Olympic Peninsula feeling somewhat familiar with the situation at hand. As mentioned in Chapter 1, through my work in immigrant rights advocacy, I had heard hundreds of narratives of journeys from Mexico and Central America to Washington State. On the other hand, I was definitely an outsider, having spent little time on the peninsula and with no personal connections. Given my outsider status and brief field trip to the peninsula, I do not categorize my research as *ethnography*, a methodology generally defined by a long term research presence and participant observation (Luker 2008). During my visit to the peninsula, I realized that an ethnographic approach in terms of participant observation might not have been fitting for the context. By the summer of 2012, there was not much to observe as far as border enforcement encounters. Persistent contestations, official complaints, and lawsuits in process had already severely limited the daily practices of the Border Patrol. The agency was a visible presence on the highways and in urban areas beginning around 2007, but had slowly receded by 2012. Further, through my conversations on the peninsula, I learned that unauthorized border crossings through the Strait of Juan de Fuca are few and far between – something that neither community members nor I would be likely to observe.

As the most contentious border policing practices had ceased, some local organizers remained active, but popular interest seemed to have waned. The individuals I interviewed mainly spoke of their experiences over the past few years, rather than their present work. Thus, there was not much to observe at the time when I visited. Another reason that I felt averse to taking a more ethnographic approach was my own discomfort with pursuing interviews or participant observation with/of the individuals most heavily targeted by border policing practices. Broadly speaking, this would be Latino(a)s, Spanish speakers, and non-timber forestry workers. Human and immigrant rights projects had already documented stories and statistical information illuminating common encounters with border enforcement. I learned from organizers that the journalistic coverage of the most egregious events had created some fatigue in telling and re-telling difficult stories. The existing human/immigrant rights documentation was compiled with care and intimate knowledge of the context, in a way that participants would not have to fear retribution or exacerbated enforcement. Thus I decided to draw from those records, in addition to oral histories of non-timber work, to illuminate experiences of enforcement in my analysis.
Ultimately, I felt most comfortable pursuing interviews with people who had already spoken out publically about the topic, while utilizing the materials made available to the public by organizers – including written documentation of border policing encounters, texts such as official complaints and lawsuits against federal agencies, and videos of public meetings available online – to further my understanding of enforcement encounters. At the same time, my previous work experience in immigrant rights advocacy allowed me to contextualize this information within broader events going on in Washington State and with my basic understanding of the workings of DHS as the umbrella agency in charge of the Border Patrol.

I recognize that interviews provide partial information of larger realities. As Luker (2008: np) explains, interviews are “…stories about what the person being interviewed thinks happened, or thinks should have happened or even wanted to have happened. They are a ‘mental map’ as opposed to ‘some videotape of reality.’” Interviews do not reveal deep hidden truths, but do elucidate what participants find significant. In order to triangulate what I learned through interviews regarding the impactful experiences for peninsula residents and the sequence of relevant events in the region, I also relied on the excellent reporting of several newspapers. The Peninsula Daily News, Seattle Times, Sequim Gazette, Port Townsend Leader, and KUOW were all helpful sources.

I was not able to gain access to everyone who I wanted to interview – most notably, officials with the Port Angeles Border Patrol Station, which is the station covering the Olympic Peninsula. I initially contacted the USBP Blaine Sector Community Liaison Officer to request an interview and/or ride-along with one or more personnel stationed out of Port Angeles. He informed me that speaking to personnel in that station would not be possible; but that I could send him my questions and he might be able to respond via email. After reviewing my questions – which revolved around the agency’s objectives and tactics out of Port Angeles, as well as a request for access to station or sector-specific arrest statistics – he informed me that he could not provide most of the information I requested, and that the answers he could provide would be copied from the agency’s website. The Community Liaison Officer explained that this information is not available to the general public, including academic researchers, because it might compromise the work and security of Border Patrol personnel.

In retrospect, one-time interviews or ride-alongs with USBP personnel may not have yielded much beyond the agency’s well-worn public relations lines. As Kuus (2013a) points out in her examination of
ethnography as methodology in the fields of foreign policy and international relations, “Bureaucracies are designed to guard information and foreign policy institutions do so explicitly, with little allowance made to transparency or public engagement” (ibid). Thus gaining meaningful access takes time, experience, and connections. I also sought interviews with US Forest Service supervisory personnel regarding how the agency collaborates with the USBP. I spoke to a Forest Service supervisor, who informed me that this would not be possible, given that a formal complaint related to the conduct of a Forest Service officer was pending at the time.

In lieu of direct contact with federal agents whose work was central to my analysis, I turned to a close review of US policy documents on the topic of northern border strategy that have been made available to the general public within the past two decades. I gathered plans, reviews and reports from various federal agencies concerned with the northern border. For example, a few of those agencies include the US Border Patrol, Customs and Border Protection, Department of Homeland Security, Department of Justice, Government Accountability Office, etc. Textual analysis informed my understanding of why the US northern border is being securitized, and how that transformation might respond to specific cross-border threats on the Olympic Peninsula. Just as interviews are only revealing of specific narratives and understandings, textual or discourse analysis is also limited in important ways. I draw from the way that Kuus (2007: 9) frames her use policy documents and rhetoric as a source in her study of security and identity in the Eastern enlargement of the European Union:

> Security discourses...represent neither an objective reality nor a subjective fear. They are practices in which the meaning of security is constructed through statements made in its name. To study these practices is not to unearth secret Machiavellian maneuvers but rather to expose and examine the parameters of public debate.

Kuus explains that the objective of studying security discourse is not to reveal proposed foreign policy threats as true or false. Rather, an academic analysis analyzes the material effects of threats on the way a ‘problem’ is framed and responded to. This is not to imply a straightforward causal relationship where a threat is proposed, which then causes policy to be framed in a certain way. The causality is more complicated than that (Kuus 2007). To respond to this complication, and move away from notions of social construction, some critical geopolitics scholarship has drawn from Judith Butler’s notion of performativity. This concept refers to the entanglement of the ideal and the material, where both have consequential materiality and as such are constantly shaping each other (Butler 1990). Bialasiewicz et al (2007), for example, analyze post-9/11 United States security strategies in terms of geographical
imaginaries and popular representations of the enemies of the US. They explain that these practices “...combine to produce the effects that they name, bringing to life an imaginary geography that mirrors and supports the particular logics of the US-led ‘war on terror’” (p. 405). Sundberg (2011) extends performative, or relational notions of agency further with her posthumanist analysis of border enforcement at the US-Mexico boundary. She considers the role of nonhuman actors in calls for and justifications of securitization. Recognizing agency as relational and causality as multi-linear or recursive illuminates the complexity of proposed national security threats (regarding relational agency, see Barad 2003; Coole & Frost 2010; Frost 2011; Latour 2005). In sum, analyzing security discourses can show how framings of insecurity are consequential to the response that is seen as legitimate (Kuus 2007).

Beyond the interviews I carried out in northwestern Washington and the documents I analyzed, my understanding of US northern border securitization is also shaped by two visits to the US-Mexico border with Dr. Juanita Sundberg. In 2012, I visited the Rio Grande Valley of South Texas and southern Arizona. Through field trips to various border sites, I was privileged to conversations with property owners on the borderline as well as with land managers working in protected areas affected by unauthorized cross border activities and enforcement. During the Arizona trip, I took part in the Sierra Club Borderlands Activist Group annual meeting. This experience enabled new insights into the tensions between environmental protection laws and border tactics, and the collaborative work of organizers at the US northern and southwestern borders to contest the prioritization of Department of Homeland authority over constitutional rights and environmental laws.

It may seem unusual that my study of an international border focuses only on one side. The reason, however, that I do not examine Canadian border tactics is because I am interested in United States border practices. Thus, for my project, I found it logical to take into consideration practices at both US borders in context to each other, rather than looking at the interplay between US and Canadian practices. The latter focus is of course very important, but is not the topic of this thesis. It should also be noted that my research focuses on individuals and groups on the Olympic Peninsula that contest, rather than support, particular Border Patrol practices. My intention is not to imply that the agency is without supporters locally. In Chapter 5, I acknowledge the diversity of viewpoints on the agency’s work, which range from steadfast disapproval, to ambivalence, to approval, to desire for greater securitization. Ultimately, however, examining adamant support for the Border Patrol was beyond the scope of my research questions, so I cannot elaborate such viewpoints in great detail.
2.3 Conclusions
In this chapter, I have elaborated my analytical framework and methodology, both of which are informed by feminist theory and practice. The two analytical points of departure that run throughout my analysis are that (1) security is embodied; and (2) inequalities are interconnected. Inspired by materially-grounded feminist theory, my objective is to foreground everyday enforcement encounters as constitutive of geopolitics –to identify how the people and places of the Olympic Peninsula both impact and are impacted by border practices. I argue that national security tactics make borderland residents on the peninsula insecure. Before delving into my empirical work, Chapter 3 outlines the history of securitization along the United States-Canada border and in the Pacific Northwest in particular.
Chapter 3: Securitization in context

3.1 Introduction

The Canada-United States political boundary has long been celebrated as most extensive peaceful, undefended or non-militarized international border in the world. The physical borderland is marked by symbols of peace, friendship and familial connections in reference to the common settler colonial heritage of Canada and the United States. For example, in the Pacific Northwest, the Peace Arch border crossing clearly symbolizes this quiet borderland imaginary. Between Blaine, Washington and Douglas, British Columbia, the Peace Arch stands with its iron gate in a permanent open position (see Figure 2 below). The structure is inscribed with the words “Children of a Common Mother” and “Brethren Dwelling Together in Unity,” expressing an ‘essential unity’ of the region (Evenden and Turbeville III 2006: 47-48).

Figure 2: Peace Arch, between Douglas, BC and Blaine, WA; Photo by Leigh Barrick.
In contemporary times, migration and regional cross-border collaborations are credited with creating an ‘exceptionally benign border relationship constructed over two centuries’ while establishing an ‘intimate’ understanding between Canada and the US (Konrad & Nicol 2011; 2008; Brunett-Jailly 2008). Despite this intimacy, Canada is sometimes differentiated from the US as more peaceful, civilized, even antiquated – a place to escape from American violences. Alternately, Canada is also a place of popular disinterest for the general public in the United States (Gecelovsky 2007; Hardwick & Mansfield 2009). The US northern border has taken on a peaceful reputation over time that stands in sharp contrast to its southern counterpart. As historian Erika Lee (2003: 179) explains, “Unlike the northern border, the southern border had always been marked by conquest and contestation between the United States and Mexico. No ‘undefended border,’ the US-Mexican border has been described by border studies scholar Gloria Anzaldúa as an ‘herida abierta,’ or an open wound.”

Given the perceived lack of activity at the US-Canada borderland as compared to its southern counterpart, the US-Canada boundary has also been a place of disinterest for academic scholarship. However, during the 1980s and 1990s, border studies scholarship emerged to examine the potential deterritorialization, or decreased significance of North American borders in an era of increased trade. In the twenty-first century, interest has turned to processes of reterritorialization, or increased emphasis on borders, as national security became a defining issue for the United States after the events of 9/11 (Konrad & Nicol 2011; also see Wastl-Walters & Staeheli 2004). In this chapter, my objective is to establish a history of the securitization of the US-Canada border in the Pacific Northwest. I outline relevant contemporary critical geopolitics and border studies scholarship on issues of security at the United States-Canada border. Then, I define securitization, considering the intersections of border security tactics today with the ongoing heritage of settler colonialism. Finally, I turn to the evolution of the United States Border Patrol in recent decades in reference to this heritage. I argue that conceptualizing the US-Canada border as a peaceful site relies on exclusionary and statist notions of security. Therefore, it is crucial to consider the violences that are not taken into account by the peaceful border imaginary.

3.2 Contemporary securitization

Critical scholars have critiqued the prioritization of national security at the US-Canada border in the post-9/11 political climate. Nicol (2006) argues that the politicization of the border as a site of security
risks and dominant framings of those risks define the policy mitigations that are seen as appropriate. Bhandar (2004) explores the discourse of the post-9/11 “new normal,” where US citizens are portrayed as at risk. Drawing from Foucault’s notion of power, Bhandar shows how new ideas of risk are conveyed not only by top political leaders, but also by journalists, lower level government officials, and health professionals. Bhandar finds that the logic of a “new normal” supports the proliferation of surveillance technology in the United States because the border with Canada is portrayed as “leaky” and thus insecure to security threats like Canada’s “liberal” immigration policies. The result, she argues, is a reconfiguration of citizenship and sovereignty. Gilbert (2007) examines the discourse of the 2005 Security and Prosperity Partnership (SPP) of North America. Considering the implications of new biometric technologies for travelers, Gilbert argues that the SPP will reinforce hierarchies of citizenship, cementing racialized categories of risk. Along the same lines, Sparke (2006) analyzes the biopolitical production of privilege for business class travelers. He considers fast-track US-Canada border crossing passes like NEXUS in conjunction with the corollary emergence of new anti-immigrant controls.

Bradbury and Turbeville (2008) examine the impacts of securitization on trade and travel at the US-Canada border west of the Cascade Mountains. They argue that the border crossing climate has changed dramatically in recent years, particularly with the visible securitization of US ports of entry – where there are now cameras, barricades, barbed wire, and the occasional appearance of uniformed military personnel. The Canadian side, they point out, has also undergone securitization, but not to the same extent. Bradbury and Turbeville find that crossing the border is now a highly intimidating experience for some. Hale (2011) elaborates how Homeland Security has become a top priority in the United States, for example, examining the REAL ID Act of 2005. He also highlights the impact of groups working against such expansion of federal authority at the borders on the basis of immigrant rights, civil liberties, and federalism. The critical scholarship outlined here analyzes how security imperatives have taken precedent over other concerns at the US-Canada border, finding that securitization exacerbates hierarchies of citizenship for border crossers passing through ports of entry.

Existing scholarly work on US-Canada border securitization analyzes not only the experience of border crossing, but also resultant transformations for borderland communities, both in major urban areas and in rural areas. Alper and Hammond (2011) consider the views on securitization of border ‘stakeholders,’ such as business owners, freight companies, local civic leaders, and law enforcement officers in British Columbia and Washington. Alper and Hammond argue that the national security tactics being pursued
are not necessarily antithetical to stakeholder needs, but there are issues in implementation such as the ‘attitude’ of border officials. Bruyneel (2011) elaborates how cross-border environmental relations in the Montana-Saskatchewan region have shifted as a result of 9/11 securitization. Cross-border relations have long been neighborly and informal there, but Bruyneel finds that new restrictions to communication and movement have created barriers to former collaborations, including trans-border land management and conservation work.

Indigenous borderland communities do not often factor into critical analyses of securitization at the US-Canada boundary. Miller (2006; 2012), however, argues that Coast Salish peoples in Washington and British Columbia long divided by the international border are facing new barriers due to post-9/11 securitization. Treaty rights allowing the passage of indigenous peoples through border zones have fallen by the wayside with the prioritization of national security. Many new border guards unfamiliar with the region and cross-border communities have been hired. The result has been increased demands on indigenous peoples to visibly enact their indigeneity for passage – a change not solely affecting Coast Salish peoples, but also the myriad other cross-border indigenous groups along the Canadian and Mexican borders (ibid). On a related note, critical studies of securitization at the US-Canada boundary tend to focus on cross-border relations at that border in isolation. However, some scholarship examines the interconnections between securitization in the United States north and the southwest. For example, Andreas (2003; 2005) and Hale (2011) illuminate the increasing symmetry between US policy and practice at the two land borders. The section to come works through a definition of securitization.

### 3.3 Securitization: A new development?

It is important to consider terminology regarding the increase of US security personnel and infrastructure at the border with Canada. Cynthia Enloe finds that Cold War ideologies and practices brought a large-scale militarization of societies directly and indirectly embroiled in the conflict. Enloe (2004) outlines the key assumptions behind militarism that facilitate the process of militarization:

- a. That armed force is the ultimate resolver of tensions;
- b. That human nature is prone to conflict;
- c. That having enemies is a natural condition;
- d. That hierarchical relations produce effective action;
- e. That a state without a military is naïve, scarcely modern, and barely legitimate;
- f. That in times of crisis those who are feminine need armed protection;
That in times of crisis any man who refuses to engage in armed violent action is jeopardizing his own status as a manly man (as cited in Bernazzoli & Flint 2009: 450).

The assumptions behind militarism rely on gendered categories and echo realist sentiments. The term militarization refers to the proliferation of these assumptions, and is often invoked to describe transformations of the US-Mexico borderlands. Dunn (1996) elaborates the entanglement of military and domestic policing at that border from 1978 to 1992 – a change he explains as the domestic use of Low-Intensity Conflict Doctrine honed abroad during the Cold War. In this thesis, I do not focus on the military-specific technologies and tactics being adopted into US northern border tactics. Such changes are happening (see, for example, US OIG 2012 on unmanned aerial systems – more commonly referred to as ‘drones’), but given this is not my main focus, I will use the term securitization to refer to the prioritization of national security at the US-Canada border in a realist sense, meaning the justification of the buildup of security personnel and infrastructure in order to protect US citizens from outside threats. Further, some scholars of critical geopolitics argue that the notion of militarization implies a preexisting separation between state security apparatuses, such as the military, and the everyday lives of people in that society. Bernazzoli and Flint (2009) find that the term securitization takes more fully into account aggressive domestic policing practices, while recognizing that securitization ‘is not imposed upon civil society by the security apparatus.’ Instead, the process is enacted at different scales by actors with various affiliations to state institutions.

As explained in Chapter 2, securitization does not necessarily align with, and may be antithetical to, individual experiences of security in the borderland. I do not want to imply that securitization has trickled down from elite state actors, instead I recognize that the process has happened in a complex and sometimes ad hoc way. Further, I want to make a temporal qualification, given that the notion of securitization may seem to imply that there was a time when a particular site was not subjected to aggressive policing. Drawing from Bernazzoli and Flint, “Though the securitization of society is not conceived as occurring anew, we can identify and unmask ways in which it is continuously reworked, reconfigured, and reproduced” (2009: 450). This point is crucial in the case of the northwestern portion of the United States border with Canada, and I will explain why.

A central contextual point of departure for this thesis is not that the US-Canada boundary is a peaceful or uneventful place. I find that the notion of the ‘longest peaceful international border in the world’ only
makes sense within a statist approach to geopolitics, given that relative peace between two nations does not account for the wellbeing of individuals living in the borderlands or living in those national territories in general. It is important to recognize that novel forms of securitization are currently taking place at the border, but not without acknowledging that this is not the first time that stringent policing tactics have been used in the region. A brief reminder of the heritage of settler colonialism makes this point. As historian Patricia Nelson Limerick argues, colonial conquests are an ongoing process without a clear end: “The conquest of Western America shapes the present as dramatically – and sometimes as perilously – as the old mines shape the mountainsides. To live with that legacy, contemporary Americans ought to be well informed and well warned about the connections between past and present” (Limerick 1987: 18).

After more than a century of European settlement in the Pacific Northwest region, the border between British North America and the United States was settled in 1846. The forty-ninth parallel was decided as the Western boundary in 1818, but was not extended west of the Rockies until 1846. At this time, the US settlements centered in the Willamette Valley, while the British Hudson’s Bay Company established its presence on the lower Columbia River, and completed a coastal fort on Vancouver Island in 1849. When gold was found in the Frasier River region in 1858, British subjects feared that US forces might occupy the region, so the British responded by developing British Columbia as a mainland colony. At this point, the US government focused on protecting its maritime interests by building various coastal forts, most notably at Port Townsend as the opening of Puget Sound. These settlements developed under political auspices, serving to solidify the border (Evenden and Turbeville III 2006).

Before the international boundary came to be known as the longest peaceful international border, a brutal pacification of indigenous peoples occurred in the borderlands. McManus (2006) examines how white settlers established a sense of ownership over the Alberta-Montana borderlands during the second half of the nineteenth century. There, women’s diary entries reveal their everyday unease of coexisting with indigenous peoples, including the ‘terror’ experienced by settlers during the 1885 Northwest Rebellion of Métis and indigenous communities. These settlers found the uncultivated landscapes to be remote and hostile, and they categorized indigenous peoples and wild animals alike as a threatening part of the natural realm. By the mid-1880s, containment and assimilation policies calmed settler anxieties. On the US side, army posts stood ready to assist with indigenous uprisings (McManus 2006). Around this time, the international border was newly consequential to the mobility of nonwhite
populations. For example, complaints from white settlers in Montana about Cree presence led the US army to locate, detain, and deport “Canadian” Crees during the last decade of the nineteenth century (Hogue 2006).

In the nineteenth century Pacific Northwest, racial hierarchies were also entrenched by the exclusionary economic opportunities that were available. In the borderlands, promotion campaigns were undertaken by land developers, government agencies and railway companies to attract ‘industrious’ white middle-class men to the work of commercial fruit farming. The ‘fruit fever’-induced population growth that followed furthered the marginalization of indigenous populations, and of the more recent Chinese and African American settlers (Bennett 2006). Meanwhile, the 1848 discovery of gold in California marked the beginning of significant Chinese immigration to North America. Chinese newcomers were just a small percentage of total immigrants by the late nineteenth century, yet they were the target of racialized violence and discriminatory laws. This hostility grew partially out of a shift in domestic labor relations. By the 1870s, California had undergone large-scale population growth, as well as economic dislocation. Instigators of the anti-Chinese movement there argued that the Chinese were to blame for the scarcity of jobs because they accepted low wages for the little work available (Lee 2003: 25-26).

The anti-Chinese movement was subsequently taken up on the national stage. The Chinese were invoked as a potential threat, likened to the supposed degenerative characteristics of other marginalized ethnic groups, and declared incapable of assimilation. Such claims laid the groundwork for the 1882 passage of the Chinese Exclusion Act, which prohibited the immigration of Chinese laborers to the United States. As Lee (2003: 29) explains, this maneuver drew lessons from other colonial violences: “The language and politics of the anti-Chinese movement closely followed other western campaigns of territorial expansion, expropriation of Native American lands, and the subjugation of African Americans and Mexicans.” Shortly after the passage of the exclusion act, an immigration act was passed by Congress to prohibit the entry into the United States of individuals deemed to be insane, convicts, or unable to care for themselves, and soon new restrictions were imposed on European immigrants as well (Ettinger 2006: 163). Despite their seemingly separate trajectories, the historical impetus for securitization at both the Canadian and Mexican borders has roots in the Chinese Exclusion Act and subsequent exclusionary immigration laws. The racialized prohibition of Chinese immigration, along with comparatively liberal Canadian immigration policy, set the groundwork for unauthorized border crossings into the US via Canada. Erika Lee finds that though the northern US borderland has been
traditionally disregarded as peaceful and undefended, it is not a racially neutral site given the heritage of Chinese exclusion (Lee 2003: 175).

Chinese immigrants forged unauthorized entryways into the US first through Canada, and soon thereafter through Mexico. In the Vancouver-Puget Sound region, which was reputed to be a “smugglers’ paradise,” the boat routes regularly used to transport opium and other contraband from Canada into the United States were put to use guiding Chinese migrants across. Ettinger (2006) explains that those attempting unauthorized crossings made use of the cultural and physical geography of the Washington Territory-British Columbia borderlands. Chinese migrants had arrived in British Columbia in large numbers with the 1858 of gold rush at the Frasier River, followed by the recruitment of Chinese workers in the 1880s for the construction of the Canadian Pacific Railway. Already-established opium-smuggling networks that operated out of Vancouver Island arranged much of the human smuggling into the United States. Across the border, sawmills in the Puget Sound region, as well as Chinese merchants, were reported to recruit migrants (ibid: 163-164).

Beyond human demographics, Ettinger (2006) argues that the physical geography of the region facilitated smuggling, given the difficulty of policing the ‘sometimes rugged terrain’ of this borderland. Puget Sound is characterized by narrow channels with hundreds of small islands. Smugglers navigated diverse routes through the sound – at times crossing the Strait of Juan de Fuca to Port Angeles or to San Juan Island, or avoiding the Customs station in Port Townsend and sailing straight into Seattle. Smugglers paid local fisherman to bring Chinese migrants across in small sail and steamboats during the night. An estimated two thirds of unauthorized Chinese border crossings into Washington took place in Puget Sound; however, remote areas east of the Cascade Mountains also became a popular route. Few Customs personnel worked in this forested region. As a result, Chinese migrants passed undeterred on boats down the Columbia River, on horseback, and by foot (ibid: 164-165).

As Chinese migrants entered the United States through Washington Territory, as well as through other points along the northern boundary, US Customs officials developed a common lament – they were lacking in inspectors and technology to adequately perform their jobs. Authorities found themselves arresting and deporting the same Chinese migrants again and again at the border. Thus “…border officials called to testify before Congress on Chinese smuggling in the West quickly introduced what would become a familiar refrain of American border authorities: provide funding for more manpower”
(Ettinger 2006: 168). In addition to this ‘familiar refrain,’ it soon became clear that gaining control over one border area simply resulted in the movement of unauthorized traffic. As United States immigration inspectors exerted greater control over the border with Canada, unauthorized border crossers turned to the southwestern border with Mexico as a new site of entry into the US. This was an era of aggressive modernization policies within Mexico, so Chinese migrant labor was being actively recruited there. The distinct relationships of the US with Canada versus Mexico, as well as divergent domestic policies within those neighboring countries, led to different forms of policing at each border (Lee 2003).

The tactics of Chinese exclusion drew lessons from previous colonial violences, and set the stage for subsequent racialized exclusions. This transfer of policy and practice would be especially consequential for people moving north from Latin America to work in the United States. The notion of the US-Canada border as a peaceful site relies on statist assumptions about security. Canada and the United States have long employed a quiet diplomacy, yet in the borderlands and throughout North America, military, border and domestic policing efforts, as well mundane practices of exclusion, have historically worked to exclude certain racialized groups. In the following section, I examine the establishment of the Border Patrol in this climate, and consider the institutional culture that remains with the agency today.

### 3.4 The Border Patrol

United States border policing was institutionalized in the early twentieth century. In 1924, Congress authorized the establishment of the Border Patrol to guard the northern and southwestern borders, and also passed a bill to further extend immigration restrictions. The Border Patrol arrived in the southwest on the tail end of about seventy years of aggressive efforts to pacify the Mexican American population, particularly in the Rio Grande Valley of South Texas. Following the 1848 Treaty of Guadalupe Hidalgo that ceded a significant portion of Mexican territory to the United States, US government officials and Anglo American settlers perpetuated an ongoing low intensity violence, interrupted by periodic violent conflicts, against Mexicans who had been crossed by the new border. The large-scale dispossession of Hispanic people’s land in South Texas left many dependent on agricultural wage labor. When the Border Patrol was established in 1924, Mexican migration was not seen to be a threat, and so Mexicans were not yet restricted by immigration quotas. Instead, the Border Patrol focused on Asian and European migrants, who sometimes even disguised themselves as Mexicans in order to cross into the US; and during Prohibition, alcohol smuggling became an issue of concern (Dunn 1996: 7-12; Lee 2003).
The principal populations targeted for border and immigration enforcement shifted with the onset of
the Great Depression, when Mexicans were newly framed as suspect – as taking ‘American’ jobs. From
the early twentieth century until the mid-1970s, border enforcement largely served the function of labor
control (Dunn 1996; Massey, Durand & Malone 2002). Mexicans were alternately recruited for low wage
agricultural work, or subjected to aggressive repatriation schemes. Most notably, the Bracero Program,
in place from 1942 to 1964, created a permit system for temporary laborers from Mexico in order to
ease war-time labor shortages in the US. However, in 1954, Operation Wetback brought large-scale,
militarized immigration raids and deportations to the southwest that were officially focused on
undocumented workers, but in practice affected anyone who appeared to be Mexican (Limerick 1987:
249).

The Border Patrol has never been a well-liked agency in borderland communities of the southwest.
Some of the agency’s earliest recruits were former Texas Rangers, an Anglo-American-led law
enforcement body that developed as part of the pacification of indigenous peoples and Mexican
Americans.6 The Border Patrol itself was established following a paramilitary model, meaning that
citizen employees are treated like soldiers. The agency developed as a component of the Immigration
and Naturalization Service (INS), which was originally overseen by the Department of Labor. However, in
the 1940s, the INS was transferred to the Department of Justice (DOJ), reflecting an emergent World
War II ideology that border enforcement was crucial to national security. At this time, the INS developed
alongside other DOJ agencies such as the Federal Bureau of Investigation (FBI), evolving into a closed
and secretive agency (Dunn 1996: 13-14). The INS, anthropologist Josiah Heyman contends, developed
as an explicitly racist organization. Until the 1970s, personnel were overwhelmingly Anglo-Americans.
Training materials such the Spanish language textbooks used to teach Border Patrol agents Spanish,
from the 1940s until as recently as 1988, perpetuated a particular stereotype of migrants – as ‘humble
Mexican peasants seeking jobs’ (Heyman 2002: 484; citing Heyman 1995).

With rights won during the Mexican American Civil Rights Movement, as well as during the Chicano
movement of the 1960s, Mexican Americans were able to enter the ranks of the Border Patrol in the
1970s. By the early 2000s, around one third of the INS officials working in the southwest were of
Mexican ancestry. However, this shift has not necessarily eradicated racialized policing practices, given

6 By Anglo, or Anglo-American, I refer broadly to a white, English-speaking, US citizen identity.
that the everyday work of agents still consists of pursuing particular racialized populations for enforcement (Maril 2004: 258; Heyman 2002). Heyman (2002) argues that Latino(a)s working for the Border Patrol do not have greater empathy for undocumented migrants than personnel of any other background. Class-based conceptions of difference imply that Latino(a) agents do not necessarily identify migrants as equals, given that employment with the USBP provides a middle-class lifestyle with benefits such as health care. Heyman makes the point that the Mexican American civil rights struggles for recognition as full citizens in the United States resulted in barriers to empathy with recently-arrived migrants. In sum, the heritage of racialized policing tactics within the Border Patrol is highly complex.

Today, the Border Patrol is often unpopular in borderland communities due in part to the agency’s heritage of indiscriminately targeting individuals of Mexican ancestry in the southwest, regardless of immigration status. As Maril (2004) explains, the agency faces critics with political views ranging from the far left to extreme right. Maril’s ethnography of the McAllen, Texas Border Patrol station illustrates how the agency continues to operate as a hierarchical and non-transparent organization. For example, supervisors there tend to take a defensive response to criticism from all fronts – including from the USBP employee’s union, low ranking employees, the general public, other law enforcement agencies, and the media. The result is limited meaningful engagement between a hierarchical organization and borderland communities. It is important to note that this dynamic says more about the USBP as a bureaucracy, than about the individual intentions of agents carrying out their everyday work, which, as Maril shows, may be at odds with agency objectives.

3.5 Conclusions
The contemporary securitization of the United States border with Canada brings with it the heritage of racialized practices of exclusion at both the northern and southwestern US borders. This history is intimately connected to older iterations of colonial violence through settler expansionism in the North American West. I have placed this ongoing history in context with contemporary critical analyses of US-Canada border politics in order to emphasize that securitization at the US-Canada border is playing out in novel ways today, but is not entirely new. Further, I want to highlight the interconnections between seemingly distinct inequalities and marginalizations taking place at different times and places.

Ultimately, my goal is to emphasize that current processes of securitization at the US-Canada boundary are not categorically shifting the border from ‘peaceful’ to ‘securitized.’ The often-invoked imaginary of
the longest peaceful international border in the world draws from, and reinforces, statist notions of war and peace. I want to be careful to not reproduce an imaginary that erases the pacifications and exclusions that created the ‘peaceful’ border.
Chapter 4: National security

4.1 Introduction

In October 2012, a tragic miscommunication occurred between several United States Border Patrol agents in Cochise County, Arizona, just north of the US-Mexico border. When a sensor designed to detect unauthorized border crossings was activated, two sets of agents set out separately to investigate the scene. In an Associated Press report, County Sheriff Rod Rothrock explains (Associated Press 2012):

"It was dark, very, very rugged terrain, and what they could see of each other was further obscured by the fact that there was brush and cacti and stuff like that between them," Rothrock said. "I have no doubt that these agents were in a heightened a state of alert as you can get due to the proximity to the border and the history of trafficking in that area."

Rothrock said that when the agents spotted each other in the dark, "they apparently took defensive postures, which was probably interpreted as aggressive postures. Like readying your weapons, for example."

The outcome of this run-in was that one Border Patrol agent opened fire and wounded another agent, but then was shot fatally in response. It was later determined that there had been no illicit cross-border activity in the area to set off the sensor, and that the encounter was confined to the Border Patrol.

The past two decades have seen a dramatic shift in United States border enforcement practices, notoriously evident at the southwestern boundary with Mexico. Tactics of “prevention through deterrence,” were implemented in the early 1990s, when urban areas were targeted for resource-intensive enforcement methods with the expectation that the rugged terrain of remote areas would serve as a “natural barrier” to unauthorized entries. Ultimately, undocumented border crossings have largely not been deterred. Instead, they have been pushed into remote areas, with tragic results: thousands of migrant deaths in the desert. Given the desert’s failure to prevent traffic, border security resources have also been extended into remote areas (Cornelius 2001; Dunn 2009; Nevins 2007; Sundberg 2011; US GAO 2001).

Such strategies have clearly had dire consequences for migrants, and as the above example shows, sometimes for law enforcement officers as well. At first glance, the United States northern border with Canada might seem quite disconnected from such issues of border securitization and human
vulnerability. The US-Canada boundary has long been referred to as the most extensive peaceful, non-militarized, or unguarded border in the world. Migration and regional cross-border collaborations are credited with creating an ‘exceptionally benign border relationship constructed over two centuries’ while establishing an ‘intimate’ understanding between the US and Canada (Konrad and Nicol 2011; 2008; Brunett-Jailly 2008).

Despite its longstanding peaceful reputation, this political boundary has been subject to a bi-national strengthening of border security infrastructure in recent years, spearheaded by the United States (Andreas 2005; Brunett-Jailly 2006, 2008; Bruyneel 2011; Hale 2011; Konrad and Nicol 2011). This change is most visible and well-studied at border crossings, where some people have become more mobile, while others deemed to be risky are subjected to greater surveillance (Bhandar 2004; Gilbert 2007; Nicol 2006; Sparke 2006). Yet US federal reviews, plans and legislation have also pointed to the insecurities between ports of entry, calling for expansions of US Border Patrol staffing and technology upgrades in rural areas – a transformation that I analyze in this chapter. Border enforcement is carried out by a variety of agency components of the Department of Homeland Security (DHS), but the Border Patrol (USBP) is most relevant, given that the agency works to ‘patrol the border between official ports of entry to deter, detect, and prevent the entry of terrorists and terrorist weapons, illegal aliens, and the smuggling of contraband into the United States’ (US GAO 2005: 51, my emphasis).

In this chapter, I analyze the securitization of the US northern border with Canada in a general sense, and then focus in on northwestern Washington’s Olympic Peninsula, one rural borderland site that has been subject to increased policing. My analysis is directed by the following question: how do security tactics respond to specific cross-border threats? At first glance, this question may seem straightforward. However, community groups, civic leaders and even congressional leaders along the US northern border have engaged in sustained inquiries to determine how the United States Border Patrol’s expansion supports agency objectives (Northern Border Coalition 2012; Shapiro 2011b). This information is not immediately obvious, intuitive, or easily accessible for those directly affected by the escalation of border enforcement nor for me as a researcher.

In this chapter, I argue that the securitization of the US northern border is fueled by the prioritization of national security over all other types of security, in which the cross-border threats to security are vaguely-defined. In contrast, on the Olympic Peninsula, border securitization has resulted in lived
experiences of vulnerability unrelated to any cross-border threat. The border policing tactics pursued in
the forest in particular, quite far inland from the maritime border, make peninsula residents and law
enforcement officers feel unsafe during enforcement encounters. Drawing from materially-grounded
feminist theory, as outlined in Chapter 2, my objective is to bring lived experiences of vulnerability into
conversation with federal narratives of cross-border threats – foregrounding everyday enforcement
encounters as constitutive of geopolitics. I hope to show how border tactics impact, and are impacted
by the physical and human geographies of the peninsula, where the politics of land management and
forest labor, as well as the biophysical properties of the forest landscapes, are consequential to the daily
work of Border Patrol agents. I begin the chapter by contextualizing contemporary Border Patrol tactics
focused on “prevention through deterrence.” Then in Section 4.3, I examine how cross-border threats
are framed in federal reviews, plans and strategies calling for securitization of the US-Canada border,
looking to some specific references to northwestern Washington. In Section 4.4 I outline the politics of
immigrant labor and land management on the peninsula in relation to contemporary border policing
tactics in the forest.

4.2 Prevention through deterrence
The cornerstone of contemporary Border Patrol strategy, “prevention through deterrence,” was developed in the early 1990s by a supervisory agent in Texas. Before that time, agents principally worked to locate and apprehend unauthorized border crossers after they had arrived in the United States – the method was to ‘thinly allocat[e] Border Patrol agents along the border as new resources became available’ (US GAO 1997: 65). Throughout the southwest borderland, agents searched ranches and farms, monitored employers known to hire workers without documentation, and kept watch on specific urban sites where migrants congregated. However, an El Paso, Texas Border Patrol Sector Chief named Silvestre Reyes initiated a novel strategy to counter undocumented migration and drug smuggling in the most frequently targeted urban areas. The idea was to situate agents and vehicles in visible locations, then, would-be crossers on the Mexican side would observe the Border Patrol waiting to apprehend them, and thus would be discouraged, or ‘deterred,’ from crossing at all (Maril 2004: 160-1). Sector Chief Reyes first tested his new strategy in 1993 in El Paso with “Operation Blockade,” where approximately four hundred agents were positioned alongside the Rio Grande, facing Ciudad Juárez, Mexico.

This strategy was initially met with resistance from higher level USBP supervisors, given that it was very resource-intensive, and therefore expensive. However, Operation Blockade proved to be politically popular, which likely factored into the agency’s decision to adopt the strategy more widely. As Dunn (2009) argues, the focus on prevention created a new sense of belonging for Mexican American residents of El Paso, who were previously the target of indiscriminate Border Patrol policing inland of the border line. This point of differentiation based on citizenship-belonging, in conjunction with the invocation of popular myths about the criminality of impoverished undocumented border crossers, propelled the strategy’s local popularity, Dunn argues. Deterrence tactics were initiated in other southwest sectors in a series of operations: “Operation Gatekeeper” in San Diego in 1994, “Operation Safeguard” in Arizona in 1994 and 1999, “and Operation Rio Grande” in South Texas in 1997 (ibid).

The strategy of “prevention through deterrence” was institutionalized when it was written into the Border Patrol’s 1994 national strategic plan. This plan sought to “(1) close off the routes most frequently used by smugglers and illegal aliens (generally through urban areas) and (2) shift traffic through the ports of entry or over areas that were more remote and difficult to cross illegally, where INS had the
tactical advantage” (US GAO 1997: 64). The plan recognized and anticipated the movement of unauthorized traffic into remote areas. Deterrence strategy had the appearance of success because border crossings shifted away from urban areas. However, academic and policy researchers alike have questioned the effectiveness of deterrence, given that there is not a clear correlation to an objective decrease in unauthorized crossings as an outcome (Dunn 2009: 2; Cornelius 2001; Haddal 2010; Massey 2005; Massey, Durand & Malone 2002; US GAO 2001; also see Andreas 2000; Maril 2004). Maril points out that in the literature on law enforcement and deterrence, few sources consider deterrence to be an effective point of departure to build any sort of law enforcement strategy (2004: 167).

Critiques of deterrence strategy point to the contradictions in US policy undertaken at the US-Mexico border since the 1980s as increasing North American economic integration was met with restrictive immigration policies (Cornelius 2001; Durand, Massey & Malone 2002). Massey (2005) argues that deterrence strategy has failed, because undocumented Mexican migrants have not been deterred. As resources were concentrated near urban areas, unauthorized border crossings have simply shifted to ‘more remote and less accessible locations in mountains, deserts, and untamed sections of the Rio Grande,’ where migrants are much less likely to be caught by the Border Patrol (p.6). Though the 1994 national strategic plan anticipated that agents would have a ‘tactical advantage’ in remote areas, this has not been the case. Massey’s work draws from the extensive survey data of the Mexican Migration Project to show that deterrence strategies have tripled the chance of human death during border crossings. Despite this risk, migrants faced decreasing chances that they would be caught during these crossings given that the remoteness of the terrain also created new enforcement challenges for agents. Many migrants were thus undeterred. Rather than an objective deterrence of migrants, the outcome has been the growth of more lucrative and elaborate smuggling operations, as well as increased settlement of undocumented migrants in the US due to the rising risk and cost involved in crossing (ibid; Cornelius 2001; Massey, Durand & Malone 2002; also see Nevins 2007).

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, which reinforced the doctrine of deterrence – providing more funds to the Border Patrol to increase personnel and obtain new military technologies, allocating resources to build new sections of fencing in California,

7 The Border Patrol was a component of the Immigration and Naturalization Service (INS) until the 2002 establishment of the Department of Homeland Security (DHS).
and instituting harsher punishments for immigration violations (Massey 2005: 5). The early 2000s brought an increasing focus on technologies and infrastructure to prevent unauthorized border crossings at the US-Mexico border. In 2005, the Secure Border Initiative was introduced, intensifying the use of surveillance technology such as manned and unmanned aerial vehicles, and remote video surveillance systems (see Doty 2011: 604; US CBP 2009b). After September 11, 2001, funding for the Border Patrol expanded to new proportions, a change examined later in this chapter. As Massey points out, post-9/11 appropriations of funds to the Border Patrol were unconnected to specific measurable threats of undocumented migration or terrorism coming from Mexico. At the same time, the price-tag continued to grow. Between 1992 and 2002, the approximate cost of each apprehension along the US-Mexico border increased from $300 to $1,700 (Massey 2005: 7-8).

The theory of “prevention through deterrence” reversed a longstanding Border Patrol mantra. Previously, when the agency petitioned Congress for more funds, the premise was that more resources would yield *more* apprehensions. With “Operation Blockade,” the argument shifted – *decreasing* apprehensions were now explained to be indicative of success – as a sign that deterrence was working (Maril 2004). In his ethnography of the McAllen, Texas Border Patrol Station, Maril finds that the most experienced agents carrying out the everyday work of deterrence find the ‘one-size-fits-all strategy’ to be a ‘grand failure’ (p.206). The 1994 strategic plan did allow southwest sectors to establish their own tactical plans (US GAO 1997: 65). Nonetheless, in El Paso where the strategy was developed, flat built landscapes near the Rio Grande allow for easy observation of the river, whereas around McAllen, the river is winding, and thus does not offer clear views across. This means that when agents are instructed to park their vehicles near the river and sit and watch for hours in order to deter crossings, their visibility is limited, while people crossing the border can easily spot them in their iconic white and green vehicles. As Maril argues, although agents in McAllen are painfully aware of the strategy’s limitations, low-ranking personnel are discouraged from sharing their perspectives on the efficacy of their assigned work.

Today, deterrence remains central to the Border Patrol’s tactics, and has expanded with the USBP growth along the northern border. In the 2012 – 2016 Border Patrol Strategic Plan, the agency’s first stated objective is to “prevent terrorists and terrorist weapons from entering the United States” (US CBP 2012a: 9, my emphasis). This objective is pursued through collaboration with other US, as well as Canadian and Mexican, law enforcement agencies to gather intelligence, in conjunction with operations that ‘target against potential terrorist threats and against TCOs [transnational criminal organizations]’
The remaining objectives listed in the 2012 – 2016 strategic plan include the following: ‘manage risk, disrupt and degrade transnational criminal organizations, whole of government approach, and increase community engagement’ (ibid: 3). In Section 4.3 of this chapter, I analyze federal documents concerned with northern border security to glean insights into the process of securitization, where the Border Patrol paradigm of “prevention through deterrence” is now applied to the border with Canada, though not entirely in the same way it was developed in the southwest.

Before moving into my analysis, I want to make a note about these documents as a source. As Andreas (2000) points out, policy documents on US border security tactics are often written to conceal more than they disclose. While they are revealing of certain trends and realities, they also contribute to a broad performance undertaken at the United States borders – enforcement practices and discourse that symbolically affirm state territory, but do not necessarily deter unauthorized crossings. Institutional success can be broadly measured as a controlled public image, rather than a border that is firmly under control, as the work of Massey, Durand and Malone (2002; Massey 2005) indicates. As mentioned, gaining greater control over one site tends to shift unauthorized crossings, rather than deter them altogether, inspiring novel and more dangerous methods. As a result, border tactics take on a self-perpetuating property, given that the work is never done. Another factor that propels the agency’s growth, and complicates research, is the ambiguity of indicators used by the agency to measure success. As Andreas contends, ‘Many official objectives – such as increasing ‘interagency cooperation,’ improving ‘bilateral cooperation,’ and ‘disrupting’ smuggling patterns – are so vaguely defined that they deny precise measurement” (2000: 145; also see US GAO 2001).

One example of ambiguous objectives is the concept of “situational awareness,” used by the Border Patrol to explain the extent to which the agency has control of a border region. Given the vastness of the border, varied terrain, and inaccessibility of many areas to traditional patrol methods, federal analyses acknowledge that Customs and Border Protection (CBP) is not able to detect illicit activity across the majority of the border with Canada (US GAO 2010: 36). In CBP’s 2010 Northern Border Strategy, one of the agency’s stated goals is to ‘reach full situational awareness along the northern border,’ where the probability of detection is high and agents are able to respond:

CBP’s performance measure for border miles and coastal sectors under effective control tracks the number of miles where the appropriate mix of personnel, technology, and tactical infrastructure has been
put in place to reasonably assure that when an illegal entry is detected, the Border Patrol has the ability to respond and the illegal entry is brought to a satisfactory law enforcement resolution (US GAO 2010: 36).

A Government Accountability Office review explains that as of 2010, Border Patrol security assessments indicated that only 32 of the approximately 4,000 linear miles of northern border were under an acceptable level of control. When taking into account the collaborative contributions made by other law enforcement agencies to border enforcement, a total of 1,007 miles were considered to have reached the standards of ‘full situational awareness’ (US GAO 2010: 37).

It is important to note that conceptualizing enforcement as performance does not imply that border policy is inherently untruthful. Nor does it make light of the difficult and sometimes dangerous work carried out by government personnel. On the contrary, as Andreas explains, “This border narrative contains important truths. Border laws are constantly violated, sometimes violently, in ways that mock the territorial credibility of the state. The narrative ultimately conceals more than it reveals, however. For one thing, it is misleading” (2000: 142). Indeed, in the case of northwestern Washington, Puget Sound has historically been an important site for smuggling and the entry of undocumented migrants, dating back to the Chinese Exclusion Act at the turn of the twentieth century (Ettinger 2006; Lee 2003). Rather than deny any objective truths behind governmental depictions of the border, I want to consider the ways that the US northern boundary is framed as an insecure place where the specific threats at hand are unclear – a portrayal that does not always fit with everyday experiences on the Olympic Peninsula. Placing that frame in conversation with enforcement encounters helps illuminate the ways in which increased policing does (or does not) correspond do specific cross-border threats.

4.3 Cross-border threats

4.3.1 From contraband, to terrorism

For the majority of the twentieth century, the US-Canada border was not prioritized as a security concern by the United States federal government. By the 1994 advent of the North American Free Trade Agreement (NAFTA), this border largely received positive public attention for expanded legal trade flows. As authorized commerce boomed, the Canadian and the US governments expanded their collaborative law enforcement efforts across the border to deal with lesser-publicized international flows – the movement of contraband items such as cigarettes, drugs and guns, as well as some unauthorized migration. At this time, the United States was the main source of cocaine and unregistered
arms smuggled into Canada. From the Canadian side, a minimal number of unauthorized migrants were known to cross into the US. In the west, British Columbia was also a burgeoning source of high-potency marijuana, known as *BC bud*, to the United States. In the east, circular cigarette smuggling operations took advantage of shifting cigarette tax rate differentials between the two countries (Andreas 2005: 451).

Both the Canadian and US federal governments dealt quietly with unauthorized cross-border activity, as per tradition. This quiet contrasts with the United States’ treatment of the border with Mexico, where the entry of unauthorized migrants and cocaine was already a highly politicized issue by this time (ibid). An important moment in the transformation of United States governance of both land borders was the implementation of the US Border Patrol’s 1994 National Strategic Plan, which called for “prevention through deterrence,” as outlined above. This strategy was instigated after the perceived success of Operation Blockade in El Paso, and after a 1993 study by the Office of National Drug Control Policy determined that the southwest border was ‘being overrun’ by unauthorized entries. The 1994 Border Patrol strategic plan had four phases. The first three phases sought to gain greater control over San Diego and the El Paso region, the Tucson and South Texas regions, and then the remainder of the southwest border. The fourth and final phase was to ‘control all the United States borders/adjust to flow’ (US OIG 2000: np). Achieving greater control of the northern border, which fell into the fourth phase, was low priority compared to the border with Mexico.

With concerns at the US-Mexico border driving the growth of the USBP, the budget for border enforcement increased ‘sevenfold’ between 1980 and 1995. Then from 1995 to 2003, the budget tripled again (Haddal 2010: 7). According to the US Department of Justice Office of the Inspector General (OIG), the 1994 National Strategic Plan was devised without specific goals for completing each phase and moving on to the next. Rather than projecting certain dates, the Border Patrol was to move on to the next phase when ‘control’ was achieved in one area. The OIG elaborates what ‘control’ means in terms of Border Patrol objectives: “...‘control’ is not specifically defined but largely indicated by an increase in the flow of illegal traffic to other areas...” (US OIG 2000: np). The plan acknowledges that as Border Patrol personnel stem unauthorized activity in one area, that activity shifts to other regions: “This scenario has played out across the southwest, and now signs indicate that illegal activity being thwarted on the southwest border is beginning to crop up along the northern border” (ibid).
In 2000, the OIG issued a report on Border Patrol efforts along the northern border to the Immigration and Naturalization Service (INS). The report was designated as a “Limited Official Use” document, because according the INS, revealing specific gaps in security might expose vulnerabilities that could then be exploited, compromising the agency’s work. The redacted OIG report made available to the public explains its purpose as creating a ‘general picture’ of increases in illegal activity and the limitations on resources at hand. Within this general picture, several key sources of insecurity at the northern border are identified. One such source is a reported increase in the frequency and sophistication of human smuggling operations, resulting in ‘an influx of nationals’ from China, South Korea and Mexico using Canada as a transit point for unauthorized border crossings into the United States. The comparatively less restrictive Canadian visa requirements were pinpointed as a key facilitator of this process, whereby nationals of these countries could travel more easily to Canada and then make an unauthorized crossing into the US. The OIG report also refers to some drug smuggling operations: “Border Patrol officials report that smugglers simply walk across the border in remote areas, carrying drugs in backpacks, or use all-terrain vehicles and snowmobiles to transport their illicit cargo” (ibid: np).

Some of the illicit cargo of concern is BC bud. The report indicates that a substantial portion of Canadian hydroponic marijuana production is destined for export to the United States. Smuggling of cocaine, heroin, and materials for making methamphetamine from Canada into the US is also of concern. The OIG report concludes that illegal activity is greater than Border Patrol ability to respond or completely observe, due to limited personnel and thus inability of some sectors to keep staff on duty twenty-four hours a day, seven days a week, and a lack of crucial equipment. The OIG report urges that the fourth phase of the 1994 Border Patrol strategic plan be developed in order to address the border vulnerabilities outlined. This report reflects two central border security concerns of the time – unauthorized migration and drug smuggling. Yet the late 1990s also brought increased scrutiny to the northern border due to several incidences of would-be terrorists attempting to enter the US through Canada. The most notable example is that of Ahmed Ressam, known as the “millennium bomber.”

The arrest of Ahmed Ressam received a thorough analysis in the 9/11 Commission Report mandated by President George W. Bush after the terrorist attacks of September 11, 2001. The Commission Report says that Ressam used a false story of persecution in Algeria in order to apply for political asylum in Canada. In December 1999, Ressam entered the United States driving a rental car onto a ferry departing
from Victoria, British Columbia, destined for Port Angeles, Washington, on the Olympic Peninsula. At that time, the INS carried out pre-inspections at the ferry terminal in Victoria. Ressam passed through the pre-inspection without issue because he held a Canadian passport that he obtained through his asylum process. When the ferry had arrived at the Port Angeles terminal, Ressam’s vehicle was the last to exit the ferry. At that point, he received special scrutiny from the US Customs personnel given that he appeared to be nervous. When a secondary inspection was initiated, Ressam attempted to run away in order to avoid a pat-down. Inspectors then searched his rental vehicle, and discovered white powders, viscous liquids and other materials to build explosive devices, hidden in the space for a spare tire (National Commission 2004: 176-8).

On the Olympic Peninsula, I interviewed three former US Customs Service officers who were employed at various times for the agency, from the early 1980s until the early 2000s. I asked them about Ahmed Ressam. By chance, none of them happened to be at the ferry terminal when Ressam was apprehended. One interviewee was at the shooting range, a regular training activity for Customs officers, when the incident occurred, and explains the scene upon returning to the ferry terminal:

In fact when I went back down to the dock, it was just bedlam. And then they called DEA [the Drug Enforcement Administration] in because the girl [Customs officer] who stopped him [Ressam], she didn’t know what she had. She actually, her husband was there and he was part of Immigration and Customs Enforcement, and he said ‘Diana, you have a terrorist.’ But they at first were trying to treat this as cocaine. And so the rest of that evening they were all in the federal building. And the reason Border Patrol got involved in this, because they all got awards for this too, was that [Customs] had no right to hold [Ressam] yet, and so they put him as a risk, a flight risk, into a cell that Border Patrol had down in the old building.

The same former Customs Service Officer explained that the reason Ressam was singled out for questioning was not because it was immediately obvious that he had undeclared illicit substances in his trunk. Suspicion arose because “…he was so glazed and could not answer a question straight, just seemed to be drugged and out of it. And he was the last car off. And in a rental.” Ressam took on the nick-name “Millennium Bomber” after it was determined that he had planned to detonate his explosives at the Los Angeles airport on December 31, 1999. At this time, terrorism was not yet framed as one of the principal security concerns at the United States borders, so officers were not vigilant for potential terrorists.
It is important to emphasize a point made in the above quote from my interview with a former Customs officer – Ressam was apprehended at the regular port of entry by a Customs officer, not by the Border Patrol, though this incident is sometimes invoked in justifications for increased USBP presence on the Olympic Peninsula. After discussing Ressam, I asked the former Customs officers whom I interviewed if they **had** participated in any major apprehensions during their careers. They responded that most of their work was dealing with more mundane unauthorized items that people tried to bring with them on the ferry from Victoria, such as bear skin rugs and eagle feathers. The second Customs officer, in a matter of fact tone, shared the most sensational apprehension experience of her career:

There was a truck that came over, and this didn’t have anything to do with drugs, but he [the driver] didn’t declare what he had in it. And there were just boxes and boxes. And I can remember all of this fantastic underwear...That took a number of days. We had to go through every one of these and inventory everything.

Potential terrorists and smuggled fantastic underwear were both unusual circumstances in the daily work of Customs officers. When asked if most of the Customs work carried out in Port Angeles was of the routine or ordinary variety (as compared to high profile interdictions like Ressam), the third former Customs Officer who I interviewed responded:

Well you never know when the change of what you’re saying ‘ordinary’, you never knew what you were going to be dealing with, because there were different situations that will take place. That you may or may not have had an opportunity to be part of before. So sometimes...there were times when it was **scary**, because you’re dealing with people out there (my emphasis).

The point here is that people can be unpredictable. The same officer noted that during their careers, although Customs personnel were armed, they did not have body armor, leaving them vulnerable in the case of a shooting situation. This officer described one experience when he felt afraid. The Federal Bureau of Investigation (FBI) officers came to Port Angeles to receive a motorcycle gang arriving by ferry from Victoria, and the FBI officers lined up behind Customs, armed and outfitted in body armor. Standing in front, Customs officers had no body armor for protection. As such examples show, Customs work can be taxing and sometimes quite dangerous. Situations like these led the officers I interviewed to expect the unexpected during their work, such as the case of Ressam.

The apprehension of Ahmed Ressam lifted eyes northward, prompting a series of Congressional meetings on northern border security. In the US media, this incident also opened the Canadian border
to new scrutiny. The Canadian government was accused of inattention to terrorist threats, and of having lax immigration control measures that permitted foreign terrorists to enter North America (Andreas 2005: 454). In the immediate aftermath of 9/11, discussion of lax Canadian immigration laws as grounds for terrorist entry to North America reemerged in force. On September 13, 2001, the Boston Herald ran a story stating that federal investigators believed the 9/11 suspected terrorists to have entered the United States by boat from Canada. Despite being proved inaccurate, this rumor has had long-lasting effects, continuing to spiral through news reports and remarks of prominent politicians for years (Andreas 2003; Gecelovsky 2007).

In 2009, the US Department of Homeland Security Secretary, Janet Napolitano, was interviewed by the Canadian Broadcasting Corporation’s Neil McDonald about the increasingly strict US border security measures. In the interview transcript, McDonald queries why we should change a functioning low-key border relationship. Secretary Napolitano responds: “Well this was...Part of it’s because Congress said we must. It’s the law” (CBC 2009). She emphasizes repeatedly throughout the interview that despite the informality of the past, the US-Canada border is a real border, and must be treated as such for the purposes of monitoring immigration, crime, and terrorism. In Secretary Napolitano’s remarks, the issues of immigration and terrorism are intimately connected, given the ‘different standards for visas and who is allowed in our countries.’ When McDonald points out some key differences between the two North American borderland contexts, Napolitano responds: “...yes, Canada is not Mexico, it doesn't have a drug war going on, it didn't have 6,000 homicides that were drug-related last year. Nonetheless, to the extent that terrorists have come into our country or suspected or known terrorists have entered our country across a border, it's been across the Canadian border. There are real issues there” (ibid).

McDonald presses Napolitano on which terrorists she is referring to, to which she does not provide a specific answer, prompting McDonald to comment:

You know you mention terrorism, and there have been a lot of prominent American officials, including Secretary of State [Hillary] Clinton when she was a senator and a number of other congressmen and senators, that have said that there has to be tighter security because a lot of the 9/11 perpetrators came in through Canada.

The fact, of course, is that they didn't. They all came directly into the States, sometimes with US visas. Senator [Charles] Schumer cited terrorists crossing at Buffalo, and then had to concede that that hadn't happened. I think there's kind of a popular misconception in this country that Canadians have been battling for a long time that we're somehow a nest of terrorism. But in reality it’s not the case. And why is that view so common here? (CBC 2009, my emphasis).
Secretary Napolitano ultimately declines to explain exactly which terrorist entries into the United States through Canada she refers to. However, her ambiguous explanation is telling in itself. The idea of the Canadian border as posing threats to US national security was put into motion in the 1990s and took on new urgency after 9/11, contributing to the politicization of the border. United States public perceptions of the Canadian and Mexican borders, as indicated by media and policy discourses, remained quite distinct, with the southwestern border remaining more highly politicized. Nonetheless, there was a growing symmetry between US treatment of its neighbors (Andreas 2003; 2005). In the following section, I consider the interplay between calls to action and the expansion of DHS in terms of funds and authority in the effort to make the US-Canada boundary a real border.

4.3.2 Growing DHS authority

After 9/11, many United States government and academic analyses of public policy and defense strategies at the US northern border expressed a palpable anxiety. The production of a sense of risk and urgency around a “leaky” border in need of protection has been crucial to the rationalization of security buildup (Nicol 2006). The leaky border metaphor has been invoked in various calls to establish a North American security perimeter, most notably in statements to the media made by former US Ambassador to Canada, Paul Cellucci, in the aftermath of 9/11, Ambassador Cellucci raised concerns that ‘liberal’ Canadian immigration and refugee policies and an open border were making the US insecure. Such arguments helped move forward new trilateral agreements between Canada, the US and Mexico such as the 2005 Security and Prosperity Partnership of North America towards the harmonization of various security and trade policies (Bhandar 2004; Gilbert 2007). The production of a sense of risk was necessary to justify securitization due to the negative economic and political repercussions that would emerge from a border that is too closed (Nicol 2006). As Konrad and Nicol (2008: 151, my emphasis) contend, with the increase of cross-border trade since the implementation of NAFTA, “[the US-Canada border] was, and had been for some time, more strategically porous than devastatingly vulnerable.”

Indeed, Customs and Border Protection (CBP) reports that it largely facilitates legal border crossings at the northern border – processing upwards of 70 million international travelers and 35 million vehicles

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8 Customs and Border Enforcement (CBP) was established in 2002 as a component of DHS. The Border Patrol is a component of CBP, responsible for enforcing the border between official ports of entry.
annually. As far as unauthorized cross-border traffic, CBP reports making approximately 6,000 apprehensions and interdicts 40,000 pounds of illegal drugs annually at and between ports of entry (Bersin 2011). The majority of traffic passing into the US through the border with Canada is economically and politically desirable, making the securitization of the US northern border a delicate process. In the years after 9/11, Nicol (2006: 63) explains, “The focus at the border was on controlling the uncontrollable – identifying the range of possible negative threats whose origins were internationalized and responding to them by mobilizing an appropriate narrative, as well as a practical set of potential mitigations at the national level” (also see Bhandar 2004; Gilbert 2007; Sparke 2006). Subjects like Ahmed Ressam constitute the ‘internationalized’ negative threats that are often invoked – originating outside North America, and traceable to recognizable terrorist networks abroad.

To understand the significance of the transformations in border governance after 9/11, it is crucial to outline the basic configuration of the Border Patrol at the northern border just prior. From 1992 to 2000, there were approximately three hundred Border Patrol personnel stationed along the entirety of the 4,000 linear miles of US northern border. As detailed above, the Department of Justice Office of the Inspector General (OIG) issued a report in 2000 concluding that the Border Patrol’s northern staffing and technology were insufficient both to evaluate the levels of illegal activity and to respond to those activities (US OIG 2000). In 2002, the OIG released a follow-up report to assess what progress had been made. The redacted version of that document details an increase in collaborative programs between the US and Canadian governments through the implementation of a thirty point plan, involving multiple federal agencies. Some central elements of the plan included the adoption of more coordinated law enforcement efforts, intelligence sharing, bilateral coordination of certain visa and immigration policies, and mutual infrastructure improvements (ibid).

The 2002 OIG report determined that an accelerated collaboration between US and Canadian federal agencies, as well as local law enforcement agencies, had made the border more secure. The creation and expansion of Integrated Maritime Enforcement Teams (IMETs) and Integrated Border Enforcement Teams (IBETs) was part of that change. IBETs were first established in 1996 in the British

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9 Along northern border, CBP operates 122 land border crossings, 13 ferry crossings, 8 Border Patrol Sectors, 8 Air and Marine Branches, 9 Coastal Marine Units and 23 Riverine Marine Units (Bersin 2011).
Columbia/Washington region, after which the program was expanded to other strategic points along the border. Today, the principle IBET agencies include the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), US Customs and Border Protection, US Immigration and Customs Enforcement (ICE) and the US Coast Guard. IBETs also collaborate with other state, federal, municipal, provincial and tribal law enforcement agencies (US GAO 2005). Despite the perceived successes of such collaborations, the 2002 OIG report concludes that northern border security was still lacking – requiring more personnel and an improved communications system. Without these changes, the OIG concludes, the USBP would remain unable to properly assess or respond to unauthorized activity (US OIG 2002).

Around this time, the Border Patrol budget and personnel allocated to the northern border finally did increase substantially. The United States Congress responded swiftly to the post-9/11 calls to action for greater border security. In late 2001, the USA Patriot Act authorized a tripling of Border Patrol, Customs and INS staffing at the northern border, as well as facility and technology improvements, followed by a generous appropriation of funds in 2006. The Intelligence Reform and Terrorism Prevention Act mandated that twenty percent of the annual personnel increases allotted to the Border Patrol nationwide must be assigned to the northern border (PL 107-56; PL 108-458; Haddal 2010: 22).

As mentioned, the national border enforcement budget (allocated to both northern and southwestern borders) increased rapidly between 1985 and the early 2000s. The budget would continue to soar to new heights. In the year 2000, the Border Patrol was appropriated $1.06 billion, whereas by 2011, $3.58 billion was requested, representing a 238 percent increase. As a result of the growing budget, the total agency personnel levels reached 20,202 individuals by November 2009. Between 2001 and 2011, there was an increase from 340 to 2,200 CBP agents in total assigned to the northern border (Bersin 2011). To supplement personnel, the Border Patrol has also implemented new surveillance and communication technologies at the northern border, referred to by the agency as “force multipliers.” Technology is used to enhance the effectiveness of agents, most notably including sensors, light towers, mobile night vision scopes, remote video surveillance systems, directional listening devices, unmanned aerial vehicles, and database systems (Haddal 2010: 7).

The rapid expansion of US border enforcement funding since the 1980s has given rise to new public jobs, while fueling private industries – a dynamic that has been termed the ‘border-industrial complex.’ As a National Public Radio report explains, this dynamic hinges on the federal government appropriating
funds, which creates public job opportunities and makes contracts available to private defense and construction companies to build infrastructure. As of 2012, around 80,000 employees of the federal government worked in the broad field of immigration enforcement. Beyond the work carried out directly at the borders, there are approximately 250 immigration detention centers in the country, some of which are government operated, and others run by private prison corporations (Robbins 2012). For example, the Northwest Detention Center in Tacoma, Washington, which is the immigration detention center serving the Pacific Northwest, is privately owned by the Geo Group, which contracts with ICE.

Congressman Hal Rogers, a Republican from Kentucky who is the chairman of the House Appropriations Committee, has pointed to the difficulty of reigning in the massive spending dedicated to Homeland Security: “It is sort of a mini industrial complex syndrome that has set in there...And we’re going to have to guard against it every step of the way” (as quoted in Robbins 2012). Likewise, Congressman Raul Grijalva, a Democrat from Arizona has explained that congressional leaders and lobbyists exert pressure to keep costly DHS programs going: “There’s a mutual dependency that’s been created in the industry and Homeland Security...And that industry...is starting to become a very, very powerful lobby up here” (ibid). The growth of a border-industrial complex may be troubling to Democrats and Republicans alike, but its development can also be attributed to the work of both parties. Since Congress passed the most recent comprehensive immigration reform in 1986, provisions for increased border security resources have been supported across party lines. At the same time, notions of border security have become increasingly intertwined with national security. In the post-9/11 political climate, most of the new legislation introduced to address national security concerns has included provisions to increase immigration and/or border enforcement (ibid).

One important example of this entanglement is the 2005 REAL-ID Act, which Congress passed after it was integrated into an appropriations bill for the war in Iraq (Hale 2011: 38). The REAL ID Act is consequential in terms of spending because it called for greater domestic surveillance of immigration status and moved forward DHS infrastructure projects at the US-Mexico border, including the construction of new stretches of fencing. This act also significantly expanded the authority granted to the Department of Homeland Security and its component agencies. As Sundberg (2013b) demonstrates, the REAL ID Act, in conjunction with other major legislation such as the 2006 Secure Fence Act, has contributed to an ‘unprecedented concentration of power given to the executive branch’ of the US government. With the REAL ID Act, the DHS Secretary may now waive any and all laws, from the Clean
Water Act to the Endangered Species Act, to facilitate the construction of border infrastructure and roads at the southern border. This waiver power can only be challenged in federal district courts on the basis of constitutional violation. The cases that have been brought to federal district court to challenge the DHS invocation of waiver authority to build fencing have been dismissed (ibid). As Sundberg (2013b) argues, this consolidation of power under the executive branch has created barriers to the basic checks and balances of US democracy.

As the United States borders have been increasingly framed as sites in need of protection for the sake of national security, calls to action from various corners of the US government have had material consequences. The federal agencies charged with border enforcement have grown rapidly in terms of funding, creating new public jobs and fueling a private defense industry. Powerful political lobbies make this growth difficult to curtail. At the same time, the consolidation of the Department of Homeland Security’s authority also moves the agency’s work beyond democratic checks in important ways. The result is a self-perpetuating prioritization of national security at the United States political boundaries. At the US-Canada border, the potential cross-border threats fueling the proposed need for security are presented in a vague way to the general public. In the section to come, I consider the application of deterrence strategy to rural areas of the US northern border. There, understandings of the physical geography are entangled with calls to action and the specific tactics employed.

### 4.3.3 Rural landscapes

According to a 2010 Congressional Research Service report, the ‘geographical enormity’ of the US-Canada border and ‘growing concern with terrorist infiltration’ meant that the strategy of “prevention through deterrence” developed in the southwest would be applied in novel ways. At the same time, drawing from the trajectory of enforcement at the US-Mexico border, preoccupations emerged in government analyses that greater security at ports of entry would push terrorists and other criminal elements to cross from Canada into remote areas of the United States (Haddal 2010: 5-6). In this section, I examine the way that the rural landscape is framed in a variety of federal plans, reviews and strategies developed in the 2000s for northern border security in rural areas between ports of entry. I find that the biophysical environment is often invoked as essentially vulnerable or porous, extending the “leaky” border metaphor to enact the rural landscape as a seemingly ungovernable place. My purpose in examining such themes is not to contradict the validity of these framings, given that the US-Canada is undeniably vast and clearly presents challenges to the Border Patrol’s goals of ‘situational awareness.’
Instead, I draw from Sundberg (2011; 2013a) to point out how nonhuman nature may be treated as an essential and separate category and enlisted in various ways to justify securitization.

The 2000 Office of the Inspector General report found that although the total numbers of unauthorized crossings occurring at the northern border are extremely low relative to those at the United States southwest, Border Patrol agents in the north are more likely to experience organized criminal activity. The conclusion is that “Illegal activity along the northern border is facilitated by the fact that it is an open border and one that includes unpatrolled waterways and vast stretches of wilderness with little enforcement presence” (US OIG 2000: 3, my emphasis). The OIG compiled its report by interviewing Border Patrol agents and other law enforcement officers, and by reviewing intelligence reports. These sources, according to the OIG, indicated that illegal activity, including migration, ‘alien smuggling’, and drug trafficking was on the rise. Beyond the observed activity, officials from the Border Patrol and INS believed that a great deal of illicit activity was going undetected, given the paucity of surveillance equipment and personnel to monitor such a vast border (ibid).

References to the US-Canada border frequently emphasize the border’s length and porosity or openness. The border is considered porous because it is long and therefore challenging to control in its entirety. Between cities and border crossings, the terrain “…ranges from dense forests on the west and east coasts to open plains in the middle of the country, is composed of sparsely populated federal, state and tribal lands along the immediate border area” (US CBP 2009a). Along the borderlands, both heavily populated areas and rural areas are considered vulnerable to cross-border incursions, though in different ways: “Thickly forested, mountainous areas with recreational trail networks provide avenues and cover for those seeking to cross the border illegally. The extensive commercial and transportation infrastructure… also provides avenues vulnerable to exploitation by traffickers and smugglers…” (Bersin 2011). Lakes, rivers, and other bodies of water are often referred to as ‘conduits’ for illicit activities because they are vulnerable to small vessel crossings (ie USCBP 2009b; US GAO 2010). As a 2009 CBP document on the Secure Border Initiative (SBI) explains,

Numerous lakes and rivers provide a conduit and cover for smuggling and illegal immigration. Extensive vehicular transportation, commercial trucking, and commercial and non-commercial rail offer criminal elements additional modes and opportunities to enter the United States. Cold winters exacerbate an already challenging operational environment for agents and officers (US CBP 2009b: 1, my emphasis).
Framed in this way, weather patterns and seasonal changes are a problem to be overcome in the everyday work of border agents. On the other hand, some federal analyses of the northern border draw from the geographical dimension of “prevention through deterrence” tactics that have been established in the southwest. There, inhospitable landscapes such as deserts and rivers are referred to as “natural barriers” that would aid in enforcement efforts (Sundberg 2011). In the case of the northern border, snowfall and sub-zero temperatures are also praised as a “natural barrier” in the winter along some remote areas of the border. As CBP Commissioner Alan Bersin explained to a Senate subcommittee in 2011, wintertime brings a decrease in unauthorized pedestrian and vehicle crossings, but at the same time, weather patterns create new enforcement problems. Borderland lakes, rivers and streams offer varied opportunities for unauthorized crossings. Some bodies of water freeze, facilitating foot and snowmobile traffic, whereas others become impassable due to ice floes. In the spring, thawing snow leads to deep mud on logging roads, making them impassible to trucks. Yet persistent smugglers are not deterred, turning to all-terrain vehicles (Bersin 2011). The physical geography of the borderland combines with seasonal changes to create a variable environment for border enforcement.

Some government interpretations compare the roughness of the two US land border terrains, explaining that the southwestern boundary is difficult to enforce due to its vast deserts, hot temperatures, mountainous landscape and the waters of the Rio Grande. As for the northern border, “Among its many challenging natural features are vast mountain ranges such as the Rockies, the Great Lakes, many different river systems and in the winter, heavy snow and bitter cold temperatures” (Haddal 2010: 3).

Interpretations of the landscape in federal documents vary from potential tool, to facilitator of the border’s seemingly essential porous properties. The rugged landscape can be waged as tool – a “natural barrier” when enforcement personnel and technology are concentrated in the more densely populated areas where ports of entry are situated. The idea of an essentially open border, on the other hand, implies the need for an ever-growing enforcement presence to gain greater ‘situational awareness’ over rural areas, whether through the deployment of personnel, sensors, unmanned aerial vehicles, etc. In regards to the Washington-British Columbia region, border security tactics are entangled with conservation goals under the prevailing logic that deterrence strategies will shift unauthorized crossings into designated wilderness areas of the northern border, posing a threat to environmental protections.
These potentialities are invoked in calls for greater enforcement. In the 2000 Office of the Inspector General (OIG) report, the possibility is raised that illicit crossings could be shifting from the southwest to the north, where smugglers with BC bud, cocaine, heroin and materials for methamphetamine traverse remote areas by foot, all-terrain vehicles and snowmobiles (OIG 2000: 3). Fears of such a shift are premised on the idea that deterrence strategies have successfully thwarted illicit activities at the US-Mexico boundary. Further, a 2004 US General Accounting Office (GAO) Report to Congressional Requesters finds that various federal land managers in Washington State are fearful of a fate similar to Arizona, where increased border enforcement at ports of entry has pushed unauthorized crossings into remote areas, including federal protected lands. This is a significant worry, given that out of the approximately 4,000 linear miles of the US northern border, 1,016 miles constitute federal land, such as protected areas and tribal reservations (US GAO 2004).

Washington State is a particular area of concern in the 2004 GAO analysis. The state falls into two Border Patrol sectors – the Blaine Sector, west of the Cascade Mountains, and the Spokane Sector, to the east. These two sectors received a total of 155 new agents during 2002 and 2003. Additionally, the Border Patrol installed technological supplements during this time, including new ground sensors and a remote video surveillance system with the capacity to monitor forty-three miles. The majority of new resources were first sent to ports of entry, as opposed to ‘remote federal lands’ (US GAO 2004: 26). This concentration of new resources near ports of entry, combined with CBP increases at ports of entry, foster the fear that illicit activity would simply shift to rural areas. However, as of the 2004 GAO report, it was determined that unauthorized crossings had generally not yet shifted to federal lands in Washington, and that although there was some smuggling passing from Canada into Washington, ‘the level of activity has resulted in very little impact to the environment’ (ibid: 24). Nonetheless, the land managers interviewed for the report worried that it was ‘only a matter of time’ before this shift ensued (ibid).

According to the 2004 GAO report, the specific concern was that undocumented migrants and drug smugglers would blaze new trails through federal protected areas, and in doing so disturb the wildlife, leave behind trash, create soil compaction and erosion, and generally threaten vulnerable ecosystems, while facilitating the entrance of terrorists (US GAO 2004). In light of the worries over potential environmental damage caused by unauthorized border crossings, the Border Patrol has forged new assessment mechanisms and collaborations with land management agencies. To evaluate the security of
outlying border zones, the agency established Border Security Evaluation Teams (BSET). BSETs ‘gather intelligence’ and establish contact with local and state law enforcement agencies and local leaders. Their objective is to gain further information about possible unauthorized cross-border traffic in order to know the need for additional agency resources. In light of concerns like the ones outlined in the 2004 GAO report, a Memorandum of Understanding (MOU) between the Secretaries of DHS, the Department of the Interior (DOI) and the Department of Agriculture (USDA) was signed in 2006. This document established mechanisms for collaboration for the purpose of national security and counterterrorism efforts on federal lands near the borders, with respect of relevant environmental laws, regulations and policies (Bersin 2011).

Within many federal analyses, the seemingly essential rugged, vast and open properties of the northern border landscape are framed as opening the door to migrants, smugglers and potential terrorists that may damage protected lands. At the same time, material properties of the landscape are also seen to stymie proper assessment of the scope of illegal activity: “The vast mountain ranges, waterways, and often inaccessible terrain that cover much of the Canadian border only adds to the difficulties quantifying the extent of the problem” (US GAO 2004: 27; also see OIG 2000). As a result, worries are raised around the unknown of potential terrorist threats. In 2008, the total arrests of undocumented migrants entering the US through the northern border were reported to be just 1.1 percent of those at the southwestern border, while pounds of illegal narcotics seized in the north were 0.6 percent of those in the southwest. Yet “DHS reports that the terrorist threat on the northern border is higher, given the large expanse of area with limited law enforcement coverage” (US GAO 2008: 5, my emphasis). Federal policy documents refer to the ‘undisputed presence’ of ‘terrorist affiliates and extremist groups’ on both sides of the US-Canada borderlands (see US CBP 2009a). Northwestern Washington is identified as particularly vulnerable to the ‘known presence’ of terrorist groups in Canada (USGAO 2010: 5).

Despite frequent references to known terrorist presence, various federal analyses paradoxically acknowledge that “US and Canadian officials agree that there is currently no credible intelligence or evidence indicating that there are terrorists in Canada planning an attack on US soil” (US GAO 2008: 8; also see US CBP 2008; US CBP 2009a; US GAO 2010). The descriptions of the terrorist threat at the border within federal documents made available to the public are ambiguous. Nonetheless, the terrorist figure surfaces as central in many justifications for Border Patrol expansion into remote areas.
In sum, the landscapes of the northern borderland play a varied role in federal analyses of the potential threats from Canada. In some cases, the portrayal of the material properties of rural landscapes factor into calls for greater enforcement resources. Observed unauthorized cross-border activities like BC bud smuggling are elaborated. However, ambiguous and potential threats such as migrants who would open the door to terrorist entry take center stage. Within these depictions, the rural borderland is invoked as an empty space that could be easily traversed by criminals. Ambiguous framings of threat factor into the way border vulnerabilities are framed, and therefore responded to.

In examining the treatment of the landscape in border enforcement strategy, my intent is not to refute the accuracy of the claims made within these policy documents, but to point to how nonhuman nature is tangled up in the securitization of the US-Canada boundary. As Sundberg’s (2011: 318) posthumanist political ecology of the US-Mexico border demonstrates, nonhuman actors may “…inflect, disrupt and obstruct the daily practices of boundary enforcement, leading state actors to call for more funding, infrastructure, boots on the ground, and surveillance technology.” Thus it is crucial to account for environmental themes and nonhuman actors in analyses of enforcement. I next turn to the Olympic Peninsula, where border tactics have advanced inland, away from the coastal border and into the forest. The human and physical geographies of this region play a defining role in how border tactics play out.

4.4 Security on the Olympic Peninsula

4.4.1 Brush picking

The Olympic Peninsula is a unique borderland region. It is a maritime border with no land connection to Canada, separated from Vancouver Island by the ten to eighteen mile-wide Strait of Juan de Fuca. The peninsula is a rural region with small cities around the perimeter, none of which are large enough to be considered metropolitan areas (Headwaters Economics 2012: 8). The region encompasses a great deal of federally managed public lands and federal reserved lands. In the peninsula interior, this includes the Olympic National Forest, which is managed by the Forest Service as a component of the US Department of Agriculture, and the Olympic National Park, which is managed by the National Park Service (NPS) as a component of the US Department of the Interior (DOI). The peninsula also encompasses around 220,000 acres of tribal reservations, held in trust under the DOI (refer back to Figure 1 for an illustration of federally-managed land on the peninsula). In total, public land management agencies, including the NPS, Forest Service, and the Washington State Department of Natural Resources manage more than half the
land area of the peninsula. Much of the private land is owned by wood-fiber product corporations (McLain & Lynch 2010: 268).

This region is host to strikingly diverse nonhuman life, including temperate rainforests in the Quinault, Queets, Hoh and Bogachiel Valleys, where centuries-old Sitka spruce and western hemlocks grow, along with a great diversity of other trees, understory plants, shrubs, epiphytes, and mosses. Beyond the temperate rainforests, the peninsula has coastal, montane, lowland, and subalpine forests, surrounding a mountainous interior of jagged peaks and glaciers, culminating in the 7,980 foot Mount Olympus. Melting glacier water forms streams and rivers flowing downward into the coastal waters on all sides of the peninsula. From black bears, bald eagles, spotted skunks, banana slugs, and sockeye salmon, countless charismatic creatures live in this lively region (US NPS 2012a; OPICAC 2002).

The Olympic Peninsula is a major destination for recreational outdoor activities, such as hiking, camping, mushroom hunting, and fishing. The National Park Service describes the Olympic National Park as a refuge for humans and nonhumans alike: “Pacific Ocean beaches, rain forest valleys, glacier-capped peaks and a stunning variety of plants and animals. Roads provide access to the outer edges of the park, but the heart of Olympic is wilderness; a primeval sanctuary for humans and wild creatures alike” (ibid, my emphasis). The peninsula has not always been considered a primeval sanctuary. It was not until 1938 that the Olympic National Park and Forest were established on the peninsula interior, an area which was later designated as a UNESCO Biosphere Reserve and World Heritage Site (US NPS 2012b). Euro-Americans first settled in the area during the mid-nineteenth century, taking land along the coasts. Treaties enacted during 1855 and 1856 ceded much of the peninsula’s interior land to the United States federal government, pushing indigenous peoples into reservations along the perimeter. Indigenous groups with claims to the land from time immemorial include the Elwha Klallam, Jamestown S’Klallam, Port Gamble S’Klallam, Skokomish, Squaxin Island, Quinault, Hoh, Quileute, and Makah. As the Olympic Peninsula Intertribal Cultural Advisory Committee explains, “…our relationship with the peninsula landscape is unique and distinctive. This relationship spans tens of thousands of years and is based on beliefs and practices tied to specific areas and experiences” (OPICAC 2002: xv).
From the time of European settlement on the Olympic Peninsula in the mid-1800s until the 1980s, timber extraction was the region’s central economic activity. Forestry occupations – logging in particular – have always been dangerous and hard work. Figure 4 shows a statue at the Forks Logger Memorial, a testament to the occupational hazards of working in the woods. In the Pacific Northwest, from World War II until the 1970s, loggers were mostly Anglo-Americans who generally enjoyed full-time employment with company benefits, as well as union representation. Stable logging jobs were largely displaced in the 1970s as a result of industrial restructuring, including technological innovations that reduced the necessity for human inputs, the closure of mills, and the movement of operations to the southern United States (Sarathy 2012). As logging work vanished, many loggers lost their livelihoods but opted to remain in their towns rather than move in pursuit of work, one factor in a complex picture of rural poverty. On the Olympic Peninsula, employment opportunities shifted to services, retail, construction, manufacturing and government work (Kirshner 2010). In the West End of the peninsula,
the Clallam Bay Corrections Center and the Olympic Corrections Center are now one such source of public employment. New sources of non-timber forestry work also emerged around this time.

As Brinda Sarathy argues, in dominant national imaginaries of Pacific Northwest forests, the main actors are the white male logger and the environmentalist. Beyond the erasure of indigenous peoples, this imaginary also obscures the recruitment and settlement of people from Mexico and Central America to carry out non-timber forestry work going on since the late 1970s. The majority of forestry workers on US private and federal lands are now Latinos and Latinas, and they have been since the early 1990s (Sarathy 2012: 1-4). I use the term Latino(a) to refer to a diverse group of people with ancestry in Latin America – mainly from Mexico and Central America in the case of peninsula residents. Some Latino(a)s on the peninsula identify as indigenous and speak an indigenous language, some were born in the US whereas others arrived recently, some have documented immigration status and others do not. In short, Latino(a) is an ambiguous word to refer to a diverse group of people. Today, the non-timber forestry work carried out by Latino(a)s in the Pacific Northwest includes a variety of manually-intensive activities, such as tree planting and thinning, mushroom harvesting, pest control, cedar block cutting for processing in the cedar shake and shingle industry, and brush harvesting for sale in the global floral greens industry. As compared to timber extraction work of the past, non-timber work is generally more precarious – non-unionized and contract based, without benefits or provisions for occupational safety (Sarathy 2012; Ballard & Huntsinger 2006; Campe et al 2011).

It is important to consider how forestry work became precarious. On federal lands, non-timber projects are often contracted out by the United States Forest Service and the Bureau of Land Management, meaning that these agencies do not directly employ non-timber forestry workers. This dynamic shifts responsibility for worker wellbeing away from the federal government to contractors. As Sarathy (2008) finds, despite their growing presence, Latino(a)s working in forestry are generally not taken into account as forest stakeholders, and have very little political visibility. Within the population of Latino(a) forestry workers, immigration status is an important point of distinction. When and how individuals arrived in the United States affects what kind of work and protections are accessible to them. Sarathy (2006) finds in her study of non-timber forestry work in Oregon’s Rogue Valley that contractors tend to be Anglo Americans or Latinos with longstanding ties to the area. Immigrant families who arrived with seasonal work permits, who benefited from the pathways to legal status available through the 1986 Immigration Reform and Control act, or who have legal immigration status through any other means, tend to work as
contractors. Recently arrived immigrants who came to the US crossing the border from Mexico without
documents tend to work for contractors.

Despite this important point of differentiation, Sarathy finds that neither group has much political sway. When Latino(a)s who do forestry work are featured in media accounts or policy debates, they are typically framed as “mobile workers,” no matter how long they have lived in the region, or how integrated they are in their communities (Sarathy 2006: 359 citing Brown 2001; also see Sarathy 2008). Increasing stringency in US immigration policy during the 1990s and the securitization of the United States border with Mexico has encouraged many non-timber workers to settle in the Pacific Northwest, shifting previous patterns of seasonal migration, given that frequent trips to Mexico or Central America are too costly and dangerous for those obliged to cross the border without documents. Non-timber forestry work is not easy, and regular occupational risks are exacerbated by the undocumented status and limited English language proficiency of many workers. Though Pacific Northwest forestry workers and advocates have organized to work towards greater political sway and visibility, there are many barriers to dealing with labor exploitations. The hierarchical, contract-based forest labor system and the bureaucratic entanglements of the non-timber forest product permit system limit Latino(a) workers’ bargaining power (Sarathy 2006; 2008; 2012).

The emergence of non-timber forestry work as logging employment opportunities diminished reflects significant changes in how forests are managed in the United States. Reforestation work was the first viable employment opportunity for Latino(a)s who first settled in the northwest in the early 1970s. During this time, new forest management policies meant that logging carried out on public lands was countered by contracted tree planting work, creating jobs in reforestation (Sarathy 2012: 30-41). Forest management in the Pacific Northwest underwent significant changes in the early 1990s, due in part to the establishment of new wildlife protections. In 1990, the Northern Spotted Owl was designated as a threatened species under the US Endangered Species Act. This owl requires old growth trees for its habitat, and was thus threatened by the removal of old growth through industrial logging practices. This threatened species designation, in conjunction with the Clinton administration’s 1994 Northwest Forest Plan, ushered in new and significant limitations on timber extraction in national forests ranging from Northern California to Western Oregon and Washington. Forest management plans shifted towards ecosystem management (Prudham 2007). Ecosystem management techniques include some tree planting, but also other manually intensive work such as hand-thinning of understory brush, piling and
thinning brush, as well as heavy equipment work like stream clearing, and road decommissioning. Latino(a)s already working in reforestation took on the new contracts that became available in the 1990s (Sarathy 2006: 63-4).

Another development that took place as logging declined was that the global demand for *floral greens* was on the rise, increasingly orienting the Washington greens harvesting industry towards export to Europe. Floral greens refer to the leafy branches of salal, evergreen huckleberry and swordfern, as well as boughs from certain coniferous trees, harvested and sold for decorative use in floral arrangements and Christmas wreaths. On the Olympic Peninsula, to be able to harvest such greens, one must buy a permit from public land agencies or private landowners or leaseholders who represent private landowners. With the proper permit, independent harvesters may pick greens from designated land and sell to private companies that then ship the products to buyers domestically or abroad. The harvesting season is September to May, so many harvesters in Western Washington alternate this work with other jobs – most notably, with agricultural work in Eastern Washington (Marín-Hernández 2000).

Mason County, covering the southeastern corner of the Olympic Peninsula, is the regional center for the floral greens industry. Greens harvesting is also referred to as *brush picking*, the terminology that I will henceforth use.¹⁰ The West End of the peninsula is also an important site for brush picking. Jim Freed, an agricultural extension agent and professor of natural resources with Washington State University who was active in the expansion of brush picking in the state, explains that in the early 1980s, labor demands like guaranteed wages prompted large wholesalers and leaseholders to seek migrant workers as opposed to citizen or Anglo workers for non-timber work. Freed helped recruit Latino crews and set up housing for them in Western Washington. Crew members came from the eastern part of the state and from Oregon, and many settled on the Olympic Peninsula. Vietnamese and Cambodian refugees also came to take part in the opportunity. At this time, other local non-timber work opportunities included Christmas tree cultivation and occupation in cedar shake mills. The majority of newcomers arrived with experience in forestry or agriculture. By the mid-1990s, thousands of Latino(a)s had settled in the area (Ricou 2007: 93; Spreyer 2004: 58).

¹⁰‘Brush picking’ is the preferred terminology of people in the industry in the Pacific Northwest, so I will refer to the work as such (Ricou 2007: 69).
One particular species of evergreen shrub – salal, or *Gaultheria shallon* – is an important actor in the floral greens industry. Salal is native to North America, with leathery green leaves, small reddish-blue berries and light pink blossoms in the spring. The shrub grows particularly well on decaying cedar trees, proliferating through rhizomes, or a network of stems under the ground. Salal is a rather nondescript plant rendered a valuable commodity through its connection to the floral greens market (Spreyer 2004). Brush pickers selectively harvest salal growth, opting for branches that are aesthetically appropriate for the demands of the floral greens industry (Cocksedge & Titus 2006). At times, salal has been thought of as weed, given that its rhizomes allow it to spread easily and make the shrub difficult to eliminate altogether. Ricou (2007) highlights that the shrub is mostly notable for its *ordinariness*. It grows in the understory shadows of the more charismatic species like the western red cedar and Douglas fir (p. 4-10). Salal, as well as other plants harvested as floral greens like swordfern and evergreen huckleberry, does well in the understory shade of managed second growth lowland forests, montane forests, and temperate rainforests (Ballard & Huntsinger 2006: 532).

Salal and other forest life such as barks, mosses, ferns, tubers, grasses, and berries were actively managed by indigenous peoples before the settlement of Europeans, and used for a variety of purposes, such as for construction, consumption, medicine and art (Lynch & McLain 2003: 4, cf Turner & Cocksedge 2001). When Europeans occupied the peninsula, however, indigenous groups were restricted from carrying out the same practices. Nonetheless, non-timber forest species continued to serve as important resources both for settlers and indigenous groups in the region. By the 1920s, salal and other understory plants were being sold as commodities in Seattle and Olympia markets, destined for decorative use, marking the beginning of the floral greens industry. After World War II, brush picking retreated to the background of work in the woods in northwestern Washington. Though brush picking continued, timber-related work took center stage until the late 1980s (Lynch & McLain 2003: 4-5). At that time, when Latino(a)s began arriving and floral greens was becoming a more valuable commodity, understory species like salal became the center of debates about land access, sustainable use, and belonging on the peninsula, with consequences for how various forms of policing are carried out in the forest. I describe these dynamics in section to come.

### 4.4.2 The securitization of salal

*Poaching* refers to the ‘theft’ of wildlife such as plants and animals from designated protected areas. The idea of stealing is predicated on a state property rights system that regulates land tenure and
establishes ownership over wildlife within certain bounds. Poaching may be carried out with a variety of motivations, from personal subsistence to participation in lucrative illicit wildlife trade networks. A well-known example of the latter is the demand for ivory and resultant killing of elephants for the extraction of their tusks (Walsh 2007). Poaching debates often raise questions about whether resource management is sustainable. However, as Duffy (2000: 4) points out, “The difficulty with notions of sustainability is that the apparent simplicity of the term and lack of precise definition have meant that its vagueness allows the word to be applied to almost anything to do with schemes that claim to conserve the environment.” Indeed, the term is often deployed carrying an unspoken assumption that conservation or sustainable development serve the common good, without clear definitions of exactly what sustainability means and who benefits from it (ibid).

The term poaching is often invoked in reference to charismatic creatures like the elephant. Salal, despite being an understated and prolific forest understory shrub, is also entangled in a poaching debate in Western Washington. The theft of non-timber forest resources became an issue of concern on the Olympic Peninsula in the late 1980s and early 1990s. To contextualize how salal became a politicized shrub, I draw largely from Rebecca McLain and Kathryn Lynch’s detailed accounts of changing power relations in the floral greens industry. As they explain, on the peninsula, the optimal places to pick are around the outer perimeter, where land ownership is made up of a mix of federal (including tribal reservations), state and private lands divided into small parcels which are not always clearly demarcated on the ground. With the exception of the national park, a great deal of land on the peninsula is available for brush picking given that the majority of major landowners lease out their land for commercial harvesting (McLain & Lynch 2010: 268).

In the late 1980s, shifts in the floral greens industry brought increased global competition to the wild greens of Western Washington in the form of farmed greens from Florida, New Zealand, and Central America being sold to European markets. At the same time, immigrants continued to arrive to the peninsula in pursuit of brush picking work. These dynamics prompted the US Forest Service, the Washington Department of Natural Resources (DNR), and private landowners with significant holdings to establish or expand their harvesting permit systems in order prevent unsustainable picking (McLain & Lynch 2010: 270-2). What does unsustainable picking mean in the context of salal? Ricou (2007) notes that not much systematic research has been done to determine exactly what over-picking salal would look like, given that the plant is relatively abundant, tends to regenerate quickly, and is actually difficult
to eliminate altogether due to its rhizomes. Over-picking would potentially impact other species that that utilize salal leaves and stems for food, and would also affect the livelihoods of brush pickers. However, the extent to which this is happening, and the ecological impacts have not been closely studied (Ricou 2007: 56-58; Ballard & Huntsinger 2006; Cocksedge & Titus 2006).

One reason for the lack of research is that it was not until the early 1990s that non-timber forest products became the subject of forest policies and scientific studies. In the United States, interest grew as a result of the shift to ecosystem management practices, and also due to the growing commodity value of resources like salal (Lynch & McLain 2003: 4). Ballard and Huntsinger (2006: 533) explain that in the recent past, salal was considered a weed in forests under intensive timber management. Most of the available studies on salal focus on whether the shrub grows in competition with tree species used for timber. There is scant research on how intensive brush picking impacts the growth and reproduction of salal in Pacific Northwest forests. Cocksedge and Titus (2006) carried out the first study of commercial harvesting impacts on salal re-growth. The study quantifies short-term impacts over a period of one year in working towards an understanding of sustainable methods, so the findings cannot be extrapolated to account for long-term impacts or the use of varied harvesting intensities, factors which are of concern to the determination of sustainable practices. Nonetheless, Cocksedge and Titus find that the subsequent short-term growth in harvested plots of wild salal is actually greater than the subsequent growth in un-harvested plots, given that harvesting stimulates the production of buds, therefore increasing stems.

Despite the paucity of systematic studies on sustainability and the commercial harvesting of salal, in the early 1990s, peninsula landowners who issued harvesting permits and leased out their land to brush pickers expressed increasing anxiety that brush was being harvested unsustainably, and also being stolen, due to inadequate means of enforcing special forest products law. At this time, three principal permit systems existed on the peninsula, offering an array of short and long-term access on Forest Service, DNR, private, and tribal lands. Permit enforcement is upheld by Washington State’s Specialized Forest Products Act (RCW 76.48). Despite these provisions, the ability of law enforcement officers to carry out enforcement was negligible given the peninsula’s “steep, heavily forested terrain, extensive network of all-weather logging roads, and understaffed and underfunded county law enforcement departments” (McLain & Lynch 2010: 270-2; Spreyer 2004).
The Washington DNR held a public meeting in 1993 to address these concerns. At the meeting, some, though not all, participants (including state land managers, brush pickers, and buyers/shed operators) framed the issue as a *poaching problem* tied to the increased presence of forest workers with undocumented immigration status. To appease some of the concerns, additional provisions were added to RCW 76.48 to keep stricter records of harvesters, while the DNR implemented changes to its leasing system (McLain & Lynch 2010: 272-6). By the mid-1990s, landowners had established a variety of formal mechanisms to limit access to their land. Permits comprised the most common system – where the landowner or management agency issued individual permits to an unrestricted number of people to pick on the same land. A lease system was also used, but to a lesser extent, in which leaseholders had exclusive access to land under the lease for a certain period of time (Lynch & McLain 2003: 18).

Conflicts about sustainable use arose around several main issues. Some tribal members found that commercial brush picking was depleting the resources they used for cultural purposes in violation of treaty rights. Another issue was that within the permit system, where an unlimited number of harvesters could access permits to the same plots of land, competition between brush pickers had grown, while some landowners observed the physical depletion of brush. Finally, some old-time brush pickers from the region also continued to operate under informal claims to the land where they harvested, given that prior to the late 1980s, many non-timber forest products were not closely regulated (Lynch & McLain 2003: 21-23). Lynch and McLain’s 1994 study finds that at this time, many private landowners decided to construct physical barriers or charge access fees to their land parcels for the prevention of forest fires, timber theft, vandalism, and the dumping of garbage. One private landowner interviewed by the authors explained the rationale for building barriers:

> Well, just to restrict access, that way we don’t have to maintain roads as often, people out driving them all the time...It reduces our maintenance quite a bit. The last few years’ garbage rates have gone up a hell of a lot out here. So we’ve been getting a lot of garbage on our lands. And people cutting trees down for firewood, and things like that. There’s a lot of reasons for putting a gate on (Lynch & McLain 2003: 24).

At this time, landowners and land managers generally pressed for regulations, while brush pickers and wholesale buyers perceived themselves to be at a disadvantage of new enforcement mechanisms. Beyond physical barriers, significant barriers to communication also stood between these groups – such as language proficiency and brush picker desire to maintain a low profile due to immigration status, as well as brush picker beliefs that land managers had limited understanding of the daily practice of
harvesting (Lynch & McLain 2003: 28-32). As formal regulations were solidified, law enforcement agencies at the federal, state, tribal and county levels, as well as security officers from private timber companies began collaborating on enforcement efforts. Most notably, this coalition carried out a “special emphasis” operation in 1999, setting up strategically-located checkpoints in the places where brush pickers would pass in order to review harvesting permits. This operation resulted in the eventual deportation of seventy-six individuals. Since then, there were periodic immigration raids carried out by the INS and later by Immigration and Customs Enforcement (ICE) in the early 2000s (McLain & Lynch 2010: 272-6).

One impactful raid that took place in October 2005 illustrates the more stringent approach adopted to regulate brush picking. ICE officers came directly to a Forest Service office on the peninsula and apprehended Latino(a) brush pickers who were there waiting to apply for harvesting permits (Sarathy 2012: 98). One individual I interviewed on the peninsula, who identifies as a community activist, describes a raid he experienced a few years ago at the Forest Service Hood Canal Ranger District Quilcene office in the northeastern corner of the peninsula. He recalls the raid being carried out not by ICE, but by the Border Patrol. This activist explains that he was there as part of a local immigrant rights advocacy group called Bridges not Walls to sit in solidarity with brush pickers waiting to purchase harvesting permits at the Forest Service office:

...One of the things Bridges not Walls has done – they’ll organize a sort of a project to go up to Quilcene in the morning and they’ll bring hot coffee and some food, and hang out with the families, typically, well used to be 3 years ago there might be 20 or 30 vehicles up there. Then it was a matter of two guys at that ranger station who are administrative permit people, they’re not law enforcement, they handle the permits. And what they do actually is go around with a camera and take pictures of the license plates, and then they’ll have a lottery. Which in those days, there weren’t enough permits to go around. So they would do that, and then go around and award the permits.

So one day, it was two years ago in September, they were having the shape up in the morning, and up pulls a Bronco, big guy, no badge, with a gun on his hip, jumps out. There were a couple guys drinking out of a spigot on the side of the building. He [the plainclothes officer] tackles one of them, drags him off in the Bronco and drove off. That cleared out the population pretty quick – they [the brush pickers] all jumped in their cars and left. So we pulled on a thread and it was a plainclothes Border Patrol guy.

Raids like this, the activist explains, left Latino(a) brush pickers fearful to come to the Forest Service offices to obtain permits. Indeed, harvesting permit enforcement tactics underwent a process of securitization in the early 2000s, with growing tensions between all parties involved and new safety risks
arising for brush pickers targeted for policing in the woods. Given that many Latino(a) brush pickers do not own vehicles, a crew system had developed by this time similar to the agricultural crew systems used elsewhere in the Pacific Northwest. Van owners were able to serve as crew leaders, charging a fee to drive brush pickers to harvesting sites, then to brush sheds to sell their brush, and home at the end of the day. Crew leaders tended to be Latino men who had been in the area for some time, and had strong English language proficiency. Crews are sometimes comprised of family and friends, but nonetheless may result in the exploitation of brush pickers. A debate that arose around this time was around whether crew leaders or brush sheds should be considered employers, given that brush sheds sometimes purchase leases and then sub-lease to particular brush pickers. Working under a sublease does not legally bind the harvester to sell brush to the lease-holding brush shed, but not doing so would have unspoken repercussions. Ultimately, brush pickers are still not considered employees and therefore remain ineligible for workplace protections (Lynch & McLain 2003: 34-41).

Non-timber forest product debates remain contentious. In 2006, a Seattle Times article documented some ongoing conflicts on the peninsula. The article gives a sensationalized description of the “war in the woods.” For example, a salal heist at the home of a brush picker named Son Chau is described:

Along the way, simple wild greens have become such hot commodities that pickers like Chau have been beaten up, robbed and shot in fights over turf. Illicit harvesters make midnight raids to steal truckloads of greens from public and private land. Cops conduct stakeouts and sting operations in a never-ending battle against illegal picking (Welch 2006, my emphasis).

This article highlights the experiences of law enforcement officers in “policing poachers.” A Sheriff’s Deputy from Mason County, Ted Drogmund, is shadowed for the report. He spends much of his time chasing after vans transporting brush pickers to and from remote forest areas, who in Drogmund’s experience may produce permits when asked, flee into the forest, or even attempt to assault him:

Spying a van in a clearing, Drogmund left his truck and bounded into the woods, a palm on his holstered gun. “Permit? You have a permit?” he shouted. Ignacio Velazquez stumbled from the brush, but he had the proper paperwork. Scenes like this are common for Drogmund and a handful of others in Western Washington who police illegal picking full time. “It’s still really like the Wild West out here,” Drogmund said (ibid).

Policing poachers has become an increasingly securitized task, as Drogmund’s reference to the Wild West indicates. Some brush pickers are able to get by economically working within this restrictive
system. Being able to transport oneself to and from sites in the forest, bargaining with landowners for permits, and negotiating decent prices from buyers contribute to the ability to make a living with brush picking. But many brush pickers do not enjoy this ideal scenario, losing part of their income by paying for transportation, or overpaying for their permit. These issues factor into the regular instances of picking on private and public land without permits (Ballard & Huntsinger 2006: 536). In the early 2000s, brush pickers faced economically precarious conditions and punitive enforcement tactics, in addition to the everyday risks of working in remote areas. Getting to harvesting sites generally requires lengthy and treacherous rural highway commutes, while drivers who rent out van space to take groups of workers into the woods tend to overfill their vehicles. For example, two major van crashes in Lewis County, Washington during 2004-5 resulted in seven deaths and five people injured (Welch 2006).

Non-timber forestry work like brush picking poses various occupational hazards that are exacerbated as long as workers are considered to be “independent” laborers, from the risks involved in transportation to work sites, to the daily toll on the body of working outside in a cold, wet environment. Campe et al (2011: 445) point out that in addition to these vulnerabilities, workers with undocumented immigration status are also especially at risk of immigration raids, given that they work in physical isolation in the forest. For brush pickers themselves, the issue of poaching is complicated. A collection of oral histories of non-timber forestry workers illuminates the challenges of this system. An individual named Raúl G. from Guatemala discusses ‘stealing’ (G., R. 2000: 42, my emphasis):

There are areas where there are problems and where there aren’t. There are areas where they stopped renting land to harvesters. For example in the Forest Service land they sometimes don’t rent areas. Also sometimes there isn’t much brush there and some harvesters will go to nearby private properties to pick. They steal the brush. But they (Forest Service) think that everyone is stealing the brush when it is maybe two or three, or six people. They think we are all stealing from private properties. Only a few are doing this, not all.

It’s harder than before to enter Forest Service land. Before they would let you enter without ID. Now you have to have ID or a driver’s license to get a permit. If you go into Forest Service areas and they find you, they can make a lot of trouble for you. That’s what I’ve seen. It’s a little easier working with a company.

The risk exists for people who are undocumented. Sometimes there are police who are racists who will stop someone at their pleasure to ask for documents, or license, or where you are going, or permits. Also when one is in the area and the owner is there, there are some who will just call the police. They don’t warn you nor show you the boundaries of the properties. Sometimes you don’t know the boundaries and if they call the police, you will have a problem. There are some owners who are just racist.
The land tenure system is difficult to navigate, and small land parcel boundaries are not always clear on the ground. ‘Stealing’ brush is sometimes carried out knowingly, other times accidentally. Another oral history, from a brush harvester named Pedro Q. who is also from Guatemala and works on state lands, points to the toll on his body of carrying out this work, while also offering a nuanced perspective on the toll on the land from brush picking (Q., P. 2000: 41, my emphasis):

The brush won’t last too many years I think. Every year we pick more and it isn’t growing as much. I don’t see a future. Plus, I have been picking for long and see how the cold and wet start to affect knee problems, illness. If I continue to pick for another five or six years, I will have more ailments. But I don’t worry about the industry ending because I can get work with a different company, for example in Alabama, where I have some family. I might move there in a few months when the kids are out of school.

Well, what can we do? It’s their land. The brush won’t end, it will always come back. The government does not invest anything in it except watching the land. They don’t spend anything on the brush.

As Pedro points out, the principal government response to poaching concerns has been to enhance surveillance and securitized enforcement – to police ‘poachers’, rather than undertake pro-active measures, while the economic and ecological impacts of current rates of harvesting remain largely unknown (see Welch 2006). As Ballard and Huntsinger explain, there has been a shift in US land management efforts in recent years to allow the participation of “local stakeholders” in resource management and scientific research. However, “As with any community-based work around the world, the question of who falls into the categories of ‘local’, ‘community,’ and ‘stakeholder’ is a critical one” (2006: 530, authors’ emphasis). In the case of forest management on the Olympic Peninsula, immigrant brush pickers are often excluded from these categories, though, as Ballard and Huntsinger illustrate, experienced immigrant brush pickers do in fact have valuable ‘local’ ecological knowledge and put it to use when possible. For example, experienced harvesters prefer to implement multiple species management, resource rotation, and succession management over time on the same land. However, the permit system, among other factors, makes it difficult for them to stay in one area and put their knowledge to use over time (ibid). In the following section, I analyze how contemporary border enforcement tactics on the Olympic Peninsula intersect with the securitization of brush picking.

4.4.3 Enforcement encounters

The US Coast Guard and US Customs Service are two federal agencies with longstanding presence on the Olympic Peninsula. The Border Patrol has also been present, but with very few personnel until recently.
The former Customs Service officers I interviewed informed me that from the early 1980s until 2001, there were approximately four Border Patrol agents stationed out of Port Angeles, charged with enforcing the border between ports of entry. 2001 marked the beginning of significant changes within the agency. The number of agents hovered at four until about 2006, and by 2012, had increased rapidly to forty-two agents. That year, a new Border Patrol station was completed in Port Angeles. The station is of standard design for Border Patrol facilities, with capacity for up to fifty agents, surrounded by a spiked black fence and with a final cost of $9.8 million. The facility was constructed on a refurbished older building, with the work overseen by the Army Corps of Engineer and contracted out to a private company based in San Antonio, Texas called Blackhawk Ventures LLC (Gottlieb 2012).

The new agents arrived and the standard facility was built ostensibly in support of the agency’s nationwide and border specific objectives, focused on deterring potential terrorist threats, as described earlier in this chapter. However, the agency’s growth occurred on the heritage of shifting immigration patterns and policy at the national level, as well as on increasingly restrictive land access and punitive regulation of non-timber forest resources locally. These shifts facilitated the arrival and settlement of Latino(a)s in pursuit of non-timber forest work and the politics of poaching that formed around them. The increased Border Patrol presence also brings with it a specific institutional history and culture. As outlined in Chapter 3, the agency developed for the purpose of apprehending, and later deterring, certain racialized immigrant groups – the most recent focus being on Mexicans and Central Americans of lower income backgrounds. These heritages, in conjunction with the physical and human geographies of the region profoundly impact how the Border Patrol carries out its daily work on the peninsula.

The newly hired Border Patrol agents assigned to northern border sectors are trained in much the same way as agents assigned to the southwest. All agents attend the Border Patrol Academy, where they take part in an eight week ‘Task-Based Language Training Program.’ The reason for this training is that agents are required to be proficient in the Spanish language (US CBP 2012b). CBP has two programs to train new hires – the Northern Border Intern Program and the Resident Agent Pilot Program. Before deployment to northern sectors, agents carry out fourteen to fifteen months of training at the Border Patrol Academy and ‘in the field’ in the southwest. As CBP Commissioner Alan D. Bersin has explained:

> During their tenure on the southwest border, they [agents] learn invaluable lessons in order to obtain the necessary officer safety skills, job knowledge, and experience required for northern border operations.
Traditionally, the Border Patrol has viewed the activity levels along the southern border as beneficial to forming a well-rounded agent and conducive to overall training (Bersin 2011).

Spanish language training may not seem directly relevant to work at the United States border with Canada. Nonetheless, agent language proficiency has proven surprisingly useful on the Olympic Peninsula. As the Border Patrol Station in Port Angeles expanded, agents began providing language interpretation and backup services to other federal, state and local law enforcement agencies in the area. These collaborations sometimes lead Border Patrol agents off the beaten track of Highway 101, which loops around the peninsula, and into remote forested areas. One civic leader who I interviewed explained to me that Spanish-English interpretation has been an issue in the past, and the inability to communicate with Spanish speaking community members can escalate routine police interactions, placing officers and subjects in danger, particularly in remote forested and coastal areas. Thus the arrival of many new Spanish language-proficient Border Patrol officers offered a useful resource:

Civic Leader: If you’re an officer and you’ve got two people coming at you and neither one of them speak English, it [is] just a nightmare. I mean we’ve been dodging that kind of bullet with something going wrong...When our sheriff’s deputy got shot at the beach two years ago, forty miles from here, our city officer was the first one to arrive on the scene. So sometimes if you’re an officer here, and you need a backup, you put out a call for help, I mean and you have twenty Border Patrol agents somewhere between here and [nearby city], your backup’s gonna be Border Patrol, it’s just the way it is. And if they call, we’re gonna go back them up because that’s what you do in that situation.

As this civic leader explains, there are times when Spanish language interpretation and backup are needed and welcomed by local law enforcement agencies – when such services can increase the safety for both officers and the individuals being questioned or detained. However, the participation of the Border Patrol in routine law enforcement does not always have this desired impact. One tragic encounter in the woods between a Latino(a) couple harvesting brush, a Forest Service officer and a Border Patrol agent clearly illustrates why. As described in an investigative series carried out in 2011 in the Seattle Weekly, the incident occurred when the couple was exploring an area in the West End for salal, for which they had not yet purchased a harvesting permit. A Forest Service officer drove by while they were loading their vehicle, and pulled over to wait for them on Highway 101. The Forest Service officer was talking on the phone when they encountered him again on the highway. The officer then pulled them over, indicating that he needed to see their harvesting permits. Minutes later, a Border Patrol agent arrived on the scene, having been called for backup and language interpretation. In response, the detained man jumped out of the van and ran down an incline separating the highway
from the Sol Duc River. Several weeks later, after an extensive search was carried out by community members, he was found to have drowned in the river (Shapiro 2011b).

This incident ultimately sparked a successful civil rights complaint against the United States Department of Agriculture (USDA) as the umbrella agency in charge of the Forest Service. The complaint was filed by Northwest Immigrant Rights Project (NWIRP) of Seattle on behalf of the surviving woman involved, who is referred to as ‘the Complainant.’ I draw from the text of the complaint to consider the experiences of the actors involved. The complaint investigates whether Forest Service (FS) personnel:

1. Subjected the Complainant to an immigration enforcement action on the basis of her race and national origin with the pretext that the official contacted the US Border Patrol (BP) for assistance; and

2. Failed to provide the complainant, an LEP [Limited English Proficiency] individual, with meaningful access to an FS [Forest Service] program or service (USDA 2012: 1).

The USDA Office of the Assistant Secretary for Civil Rights (OASCR) took several months to investigate the charges and determine the actions to be taken, reaching a conclusion in early 2012. Within the text of the complaint, the Complainant’s testimony notes that the Forest Service Officer’s (FSO) timing in detaining her and her partner, and then calling the Border Patrol, was suspect:

When we passed him, we saw that he was talking on the phone. He should have stopped us there but followed us awhile. It seems like he timed it to get immigration there at the same time. They could have stopped us in the forest, why did he wait so long to stop us? He just asked us for the permit and ID and immigration showed up. Neither one of us asked for an interpreter (ibid: 3).

The Forest Service Officer testifies that he received “intelligence” from the Border Patrol on an area where vehicles enter the Olympic National Forest to pick salal. After checking out the area himself, the officer noticed that the landscape was ‘steep and rough,’ terrain that a ‘salal harvester is willing to traverse.’ He explains:

I saw what appeared to be a Hispanic female standing next to the passenger side of the vehicle. As I was driving past, I looked over at the vehicle and when she saw me driving past her on the highway, I saw what appeared to be a very alarmed expression. It is hard to describe the look. I could see the alarm and panic in her face when she saw me drive by. Seeing that reaction immediately told me something is going on. It was not a normal reaction to seeing a law enforcement officer. This told me that there was possible criminal activity afoot (ibid: 9, my emphasis).
After seeing the couple, the FSO contacted the Border Patrol for language interpretation backup, because, as he testifies, he was unaware of any brush harvesters who are not Latino(a), and in his experience the majority of harvesters have limited English proficiency. Further, the FSO’s testimony refers to a training video that informed his interpretation of and response to ‘pre-assault indicators.’ In the training video, the subjects who ‘appear to be Hispanic and appear to be speaking Spanish’, assault a Texas State Trooper, remove his gun and kill him. The FSO explains further that in the video, ‘there were warning signs [of an imminent assault]. Language was one of the indicators’ (USDA 2012: 11). Another law enforcement officer, with the Washington State DNR, also testifies in the USDA complaint about the dangers involved in law enforcement in the woods. He describes a specific incident where he approached a Hispanic brush picker who then ‘came up on [him] with a machete,’ yelling verbal abuses and coming quite close before dropping the machete and fleeing the scene (ibid: 15).

When the Forest Service Officer involved in this incident observed a ‘very alarmed expression’ on the complainant’s face, he assumed that her fear was indicative of ‘possible criminal activity afoot.’ However, her testimony indicates that she was afraid of the Forest Service Officer himself, rather than the outcome of harvesting without a permit. She was fearful due to his reputation of unnecessarily calling the Border Patrol during routine harvesting permit checks:

Complainant states that FSO ‘is the really bad one,’ and ‘He stops many Mexicans, they say that even though they have a permit, he calls immigration on us. It is only this specific officer with the reputation.’ Complainant says that while other FS Rangers will simply request your permit and then leave you alone, FSO does not treat salal harvesters fairly. Complainant further states that FSO’s ‘work is with the permit, to give us a ticket. He shouldn’t have called immigration. This shouldn’t have happened to [redacted name of Complainant’s deceased partner]’ (ibid: 4).

As indicated by the FSO, as well as by other law enforcement officers whom I interviewed on the Olympic Peninsula, there is an informal agreement that deputized officers will provide backup to each other in remote areas. The Border Patrol is often the agency to provide that backup, given its superior numbers and budget over other agencies, as well as the agency requirement that personnel be proficient in Spanish. This backup can mitigate the feelings of vulnerability experienced by officers who have been, or fear being, assaulted in a remote area. At first glance, these confrontations might seem to justify a need for Border Patrol presence on the peninsula. However, it is unclear how this work contributes to the Border Patrol’s objectives of deterring unauthorized border crossings, with an emphasis on potential terrorists. Although there is no reason to assume that Latino(a) non-timber
forestry workers who reside on the peninsula have crossed the boundary from Canada, the outcome of these collaborations is that they are subjected to special scrutiny by the Border Patrol, and ultimately, to immigration enforcement. In the section to come, I explain OASCR’s conclusion on the complaint.

4.4.4 Discriminatory policing

In responding to this complaint, the purpose of the USDA Office of the Assistant Secretary for Civil Rights (OASCR) was to determine whether or not Forest Service policy of relying on the Border Patrol for language interpretation and backup is in line with USDA civil rights policy. In regards to whether the FSO’s actions subjected the Complainant to an immigration enforcement action on the basis of her race and national origin, OASCR determines that the actions were discriminatory. OASCR finds that “The ‘interpretation services’ that BP [the Border Patrol] provides FS...do not satisfy the ethical standards of interpretation services; they are not impartial, or confidential, nor do they advise individuals of the potential conflicts of interest and risks in using BP as interpreters” (USDA 2012: 28). Thus, meaningful access to interpretation services is not provided in this manner, given that the Border Patrol is not a neutral party. This practice may prompt detained individuals to flee in fear. As a result, individuals with Limited English Proficiency, regardless of their immigration status, might be discouraged from seeking the interpretation services they are entitled to through civil rights protections.

The OASCR analysis references an excerpt from an email sent by a Border Patrol agent to the Forest Service Officer involved in the incident. The Border Patrol agent refers to the interaction between the two agencies during the incident as “requesting translation assistance to sack this guy up.” OASCR finds that “the implication of this email was that the practice of requesting interpretation assistance is a guise for initiating an immigration enforcement action,” while the tone suggests that this is a common practice between the two agencies (ibid: 28). OASCR also carries out a thorough review of the instances in which the particular FSO involved has requested backup from the Border Patrol. According to agency records, every incident in which the officer requested Border Patrol backup was when he interacted with Latino(a)s. In other incident reports in which the suspect was not Latino(a) but had threatening items such as guns or chainsaws, the FSO did not request any backup. Thus OASCR finds that the outcome is a pattern of discriminatory practice on the basis of race and national origin.

Beyond the email mentioned, other messages exchanged between Forest Service officers and Border Patrol agents in regards to this incident are referenced in the complaint. OASCR detects a disturbing
tone within these messages, where the death that occurred is joked about or disregarded. When the body of the complainant’s deceased partner was eventually found in the Sol Duc River, one Forest Service officer responded to the news by writing “this is why you shouldn’t jump into rivers” (ibid: 31). This exchange, in conjunction with the other exchanges cited in the complaint prompts OASCR to point out that “MP’s [male partner] death was not a joke. Had it been FSO or BP that perished that day, we doubt FSO2 would have made a similar comment. We find the disregard for MP’s life by FSO2 to be concerning” (FSO2 is a Forest Service officer who served as a supporting witness for FSO) (ibid: 32).

The conclusion of the OASCR final agency decision notes that the reason the Forest Service officer called for backup was to make the encounter safer. Yet the OASCR analysis finds that calling the Border Patrol for language interpretation escalated the threat towards the detained individuals. This threat was greater than outcomes of the potential infraction that originally ignited the Forest Service officer’s suspicion – the harvesting of non-timber forest products without a proper permit. The Border Patrol’s presence for backup or possible language interpretation did not ease the tension:

Instead of Complainant and MP [her male partner] remaining in their car, they fled, causing both FSO [the Forest Service Officer] and BPA [the Border Patrol Agent] to engage in a foot pursuit. This pursuit ended in MP’s death. BP’s arrival on the scene escalated the severity and danger of this situation, for all parties” (USDA 2012: 30, my emphasis).

OASCR finds that danger was increased for the detainees and all officers involved, ‘who must now engage in a foot pursuit through rough terrain in the forest’ (ibid: 31). OASCR ultimately concludes that the Forest Service discriminated against the complainant by utilizing the Border Patrol for language interpretation, and prescribes corrective actions for the agency and specific personnel involved. I want to highlight three themes in this civil rights analysis. First, an institutional climate exists in which certain forestry workers are regarded as suspect, and as such, their wellbeing is devalued. This is not to make a blanket assumption about the views and practices of every individual officer working in the forest, which are undoubtedly quite varied, as alluded to by OASCR. Yet the lighthearted remarks around the death of the complainant’s partner are indicative of a certain climate. The second theme is that with these practices, officer safety is clearly prioritized. Law enforcement officers like FSO working in the woods are not hesitant to call for backup, even if the officer is aware that the result will be highly distressful for subjects being detained for a potential minor infraction. Finally, the third theme I want to point to is in the
OASCR findings is that a pattern of collaboration is evident, in which Border Patrol language interpretation is a pretext used to instigate immigration enforcement.

These points echo arguments made by grassroots human rights advocates on the Olympic Peninsula – that the USBP has had more success carrying out routine domestic immigration enforcement, which is not a stated priority for the agency, than in interdicting threats that have crossed the watery Canadian border. They argue that the agency targets people of color, or those assumed to be Spanish speakers, Latino(a)s, or ‘workers’ who reside on the peninsula. The Forks Human Rights Group (FHR) formed a few years ago to document USBP interactions with community members. I interviewed two FHR organizers, who elaborated the entanglement between law enforcement agencies working in the woods:

Leigh: ...so before, if people were stopped by the Forest Service, and asked to see a permit for harvesting, and they didn’t speak English, could they just show their permit and then be on their way?

FHR Organizer:  That was usually the way it went. As long as they [the Forest Service] could see their permit then they were happy. But uh, the Forest Service has it all screwed up too because as long as you have an ID, you can go there and get a harvesting permit, they don’t check to see if you’re legal or not. So, they [brush pickers] get their harvesting permit, the Forest Service takes their money, so then they can go out and pick, and automatically they’re illegals, so they’re [the Border Patrol is] out there hunting them. But the Forest Service...gives a permit to an illegal person, why? (my emphasis).

The language used by the FHR organizer implies that these agency entanglements are predatory – allowing the Border Patrol to physically corner brush pickers in the forest and initiate immigration enforcement actions. The wellbeing of brush harvesters can be disregarded because they are framed as ‘illegals.’ As Ngai (2004: 4) argues, United States immigration restrictions instituted during the twentieth century have created “…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” (author’s emphasis; also see Nevins 2002). In the case of the Olympic Peninsula, where people with undocumented immigration status work in a physically isolated environment, they can be hunted in the woods. In this way, they are treated not only as noncitizens without rights, but also as less than human (see Sundberg 2013a; Santa Ana 2002). In Chapter Five, after some concluding thoughts here, I will elaborate further on the daily practices of the Port Angeles Border Patrol, and consider further why peninsula residents are contesting these practices in their communities.
4.5 Conclusions

At the US-Mexico border, the strategy of “prevention through deterrence” implemented by the United States Border Patrol in the mid-1990s has extended the scope of the border security apparatus into rural areas, given that increased policing at ports of entry has not deterred unauthorized crossings – instead, it has altered the methods and locations used for crossing. As mentioned at the beginning of the chapter, this move into rural landscapes of the southwest has clearly had tragic results for migrants – thousands of deaths in the desert during crossings through remote areas. However, officers carrying out their everyday work in these rural areas sometimes find themselves in vulnerable positions as well. Throughout this chapter, I show that the securitization of the US northern border has had some similar results. This development is connected in policy and practice to the US-Mexico border, but plays out in dynamically with the distinct physical and human geographies of the border with Canada.

I argue that the securitization of the US northern border is fueled by the prioritization of national security over all other types of security, in which the cross-border threats to security are vaguely defined. In contrast, on the Olympic Peninsula, border securitization has resulted in lived experiences of vulnerability unrelated to any cross-border threat. The border tactics pursued in the forest in particular, quite far inland from the border, make peninsula residents and law enforcement officers feel unsafe during enforcement encounters. My objective is to bring lived experiences of vulnerability into conversation with federal narratives of cross-border threats – foregrounding everyday enforcement encounters as constitutive of geopolitics. I illuminate some ways that border tactics impact, and are impacted by the physical and human geographies of the peninsula, where the politics of land management and forest labor, as well as the material properties of forest landscapes, such as salal growing in the understory, are consequential to the daily work of Border Patrol agents.

As Brinda Sarathy argues, “Only by taking into account the inextricable relationship between labor and landscape and by accepting Latino immigrants as integral players in forests and rural communities can we hope to have land management policies that promote both forest health and environmental justice” (2012: 75). To this important point, I would add that such acceptance is also necessary to work towards US border enforcement practices that take seriously the wellbeing of all Olympic Peninsula residents. Beyond labor, processes of securitization are also entangled with material landscapes – whether the securitization of non-timber forest permit regulation or of the international border. Brush pickers and law enforcement officers who live near the border experience lived insecurities as a result of these
entanglements. At the same time, border securitization is pursued in the name of abstract cross-border threats, such as terrorists. This dynamic leaves my research question – how do security tactics respond to cross-border threats – without a precise answer. The disconnection between the logic of securitization and the everyday experiences of borderland residents has fueled some powerful contestations, which I will elaborate in the chapter to come.
Chapter 5: Experiences of (in)security

5.1 Introduction

In October 2005, around thirty residents of Washington State responded to a call from the national Minuteman Project for a civilian watch of the far northwestern corner of the United States border with Canada. A news report elaborates the experience of two Minuteman volunteers, Betsy and Mike Madan. Having been instructed to call the Border Patrol if they observe anything out of the ordinary, the couple parks their truck near the Blaine, Washington highway port of entry and waits:

Mike: "Basically, we just sit and observe. Not a whole lot happens, you know."

Betsy: "Which is just the way that you want it to be. Because it's a political statement more than it is an actual knowing that a bad guy is going to see over here and then run like the wind back home."

None of the volunteers who sat on this stretch of border below Vancouver, BC saw an illegal crossing during October. In that way, it's totally different than the Minuteman project on the Arizona-Mexico border. Here the most prominent enemy to overcome is boredom.

Betsy: "We've actually had some of the best quality time of our whole marriage sitting here [chuckle] because we spend a lot of time in here" (Banse 2005: np, my emphasis).

The Minuteman Project is best known for its controversial work at the US-Mexico border. Organizers argue that the United States government is not doing enough to prevent unauthorized immigration, and in response, carry out their own patrols in order to supplement the work of the US Border Patrol. Participants identify as a volunteer civilian group, but critics call them vigilantes (Banse 2005; ADL 2013). In the southwest, the project formed in the context of highly politicized unauthorized border crossings going on in the early twenty-first century. In the mid-1990s, border policing tactics of “prevention through deterrence” were implemented after a study by the US Office of National Drug Control Policy determined that the southwest border was ‘being overrun’ by unauthorized entries (US OIG 2000). Securitization of urban areas pushed unauthorized traffic into rural regions, rendering it less visible. Nonetheless, the issue remains highly politicized and still visible in some ways. For example, migrants leave material traces in their wake, from empty plastic water bottles to religious altars, given that they must carry such items for survival during desert crossings (Sundberg 2008; Sundberg &

11 The Minuteman Project is not endorsed by the Department of Homeland Security.
Kaserman 2007). Mexican drug cartels utilize ever-innovative methods to move their products into the United States, from tunnels, to catapults, to cutting holes in the fence that lines some stretches of the boundary. The visibility of these entries helped fuel the Minuteman Project’s work in the southwest.

Sensationalized border crossings of this kind are less common at the US-Canada border. However, potential vulnerabilities at the US northern boundary received increased scrutiny in the late 1990s, with federal agencies calling for enhanced border enforcement. As policymakers looked northward, local concerns around the integrity of the border with Canada were ignited as well. The month-long Minuteman watch during October 2005, held in solidarity with simultaneous watches at the southwestern and northeastern US border regions, is indicative that some Washington residents support increased Border Patrol presence in their region, and even wish to contribute to the effort. Yet this sentiment is not universal. Minuteman efforts were met with counter-protests and vigils among social justice advocates in Washington (Banse 2005). On the Olympic Peninsula, critics of the border security buildup are especially vocal.

The Minuteman volunteers mentioned above are not the only ones who may feel bored during border watches. In July 2011, a critic from within the Port Angeles Border Patrol Station gave a whistleblower testimony to a Congressional committee working towards government transparency. Agent Christian Sanchez charged that there was little work to be done on the peninsula, given that border crossings are few. He said “During our work shifts, other agents and I always talked about how coming to work was like the ‘black hole’, swallowing us up slowly with no purpose, no mission” (Sanchez 2011). Escalating public concern about Border Patrol practices since around 2007 has prompted local civic leaders and grassroots organizers to hold public forums and initiate inquiries into the agency’s tactics on the peninsula. As the inquiries yielded little information, individuals and groups have contested specific border policing practices.

Chapter 4 put federal framings of northern border security into conversation with law enforcement encounters carried out in the woods on the Olympic Peninsula. This chapter extends the dialogue further. My analysis is driven by the following research question: why are some Olympic Peninsula

12 There are, of course, exceptions. For example, in 2005 an unauthorized tunnel was found shortly after construction. The tunnel connected Langley, British Columbia with Lynden, Washington (Sullivan 2005).
residents contesting securitization? I argue that national security tactics make people feel insecure on the Olympic Peninsula for multiple reasons, and that resultant contestations have reshaped the Department of Homeland Security’s tactics in significant ways. My objective is to illuminate the dynamic relationship between the DHS bureaucracy and the social environment of the borderland. I begin the chapter by contextualizing my analytical approach. Then throughout the chapter, I explain the reasons that peninsula residents are contesting USBP practices, and the methods of contestation. Along the way, I point to the Border Patrol practices that have been curtailed as a result of vocal protests on the peninsula in concert with activism in other US northern border regions. Section 5.3 focuses mainly on organizing efforts, while section 5.4 delves more into the way the USBP engages with its surrounding community on the Olympic Peninsula.

5.2 Bureaucratic relations

As explained in Chapter 2, my broad objective in this thesis is to identify how the people and places of the Olympic Peninsula both impact and are impacted by border practices – in other words, the ways that they are entangled. In this chapter, I explore how the US Border Patrol (USBP), as a federal bureaucracy that is directed by centralized objectives and policies from Washington DC, negotiates a specific place. To consider how this agency relates to its operating environment, I draw from Timothy Dunn’s analysis of the Border Patrol’s 1993 Operation Blockade in El Paso, Texas and subsequent agency-wide shift to “prevention through deterrence” tactics. Operation Blockade brought about a paradigm shift in USBP strategy. In the past, agents tried to apprehend unauthorized border crossers after they had crossed the southwest border into the United States. However, Dunn (2009) illustrates how the local social and political context of El Paso in the early 1990s demanded a reworking of strategy, given that a lawsuit brought against the Border Patrol sector by high school students and staff placed new restrictions on the agency. These restrictions were intended to curtail the sector’s practice of indiscriminately targeting Hispanic borderland residents for enforcement, regardless of citizenship status or whether they lived in the US or had recently arrived from Mexico.13 The lawsuit brought new oversights to prevent USBP personnel from racially profiling lawful US residents and citizens. Dunn (2009: 6) explains:

The El Paso operation not only foretold what was to come in enforcement along the border, but is also demonstrates that the origins of the new national strategy are rooted in a dynamic local relationship between the unit and its supposed “subject population” (Heyman 1995: 264) and the surrounding local

13 I use the term ‘Hispanic’ here because this is the term used by Dunn (2009: 12)
social environment more generally. The launching of Operation Blockade in 1993 dramatically changed El Paso and remade national Border Patrol strategy, but its origins are decidedly local.

With Operation Blockade, the El Paso sector introduced a resource-intensive approach intended to deter unauthorized crossings – to prevent them from happening at all. A deterrence approach was politically popular in this time and place, given that it took the agency’s focus off Hispanic residents in El Paso, who, regardless of citizenship status, were the frequent subjects of questioning and abusive policing practices. Dunn draws from theories of bureaucratic power to make his argument, including Heyman’s (1995) conceptualization of bureaucratic relations with a subject population. The subject population refers to the individuals assumed to be under the authority of a bureaucracy. Dunn argues that the Border Patrol had a dynamic relationship with the place it operated – in this case, El Paso, where the subjects were not only impacted by, but also profoundly shaped the agency’s practices border-wide. At the same time, Dunn emphasizes that this is certainly not an equal relationship. I find that the notion of a dynamic and unequal relationship is helpful to think through how the agency interacts with its social environment on the Olympic Peninsula.

Working from a materially-grounded analytical framework, I conceptualize the ‘subject population’ as the people that live on the peninsula and the nonhuman assemblages they coexist with, as well as the people and things that potentially cross the Strait of Juan de Fuca from Canada, such as BC bud and those who transport it through the strait. It is important to note that the relationship between the USBP and its subject population does not just run two ways between two discrete categories of actors who are dominating and resisting, such as agents versus Latino(a)s and brush pickers, or agency versus peninsula residents. The tactics pursued by the Border Patrol on the peninsula are shaped by the human and physical geographies of the place in complicated ways – from the biophysical properties of salal in second growth forest understory, to the arrival of Latino(a) newcomers to carry out non-timber forestry work, to the organized efforts to limit USBP authorities. Further, the majority of the Border Patrol agents working out of Port Angeles may not originate from the area, but they are peninsula residents nonetheless, and some would identify as Latino(a). The people identified for scrutiny by the USBP are not an entirely cohesive group. Various physical markers that delineate racialized and class-based notions of difference lead agents to pinpoint certain people as suspicious or out of place.
Conflicts about border enforcement tactics are not black and white – the actors carrying out the daily work of enforcement have a complicated relationship with their subject population and operating environment. This relationship is forged dynamically at the intersections of various unequal power relationships, and does not reflect a simple linear dynamic of domination versus resistance. As Sharp et al (2000) argue, *entanglement* is a useful concept to acknowledge the many actors involved in unequal power relations, and the various scales and spaces where these relations occur. These critical scholars draw from Foucault to “…emphasize the myriad *entanglements* that are integral to the workings of power, stressing that there are—wound up in these entanglements—countless processes of domination and resistance which are always implicated in, and mutually constitutive of, one another” (ibid: 1). I navigate carefully through the ways that bureaucratic authority is exerted and contested by a diverse group of actors whose objectives sometimes overlap and other times diverge. The Olympic Peninsula is not the only US northern borderland region where contestations have emerged in response to evolving Border Patrol practices. Complementary and collaborative efforts are being undertaken in other northern Washington regions and in other northern border states. These efforts have limited the Border Patrol’s authority in significant ways, which I will explain throughout this chapter. In the section to come, I describe the development of what has been termed a *climate of fear* on the peninsula.

### 5.3 Organizing efforts

#### 5.3.1 Climate of fear

Social justice advocates on the Olympic Peninsula argue that the Border Patrol’s practices have created a *climate of fear* in local communities. By social justice advocates, I refer to the individuals directly targeted for enforcement who are working against discriminatory policing, as well as those who are not directly targeted, but work in solidarity. In a general sense, such organizers on the peninsula are working towards greater protections of human, immigrant, and civil rights, as well as civil liberties and environmental protections. Advocates explain that the climate of fear is not everywhere. It is centered in the places where Latino(a)s involved in non-timber forestry live and work – mainly in the West End of the peninsula by Forks and around the southeastern corner of the peninsula in the vicinity of Shelton. Advocates argue that peninsula residents assumed to be Latino(a)s, Spanish speakers, non-timber forestry workers, or people of color more generally are targeted by the USBP for special scrutiny and domestic immigration enforcement actions. Advocates question these practices on various bases, while pointing to discrepancies between agency mission and practices, given that the populations targeted for
policing reside in the United States, and have not crossed the border from Canada. In this section, I call
to the organizing efforts centered on protections for the abovementioned groups.

The Border Patrol practices that are frequently pinpointed as fostering a climate of fear include
temporary highway checkpoints, ‘spot checks’ at transportation hubs, roving patrols, the general
presence of agents around town, and agency collaborations for language interpretation and backup. In
March 2007, the Port Angeles USBP Station introduced temporary highway checkpoints to the
peninsula. The first checkpoint was held on Highway 101, just north of Forks. As various interviewees
explained to me, the USBP checkpoints were generally held for four to six hours at a time. The driver
and occupants of every vehicle that passed through were questioned. Beyond CBP personnel,
representatives of other federal agencies were reported to be present for some of the checkpoints,
including the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), and
possibly at times local law enforcement, as well as a drug-sniffing dog. The outcome of the first
checkpoint in 2007 was that seven individuals suspected to be nationals of Mexico and Guatemala with
undocumented immigration status were arrested and transported to the Northwest Detention Center in
Tacoma, where removal (deportation) proceedings were initiated against them (Jenkins 2007a). In
comments to the media, USBP Agent Joe Giuliano rationalized this first checkpoint as a strategic terrorist
deterrent. He elaborated that Highway 101 would be a likely route inland for a terrorist arriving to
Washington by boat. Giuliano said that “There is no immediate, urgent threat to national security
involved. But there is a vulnerability. Our intelligence tells us that we could, possibly be exploited in that
manner” (ibid).

The first highway checkpoint was short-lived, but had lasting effects in the West End, where Latino
community leaders reported a climate of fear experienced by children whose parents had been
detained, as well by Latino(a)s in general. The mayor of Forks at the time, Nedra Reed, was given notice
by the Border Patrol before the checkpoint was carried out. However in the aftermath, she raised
questions about agency tactics: “The concern that I have is: come in and do your activity and then walk
away and leave us to deal with the fallout. I have frightened people in this community and it’s just not
fair” (cited in Jenkins 2007b). Mayor Reed requested that her congressional leaders conduct an inquiry
into the Border Patrol’s specific strategies in the region. USBP Agent Joe Giuliano responded to concerns
of a climate of fear by explaining that undocumented immigrants residing in the area were not the
reason for the placement of the checkpoint, referring to them as ancillary targets (ibid, my emphasis):
Is that the primary target? No. It's an ancillary target. But it is a reality as well. So, the agent standing there at the checkpoint — whose primary mission is to deal with terrorists — comes upon another something afoot, whether it be a non-terrorist illegal entrant, drugs, smuggled parrots, what have you, he has a professional obligation to deal with that.

This response is dismissive of concerns about the climate of fear in several ways. The primary target for agents at the highway checkpoint, Agent Giuliano says, is terrorists. However, agents also encounter ‘ancillary target[s],’ ‘another something afoot.’ These secondary targets sound as though they are things found under one’s foot. Several of these things fall into the same category as though they are interchangeable, including people, substances, and animals: ‘non-terrorist illegal entrant, drugs, smuggled parrots.’ The non-terrorist illegal entrants included in the category of ‘another something afoot’, of course, are people, and the people that were apprehended at the checkpoint were Latino(a) community members. However, something important goes unmentioned in Agent Giuliano’s comments – these individuals are not recent entrants who crossed the Canadian border. Such USBP dismissals of the wellbeing of community members motivated some peninsula residents to organize.

Around the beginning of 2008, the USBP also introduced the practice of random ‘spot checks’ at transportation hubs. This practice refers to Border Patrol personnel stationing themselves at ferry terminals and private bus line stops to question people. Border Patrol statistics released as of May 2008 indicated that after several months of carrying out spot checks at ferry terminals, almost fifty individuals had been arrested – only one of whom was not Latino(a) (Jones 2008). Some attention came to this practice when an Anacortes ferry employee named John Norby publically criticized the spot checks. When Norby was approached by a plainclothes Border Patrol agent about “sharing intel,” he interpreted this request to mean spying on passengers. Sharing his perspective with a KUOW reporter, he said "I ain't got no quarrel with no immigrants, you know. Legal or not. These are landscapers. These are nannies. Farm workers, you know. These are blue–collar working people" (ibid). Border Patrol officials responded to this public denunciation that such use of plainclothes officers was routine (ibid).

By late 2008, the Port Angeles Border Patrol was also carrying out spot checks on domestic bus lines traveling from the Olympic Peninsula to Seattle – principally, the Olympic Bus Lines, which does not have international origins or destinations. As of June 2009, the Border Patrol was holding spot checks quite regularly, boarding Olympic Bus Lines vehicles twice on a daily basis at the Discovery Bay stop,
located between Port Angeles and Port Townsend. USBP officials rationalized this practice as an effort to interdict terrorists, undocumented immigrants, and unauthorized goods moving towards the interior of the United States (Gottlieb 2009). During a Port Angeles Regional Chamber of Commerce luncheon, USBP supervisory agent Christopher Dyer called attention to some apprehensions that resulted from these spot checks at bus stops. The individuals apprehended were principally people with undocumented immigration status. Agent Dyer noted that the frequency of apprehensions though spot checks had decreased, attributing the change to a “deterrence effect” (ibid).

As transportation hub spot checks were expanded, so too were the temporary highway checkpoints. By late summer 2008, the checkpoints were positioned beyond the West End. In August and September of that year, the Border Patrol held a total of four checkpoints at various highway locations throughout the peninsula, in which every vehicle was stopped for questioning. These operations resulted in the arrest of fifteen individuals suspected of having undocumented immigration status (Wang 2008). In the midst of the checkpoints in fall 2008, Border Patrol Blaine Sector spokesperson Michael Bermudez offered some insights into the practice, though when asked, he opted not to divulge the number of new agents assigned to the Blaine Sector stations, including Port Angeles. Bermudez explained that increased DHS funding allowed for new activities in search of terrorists and ‘illegal immigrants’: “Our actions are based on the increase in manpower, as well as funding for this area...therefore, as manpower increases, and more funding comes in, we are able to conduct more operations...Just as with anything, if you have more manpower, of course you will expect more results, like any job” (as cited in Dickerson & Casey 2008). Bermudez does not tie the increased agency presence to a prior increase in cross-border activity.

There have been no Border Patrol checkpoints on the peninsula since September 2008 (Gottlieb 2009). In December of 2008, the Port Townsend Peace Movement organized a public forum that was attended by more than two hundred people. One speaker was Reverend John Topel, the priest of St. Mary Star of the Sea Catholic Church. He reported that although the USBP claims it does not carry out arrests at schools or churches, fear of encountering an agent was holding congregation members back from participating in their regular religious activities. The church organizes a processional each year for the Feast of Guadalupe. But, Topel explained, the turnout for the processional was hampered by fear of encountering the USBP. Another speaker at the forum was a farm owner from Chimicum, Roger Short. Short testified that his employees, regardless of immigration status, were being interrogated by the agency, and that USBP agents engaged in a practice of cruising at a low speed around his farm,
intimidating his employees (Hidle 2008b). The Border Patrol tactics and dismissive responses to concerns that were raised led social justice advocates to term the dynamics a climate of fear.

When I spoke to civic leaders on the peninsula, I asked them what the climate of fear meant in their communities. One interviewee explained that when the highway checkpoints began, the first response of the relevant city council was to request that their police chief put in writing what his policy was around collaborations with the Border Patrol, given that some community members were fearful of encountering USBP personnel:

...We had a conversation about that because of some of the fear in the Hispanic community...it’s been awhile, so I’m trying to remember how everything went, but that was one of the first things that I asked: for [the police chief’s] policy, I wanted to know if he was participating in this, with Border Patrol. Because at that point [around 2008], the Border Patrol had had issues with people leaving their cars on the highway, or running off into the bushes and asking for assistance by the law enforcement. So it was really wacky, what was going on.

From the perspective of this civic leader, USBP practices were ‘wacky’ because community members were not only fleeing potential encounters with the Border Patrol, but actually requesting assistance from local law enforcement as protection from the federal agency. On the other hand, as time went on, some social justice advocates have pointed out that Border Patrol practices – especially collaborations with local law enforcement agencies – make people fearful of interacting with the local police (see Curry et al 2012). As one community member named Alberto Garcia explained to a reporter in the aftermath of the May 2011 death described in Chapter 4, USBP practices were making Latino(a)s unsafe, regardless of their immigration status: "It's less safe. Unfortunately, the Border Patrol intimidates people. So now, people won't call the police to report a crime because they're afraid Border Patrol will intervene" (as quoted in Jones 2011).

Concerns about the climate of fear prompted the formation of the Forks Human Rights Group (FHR) in the West End of the peninsula – a coalition of community members who embarked on a documentation project and phone tree system to send out alerts of USBP activity in the area. One Latino Forks resident who works in non-timber forestry explained his participation in the phone tree to the Seattle Times in 2011: “We go to work, and we have no idea if they’ll [Border Patrol will] be parked somewhere nearby...sometimes, I’ll get a call that Border Patrol is near us. I’ll call my wife and ask her to drive around to look for them. I’ll wait until she lets me know that it’s OK to come home” (as cited in Turnbull
The FHR organizers with whom I spoke explained that the group formed out of necessity, beginning with five or six individuals who found themselves talking frequently in order to try to find lawyers for people who came into contact with the USBP. As these incidences grew, group members decided to compile the stories in a non-identifiable manner so that individuals directly affected and their families would not be at risk of retribution. Organizers find that documentation has been useful to prove exactly what is going on in the West End. Otherwise, they say, it is hard for people outside of the area to conceptualize the full extent of the issue.

FHR works with other human and immigrant rights organizations in Washington State to make visible to a broader public what is going on in rural northern border communities. Community to Community is an advocacy group in Bellingham that has worked closely with FHR. Other northern Washington regions, including Whatcom County, where Bellingham is located, are experiencing some of the same USBP practices as the Olympic Peninsula. As an organizer with Community to Community explained, creating visibility is crucial to their collaborative work:

Leigh: How has Community to Community worked with other groups that have formed, especially on the Olympic Peninsula?

Organizer: Yeah. Well what we do is we try to stay in communication with other groups that are doing the same kind of work we are. So when the call was put out shortly after the Minutemen disbanded here, when they started doing the checkpoints on the roads, when we heard about it we called – what can we do to help you? We sent out the alerts, nationally, we did everything we could to help them. We talked to each other, keep each other updated on what’s going on in each other’s communities, come together when we need to...I think the way we all stay in communication is we’re monitoring their [CBP] activities, right, how they’re operating, what their modus operandi is here, there, is there a correlation, you know, big picture correlation on what they’re doing?

We are located near Chief Bates [of the USBP Blaine Sector], so whenever something happens in Forks or somewhere else, people call us or we find out about and we go okay we just want to let you know we’re taking all your information and we’ll go and throw it in Chief Bates’ face. So we’ll go and we’ll say okay you’re doing this in this community and everybody knows about it, and we’re going to spread it out even more...We want them to know that we’re connected as a community. And they can’t like do something in a remote area like Forks and think that nobody’s going to find out about it (interviewee’s emphasis).

Creating visibility is central to the work of Community to Community and the Forks Human Rights Group. As one of the FHR organizers I spoke to emphasized, FHR did not form out of a preexisting bias against the Border Patrol: “I think...[we are] speaking in general for the group when we say we want to know why they’re not following their own rules. It’s not that we hate Border Patrol and say there’s not a
purpose for them. You know, they’re not doing what they should be doing.” Thus the FHR Group seeks
to call attention to USBP practices that stray from the agency’s broad mission and create a climate of
fear. In August 2008, FHR began documenting Border Patrol activities in the West End, eventually
compiling two reports that summarized their findings, which brought media attention to USBP-
community dynamics. These reports indicate the precise practices that make people fearful, and
quantify their frequency. In the latest report, covering October 2010 to mid-January 2012, the group
documented 84 encounters between community members and Border Patrol agents, in addition to 82
sightings of agents. FHR points out that these numbers are only the known incidents, while many
activities go unreported (FHR 2012).

Within the 84 encounters in the 2010 – 2012 report, 54 community members were detained in total. 33
percent of these detentions occurred when the detained individuals were working in the forest, 20
percent when Border Patrol agents initiated traffic stops, 19 percent through Immigration and Customs
Enforcement (ICE) Detainers in custody by the police,14 7 percent when community members were
parking their cars, 5.5 percent through language interpretation at non-criminal stops, 5.5 percent when
cars were pulled over, and the remainder when community members were in stores or businesses, at
home, or on the side of the road after having a car accident. FHR also reports that during the same time
period, 17 community members with valid immigration status were temporarily detained on the site of
encounter with USBP agent or held for the day at the Border Patrol station in Port Angeles. Of those
with valid immigration status who were detained, 11 were US citizens, 3 were permanent residents, and
the remaining 3 were in the US with other authorized status (FHR 2012).

The Forks Human Rights Group has documented that the two most common ways that community
members (both those who were solely questioned, and those who were detained) encountered Border
Patrol agents was through non-criminal traffic stops and while working in the woods. Beyond the
frequency and unwarranted nature of these stops in and around Forks, community members reported
other Border Patrol habits that they found to be threatening during these everyday interactions. For
example, driving practices are of concern: agents are reported to drive at excessively high speeds when

14 An ICE Detainer refers to occasions where a federal, state or local law enforcement agency receives notice from
the Department of Homeland Security that DHS plans to take custody of a subject upon release to evaluate his or
her immigration case.
approaching vehicles, to leave their high beams on during these approaches, and to regularly pass other vehicles in no-passing zones on rural highways. Agents are also reported to drive behind community members for unnecessarily long periods of time. Further, FHR documented 91 incidences where agents had parked off the side of the road to simply watch those passing by, including locations by the highway and places in Forks, such as Thriftway, a trailer park with many Latino(a) residents, gas stations, a church, etc (ibid).

FHR organizers report that in response to Border Patrol scrutiny, many Latino(a)s have left the area – detained at the Northwest Detention Center in Tacoma, deported, or opting to move away. One civic leader who I spoke to clarified that the climate of fear is not legible to everyone:

Leigh: Yeah and the ‘aura of fear,’ would you say that was just for the Latino community mainly, or for everybody?

Civic Leader: Oh yeah. Oh no, the white folks, they thought it was nuts – ‘what the hell are you talking about? Who’s fearful of anything?’ There’s a total disconnect. And then you get the ‘well they’re not citizens and they don’t vote,’ and this and that. And it’s like well yeah, they’re still people, and it’s still an issue, and they’re still part of the community. And I think, yeah sweep it under the carpet even, and pretend it doesn’t exist, so I just represent it the way it is, you know...

The reason the climate of fear is not understandable or of concern to everyone, as the same civic leader explained, is because it does not directly affect the majority of Anglos in the area, some of whom do not have personal ties to Latino(a) community members and thus may feel ambivalent about the issue. The section to come addresses some of the social divisions and solidarities that have deepened or formed in response to Border Patrol activities.

5.3.2 Divisions and solidarities

The climate of fear experienced by the peninsula residents most heavily targeted for policing is not of concern to all. The same civic leader mentioned above in Section 5.3.1 emphasizes that individuals and groups organizing around Border Patrol practices are motivated by a wide range of viewpoints, in addition to social justice concerns. Their goals sometimes overlap, but other times diverge:

Civic Leader: ...We’ve got the train of thought that says Border Patrol’s doing its job, what they should be doing, that we should respect them and follow the laws of the nation...We have the school of thought even more rigid than that that says ‘haul them [undocumented immigrants] all off, let’s just be done with it, and you know, it’s a simple problem and government won’t fix it.’ We’ve got another school of thought
that is, it’s always the money – incredible waste of money, ‘why are we building the Border Patrol up? Money should be used another way.’

So you get this weird mix of all ideologies – everything from the radical Tea Party person that cares about people but thinks it’s a waste of money, you know: ‘what is a ten million dollar compound doing in Port Angeles? Why Port Angeles?’ And then you get the social phobia paranoid conspiracy theorists going ‘they’re going to lock us all up and take us all away.’...And then we’ve got the general populace – a group of people who could just care less. Doesn’t matter to them, they don’t even know anybody that speaks Spanish. I mean, again I’ve got white folks in town that don’t know we’ve got Hispanics in town.

On the Olympic Peninsula, not everyone is concerned with Border Patrol practices, and some people believe that the agency is not doing enough. Those who are contesting the agency’s practices do so with a variety of motivations, and may have many opposing viewpoints. While not everyone is concerned specifically with social justice, USBP practices targeting Latino(a) brush pickers have broad-reaching effects on local economies and on families and friends of the individuals directly targeted for policing.

The Forks Human Rights Group organizers whom I spoke to reported that some brush sheds, where many brush pickers bring their salal and other forest brush to sell, are struggling as a result of USBP policing of Latino(a)s. At one brush shed, several years ago during harvesting season, up to two hundred people would come in each day to sell forest brush. Some of these individuals had been selling regularly to the same shed for around twenty years. But by 2012, the numbers had dropped to only forty or fifty people coming in per day, at most. This shift has been consequential for the industry. The loss of some Latino(a) brush pickers has meant less brush pickers, given that other populations on the peninsula are not taking up the opportunity to pursue this work. As FHR organizers explain, this dynamic is often misunderstood, both at a local and national level. They described a letter they had recently received from a woman in Florida in response to national media coverage of USBP practices on the peninsula. The woman suggested that simply employing Anglos for non-timber forestry work in the region would resolve some of the key issues at hand. But things are not so simple on the ground.

Stop the Checkpoints (STC) is another grassroots group concerned with social justice. STC’s work is guided by several main objectives: to defend civil liberties; prevent racial profiling, raids and detentions; prevent the formation of a police state; and defend immigrant rights (STC 2013). The group formed in response to the USBP highway checkpoints, and although the checkpoints have stopped, STC remains active. An organizer with Stop the Checkpoints who I spoke to finds that Border Patrol practices have exacerbated social divisions in some ways, but also strengthened solidarities:
Leigh: So would you say people are pretty divided over how they feel about it then? There’s a pretty strong against contingent but also a pretty strong for Border Patrol contingent?

STC organizer: It’s really divided the community in a lot of ways. You can see it in the schools...more incidences of bullying and racism and fights. Any kid who’s Hispanic. Whether he’s third generation or brand new, they’ll be some white guys, redneck guys...There’s some kids, you know the right wing, the Nazi types. For awhile there they targeted this area, thinking it was depressed economically and there were a lot of uneducated white people who were out of work and that they could come up here and recruit...But mostly people told them to get lost or chased them out of town. But there’s still an element of that too.

...The other thing is what it does to the little kids. There’s so much intermarriage out here. A lot of the Makah and Elwha tribal members are married to Hispanics. A lot of the whites are. We [STC] had a couple of women who are grandmas, blond, blue-eye grandmas, who have kids who are mixed race, half Mexican. And they were real adamant in the start of this that ‘I don’t want my grandkids to have to go through this stuff.’ So it’s a real mixed bag of reasons that people are upset.

But the little kids in school, out in Forks especially, several of our [STC] members are Hispanic women who teach, teach parenting classes, do a lot of social work and stuff. And they said the kids will, the little kids will come to school and they can’t study because they’re stomach hurts. They’re worried that when they go home, their mom and dad won’t be there. Because that’s happened to other kids...So yeah it’s really caused a lot of conflict and uproar in the community.

As social justice advocates explain, the climate of fear affects not only the direct subjects of policing, but also their employers, families, friends and neighbors – in some cases exacerbating existing social divisions, and in other cases strengthening solidarities. The same STC organizer recalled a striking example of solidarity that took place during Stop the Checkpoint’s first rally, in September 2008 outside the Port Angeles Federal Courthouse. A young woman who worked at the Hoh Tribal Offices in the West End drove a van to Port Angeles with other tribal member youth, mostly women, to take part in the rally. They carried signs with messages such as ‘no one is illegal,’ ‘feds out of Forks,’ and ‘stop the deportations,’ and also held a Mexican flag. The group explained that they came on behalf of their Latino(a) friends, who were unable to attend due to fear of questioning or detainment.

Another grassroots group on the peninsula, the Border Patrol Free Network (BPFN), organized around 2008 in Port Townsend to speak out about a diversity of qualms with USBP practices: ‘the erosion of civil liberties, targeting of minorities and waste of tax dollars by the Border Patrol.’ The group explains: “Rather than a ‘constitution free zone,’ we are calling for a ‘Border Patrol free zone.’ We want out state
and federal representatives to reduce the funding for this program, restore our civil liberties, stop targeting minorities, and ‘keep the Border Patrol at the border’” (BPFN 2008). Organizers with BPFN explained to me that some group members speak Spanish, and decided to compile a volunteer interpreter phone list to offer to local law enforcement agencies to be used in place of the USBP language interpretation services:

BPFN Organizer: When one of the issues that came up was that some of the [law enforcement agencies] were actually calling the Border Patrol for translation, it didn’t take much at all, we started calling around – ‘would you be willing to have your name be on a volunteer translator list?’ None of us are court translators, none of us would feel competent to do the court thing, but if somebody needs a Spanish speaker, we’re available. So I compiled this list and gave it to the police department, and to the sheriff.

And I was just so pleased the one time that I was called, because what happened was that there was a policeman in town, I don’t even remember his name, and he said ‘I would just like you to talk to this woman. I stopped her for something like a busted taillight,’ let’s say. ‘And she is so freaked out. She’s worried that I’m going to turn her in to the Border Patrol. And I told her, but could you just talk to her and explain. It’s just that, and it’s just a warning. I’m not even giving her a ticket.’

So I got on the phone, and even though my Spanish is rusty, I was able to say that. And you could hear the relief in her voice. She was so positive. Because one of the issues is you get so frightened. Any uniformed person – you don’t look what the uniform is, what color, or what their truck says. It’s just really scary.

Solidarities have formed among a diverse group of organizers on the peninsula – between those directly targeted for policing, and those who are indirectly affected. Stop the Checkpoints has organized a number of rallies, drawing as many as forty participants, or sometimes as few as eight or nine. The group also has monthly informational meetings, and works in solidarity with other social justice groups on the peninsula. Organizers stay connected with broad national issues connected to border tactics in the region, such as immigration reform, law enforcement checkpoints elsewhere, and even environmental protections. For example, a bill was raised in the US House of Representatives a few years ago – HR 1050, seeking to waive some significant environmental protections in border zones under the purview of DHS. In October 2011, the STC monthly public meeting focused on HR-1050 and DHS authority on federal lands near the US borders. One specific environmental issue of concern to STC members is the Elwha River dam removal and restoration project, where painstaking efforts are being taken to restore native vegetation, facilitate sediment flow, and allow the return of Pacific salmon (US NPS 2013; OPICAC 2002: 28). Increased DHS access as advocated by HR-1050 would grant USBP authority to build roads or infrastructure in areas like this.
The Department of Homeland Security has broad policing authority within certain border zones inland of the linear international boundaries. This authority has come to prioritize national security over people’s constitutional rights in important ways, which I will discuss in greater detail in Section 5.3.3. This authority also prioritizes national security over environmental and public safety laws, especially on federal lands, which on the Olympic Peninsula include a national park and forest, as well as tribal reservations (refer back to Figure 1 for an illustration of federal lands). The national wilderness preservation group Wilderness Watch released a report in October 2012, arguing that “Under the guise of border security, a plethora of new and proposed laws, policies, memoranda, and other governmental actions pose an unprecedented threat to Wildernesses, including in many national parks, along our nation’s Northern Border” (Wilderness Watch 2012).

The Wilderness Watch report outlines the assemblage of policies, laws and executive authorities facilitating the expansion of DHS authority near the borders. Most recently, for example, a 2006 Memorandum of Understanding (MOU) between DHS, USDA, and the US Department of Interior (DOI) extended CBP authority for pursuing suspects on federal lands. This extension means that agents can now carry out off-road patrols in motorized vehicles within USDA and DOI lands such as national parks and forests (ibid). In 2005, the REAL ID Act was passed by Congress, which gave the DHS Secretary authority to waive all United States laws in order to construct barriers along the borders. This Act has been most impactful at the southwest border when former DHS Secretary Michael Chertoff used his authority to move forward of border fence construction projects in south Texas, waiving thirty-six federal laws that included some key environmental protections without having to consult with borderland residents (Sundberg 2013b). At the US-Canada border, since the 2006 MOU was signed, USBP agents have been reported to use motorized vehicles off road in northern border wilderness areas without informing land managers, including off-road vehicles, trucks, jeeps, snowmobiles, airplanes, helicopters, and unmanned aircrafts. The Wilderness Watch report is concerned with potential interruptions to wildlife, damage to habitats, and ‘scars’ on the land (Wilderness Watch 2012).

The Department of Homeland Security’s broad policing authority inland of the United States borders is of concern to human and immigrant rights advocates and environmentalists alike. The Stop the Checkpoints organizer who I spoke to has tried to bring such concerns together:
STC Organizer: That’s been my thing is so many groups are just working on the environment, after we had our forum, a lot of environmentalists came. And they heard from the people in the audience that were immigrant rights people, and I tried to give an analysis of how it was all connected, and how they should be working together on this kind of stuff. And people brought up stuff in the south, how building of the fence was going to affect migration routes and things...so it’s like they were saying ‘oh yeah, immigration and the environment,’ so they were starting to get it. So now at our meetings we usually get two or three people from the different environmentalist groups.

And the churches – especially the Unitarian, and the Catholic church in Port Townsend, both the Unitarians in Port Townsend and here, have people on their social action committees have people that are kind of taking up immigration as an issue, and come to our rallies and things too. And the Green Party come. So it’s been good to see different groups see the connections between. And I think sometimes that’s where some of the immigrants’ rights groups fall short...some of the groups are just like if you’re Hispanic and you’re an immigrant, it’s your issue, and other people shouldn’t be participating in any decision making of any kind. And so I was hoping by this to show that having people from different movements working together you can be a lot stronger – getting more people out and tying more issues together (my emphasis).

Advocacy groups concerned with social justice like Stop the Checkpoints are working to demonstrate the interconnections between concerns for human and nonhuman wellbeing created by the prioritization of border enforcement in federal legislation. Divergent viewpoints on USBP practices in the region has deepened some social divisions. Yet organizing efforts have also forged new solidarities across lines of difference as organizers find common ground in opposition to the DHS prioritization of national security over the wellbeing of borderland residents. The section to come elaborates further on DHS authorities that limit the constitutional protections entitled to people in the United States.

5.3.3 ‘Constitution free zone’
In carrying out their daily work, United States Border Patrol personnel are authorized to operate within ‘reasonable distance’ of the border, which is a one hundred mile zone inland of the linear border. Within twenty-five miles of the international boundary, agents are permitted access to private land, but not private buildings. In accordance with these operating zones, personnel are also authorized to board and search vessels, such as buses and trains. The USBP’s 2005 National Strategy called for agents to be stationed at domestic transportation hubs like airports and bus stations in the border zone, which explains the spot checks going on in northwestern Washington (Haddal 2010: 30). How was this border zone established? In her analysis of Supreme Court decisions since 1970 regarding government authority to search and seize near the borders – specifically, Fourth Amendment rights to protection from unreasonable search and seizure – legal scholar Jennifer Chacón finds that the one hundred mile zone
has come into being in an ad hoc way, largely bypassing public debate. Ultimately, “...courts have a more permissive standard for what constitutes a reasonable action on the part of a government actor in the context of policing the international border than in many other policing contexts” (2010: 135).

Federal authorities have held fixed suspicionless immigration checkpoints on highways in the southwestern border zone for decades. The 1976 Supreme Court decision on United States v. Martinez-Fuerte established that such checkpoints do not violate the Fourth Amendment. As such, the Court did not establish a requirement that the government rationalize the locations selected for checkpoints or justify the referral of detainees for secondary inspection. The Martinez-Fuerte decision concluded with the statement from the court that: “…even if it be assumed that such referrals [to secondary inspection] are made largely on the basis of apparent Mexican ancestry, we perceive no constitutional violation” (as quoted in Chacón 2010: 142). As Chacón illustrates, Supreme Court jurisprudence allows federal agents to carry out intrusive searches in border zones without having to prove reasonable suspicion or probable cause. In this zone, race serves as a legitimate cause, when combined with other causes, to detain a vehicle. Some of the other permitted causes include the kind of vehicle or the way the subject is dressed. Thus, suspicion based on race, when combined with class signifiers, are considered a legitimate reason to detain a vehicle (ibid: 145-146). Chacón explains (p. 137):

…the court has given roving border agents broad latitude to conduct stops premised largely on the basis of the target’s race. This has been enshrined in American law since 1975, and has not been reexamined by the high court despite significant shifts in the demographics of the nation – shifts that severely undermine the notion that individuals of ‘Mexican appearance’ are likely to be present without legal authorization.

The American Civil Liberties Union (ACLU) refers to the one hundred mile border zone where federal authorities hold exceptional powers as the “constitution free zone.” The ACLU emphasizes that more than two thirds of United States population lives within this zone, which encompasses many major metropolitan areas, and even some entire states (ACLU 2008). In the Pacific Northwest, urban areas like Seattle are situated within the hundred mile zone, prompting some Olympic Peninsula residents to question the logic behind the locations chosen for USBP checkpoints. Some of the individuals whom I interviewed on the peninsula believe that places like the West End were chosen for checkpoints because they are easy targets. One interviewee said:

So, one of my main gripes all the time, they say that Border Patrol works within one hundred miles of the border, and I always want to say ‘why Forks?’ Especially with the checkpoints – I’d like to see Border
Patrol set up a checkpoint over in Sequim, and start pulling people over, I’d like to see them put a checkpoint in Seattle and start pulling people over. Let’s see how people would tolerate it, I mean, they’ve done it out here because they thought they could get away with it. Local-wise, some people don’t care, some people smile and drive through it, one person got so mad he kept going back through it over and over again.

Some of the Department of Homeland Security’s broad policing authorities were inherited from the precedent established by the INS. As a result, the USBP is largely not accountable to the general public to justify where highway checkpoints are placed. At the same time, the agency may use physical attributes related to race and class to target individuals passing through for special scrutiny. The use of highway checkpoints on the peninsula was accepted by some, but questioned by others, such as the individual mentioned above whose personal contestation was to drive through the same checkpoint over and over again, ostensibly to bother the law enforcement personnel working there. Beyond concerns of racial profiling, various other concerns were raised about the USBP checkpoints held on the peninsula, and with the “constitution free zone” in general. Some peninsula residents felt that the checkpoints exposed everyone living in the region to inconvenience, unnecessary federal surveillance, and a violation of Fourth Amendment rights. For example, one organizer who I interviewed takes issue with the prioritization of federal law over state law occurring within the hundred mile border zone:

Organizer: I’ve had contact with Customs agents wearing blue uniforms that operate at border crossings at ports of entry, which is completely traditional and appropriate, and was happening before 9/11, and still happens today, and I don’t think that’s at all controversial. But once you move away from border crossings and ports of entry, and tell people that you want to ask them questions about where they’re coming from and where they’re going, and possibly take a look at the contents of their vehicle or personal belongings, or have a drug dog sniff their clothing to find out if they might be a medical marijuana patient, is which is legal by our [Washington State] law, but not legal by federal law, this is concerning.

This organizer refers specifically to the case of a peninsula resident named Stephen Dixon, a disabled veteran and medical marijuana patient who was detained at one of the USBP checkpoints for possessing a small amount of marijuana. Medicinal use of marijuana is permitted by Washington State, but not by the federal government. As a result, misdemeanor drug possession charges were filed by the Border Patrol against Dixon. Ultimately, the US Attorney’s Office determined that the federal courts would not prosecute such small possession cases brought forward by the USBP, given that federal resources are prioritized for pursuing major criminal smuggling networks. As a result, Dixon did not face federal prosecution. Nonetheless, as he explained in an interview with the Peninsula Daily News, the incident left him fearful to leave his home and travel on the highway to visit his son, who lives in another
peninsula city (Hidle 2008a). A variety of concerns with the “constitution free zone,” from racial profiling to the scrutiny of all peninsula residents, led to the organization of a public forum attended by more than four hundred people in November 2008, which I describe in further detail in Section 5.4.1.

The Olympic Peninsula is not the only northern border region where people are displeased to realize that they are part of the “constitution free zone.” In February 2012, a coalition of fifty-five immigrant and civil rights advocacy organizations came together under the umbrella group Northern Border Coalition (NBC) to send a letter to DHS Secretary Janet Napolitano, questioning the USBP’s moves inland along the northern border as the agency’s budget has increased. The NBC letter highlights a glaring disconnection between agency practices and enforcement priorities, concluding that the practices in use ‘weaken community safety’ and violate the constitutional rights of borderland residents. NBC offers several suggestions to DHS, including the institution of greater transparency about USBP enforcement activities that are not directly connected to the prevention of unauthorized border crossings. The Northern Border Coalition also suggests that CBP prohibit its agents from carrying out local law enforcement activities, and that CBP harmonize its prosecutorial discretion with that of ICE: “For example, Border Patrol agents should be directed to place lower priority on cases involving immigrants who are not apprehended while attempting to illegally enter the country” (NBC 2012: np). One of the points the Northern Border Coalition makes is that civil immigration enforcement targeting immigrants who reside in the United States, rather than those who have recently crossed the border, is not the principal responsibility of CBP – instead falling under the responsibility of ICE. And ICE authorities, in recent years, set new precedent for who should be targeted.

In 2011, ICE Director John Morton sent a memorandum to all ICE personnel to provide ‘guidance on the exercise of prosecutorial discretion to ensure that the agency’s immigration enforcement resources are focused on the agency’s enforcement priorities’ (US ICE 2011: 1).\(^\text{15}\) The memorandum makes the point that because ICE has limited resources and thus cannot remove every individual who violates civil immigration law, prosecution should adhere to the agency’s priorities – the ‘promotion of national security, border security, public safety, and the integrity of the immigration system’ (ibid: 1). The memorandum outlines some positive factors that agents should take into account in their prosecutorial

\(^{15}\) According to the memorandum, “In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual” (US ICE 2011: 2).
discretion for particular ‘aliens’: long-time presence of lawful permanent residents, minors and elderly individuals, individuals present in the United States since childhood, pregnant or nursing women, etc. The negative factors listed include: individuals who pose a clear risk to national security, those with lengthily criminal records, known gang members or individuals who clearly pose a threat to public safety, or individuals with lengthily records of immigration violations (ibid: 5).

The Northern Border Coalition letter to Secretary Napolitano suggests that CBP should align its prosecutorial discretion with agency priorities, similar to what ICE has done. In sum, the Department of Homeland Security has consolidated authority in the name of national security, working within a one hundred mile “constitution free zone.” Organizing efforts in places like the Olympic Peninsula, in concert with national coalitions like NBC, are questioning and countering this authority. The section to come explains some of the formal modes of contestation, such as litigation and official complaints, used by social justice groups in Washington to contest USBP practices.

5.3.4 Civil rights and liberties

On the Olympic Peninsula, social justice advocates have organized phone trees, documentation projects, media coverage, informational meetings, rallies, and protests in order to document and contest how Border Patrol practices create a climate of fear. Advocates have also allied with national coalitions to petition DHS for clarity and change, while successfully using formal channels such as official complaints, Freedom of Information Act Requests, and litigation to contest what they argue are discriminatory Border Patrol practices in northern Washington based assumptions about race, national origin and language proficiency.

In Chapter 4, I outlined an official complaint against the Forest Service that was investigated by the US Department of Agriculture (USDA) Office of the Assistant Secretary for Civil Rights (OASCR). Northwest Immigrant Rights Project (NWIRP) of Seattle – the organization behind the complaint to OASCR – also filed a formal complaint with the US Department of Justice (DOJ) and DHS in May 2012. In a letter addressed to the top leadership of the two agencies, NWIRP argues that the provision of language interpretation by Border Patrol agents to other law enforcement officers during routine law enforcement encounters ‘violates both the substance and the spirit of civil rights protections that your two agencies are charged with enforcing’ (NWIRP 2012b: 1). The complaint was filed on behalf of six individuals who had come into contact with USBP agents through language interpretation. Specifically,
NWIRP argues that Border Patrol provision of interpretation to other agencies is in violation of Title VI of the 1964 Civil Rights Act and of Executive Order 13166, which mandate meaningful access to federal programs and activities for individuals who have Limited English Proficiency (LEP) (ibid).

NWIRP elaborates that USBP provision of language interpretation is in violation of the Civil Rights Act and Executive Order 13166 for several reasons. First, LEP individuals – and only those who speak Spanish or are assumed to speak Spanish – are subjected to interrogation about their immigration status as a result of USBP interpretation. Second, Border Patrol agents are often reported to have insufficient Spanish language skills, and therefore may be underqualified interpreters. Third, the complaint offers evidence that officers strategically seek interpretation opportunities in order to question detained subjects suggests that agents are not assuming the role of ‘independent and neutral actors’ for LEP individuals, as would be required for federal interpreters under the abovementioned act and executive order. NWIRP suggests these collaborations provide a pretext to engage in immigration enforcement (ibid). One striking example of how these discriminatory policing practices play out is the experience of an individual identified as “A.B.” within the redacted version of the compliant.

A.B. speaks the indigenous language Mixteco, and is not proficient in English or Spanish. A.B. had been living in Mt. Vernon, Washington for four years, and was a passenger in a vehicle driven by her husband that was pulled over by a Washington State Patrol trooper for speeding near Bellingham. A dashboard video from the trooper’s vehicle, along with a report filled out later by the USBP agent involved were obtained by the NWIRP and A.B.’s attorney. The trooper requested interpretation assistance from the Bellingham Border Patrol Station in order to inform the driver of the vehicle (A.B.’s husband) that he was under arrest. However, when the USBP agent arrived, he began questioning the other passengers of the vehicle about their immigration status, though they had not been charged with any violation and the agent does not speak Mixteco. Dialogue between the trooper and the USBP agent captured in the dashboard video reveals that both officers were aware that A.B., among other passengers in the vehicle, could not understand them in English or Spanish. Ultimately, A.B., pregnant and with two young children, ended up in the Northwest Detention Center in Tacoma for two weeks until she was released under supervision on humanitarian grounds, while her husband was deported (ibid). As the officials prepare to leave the scene of the apprehension, they say (as quoted in NWIRP 2012b):

Trooper: Well, I appreciate you coming out.
USBP Agent: No problem, give us a call anytime.

Trooper: Oh yeah, well, we like to, we just have to do it in a roundabout sort of way.

USBP Agent: That’s fine, that’s great, we have no problem with that. We appreciate the calls.

Stories like that of A.B. and her husband led NWIRP to argue in the complaint to DOJ and DHS that the language interpretation service offered by the USBP to other agencies violates key civil rights protections. NWIRP also points to the gaps between this practice and DHS priorities. According to DHS, the agency’s current high priority populations to be targeted for immigration enforcement include those who have recently entered the country, immigration fugitives, and those with records of major criminal convictions. Further, NWIRP highlights the inefficiencies and detrimental outcomes of this practice. Knowledge that the Border Patrol may appear for routine law enforcement encounters reduces the likelihood that immigrants will interact with law enforcement under any circumstances, including as victims or witnesses. NWIRP also suggests that utilizing a standard phone interpretation service would save time for officers and detained individuals involved, as opposed to waiting on the scene of detainment for a Border Patrol agent to arrive in person. The objective of this complaint was for DOJ and DHS to direct field agents to desist with these practices in Washington State (ibid).

At the time that NWIRP filed the official complaint about USBP language interpretation, it was clear that the practice was widespread along the US northern border, but unclear exactly how the practice worked. A coalition of immigrant rights groups came together to submit a Freedom of Information Act (FOIA) request in May 2012 in order to obtain more information. The requesters included the American Immigration Council out of Washington DC, NWIRP and OneAmerica in Seattle, as well as organizations in Michigan, Vermont, and New York. The FOIA request states that the objective of obtaining such information is to enact greater DHS transparency. The requesters state that they are responding to reports from immigration advocates of frequent instances of purported Spanish-English interpretation carried out by the Border Patrol from as early as 2009 (AIC 2012). In December 2012, US Customs and Border Protection made a public announcement that the agency’s personnel would desist from providing language interpretation for other federal and local law enforcement. Immigrant rights advocates pointed to the contestations of individuals targeted for from this practice as a central force behind the decision (NWIRP 2012a).
Civil rights protections have been used as a basis to contest the way the Border Patrol interacts with LEP individuals under the auspices of providing language interpretation. However, LEP individuals are not the only people being pinpointed for scrutiny. The USBP practice of ‘roving patrols’ and traffic stops on the peninsula has targeted a broader population based on physical markers of race and class – individuals assumed to be brush pickers, Latino(a)s or undocumented immigrants. Organizers with the Forks Human Rights Group explain that the only Anglos they know to have been detained by the USBP on the peninsula are connected to non-timber forestry work – either working as brush pickers or mistaken for them. The sole Anglo brush picker out of hundreds of regular brush pickers on the peninsula that FHR organizers are aware of has been detained more than twenty times by the Border Patrol while driving to or from his home in Port Angeles to the sites in the West End where he works in the woods. A FHR organizer explained to me that when “They [Border Patrol agents] see the brush in the back of his pick-up, then they think he’s a Spanish person, so they pull him over, and when they walk up and see he’s a white guy, they’re surprised. They say ‘I’m sorry, I thought you were somebody else.’” FHR organizers also told me the story of another Anglo friend who happens to own the same big blue van as a Latino brush picker:

FHR organizer: Of course, [the Border Patrol agent] thought he was a Mexican, so [the agent] just went out there real fast, he comes around the bend and sees the van… and I think he [the friend] stepped into the brush. So he [the agent] just goes racing up and he slams on the breaks, almost slides up there, he doesn’t ding him but he comes close… he slides up there to the van, so he jumps out to catch him you know, he thought he was Mexican.

Based on the FHR Group’s documentation work, the populations that have experienced the most random questioning and detainment by the Border Patrol in the West End are those who are assumed to be Latino(a)s or brush pickers. Driving a pickup truck with brush piled up in the back or physical presence in the woods draws the attention of USBP agents. In the years that the FHR Group has been documenting Border Patrol presence in their community, the American Civil Liberties Union also began compiling evidence of discriminatory USBP practices on the peninsula based on racial and ethnic identities. In April 2012, the ACLU filed a class action lawsuit with the US District Court of Western Washington on behalf of three plaintiffs – Jose Sanchez, Ismael Ramos Contreras and Ernest Grimes, and ‘all others similarly situated’, against the USBP, CBP and DHS. The lawsuit charged that Border Patrol practices on the Olympic Peninsula were in violation of Fourth Amendment rights – stating that the agency was regularly detaining vehicles or taking part in vehicle stops on the peninsula based on
intuition and hunches to ‘interrogate and unreasonably seize the occupants of such vehicles’ (Sanchez, Ramos-Contreras & Grimes v. US BP, CBP, DHS).

The three plaintiffs represented in the ACLU lawsuit are all United States citizens, born in the US, including two men of Latino ancestry and one man of African American ancestry. Each plaintiff has been detained and questioned multiple times by the USBP while driving or riding in a vehicle on the Olympic Peninsula. The ACLU argues that each stop appears to have no basis beyond the plaintiffs being people of color. The first plaintiff, Jose Sanchez, had several run-ins. In 2008 or 2009, a USBP vehicle followed him as he drove, all the way to his home. In 2009 and again in 2011, he was detained by the Border Patrol while driving his vehicle – both times, the agent(s) who stopped him rationalized the stop by saying that the tint of his windows was too dark. The second plaintiff, Ismael Ramos Contreras, was approached and questioned by a USBP agent while standing outside the Clallam County District Courthouse in Forks in 2010. In 2011, he was stopped and interrogated while riding in a vehicle with four companions. In the latter instance, the USBP agent confiscated the driver’s key without explaining the reason for the stop. The third plaintiff, Earnest Grimes, was detained and questioned about his immigration status by a USBP agent in 2011 near Clallam Bay while traveling in a vehicle. Grimes is a correctional officer, and he was wearing his uniform when the incident occurred. He reports that the agent who stopped him came towards the vehicle in an aggressive manner, with his hand placed on his holstered weapon, and then raised his voice to order Grimes to lower his window (ibid).

The ACLU lawsuit connects the beginning of the individual vehicle stops, or ‘roving patrols’ with the end of the highway checkpoints on the Olympic Peninsula, explaining that ‘public outcry over the Border Patrol’s interior checkpoints was severe,’ to the point where the agency stopped the practice. The ACLU notes that these violations of Fourth Amendment Rights were so extreme that congressional leaders got involved. Congressman Norm Dicks and Senator Maria Cantwell wrote letters to DHS Secretary Janet Napolitano in 2009. In her letter, Senator Cantwell states that her constituents complained of Border Patrol agents targeting “Muslim, Hispanic, and tribal communities...solely on their race, ethnicity, or religion” (ibid: 12). The ACLU argues that the roving patrols do not target individuals that the Border Patrol suspects to have crossed the boundary from Canada (ibid). Since the US Border Patrol has expanded its presence along the northern border, social justice advocates have raised questions about how the agency’s practices connect to its mission, and about the nature of its authorities inland of the border, within what the ACLU refers to as the constitution free zone. Olympic Peninsula residents had
the opportunity to ask USBP officials these questions in person during a public forum held near Port Townsend in November 2008. The following section provides an overview of the formal presentations, as well as some questions from the audience at this forum.

5.4 Bureaucratic engagement
5.4.1 Public forum

Figure 5: View of Port Townsend Bay from Port Townsend, WA; Photo by Leigh Barrick.

The organization of a public forum about United States Border Patrol Practices on the Olympic Peninsula was a direct response to concerns about the temporary highway checkpoints held in 2007 and 2008. All of the organizers whom I interviewed on the peninsula brought up the aftermath of the checkpoints as an energetic moment for their organizing efforts. One interviewee explained to me that at the public forum, the hundreds of people who attended were overwhelmingly ‘appalled and outraged,’ with only one vocal participant who was in favor of local Border Patrol practices. The reasons that community members were unhappy were varied. Participants had political views that range the spectrum, from ‘Port Townsend liberals’ to ‘very right wing.’ This forum participant found that the diverse bases of contestation of USBP practices came together as a strong voice of opposition. The forum was organized
by the *Port Townsend Leader* newspaper, the League of Women Voters, the City of Port Townsend, and the Port Townsend Peace Movement. It was held in November 2008 at Chimicum High School, which is near Port Townsend, and attended by more than four hundred people. USBP supervisory officials and spokespersons came from the Blaine Sector headquarters to participate. Local law enforcement officers, community leaders, and attorneys also spoke. I draw from media reports and videos of the forum posted online to give an overview of the debates that arose.

At the forum, Border Patrol spokesperson Michael Bermudez outlines the National USBP Strategy, highlighting the agency’s goal to “gain, maintain and expand operational control of nation’s border,” where operational control refers to “the extent to which we are able to detect, identify, classify, respond to, and ultimately resolve all threats within our theater of operations.” To reduce the entry of potential terrorists, Bermudez says, we must first reduce the number of other individuals illegally entering the United States. He goes over five objectives that work towards the agency’s mission. The top objective is to apprehend terrorists and terrorist weapons; the second is deterrence through improved enforcement; the third is to deter, detect and apprehend illegal entries; the fourth is to implement ‘smart border’ technology; and the fifth and final objective is to reduce crime in border communities and consequently improve quality of life (Jeffco101 [video] 2008a, my emphasis).

Spokesperson Bermudez and Chief Bates explain that the USBP has the authority to utilize highway checkpoints in order to apprehend terrorists, smugglers and undocumented immigrants who may have ‘egressed’ inland from the border. Chief Bates points out that there is drug smuggling and human smuggling coming into the Olympic Peninsula from Canada, and gun smuggling going north from Washington into Canada. Later in the forum, Shankar Narayan, Legislative Director of the American Civil Liberties Union of Washington State, presents on USBP authority within the one hundred mile border zone. He notes that in the case law that has established the one hundred mile zone, the courts have upheld the standard that people and goods, such as illicit drugs, targeted for enforcement at these temporary checkpoints should have crossed the border. He also highlights the disconnection between USBP mission and practice:

> Of course when judging constitutionality, we have to look at what are these checkpoints really about. The stated focus, of course, of the Border Patrol is to prevent terrorism, but we also know that it is mostly undocumented immigrants that are being apprehended at these checkpoints. Undocumented immigrants
from Mexico. These, frankly, are individuals that probably did not come from Canada [audience laughs]. They probably came from somewhere else (Jeffco101 [video] 2008b).

After the formal presentation, the forum opens to questions from the audience. Scott Wilson, publisher of the *Port Townsend Leader* newspaper, poses a question to Chief Bates, requesting that he break down the statistics of who has been apprehended at the highway checkpoints and on what basis – how many individuals have been apprehended for terrorist activities, drug trafficking, and immigration violations. Chief Bates responds that at the checkpoints, the USBP made 15 apprehensions of “persons who are undocumented in the country,” as well as seven individuals for a variety of offenses. He declines to specify exactly what those offenses were. Wilson presses for more information, asking if any terrorists were apprehended, to which Bates responds: “No. Nothing related to terrorism” (Jeffco101 [video] 2008b). Later in the forum, an audience member asks Chief Bates to break down the apprehensions at the checkpoints by nationality. Out of the 15 total apprehensions, Bates responds, 6 individuals were Guatemalan, and 9 were Mexican. Beyond apprehensions, Chief Bates points out that the Olympic Peninsula attracts many visitors, and agents encountered 132 Canadians at the checkpoints, 16 individuals from Germany 8 from Japan, 10 from Korea, 6 from Switzerland, 14 from the United Kingdom, 6 from Belgium, 2 from Austria and he stops there. But these individuals were not apprehended, because they were ‘here legally,’ Chief Bates explains (Jeffco101 [video] 2008c).

Several people whom I interviewed that were present for the Chimicum forum mentioned that the presentations provided by USBP officials were ‘rote’ or vague, not providing many of the specific details they wanted. Here is one interviewee’s perspective:

Interviewee: Bear in mind that I was in government for the better part of twenty-five years, so I know government bullshit when I see it, and I can do it myself. This was a hype job. They did it well, they didn’t lie, but they didn’t tell the whole truth either. Their strategy that they hold today is that in the wake of the September 11, 2001, they went to an in-depth strategy. They recognize that the fence is a waste of time. They don’t say that, but, and patrolling the whole border – come on! So it’s about getting intelligence, that’s the way military people think. If you know when they’re coming and where they’re coming, you go there and wait. That’s a clever thing to do. They’re also doing the other – they’ve flooded the northern border anyway – up to 50 people [USBP personnel] when it used to be 5 [in Port Angeles]. And they haven’t busted a terrorist yet. They’ll tell you about a guy that was four years before they started.

Leigh: Oh, Ahmed Ressam?

Interviewee: The guy they caught with his car. Come on! Bart Simpson would do that, give me a break. They have not busted a terrorist or even a suspect since then. They give you all these numbers and it’s all
As alluded to here, Ahmed Ressam, the individual who arrived by ferry to Port Angeles in late 1999 with materials to build explosives, was not apprehended by the Border Patrol. He was intercepted by Customs officers. Nonetheless, the example of Ressam is often invoked in justifications for growing USBP presence on the peninsula. For example, Port Angeles USBP Station Supervisor Jose Romero explained to the Forks City Council in 2011 that the agency’s work out of Port Angeles benefits the local community because it is part of a ‘huge national puzzle’ that keeps the country safe from terrorism. Romero explained community in broad terms: “Our community is nationwide, and even one weak link is one too many” (as quoted by Ollikainen 2011). Referring to the 1999 apprehension of Ahmed Ressam, Romero said: “Terrorism is a threat, and I understand it’s not something that we see here daily or weekly, monthly or yearly...With terrorism, it’s not a Johnny-come-lately. It’s not what happened recently. One act of terrorism is one too many” (ibid, my emphasis).

One civic leader who I interviewed pointed out that the community push-back and interrogation of Border Patrol logic seemed to trigger a shift in how the agency rationalized its practices over time. Initially when questioned, agency officials made reference to their broad authorities within one hundred miles of the border. But when it was pointed out that those authorities are limited in some important ways, officials began to explain their work in terms of responding to a verified threat of terrorism. Various interviewees whom I spoke to also emphasized the curious way that particular USBP practices have been revoked in the wake of contestation. Some organizers speculate that perhaps this indicates that such practices are not actually vital to national security. The disconnection between mission and practice is a central issue for some of the organizing efforts around the peninsula. But since the Border Patrol stopped holding the checkpoints and later stopped the bus boardings and roving patrols, the issue became less visible to the community at large. One organizer who I spoke to reflected on the public forum at Chimicum High School, noting that important questions were raised in that moment, but many remain unanswered while the pressure on the USBP to provide answers has diminished:

Organizer: ...A huge part of my curiosity is just based on what I call honest management of public information. Questions that haven’t been asked, questions that aren’t being asked, and if they were asked, I would say that’s fair, now people have the information they need to understand the policy and
what’s going on around here. But for some reason, papers big and small, local to the peninsula and the Seattle area, are not interested in asking questions.

...The energy and enthusiasm that was there in that room that night [at the forum] was fantastic. I mean it was like powerful. And what do you know – the checkpoints ended within months of that gathering. That was the...I wouldn’t change a thing about that – it was wonderful. Since then, it seems like people have lost interest in the issue. The checkpoints have ended, the bus boardings have ended, so that means that the local Border Patrol operations have been downsized, but the staff and facilities have been upsized. Hey mister reporter – why are staff and facilities being upsized while local operations are being downsized? I haven’t heard an answer to that one yet.

This organizer points out that as the local USBP station reduced some of its key operations, the staffing levels continued to rise and a new facility was opened. Indeed, in mid-2012, a Border Patrol station construction project was finished. Before then, agents worked out of a federal building in downtown Port Angeles, but complained of cramped quarters, given that the station’s staff grew from approximately four in 2006 to forty-two as of 2012. The new station was complete after an intensive remodeling job on an existing building. The site was purchased for 2.1 million dollars in 2011 by the US Army Corps of Engineers and then the remodel was carried out by Blackhawk Ventures LLC from San Antonio, Texas. The cost steadily rose as the project progressed. The Peninsula Daily News obtained specific information about funding increases for the project through a FOIA request (Gottlieb 2012). In March 2011, the remodel was projected to cost 5.7 million dollars. By April 2012, 8 million dollars had been contracted, followed by a final increase to 9.8 million. The finished building is 19,000 square-feet, with two cells to hold individuals detained prior to transport to the Northwest Detention Center in Tacoma, a dog kennel, three dog runs, a fitness center and a forty-foot radio tower. Outside, the building is surrounded by a black fence with a curved top facing outwards (ibid).

The outward curve of the fence may seem like a minor detail, but several of the individuals whom I interviewed on the peninsula pointed this out, and joked that the goal seems to be to keep people from sneaking into the facility, rather than out. People laughed about the curve of the new station’s exterior fence, but at the same time, serious concerns have been raised about this use of taxpayer dollars for the construction a larger USBP station in a region where the agency’s role is still unclear.

5.4.2 Whistleblower

Local organizers are not the only ones concerned about taxpayer dollars at the Port Angeles USBP station. In July 2011, Border Patrol Agent Christian Sanchez, stationed at Port Angeles, testified before
the Congressional Transparency Caucus, urging Congress to take action to prevent the continuation of what he called ‘crimes against the taxpayer’ through the misuse of funding by the US Border Patrol at his station. Before moving to Port Angeles, Sanchez worked for the agency at the southern border, in San Diego, where he explains he had plenty of meaningful work to do in support of the USBP mission. When he arrived in Washington State, however, he found that there was little casework to be done, and that agents were mainly assigned busywork, encouraged by supervisors to fill their time by driving around the peninsula. Sanchez says that there is little casework due to the infrequency of unauthorized cross-border activity. To him, the station’s main purpose appears to be a source of backup to other law enforcement agencies. One of Sanchez’s central complaints is that agents were being mandated by supervisors to receive overtime pay for time that they had not actually worked, given that there was not much work to be done (Sanchez 2011).

When Sanchez brought his concerns to his supervisors, he says he was met with retaliation, stripping of his duties, and tactics of intimidation outside the station, when he has been followed and watched by other agents. Here is an excerpt from his testimony (Sanchez 2011: np):

On or about October 2010, a year after arriving [to Port Angeles], I finally came to terms with myself that there was no work to be done at my station, and wasn’t going to be any. Therefore I was going to be paid while not performing my duties of a Border Patrol Agent. This upset me deeply. During our work shifts, other agents and I always talked about how coming to work was like the “black hole,” swallowing us up slowly with no purpose, no mission. We talked about how the skills from duties we performed many times down south would soon atrophy here. I’ve talked to agents who confidentially expressed that they are depressed and are going “crazy,” because there is no casework to do.

But during musters [the supervisors] always kept to the same rhetoric: ‘we have tons of work here, the law is the law, there are drug smugglers here, there are gangs here, there is lots of cross border activity here, we have much intelligence here...go get them.’ If an agent ever refutes or questions what they say, management continues with the rhetoric. The agents almost want to believe it, because it’s shameful to actually admit that we, as men, have no purpose here. At first I believed them. But after a year I saw no evidence of anything they claimed. I could not stop denying it to myself. There was no work to be done here.

In his testimony, Sanchez rationalizes his supervisors’ reproduction of the agency’s broader narrative around threats from Canada as a move to protect the relevance of their work and the station’s funding. Given that my request for interviews and/or ride-alongs with Port Angeles Border Patrol personnel was denied, I do not have many insights into station dynamics besides Sanchez’s testimony. However, the act of giving a whistleblower testimony in itself is quite significant. Maril’s (2004: 160) ethnography of
the McAllen, Texas USBP station illustrates that whistleblowers are few and far between in the agency: “Like most other federal bureaucracies, the Border Patrol did not tolerate whistle-blowers or employees who acted on their own volition or made recommendations that went against ‘common sense.’” Maril finds that the model rank and supervisory agents in McAllen follow agency and station policies without asking questions or projecting their own perspectives developed through the experience of patrolling the border. From their everyday experiences, agents have many ideas on how to more efficiently work towards agency objectives, or on how to render those goals more pragmatic. However, there are many barriers to speaking out.

Although I cannot generalize too much by comparing Sanchez’s experience to that of agents in McAllen, Maril’s analysis speaks to the barriers faced by low ranking agents in effecting change from below. In Sanchez’s testimony, it is clear that he is proud of his accomplishments at the southern border, and feels as though he carried out meaningful work there. He spends some time explaining his specializations, training and duties in San Diego: ‘intelligence reporting, prosecution preparation, surveillance, anti-smuggling/narcotics interdiction, and the processing of aliens from special interest countries.’ Sanchez frames the issue in the Port Angeles Station in explicitly gendered terms, considering the consequences when ‘high energy men’ become bored. He compares this dynamic to his previous experience in the Navy, when men finished their work they ‘created havoc and attacked one another’ (Sanchez 2011). One of the law enforcement officers who I spoke to on the Olympic Peninsula echoed this sentiment, sympathetic for the confusion Border Patrol recruits from the southern border feel when they are stationed in Port Angeles:

Leigh: Did they bring people in from the southern border [to work at the Port Angeles station]?

Officer: Yes. The agents I spoke to were coming up from Tucson, and there was an issue with, one of the young men I talked to was kind of confused because it’s a different set of expectations. Down there, because there’s been such a history for such a long period of time it’s pretty easy to understand, you know, people coming across the border. But here, you know, we don’t have a lot of Canadians trying to flee to America because of the unsavory poverty conditions that exist in Canada. So it’s a different set of rules. And he expressed that he was concerned because he didn’t understand the environment that he found himself in.

As this law enforcement officer explains, some Border Patrol agents trained and recruited from the southwest find Port Angeles to be a confusing environment in which to work towards agency objectives. Christian Sanchez’s testimony in July 2011, along with the tragic death that occurred in May that year
(described in Section 4.4.3), and the ACLU lawsuit, brought the USBP practices on the peninsula into the national media spotlight (ie Yardley 2012).

In the immediate aftermath of Sanchez’s testimony, Port Angeles USBP Station supervisory agents began working on damage control. Station Supervisor Jose Romero gave a forty-five minute presentation to the Port Angeles Chamber of Commerce, insisting that agents are not bored. During this presentation, as written up by journalist Paul Gottlieb of the Peninsula Daily News, Romero asserts the agency’s authority inland: “We focus our energies about one hundred miles inland,” patrolling throughout that one hundred mile zone in Aberdeen, Shelton, Port Townsend, Sequim and Forks “pretty much every day.” Romero continues: “We are the only law enforcement agency charged with protecting the whole country by patrolling the streets every day...We are it. We focus on how to protect all communities at once” (as quoted by Gottlieb 2011d, my emphasis). During the same presentation, Romero also gives a rough outline of why the US-Canada border has been targeted for securitization: “The northern border has now become the focal point...It's extremely porous.” Romero refers to the “75 known factions of some kind of terrorist group” in Canada as threatening to the Blaine Sector. He also spends a good deal of his presentation discussing immigration, outlining how agents decide to question certain individuals around immigration status. He elaborates that the decision agents make to question someone is generated partly through a “gut feeling,” that may then lead them to initiate further conversation (ibid).

Periodically over the past few years, the Blaine Sector Border Patrol has permitted some media ride-alongs with agents, providing a small window into what agents do while they are ‘patrolling the streets everyday’ as explained by Romero. In February 2010, KUOW reporter Jessica Partnow joined USBP spokesperson Mike Bermudez for a ride-along near the sector headquarters in Blaine. The report describes the Radio Room in the headquarters, which is lined with screens displaying live video feeds of border locales under video surveillance, such as fields, country roads, and parking lots. Cameras are situated every few hundred yards along the border near Blaine, supplemented by hidden sensors, Partnow reports. This technology alerts agents to traffic headed in both directions across the border, whether it be marijuana or ecstasy smuggled into the US, or guns and narcotics brought into Canada. Partnow writes that “Agents here in Blaine spend much of their time out patrolling the border. It seems a lot like just driving around” (Partnow 2010):

Bermudez: Well this is it! We're on the line, we're working the line.
Partnow: So this is what you would do?

Bermudez: Yes. You’re listening for the radio, you’re listening for any radio traffic, you’re listening for any sensor activity, and you’re patrolling.

This KUOW report explains that in 2008, the Border Patrol Blaine Sector made just fewer than one thousand arrests of individuals with unauthorized immigration status. The Blaine Sector covers Western Washington (including the Olympic Peninsula), extending down to Oregon. Out of the total sector arrests in 2008, two thirds of the individuals were nationals of Mexico (Partnow 2010). Blaine Deputy Sector Chief, Joe Giuliano, has stated that on average, the sector staff apprehends one unauthorized border crosser per day entering northwestern Washington from Canada (Banse 2005).

On the Olympic Peninsula, agents are charged with ‘patrolling the streets every day,’ as well as the Strait of Juan de Fuca. Just before Christian Sanchez gave his testimony in July 2011, Peninsula Daily News reporter Paul Gottlieb joined Border Patrol Marine Interdiction agents for a ride-along in their patrol vessel through the strait. The agents carry out a demonstration of what an interception would look like, with one agency vessel pursuing another. Throughout the journey along the seventy nautical miles for which the unit has responsibility, Gottlieb reports that few other boats are encountered. The agents explain that this is typical during their patrols. As a result, their main activity with boats in the strait is to board vessels and ask for identification, they say. The USBP marine unit is supported by Black Hawk Helicopters out of the USBP Air and Marine branch in Bellingham. In the case of inclement weather, Marine Interdiction agents carry out patrols on land to supplement the work of Port Angeles Border Patrol agents. The unit works against terrorists, weapons of mass destruction, the smuggling of drugs and merchandise, and also checks the immigration status of boaters (Gottlieb 2011c).

The public relations work carried out by Port Angeles supervisory agents before and after Sanchez’s whistleblower testimony often does not work in the agency’s favor. The idea of ‘protecting the whole country by patrolling the streets every day’ is not convincing to peninsula residents who believe that deterrence tactics are not needed. Blaine and Port Angeles USBP engagement with the media is generally vague, and mismatches in agency objectives and practices stand out. References to agency’s authority to work inland and carry out domestic immigration enforcement are juxtaposed by mention of the agency’s central objective of deterring terrorists. Such mismatches in practice and mission are also a
cause of discontent for some agents, as evidenced by Agent Christian Sanchez’s whistleblower testimony. In Agent Sanchez’s case, as of September 2011, his lawyer informed the media that he requested a transfer back to the southwestern border (PDN 2011). Yet Sanchez’s complaint was not settled until October 2012, more than a year after he came forward. The terms of the settlement were announced as confidential (Provenza 2012). This silence leaves questions unanswered about whether the systemic issues raised by Sanchez are being addressed by the Border Patrol, motivating some organizers on the peninsula to continue pressing for information (see Oak Bay Starfish 2012).

5.4.3 Transparency

The issues of government transparency and accountability are central to some of the individuals contesting Border Patrol practices on the peninsula. One organizer who I spoke to explained:

Leigh: And do you think sometimes people get distracted by the immigration issue? Because I feel like some of the people I’ve talked to bring up the Border Patrol and say well, it’s important that we don’t have people in the country illegally, but they don’t talk about the fact that they hadn’t crossed this border.

Organizer: I think that’s an excellent point. The immigration issue is extremely emotional, and if you read the comments section in the local papers, they very very heated, very emotional. And there’s been decent coverage on the immigration issue locally. I think what’s unfortunate is that the immigration issue isn’t specific to the peninsula, and the things that I’m concerned about are specific. But the people that, I believe there’s some people that would want more checkpoints, would want checkpoints everywhere, they don’t seem to acknowledge that no one is crossing illegally into the US at Forks, Washington. And that if the Border Patrol picks up a Central American immigrant at Forks, Washington, if that person crossed illegally into the US, it probably happened about 1,500 miles south of the peninsula. No one ever seems to want to talk about that...(interviewee’s emphasis).

At the 2011 Border Patrol presentation for the Port Angeles Chamber of Commerce mentioned above in Section 5.4.2, where USBP Port Angeles Supervisor Jose Romero presented, an audience member requested that Romero provide the station’s arrest statistics. Romero declined to supply such specific information – including the frequency of unauthorized border crossings into the Olympic Peninsula, or even the number of USBP agents working out of Port Angeles. This USBP station and the Blaine headquarters have also declined requests for the release of arrest statistics from the press, groups like Stop the Checkpoints, and from myself as a researcher. Explaining the rationale for not disclosing this information, supervisory Border Patrol Agent Richard Sinks of Port Angeles wrote in an email to the Sequim Gazette that “Disclosure of the arrest statistics from the Port Angeles station would provide
those interested in crossing our borders illegally with information that could aid their strategic targeting of potentially vulnerable areas along the border...To maintain operational security these numbers will not be provided” (as cited in Winters 2011; see Oak Bay Starfish 2012).

The Peninsula Daily News submitted a Freedom of Information Act Request (FOIA) to obtain the arrest statistics specific to the Port Angeles USBP station for the fiscal years 2009 and 2010. The FOIA was denied, and then an appeal of that denial was also denied in early 2011 (Gottlieb 2011a). In the same language used by Richard Sinks, the chief of the FOIA Appeals, Policy and Litigation Branch, Shari Suzuki explained (as quoted in Gottlieb 2011a, my emphasis):

Disclosure of the arrest statistics from the Port Angeles station would provide those interested in crossing our borders illegally with information that could aid their strategic targeting of potentially vulnerable areas along the border...Releasing this information could frustrate the agency’s ability to enforce the US border laws by providing a literal road map to those seeking to avoid their detention.

The logic is that releasing information to the general public about the frequency and types of unauthorized crossings through the Strait of Juan de Fuca would give ideas to individuals that would then engage in illicit activities. The STC organizer I spoke to expressed frustration about this issue:

STC organizer: And the other thing is that...we can’t get the Border Patrol to tell us their data, their statistics. We fought and fought and fought, [Congressman] Norm Dicks even had a meeting with them, to say you have to let the public know. And they said finally, they said well we’ll release a one page bulletin every two weeks of cases that we think are important, that we think the public would be interested in, and we won’t include any cases that are still under investigation or whatever. So they pick and choose what they think they should put on this bulletin, and it won’t be more than one page. And for the Blaine region. And most of the time, it’s ‘two Indian nationals were caught coming across the border at Lyndon in the woods.’ Or ‘one Chinese person was caught,’ or something. Once in a while, it’ll say ‘two Guatemalan nationals were detained in Forks.’ But the thing is coming across the border is different from driving through town and trying to find people...

The “US Border Patrol Weekly Blotter, Blaine Sector” that this organizer refers to is a press release intended to increase transparency about the agency’s work to the general public. But the bulletin covers events throughout the Blaine Sector, and is not comprehensive. As noted above, many of the events included in the press release do not pertain specifically to the Olympic Peninsula. Those that do usually sound something like this entry from November 28, 2011: “Agents encountered two citizens of Guatemala during a traffic stop near Forks. Subjects admitted to being illegally in the United States and were processed for removal” (US CBP 2011). At first glance, such a concise description makes
interactions like this appear commonsense. But there are many unanswered questions. Did a Border Patrol agent initiate the ‘traffic stop’? If so, why were agent(s) watching for routine traffic violations? How did the dialogue between agent(s) and the people in the vehicle turn to immigration status? Finally, and perhaps most importantly, did these individuals cross the border from Canada?

The general opacity of the Port Angeles Border Patrol Station and the Blaine headquarters around exactly what their practices are and how those practices relate to agency objectives fosters distrust among some peninsula residents. Some of the individuals I interviewed brought up the notion of militarization, expressing fear of a growing police state under the guise of Homeland Security. Militarization in this case refers to a blurring between United States government practices in spaces designated as war zones abroad, and those designated as domestic zones. As one interview I carried out came to a close, I asked if there was anything else I should know that we had not discussed. The interviewee took the opportunity to highlight some points of comparison between the US military’s protocol around for checkpoints in Iraq, and the USBP’s protocol on the Olympic Peninsula:

Interviewee: Well, one thing. When all of this was happening, and I was becoming a vocal critic about this...in the Peninsula Daily News, there was a very interesting article in the paper. They always do what’s called the ‘second front page.’ So you open it up and it’s the national news and the international news. And there was a picture of a checkpoint in Iraq...and it was Bush sort of trying to wind down the war and have them [Iraqi authorities] take control. And part of the new rules that he agreed to – this was just as Obama was going to come online, was that no checkpoint or search could occur without first going through a process and getting a search warrant. And the soldiers with all their machine guns, you know there was a picture, said this was slowing down their process of weeding out terrorism.

And on the front page of the paper, was an article about the Border Patrol checkpoints here. And I thought ‘wow, what a juxtaposition of two articles on the same day.’ One is the Border Patrol quote here [saying] that they can do any damn thing they want – they don’t need search warrants, but we’re sending our money and our military to Iraq and they have the protection by virtue of George Bush signing this contract, that you can’t do that there – it’s search warrants. And I thought “holy shit, which is America?”

And to me it just really said it all – those two pictures and the two articles. And so you know, that’s I just think it’s remarkable the choices that we have, that a lot of people have accepted, that our public officials have put on us.

If the Border Patrol Station in Port Angeles has taken on a negative reputation of secrecy and unbounded authority, the station’s and sector’s public relations efforts have done little to rectify this perception. Public relations have never been this agency’s strength. Maril (2004) illuminates some ways that the subject of his ethnography – the McAllen, Texas USBP station – misses opportunities to engage
with the community. There, the Border Patrol often makes the news for brutality carried out against immigrants. Yet during their everyday duties, within the constraints in which they work, Maril finds that agents in south Texas also make sincere efforts to assist migrants, sometimes putting themselves at personal risk to do so. Public relations work does not effectively highlight this side of agents’ work or make the agency accessible to the general public (Maril 2004). A struggle to establish a good relationship with the borderland community is also going on at the Port Angeles Border Patrol Station, and tensions are recognized by the supervisory officials that facilitate public relations.

This struggle is clear in one video clip from the November 2008 public forum at Chimicum High School, when Blaine Sector Chief John Bates responds to a question about the Port Angeles station’s protocol regarding backup and language interpretation for local law enforcement agencies. As Chief Bates summarizes the instances in which USBP agents collaborate with other agencies, a few comments are shouted out from the audience, challenging his answer. Sounding exasperated, Chief Bates concludes with a defensive point (Jeffco101 2008a [video], Chief Bates’ emphasis):

We’re providing a service to the community because we are members of this community. The Border Patrol agents that work out of the Port Angeles office are members of your community. They go to your churches, their children go to your schools. They’re not some foreign invader that has come in. There is a misunderstanding here. We are part of the community. We want to be a good neighbor.

This message is not getting across. Most of the individuals contesting Border Patrol practices in northwestern Washington whom I spoke to pointed that they do not have personal qualms with individual agents, seeing the issue as institutional. Nonetheless, agents are still perceived as an outside force. Organizers informed me that local Coast Guard families, on the other hand, who may move to the region from elsewhere, are generally welcomed because peninsula residents are familiar with the agency’s work and find that the Coast Guard makes an important contribution. Across Puget Sound from the Olympic Peninsula, Whatcom and Skagit Counties are dealing with some of the same debates about Border Patrol presence and practices – especially regarding racial profiling and policing of community members, given that this region sits on the land border with Canada and encompasses the USBP Blaine Sector headquarters. Some Latino(a)s do agricultural work in this region. The organizer with Community to Community in Whatcom County who I spoke to elaborated on how agents are integrating with the community, and gave suggestions on spaces for improvement:

Leigh: And so as far as you know, are there Border Patrol agents that live in the area?
But anyway, I think that they can be good neighbors and they should be. And we don’t mind that. But I also do think there’s too many. There are way too many agents for what’s needed in this area. And that’s creating a problem, both for their own management, and for themselves, and the community. So better management of those resources for our country, I think, would be a lot better. Overall on a national level, I think Homeland Security in terms of this kind of enforcement needs to be more conscientious of how their presence affects local economies. They are not thinking of that, and it’s bad all over. They’re an intimidating presence the way they behave (my emphasis).

I asked interviewees what they think the role of the Border Patrol should be in their communities. Common suggestions were for the agency to follow its mission more closely, to increase transparency, and to contribute to community security in a tangible way. The possibility is not foreclosed that agents can be good neighbors while carrying out work that is relevant to the agency’s mission. To elaborate further on the topic of community engagement, I next point to the perspectives of some law enforcement officers in the peninsula.

5.4.4 Law enforcement

Law enforcement officers on the Olympic Peninsula have unique insights into Border Patrol practices in the region for several reasons. For one, local officers, some of whom have years or decades of experience in the region, are well-versed in the unauthorized cross-border activity that goes on. Further, new collaborative relationships between local agencies and the USBP also give officers a close look at the Port Angeles Station’s practices. The law enforcement officers whom I interviewed do not have fundamental qualms with the USBP mission or on a personal level with agents working in the peninsula. One officer explained to me that he does not find the Port Angeles station to be overstaffed, and that the tensions about USBP cannot be blamed solely on the agency:

Officer: Let me just tell you first off, I think the Border Patrol takes a lot of unfair heat, because I don’t believe the problems are, that we see in our local paper for example, or in the Seattle area newspapers, are the problem of the Border Patrol. I think they’re the problem of the United States Congress. Border
Patrol is here doing a congressionally mandated job, and there isn’t a single congressperson that will stand up and defend them, even though it’s them [Congressional leaders] that sent them [USBP] here. The problem, in my view, and one of the reasons that I defend the Border Patrol, is that they’re not the problem. The problem is United States immigration policy... I think that our congress has abdicated completely their responsibility for purely political reasons and they’re trying to make it someone else’s problem, and I think that’s wrong.

...The Border Patrol has been asked to secure somewhere in the neighborhood of 180 miles of coastline in Clallam County. And yet they’re being told they’re overstaffed. Now I can tell you, if you said [to me that] I need you to secure 180 miles of coastline, much of which is wilderness, I would tell you that to do that effectively, I needed far more than 50 guys. And the reason for that is that for every 1 officer that you put on the street 24 hours a day, every one position, you have to hire 5. If you want them there 24/7, 365 days a year, you have to hire 5 to accomplish that, when you consider vacation time and training and all that kind of stuff. And so really, they have the ability to maybe work, I don’t know what their administrative complement is, but let’s say maybe 8 to 10 guys at a time for the whole county. I don’t think that’s excessive.

... I think it’s way too politicized and what it should be is a discussion about how do we solve the problem. Because a bunch of guys from Mexico, coming up here and working the shake mills out West are not a threat to national security in this country (my emphasis).

This officer finds that for the mission USBP agents are charged with, the number of personnel working out Port Angeles is not excessive. He points to congressional actions that facilitated the hiring of new agents for the northern border as the main issue at hand. At the same time, he suggests that Latino(a)s doing non-timber forestry work on the peninsula are not an appropriate target for the USBP, given that they are not threatening to national security. Other law enforcement officers whom I spoke to reinforced the idea that the USBP increase on the peninsula resulted from top-down action in Washington DC – as opposed to responding to specific security needs. It was pointed out to me that the congressional leaders representing Washington State and the particular congressional district have, when the opportunity arose, requested more CBP resources for the state.

Congressional leaders play a contradictory role in the bigger picture of United States northern border securitization. Congressman Norm Dicks was the representative for Washington’s Sixth District (encompassing the Olympic Peninsula) from the late 1970s until his retirement in January 2013. In comments to the media in September 2011, Congressman Dicks indicated that he pushed for greater Border Patrol resources at the US northern border. Such calls to action played an important role in the ultimate increases in USBP personnel within the district, numbers which Dicks, like the law enforcement officer cited above, did not find to be excessive (Gottlieb 2011b). Nonetheless, the congressman
reported that his staff continued to receive constituent complaints regarding Border Patrol practices on
the peninsula. As a result, Dicks called a meeting with Blaine Sector Chief John Bates in which the
agency’s mission and accomplishments were to be elaborated. Staff members of US Senators Patty
Murray and Maria Cantwell were also in attendance. The congressman explained that he sought more
open communication between the agency and the media (ibid).

One law enforcement officer who I spoke to offered some enlightening insights into USBP practices and
the unauthorized cross-border activity in the region. He explained that a regional needs assessment was
carried out by the Border Patrol, but in his opinion, without adequate consultation of local law
enforcement agencies. He emphasized that the Olympic Peninsula is a maritime border – it is exclusively
water, there is no land border. There is a strong Coast Guard presence that was already making a
‘tremendous’ contribution to patrolling the Strait of Juan de Fuca prior to USBP expansion, and
continues to do so. When I asked this officer how Border Patrol and Coast Guard duties in the strait
differ, he responded that the two agencies have some overlapping tasks. They both have aircraft and sea
vessels that they use to patrol the strait, but they do not share resources. Further, he explained that
until three or four years ago, there was a significant amount of BC bud smuggling coming across the
strait. Smugglers generally move quickly and efficiently, dropping off a load and returning to Vancouver
Island, to the point where it is extremely difficult for either the Border Patrol or the Coast Guard to
respond quickly enough.

The same officer says that BC bud smuggling across the strait has been on the decline, which he
attributes to the targeted work of the Olympic Peninsula Narcotics Enforcement Team (OPNET), a
coalition of law enforcement agencies: the Sequim Police Department, Port Angeles Police Department,
Washington State Police, Clallam County Sheriff’s Office, Elwha Klallam Police, US Coast Guard, US
Forest Service, as well as ICE. In 2006, OPNET carried out a major apprehension of BC bud smugglers.
The officer I spoke to attributes this work to tactics of ‘intelligence and serendipity,’ as opposed ‘brute
force.’ Further, he notes that an increase in medical marijuana grown and sold on the peninsula may
have impacted the illicit cross-border trade, and speculates that perhaps some of the BC bud traffic has
shifted east to the land border. Currently, OPNET focuses on other narcotics activity in the region that is
largely not tied to the Canadian border, such as methamphetamine and heroin.
The same officer estimates that the Port Angeles Border Patrol station makes around one hundred arrests per year, out of which around ten or twelve would be cross-border interdictions. To deter all potential incursions through the strait would take an infinite presence of law enforcement, he points out. Another law enforcement officer who I spoke to on the peninsula highlighted his own confusion about what sort of cross-border threat the growing Border Patrol station was responding to, also mentioning that the needs assessment carried out by the USBP was inadequate:

Officer: ...Prior to their [new USBP personnel] arrival, they sent out an analyst. The analyst came out and wanted to know what issues we had in the community, what border issues were we seeing, what kind of border activity. Our issue is that we’re [on the coast] and you can go directly to Canada from here. So that’s my area of concern. When I asked the analyst what information was leading the Border Patrol to want to make this move by coming into the communities in the northern part of the United States, I said ‘what is it you’re seeing that leads you to believe this is an issue, and what is it that threatens my community and my police officers that they should be aware of?’ And I have not yet gotten an answer to that question. I want to know what the threat is.

Look at last year in Juárez, Mexico – they killed 3,000 people in the drug war. So what’s the threat up here? So we had meetings, lots of meetings organized by Maria Cantwell, Norm Dicks, their staff and we met with the Border Patrol once a month, and I still never got an answer to my question ‘what’s the threat?’ If you’re seeing a threat, what is it? And I don’t know. I don’t know why [border security is] being beefed up.

You know, they have a mandate. They have a federal mandate set by the legislature that says here’s what your tasks are, and I understand that. All I’m asking – we’re all part of same issue – all of us want to protect our communities, and I want to be a part of that, and I want to help, and I want to know what the danger to the community is so I can know what to look for. I don’t want to have one of my officers, or a citizen in the community just stumble across something unexpectedly not knowing what they’re looking at. That’s very dangerous (my emphasis).

USBP opacity about the cross-border threats at hand, even with other law enforcement agencies in the region, is concerning to this officer. In the case of something dangerous to the community coming from across from Canada and being present in the area, he wants to be aware. And, like others inquiring into the Border Patrol mission locally, this individual advocates for improved USBP relations with border communities.

5.5 Conclusions

In this chapter, I have highlighted the Border Patrol practices on the Olympic Peninsula that have been the most controversial since the agency began expanding around 2006. These practices include
temporary highway checkpoints, spot checks at transportation hubs, roving patrols, presence around
town, and USBP provision of language interpretation services for other law enforcement agencies. I have
also considered how and why these practices are being contested. Social justice advocates describe the
Border Patrol’s tactics as creating a climate of fear. This climate is not legible or of concern to everyone,
particularly to some Anglo peninsula residents who are not targeted for policing. Fear is most directly
experienced by populations who embody the agency’s definition of ‘ancillary target’ – people with
undocumented immigration status who live on the peninsula, or individuals assumed to fall into that
category because they appear to be Latino(a)s, people of color, or non-timber forestry workers.
Racialized and class-based profiling marks certain people as suspicious or out of place – from people of
color in general, to the one Anglo brush picker who is frequently detained by the USBP.

The climate of fear also extends to the families, friends, neighbors and employers of those directly
targeted. In response, grassroots social justice advocates have organized to contest these practices. The
Forks Human Rights group, for example, initiated a phone tree alert system and has documented how
USBP personnel interact with community members in the West End, and quantified the frequency of
such encounters, while allying with other social justice advocates in the region to make the issues visible
to a broader public. Finally, the USBP practice of temporary highway checkpoints subjected every
peninsula resident to a type of surveillance that most US citizens do not experience, resulting in
widespread unease and fear.

Organizers report that Border Patrol practices in peninsula communities have exacerbated social
divisions in some ways, but also strengthened solidarities. Two grassroots groups that formed with
broad social justice-oriented objectives are Stop the Checkpoints and the Border Patrol Free Network.
STC continues to organize monthly informational meetings and periodic protests and rallies, uniting
peninsula residents with concerns ranging from environmental protections, to human rights, to civil
liberties, and government transparency. The point of connection that unites these distinct areas of
concern is the Department of Homeland Security’s broad policing authorities and the agency’s impunity
from democratic checks and balances. Social justice advocates not only critique USBP practices, but also
offer alternative solutions – for example, by organizing a network of volunteer Spanish-English language
interpreters that local law enforcement can call rather than the Border Patrol. Beyond the organized
contestations to USBP authority, some peninsula residents contest on their own terms – for example,
the man who drove his vehicle repeatedly through the highway checkpoints.
Social justice advocates have allied with national coalitions to petition DHS for clarity and change, while successfully using formal channels such as official complaints, FOIA Requests, and litigation to contest what they argue are discriminatory Border Patrol practices in northern Washington based on assumptions about race, national origin and language proficiency. The agency’s practices out of Port Angeles also came under question by the whistleblower testimony of Agent Christian Sanchez in 2011, which charged that agents had little to do, and that the Port Angeles USBP was wasting taxpayer dollars as a result. Although the Border Patrol participated in the 2008 public forum at Chimicum High School, and sometimes speaks to the media, important questions about discrepancies between practice and mission remain unanswered, prompting some activists to stay engaged despite the fact that agents are now a less visible presence on an everyday basis. The reason that agents are encountered less has much to do with successful efforts to limit the agency’s authority along the northern border. The most controversial practices have stopped – including highway checkpoints, roving patrols, spot checks in transportation hubs, and provision of language interpretation.

I have argued that national security tactics make people feel insecure on the Olympic Peninsula for multiple reasons, and that contestations have been overall quite impactful in reshaping the Department of Homeland Security’s tactics, illustrating a lively, though unequal, relationship between the Border Patrol and its ‘subject population’ and operating environment. These power relations do not simply run two ways between two distinct groups. On the contrary, Border Patrol agents themselves are entangled in a complicated way with peninsula communities and with the agency, while peninsula residents at large have varied and shifting experiences of border policing tactics based on their diverse subject positions (see Sharp et al 2000). My objective in this chapter was to illuminate the ways that grassroots contestations call border tactics into question. In Chapter 6, I consider developments currently underway along the northern border. Questions remain unanswered – for example, now that the Border Patrol’s practices have been restricted in significant ways, how do agents occupy their time? Further, what new plans are in store? Will infrastructure and numbers of personnel continue to expand? The chapter to come addresses these questions.
Chapter 6: Moving forward

6.1 Introduction

In October 2011, the Associated Press reported that Border Patrol agents stationed along the US-Canada border were “baffled” to learn that Department of Homeland Security had directed personnel to desist in carrying out spot checks at transportation hubs – the practice of agents roaming around bus and train stations, ferry terminals, and airports and randomly questioning people. This policy change mandates that spot checks will now only be carried out if intelligence points to specific threats at a transportation hub (Johnson 2011). The directive was issued privately within the Border Patrol and without a public announcement, closely following President Barack Obama’s decision for DHS to focus its energies on the pursuit of unauthorized immigrants with criminal records. In the Blaine Border Patrol Sector, before this change, the spot checks at transportation hubs yielded a significant percentage of the sector’s total arrests. In 2011, two anonymous Border Patrol agents from the Blaine Sector reported to the Associated Press that in the past fiscal year (ostensibly 2010), the sector made 673 arrests. Of that total, approximately 200 were carried out at transportation hubs. Thus agents in the Blaine Sector, and personnel along the US-Canada border were “baffled” by this order, given that spot checks had comprised a large portion of their daily work (ibid).

In this chapter, I examine the restrictions that have been placed on the activities of Border Patrol personnel in the USBP northern border sectors, and point to potential policy changes on the horizon. I argue that together, many distinct contestations to evolving Border Patrol practices have called into question the relationship between the agency’s everyday activities and its mission. As a result, this work has limited USBP authority in important ways. Nonetheless, the Border Patrol still maintains some of its broad authorities that are largely out of reach of democratic participation, leaving open the possibility that the agency will continue to expand along the northern border.

6.2 Restrictions

One former USBP deputy chief from the Blaine Sector, Gene Davis, was interviewed after the directive for USBP northern sector personnel to desist with random spot checks at transportation hubs was issued. Davis brought up the 1997 apprehension of Gazi Ibrahim Abu Mezer through a spot check at a Bellingham, Washington bus station. After being released on bond, Abu Mezer fled Washington and went to New York City, where he attempted to bomb the subway before he was shot by police. Davis
also brings up the apprehension of Ahmed Ressam in 1999 at the Port Angeles ferry terminal, but does not mention that Ressam was apprehended through a routine Customs inspection. Davis, concerned about the directive to prohibit Border Patrol spot checks in transportation hubs, said "We've had two terrorists who have come through the northern border here — to put these restraints on agents being able to talk to people is just ridiculous...Abu Mezer got out, but that just shows you the potential that's there with the transportation checks" (as quoted in Johnson 2011). When the directive was made public, Customs and Border Protection released a statement explaining that the move away from transportation hubs was undertaken to “improve operational effectiveness” (Banse 2011). However, immigrant rights and civil liberties advocates active on the issue connect this change to increased public scrutiny of the agency’s practices (Shapiro 2011a).

The transportation hub spot checks are not the only Border Patrol practice to have been curtailed along the US border with Canada. As mentioned in Chapter 5, no temporary highway checkpoints have been held on the Olympic Peninsula since 2008. The American Civil Liberties Union (ACLU) class action lawsuit in 2012 connects the beginning of the individual vehicle stops, or roving patrols with the end of the highway checkpoints on the peninsula, explaining that ‘public outcry over the Border Patrol’s interior checkpoints was severe,’ to the point where the agency stopped the practice. The ACLU notes that these violations of Fourth Amendment Rights were so extreme that congressional leaders got involved (Sanchez, Ramos-Contreras & Grimes v. US BP, CBP, DHS). By summer 2012, when I visited the Olympic Peninsula to carry out interviews, according to social justice organizers, roving patrols had slowed, perhaps in response to the ACLU lawsuit. Peninsula residents have noted an observable decrease in Border Patrol presence in the area. Two organizers whom I spoke to explained the changes that they had observed as of July 2012:

Organizer 1: The other thing that has changed – because I work [near the coast], and I’m not out there every day, but we used to see the Border Patrol trucks out there all the time. They’d be cruising through the state parks, sometimes they would park, and just look out at the ocean, as if the terrorists were on their way. But they used to be around three times a week for sure, and now they’re not there at all.

Organizer 2: So they’ve obviously pulled back. A little bit of protest – ineffectual as we think we are, but they’re afraid of us (my emphasis).

These organizers connect the observable retreat of USBP personnel to strategic efforts to curtail the agency’s authorities along the northern border. The result, as the second organizer cited above finds, is
a power shift – away from the climate of fear imposed upon borderland residents, to fear within the bureaucracy. Emerging restrictions on USBP activities have been met with resistance from the National Border Patrol Council, which is the labor union for non-managerial Border Patrol personnel. Union spokesperson Shawn Moran has connected the whistleblower complaint lodged by Agent Christian Sanchez against the Port Angeles USBP station with the recent limitations placed on agent activities. According to Moran’s logic, Sanchez did not have enough to do because some of the principal activities of USBP personnel stationed at the northern border have been barred. Moran said “They are chipping away slowly but surely as to every part of the job that we can do,” referring to new limitations on agents searching places of employment like farms and ranches for immigrants with undocumented immigration status, to carry out spot checks at transportation hubs, and most recently, to provide Spanish-English interpretation assistance to other law enforcement agencies (Gottlieb 2013).

In December 2012, US Customs and Border Protection made a public announcement that the agency’s personnel would desist from providing language interpretation for other federal and local law enforcement. Immigrant rights advocates pointed to the contestations of individuals targeted for from this practice as a central force behind the decision (NWIRP 2012a). Beyond the restrictions on USBP practices to which contestations on the Olympic Peninsula and along the northern border contributed, the Border Patrol’s work is also currently be limited by federal budget cuts. Beginning in April 2013, and lasting until the end of the fiscal year on September 30, the total 60,000 CBP personnel nationwide were assigned up to 14 furlough days each as part of the sequester cuts. In addition, CBP is under a hiring freeze and, and agency travel and training programs are newly restricted (Gottlieb 2013).

Investigating how these budget cuts might affect the Port Angeles Border Patrol station, Peninsula Daily News reporter Paul Gottlieb interviewed Port Angeles Supervisory Agent Jay Cumbow. Agent Cumbow said: “We've got a mission to do, and we're going to do it...I won't talk about how we will adjust or what our tactics are to achieve our mission. It's sufficient to say that we are going to keep doing our job” (ibid). Shawn Moran, the labor union spokesperson, speculates that unauthorized border crossings will increase, given that patrols will be cut back – exacerbating the limitations already engendered by contestations from borderland residents (ibid). USBP personnel and labor union representatives are concerned about potential threats to northern border security and about threats to the livelihoods of personnel. Some social justice advocates are pleased with these developments. However, the organizers whom I interviewed on the Olympic Peninsula were quick to point out that despite these gains, the Port
Angeles Border Patrol still occupies a large new facility with capacity for up to fifty agents, where around forty-two agents currently work, and it is unclear how personnel fill their time as a result of limitations placed on their practices. Further, potential expansions of CBP resources and authority continue to be proposed from different corners, which I outline in the section to come.

6.3 Proposed expansions

In early 2013, a bipartisan group of United States senators composed a comprehensive immigration reform bill known as the Border Security, Economic Opportunity and Immigration Modernization Act of 2013. As a New York Times editorial pointed out that April, the idea of immigration reform is extremely politicized and polarizing in the United States, to the point that “…it is worth a moment to marvel at the bill’s mere existence, and at the delicate balancing of competing interests that coaxed this broad set of compromises into being” (NY Times Editorial Board 2013). Upon the immediate release of the bill, immigrant rights advocates did celebrate its mere existence, as well as some of its specific initiatives. The bill has been praised for providing a path to citizenship for many with undocumented immigration status, for improving protections for individuals identified as vulnerable in the immigration system, and for dissolving backlogs for individuals waiting for a visa to become available. At the same time, the reforms advocated in the bill will not be fast, easy or affordable. Among various potential disadvantages of the bill noted by immigrant rights advocates are that the path to citizenship will not be open to all undocumented immigrants, those who do qualify must wait with a provisional status for around ten years to finally obtain permanent residency, the legal process will be costly, and same-sex couples will still not be recognized for immigration purposes (ibid; NWIRP 2013).

One of the more egregious aspects of the bill is that it calls for increased border securitization. The US-Mexico border is the main focus of the bill’s provisions on security, which before an amendment explained below was added, called for around $6.5 billion to be allocated for additional ‘manpower, technology and infrastructure.’ Further, if the Department of Homeland Security does not achieve certain benchmarks set out to measure ‘effective control in all high risk border sectors’ by certain deadlines, then a “Southern Border Security Commission” is to be established. This commission would have oversight of DHS to advise the agency on how to improve surveillance techniques in order to increase the ‘effectiveness rate’ at highly trafficked sites of unauthorized border crossings (US Senate 2013; NY Times Editorial Board, 2013). In late June 2013, all Democratic senators, along with fourteen Republican senators, voted to pass the bill. However just before the bill’s passage, an amendment was
made to further bolster border securitization. The amended bill that passed the Senate and will now move on to the House of Representatives requires the completion of a total 700 miles of fencing in the southwest, around 650 of which have already been completed. Further, with the border security amendment, the bill also requires that an additional 20,000 border agents be hired, nearly doubling current personnel levels. These changes brought the estimated cost of border security provisions within the bill up from approximately $6.5 billion (in the original bill), to as much as $40 to $50 billion with the amendment (Associated Press 2013; Cowen & Ferraro 2013; Foley 2013). The immigration reform bill now waits for action on the part of the House of Representatives.

The ACLU responded to this bill with concerns about the wellbeing of borderland residents at both the southwestern and northern borders – pointing out that the massive growth of the Border Patrol in recent years has brought well documented evidence of increasing human and civil rights violations in the border zones, without opportunities for ‘meaningful accountability and oversight.’ At the same time, there are not ‘demonstrable positive results’ of the agency’s growth (Gaubeca 2013). Beyond the issues noted by immigrant rights and civil liberties advocates, the Senate bill’s provision of CBP authority on federal lands that are under the purview of the Secretary of Agriculture and Secretary of the interior is of concern to environmentalists (US Senate 2013; NY Times Editorial Board, 2013).

The Senate bill was passed in the aftermath of a controversial bill to expand DHS authority on federal lands that passed the House of Representatives in 2012. This bill, initially known as HR 1050, was introduced to the House by Congressman Bishop of Utah, being “a bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes” (US House of Representatives 2012). HR 1050 sought to provide CBP greater access to federal lands for the purpose of border security activities, including for the construction and maintenance of roads and fences, the use of vehicles to patrol, installation, maintenance and operation of surveillance equipment and sensors, use of aircraft, and deployment of temporary tactical infrastructure such as forward operating bases (ibid). HR 1050 passed the House in June 2012 after the bill had been integrated into HR 2578. The version that passed would extend DHS waiver authority over 16 federal environmental protection and public health laws within 100 miles inland of the borders. A few of the laws that could be waived include the 1964 Wilderness Act and the Endangered Species Act (Wilderness Watch 2012). Most recently, HR 2578 was referred to the Senate Committee on Energy and Natural Resources in June 2012, where it waits for action from the Senate (US LOC 2013).
When HR 1050 was initially proposed back in 2011, the Associate Deputy Chief of the National Forest System (as part of the Forest Service, under the USDA), Jim Pena, gave a statement before the US House Subcommittee on National Parks, Forests, and Public Lands – expressing opposition to the bill. Pena argues that existing collaborations between DHS, USDA, and the DOI are sufficient for working together on overlapping issues of border security and land management, pointing out that DHS already has broad authorities to work on federal lands. Two Memoranda of Understanding (MOU) were signed between these three agencies in 2006 and in 2008. The DHS Secretary has utilized the existing waiver authority five times in order to speed up the construction of border infrastructure in southwest. The provisions in HR 1050, Pena explains, would extend that waiver authority even further to federal lands within the entire 100 mile zone inland from all land and maritime borders. At the boundary with Canada, Pena notes that the Forest Service manages land running alongside more than 400 linear miles, a number that does not account for other federal lands under the authority of DOI or USDA, such as tribal reservations and national parks, to which extended DHS waiver authorities would apply (Pena 2011).

In his statement, Pena notes that with the 2006 MOU, CBP personnel are already authorized to pursue unauthorized activity anywhere in national forests without obtaining approval from land managers. CBP is not authorized to carry out patrols in motorized vehicles on a regular basis, but under the MOU can carry out motorized pursuits under emergency conditions. HR 1050 sought to extend this authority to allow for regular motorized patrols on federal lands wherever the landscape permits (ibid). Pena concludes his statement by saying:

While we appreciate the Subcommittee’s attention to this important issue, the Administration opposes the legislation because of the blanket waiving of environmental laws, which creates a false choice between environmental protections and securing our borders. In addition, we do not see the need for this legislation (Pena 2011, my emphasis).

The expressed concerns of Pena, as the Associate Deputy Chief of the National Forest System, are that the proposed legislation to strengthen DHS authority on federal lands within 100 miles of the border perpetuates an assumption that environmental protections must be sacrificed for national security.

As HR 1050 was introduced and later integrated into HR 2578, which passed the House and moved on to the Senate, Customs and Border Protection was carrying out a scoping process of four regions covering
the entire 4,000 linear miles of US northern border during 2010-2011. In this case, “‘Scoping’ of an environmental impact statement is a process of informing diverse stakeholders about an action that an agency is planning and seeking those stakeholders’ feedback on the environmental concerns that that action could generate,” with the intent to ‘adapt’ to address relevant concerns (US CBP 2010: 5). CBP held public meetings in various northern border locations to gather feedback on environmental concerns around CBP activities. In Washington State, about two dozen people attended the July 2010 meeting in Bellingham. Attendees were reportedly disappointed that the CBP official leading the session did not have much information about what the agency is doing or plans to do along the border. Some participants commented that it was difficult to make comments without much information, that the speed of the scoping process was concerning, and worries were raised about militarization and potential construction of walls (ibid: C7-8).

In 2011, CBP released the draft Programmatic Environmental Impact Statement (PEIS), which contemplated several options for expansion along the US-Canada boundary: the construction and replacement of facilities, the deployment of new surveillance and communication technologies, the installation of additional ‘tactical infrastructure’ (ie expanding access roads for agents and construction of selective fencing and vehicle barriers), or a combination option, in which elements from any of the three other options could be used. The conclusion was that simply maintaining the ‘status quo’ operations would not be sufficient to respond to ‘evolving threats’ (US DHS 2011). In 2012, the final PEIS was released, opting for the ‘Detection, Inspection, Surveillance, and Communications Technology Expansion Alternative’ as the environmentally preferable option. More specifically, this plan of action would upgrade surveillance and telecommunication systems such as ‘remote sensors, short-range radar, remote and mobile video surveillance and communications systems, new camera systems, and upgrades to stationary communications systems.’ The purpose of such upgrades is to allow Border Patrol and CBP Office of Air and Marine (OAM) personnel to communicate more effectively and to arrive to confirmed threat areas quickly (US DHS 2012).

Although Customs and Border Protection opts for the surveillance/communication alternative for the time being, the final PEIS leaves the combination option open – the ‘Flexible Direction Alternative’ that allows CBP to draw from any of the other three alternatives. CBP states that predicting exactly what response will be needed at any given moment is not possible, because the ‘threat environment changes constantly.’ Thus, “the Flexible Direction Alternative would allow CBP to pursue the optimal mix of
facilities, technology, and tactical infrastructure in order to respond to the changing environment and allow CBP personnel to be deployed in the most effective manner possible” (US DHS 2012: ES-4). This means that the agency can change the plan if deemed necessary due to emergent security threats. The final PEIS responds directly to concerns raised during the scoping process that CBP plans to build a “border fence” at the northern border – stating that there are no such plans (ibid: ES-2). However, the ability to draw from the infrastructure building alternative should CBP choose to invoke the flexible alternative means that the possibility of fencing, road construction, and other infrastructure is not out of the question. Further, should potential legislation like HR 2578 be enacted, DHS authority to take such actions will expand, while accountability for environmental and public safety laws will decrease.

6.4 Conclusions
Although Department of Homeland Security practices in rural areas of the northern border have been curtailed in significant ways over the past few years, proposed actions seek to continue expanding the agency’s authorities. On the Olympic Peninsula, Border Patrol personnel have not carried out temporary highway checkpoints since 2008, and roving patrols appear to have slowed down or even ceased. Along the entire border, USBP agents have been directed to desist in random spot checks at transportation hubs and to stop providing language interpretation services for other law enforcement agencies. Recent budget cuts tied to the federal government’s sequester limit the working time of CBP personnel for the time being. Nonetheless, proposed legislation like HR 2578, seeks to expand DHS authority on public lands within the 100 mile border zone. Such moves align what the ACLU refers to as the “constitution free zone,” where border security is prioritized not only over constitutional protections, but also federal laws that protect the environment and public safety. The CBP PEIS finalized in June 2012 opts for improved surveillance and communication technology for CBP personnel for now. Yet the PEIS leaves open the possibility that new infrastructure might be built in northern border zones. Some environmentalists fear a fate similar to the southwest, where infrastructure negatively impacts the habitats and movement of species in the borderland.

Border securitization may also be impacted by the recently-passed Senate immigration reform bill. Some provisions of the bill, such as a path to citizenship for some undocumented immigrants, could profoundly affect the dynamics of immigration and border enforcement on the Olympic Peninsula. Specifically, non-timber forestry workers with undocumented immigration status could potentially benefit – regularizing their status and thereby decreasing their vulnerability to border/immigration
enforcement. At the same time, not everyone will qualify for the path to citizenship, and the process will be slow and expensive. Further, the Senate bill also calls for increased securitization of the US-Mexico border in order to prevent future unauthorized entries. This move would continue to impact the wellbeing of individuals who cross the border unauthorized. It could also impact the wellbeing of borderland communities in the north and southwest that must bear human and civil rights violations in the border zones, while the oversight mechanisms for DHS remain limited.

In sum, distinct movements spearheaded by northern borderland residents have successfully contributed to the curtailment of certain Border Patrol practices. As mentioned at the beginning of this chapter, such moves leave some USBP personnel ‘baffled’, given that practices like roaming around transportation hubs and questioning people led to a significant portion of apprehensions in places such as the Blaine Sector. A question that remains unanswered is how agents are now filling their time. Will new practices be more oriented towards specific cross-border threats, rather than domestic immigration enforcement?

Social justice advocates along the northern border have documented the disconnections between agency mission and practices. Nonetheless, the idea that the Department of Homeland Security requires even more expansive (and expensive) authorities inland of the land and coastal borders persists. Calls to action are fueled not only by notions of post-9/11 vulnerabilities, but also by the ‘border-industrial complex,’ where despite federal budget cuts, the federal government continues to devote more resources the cause of border security (Robbins 2012). Perhaps it is this dynamic that facilitated that hiring of Agent Christian Sanchez for the Port Angeles USBP Station, but left him with little work to do.
Chapter 7: Moats, alligators, and some concluding thoughts

7.1 Introduction

You know, they [the Republicans] said we needed to triple the Border Patrol. Or now they’re going to say we need to quadruple the Border Patrol. Or they’ll want a higher fence. Maybe they’ll need a moat [audience laughs]. Maybe they want alligators in the moat [audience laughs]. They’ll never be satisfied. And I understand that. That’s politics (Obama 2011, my emphasis).

President Barack Obama’s 2011 call for comprehensive immigration reform from El Paso, Texas accurately captures the militarized transformation of the United States-Mexico borderlands and tensions surrounding the presence of the estimated eleven million people with undocumented immigration status in the country (Obama 2011). The president jokes about the excesses of border security, but only after pointing out that “We have gone above and beyond what was requested by the very Republicans who said they supported broader reform as long as we got serious about enforcement. All the stuff they asked for, we’ve done” (ibid). Indeed, the securitization of the United States borders taking place over the past few decades has been a bipartisan effort.

If politics, in terms of the power struggle between political parties as described by the president, continues to play such a major role in the hiring of new personnel and the construction of infrastructure charged with enforcing the border, one might wonder if a moat with alligators is entirely out of the question. The comprehensive immigration reform bill that recently passed in the US Senate maintains the status quo assumption that the borders are a national security concern, calling for dramatically enhanced enforcement measures in the southwest. At the same time, a recent bill passed by the House of Representatives seeks to expand the already expansive Department of Homeland Security authority. A scoping process along the northern border considers potential enhancements to current enforcement resources, opting for improved surveillance and communication technology for the time being, while leaving open the possibility of infrastructure like fencing for the future.

In this final chapter, I review the arguments, objectives, and questions that have animated this thesis, and consider the work left to be done. Then, I offer some thoughts on the conclusions that can be drawn from this study in regards to deterrence strategy at the US-Canada border. Finally, I consider some themes that can be gleaned about the Department of Homeland Security and accountability.
7.2 Overview of thesis

In this thesis, I argue that national security tactics make borderland residents of Washington’s Olympic Peninsula insecure. My objective is to foreground everyday enforcement encounters as constitutive of geopolitics – to identify how the people and places of the Olympic Peninsula both impact and are impacted by border practices. As explained in Chapter 2, analytically, I draw from materially-grounded feminist theory in order to conceptualize security as embodied, and inequalities as interconnected. This approach is inspired by feminist calls for curiosity about seemingly commonsense or natural social arrangements – from definition of ‘security’, to the category of ‘the human’ (Tickner 2001; Sundberg 2013a). Chapter 3 lays out a historical context for the securitization of the US-Canada border in the West. My purpose in doing so is to move past the often taken for granted idea of this borderland as peaceful, by taking into account the colonial heritage embedded in the current process of securitization. In Chapter 4, I work through my first research question: how do security tactics respond to specific cross-border threats? My argument is that the securitization of the US northern border is fueled by a prioritization of national security over all other types of security, in which the cross-border threats to national security are vaguely-defined. In contrast, I illustrate that on the Olympic Peninsula, border securitization has resulted in lived experiences of vulnerability unrelated to any cross-border threat.

Chapter 5 explores my second research question: why are some Olympic Peninsula residents contesting securitization? I find that national security tactics make people feel insecure on the Olympic Peninsula for multiple reasons, and that resultant contestations have reshaped DHS tactics in significant ways. In making this point, I seek to illuminate the dynamic relationship between the DHS bureaucracy and borderland residents. Finally, Chapter 6 examines the restrictions that have been placed on the activities of USBP personnel in the northern border sectors, and points to potential policy changes on the horizon. I make the argument that together, many distinct contestations to evolving Border Patrol practices have called into question the relationship between the agency’s everyday activities and its mission. As a result, this work has limited USBP authority in important ways. Nonetheless, DHS still maintains broad authorities that are largely out of reach of democratic participation, leaving open the possibility that the agency will continue to expand.

This thesis makes an analytical contribution to the fields of critical and feminist geopolitics by enacting an embodied and animated account of geopolitical power relations, drawing from approaches to the
study of border politics advanced by Sundberg (2008; 2011; 2013a) in particular. I have focused on everyday encounters between Border Patrol personnel, Olympic Peninsula residents, and the assemblages of nonhuman actors that make up the rural landscapes where these interactions take place. Embodiment implies attention to the myriad actors that take part in geopolitical relationships, and also to the intertwined scales, from global to intimate, in which these relationships are constituted (see Pratt & Rosner 2006). I have pointed to the ways that broad DHS authority allows for surveillance of all borderland residents, while focusing in on the people who are targeted for racialized and class-based policing. These dynamics, illustrated throughout the thesis, speak to the way that border securitization is experienced differentially based on the physical markers of difference that are embodied in the context of hierarchical power relations.

This thesis also makes an important empirical contribution. The contemporary securitization of the US-Canada border is well-studied at border crossings. Critical scholars have demonstrated how some individuals have become more mobile, while others deemed to be risky are subjected to greater surveillance at ports of entry (ie Bhandar 2004; Gilbert 2007; Nicol 2006; Sparke 2006). The implications of securitization for US borderland residents, especially those in rural areas between ports of entry, has received less critical scholarly attention (see Bruyneel 2011; Miller 2006; 2012). The role of securitization in rural areas is especially significant, given that Department of Homeland Security authority on certain federal lands has grown in recent years, and that government lands such as parks and wilderness areas run alongside almost one fourth of the linear US-Canada border mileage (Konrad & Nicol 2008: 220). As Konrad and Nicol (2008: 219-220) contend, more systematic research is required to understand how designated environmental spaces fit into border policy and practices. This thesis delves into such questions in regards to the Olympic Peninsula, a region which hosts a great deal of public land. Finally, this thesis builds on and contributes to border studies literature that takes into account the interconnections between policy and practice at the US-Mexico and US-Canada borders (Andreas 2003; 2005; Hale 2011; or historical focus: Ettinger 2006; Lee 2003).

Ultimately, this thesis indicates the need for research on the finer details of deterrence strategy in rural areas of the US northern border. I believe that a policy-oriented evaluation of the efficacy of USBP strategies aiming to deter potential terrorists, smugglers, and unauthorized migrants from crossing into the US via Canada would be valuable, similar to the work of Massey, Durand and Malone (2002) and Cornelius (2001) in regards to the US-Mexico border. Collecting data for such a project would be
challenging, given the difficulty of even obtaining USBP station-specific arrest statistics, and given that unauthorized border crossings at the US-Canada border have not been studied in such a systematic way by academic researchers as have those in the southwest. One way to go about such a project would be to compare the cost of each USBP northern border apprehension over time in regards to the increasing USBP budget, as Massey (2005) has done for the southwest. Such concrete evidence of the growing price-tag of Border Patrol work at the northern boundary could perhaps be influential to policy in a way that arguments based on human rights or civil liberties considerations cannot. On a related note, another valuable area of further study would be on the intricacies of the ‘border-industrial complex.’ A close examination of the dynamics between public funds, private sector contracts, and calls to action at both the US borders would provide important insights into the workings of bureaucratic power relationships in the perpetuation of securitization. Such insights could contribute to efforts to interrupt the self-perpetuating quality of these power relations.

7.3 Accountability

In the aftermath of the temporary highway checkpoints carried out by the Border Patrol on the Olympic Peninsula, a well-attended public forum was held near Port Townsend in November 2008, as described in Section 5.4.1. At the forum, USBP spokesperson Michael Bermudez presented on the purpose of the checkpoints within the agency’s broader mission to protect the country: “This is prevention through deterrence...I think this is something that everyone needs to think about. It’s an intangible number, and it’s something that you cannot count” (as cited in Hidle 2008b, my emphasis). In northwestern Washington, the specific connections between Border Patrol mission and practice remain unclear to borderland residents seeking greater government accountability. USBP tactics such as the checkpoints, roving patrols, spot checks at transportation hubs, and Spanish-English language interpretation for other law enforcement agencies do not clearly connect to the agency objective of deterring unauthorized border crossings with a particular focus on terrorists. Latino(a)s, non-timber forestry workers, and people of color in general are being apprehended, people who have not crossed the border from Canada and who are not engaged in terrorist activities. One conclusion that can be drawn from this thesis is that the Border Patrol and the Department of Homeland Security more broadly are not held accountable to explain their practices, successes, and failures in a specific way to the general public.

The everyday practices that USBP personnel engage in on the Olympic Peninsula have made many borderland residents feel unsafe. These lived experiences stand in sharp contrast to the intangibility of
the benefits of prevention through deterrence, as explained above by USBP Spokesperson Bermudez. The hard work undertaken by organizers, civic leaders, law enforcement officers, and journalists to clarify how peninsula communities might benefit from deterrence tactics at the maritime border has not yielded many answers. If the successes of prevention through deterrence at the US northern border are ‘intangible’ and something that ‘you cannot count,’ then how can we measure success? In 2011, CBP Commissioner Alan Bersin testified before a Senate subcommittee regarding northern border security, explaining that an index was being developed to measure agency progress and success at the US-Canada boundary (Bersin 2011, np, my emphasis):

Although the northern border environment differs greatly from the southwest border, the measures we develop must provide an accurate assessment of how the investments we have made are improving the lives and livelihoods of the people who live in each border region...

The success of our efforts along the northern border, as long the southwest border, must be measured in terms of the overall security and quality of life in the border region; the promotion and facilitation of trade and travel; and the success of our partnerships in enhancing security and efficiency.

The dynamics between the US Border Patrol Port Angeles station and the surrounding social environment described in this thesis indicate that many peninsula residents do not find USBP practices to improve their livelihoods, security, or quality of life. This suggests that there is work to be done for the agency to establish greater accountability to the communities in which it operates. This may mean improved communication and transparency, or possibly a continued realignment of the methods used to work towards broad agency objectives. Or, perhaps more radically, true accountability to the concerns raised by borderland residents might mean a reworking of objectives, away from pre-emptive approaches like deterrence. As explained in Section 4.2, academic and policy researchers alike have questioned the effectiveness of deterrence as a founding principal for law enforcement strategy at the US-Mexico border, given that there has not a clear correlation to an objective decrease in unauthorized crossings as an outcome (See Dunn 2009: 2; Cornelius 2001; Haddal 2010; Massey 2005; Massey, Durand & Malone 2002; US GAO 2001; also Andreas 2000; Maril 2004). At the US-Mexico border, deterrence strategies have not deterred unauthorized migrants from crossing. Instead, as enforcement resources were concentrated near urban areas, unauthorized border crossings simply shifted to ‘more remote and less accessible locations in mountains, deserts, and untamed sections of the Rio Grande,’ where migrants are much less likely to be caught by the Border Patrol (Massey 2005: 6; Cornelius 2001; US GAO 2001).
Such analyses have drawn the efficacy of deterrence strategies at the US-Mexico border into question. In regards to the deterrence of terrorists in northern Washington, Curry et al (2012) conducted a close review of all the prosecutions for terrorism-related crimes that took place in Washington State from 2001 to 2012. They found that of the 43 total prosecutions during this time period, the Border Patrol was not involved in any of the cases (p.13). A 2010 Congressional Research Service report attempts to quantify the effects of deterrence strategy at the northern border, pointing out that as the number of Border Patrol agents stationed along the northern sectors has increased, there has been a gradual decrease in total apprehensions. The researcher concludes that (Haddal 2010: 23):

> The overall decline in apprehensions suggests that the increasing enforcement along the northern border may have discouraged individuals from attempting to cross. However, given the enormousness of the northern border and the relative lack of enforcement assets that are deployed there, compared to the southwest border, the declining trend in apprehensions over the past 12 years could well be the result of other, unrelated factors.

The causality behind shifting apprehension trends is difficult to determine. In his comparative study of securitization at the US-Mexico and US-Canada borders, Andreas (2005: 455-6, my emphasis) is skeptical about the ‘deterrent value’ of emergent security measures at the northern boundary:

> Given that a far larger border enforcement presence along the southern US border has failed to keep out hundreds of thousands of illegal entries every year, it is unclear how much a smaller force along the country’s much longer northern border would keep out a handful of determined terrorists. But just as the border enforcement build-up along the southern US border had a politically useful placebo effect in the 1990s, the same may now be true of the new build-up along the northern US border.

As Andreas has argued elsewhere, the political popularity of resource-intensive border enforcement can be partially explained by its symbolic value (Andreas 2000). The rusty steel fencing that lines vast stretches of the US-Mexico border is often circumvented; nonetheless, it makes the border appear real. Though the US-Canada border does not yet parallel the visible securitization of the southwest, many measures have been taken to make the northern boundary a “real border,” in the words of DHS Secretary Janet Napolitano (CBC 2009). I have pointed out that current geopolitical arrangements at the US northern border allow the Department of Homeland Security to operate with little accountability to the general public about how the daily practices of personnel align with the agency’s mission. These dynamics also allow for the disregard of the wellbeing of borderland communities— for example, when
law enforcement encounters take place in remote forested areas of the Olympic Peninsula. As described in Chapter 4, such arrangements clearly make the individuals targeted for policing feel unsafe, but also may leave officers feeling vulnerable and foster a climate of distrust. Though contestations to DHS authority have restricted the agency’s practices, it remains to be seen how national security agendas can take more fully into account the wellbeing of borderland communities.

What exactly would greater accountability look like for the US Border Patrol or for the Department of Homeland Security more generally? As suggested above, I believe that accountability could start small, for example, through the release of USBP Port Angeles Station-specific arrest statistics as well as information regarding the number of personnel employed at the station and the nature of their daily activities. This information is especially significant now that certain USBP activities have been curtailed in the Port Angeles Station and throughout the northern border, restrictions which leave the nature of the agency’s current practices open to the imagination. Updates could also be provided to the public on whether the allegations put forward in Agent Christian Sanchez’s whistleblower testimony have been investigated and/or mitigated. Another improvement would be the institution of more meaningful two-way communication with borderland residents in order to take their experiences of (in)security seriously. Larger moves towards accountability might imply a realignment of the methods used to achieve broad agency objectives, or even a reworking of the objectives themselves – away from deterrence as a pre-emptive approach to potential threats like terrorism. Greater accountability would certainly require that DHS be subject to the regular checks and balances of the United States democratic system, given that the agency has moved beyond them in many ways (Sundberg 2013b).

The politics of international borders may seem beyond the influence of the average person. However, it is crucial to engage with how such geopolitical arrangements come into being, and to get curious about who benefits from them. Otherwise, if the legal authorities and budget of DHS continue to grow as they have in recent years, President Obama may soon find himself standing at the northern border, joking about moats with alligators.
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146


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