The Border and Its Bodies

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Published by University of Arizona Press


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In June 2010, the decomposed remains of a man were found by the U.S. Border Patrol on the Tohono O’odham Nation in Arizona. The man was found under a tree, with a backpack containing about $200 in Mexican pesos, a few bus ticket stubs, and a prayer card for Pope Benedict. His body was transported to the Pima County Office of the Medical Examiner (PCOME), where forensic investigators, pathologists, and anthropologists began the work of trying to identify him. During their examination, a Honduran identification card was found in the man’s shoes. Nearly two months passed with no leads on this man’s identity. Then, in August, a woman called to report her brother, Miguel, missing. A volunteer took the missing person’s report. Miguel’s full name matched the name on the Honduran ID card. Miguel also was reported to have a tattoo—a homemade letter \( M \) on one of his forearms. Although the external examination, autopsy, and forensic anthropology examination had all been completed, there was no note of a tattoo. To see if there was indeed a tattoo on the body, investigators used infrared photography to photograph the highly decomposed flesh of the arms of the unknown man. The photographs revealed what could not be seen with the human eye—a light, hand-drawn letter \( M \) on the right forearm. The unknown remains were identified as Miguel’s.

Miguel had lived and worked in the United States for decades. He was a gardener. In the spring of 2010, he was apprehended by ICE after being pulled over for speeding, and was deported to Honduras. Shortly after, in the summer of that year, Miguel hired a coyote to guide him across the Arizona desert. He was desperate to get back to his family and his job. He attempted the crossing in June, one of the hottest months of the year in the Sonoran Desert, when temperatures regularly reach into the triple digits.
When the volunteer called to notify Miguel’s sister that he had died in the desert from heatstroke, she wept and expressed confusion. “How could someone die just from walking? He was a gardener; he was used to being in the sun. I think someone murdered him,” she said. The volunteer assured her that there were no signs of trauma, and explained that, sadly, hundreds of people die each year attempting to cross the border through Arizona. The volunteer then explained the next steps: the family would need to choose a funeral home, and then have the funeral home contact the medical examiner’s office to arrange to pick up Miguel’s remains.

About a week later, the volunteer got to her desk one morning and noticed that her voicemail box was full—28 messages. They were all from Miguel’s family, who were distraught, confused, and angry. The family had been calling from the funeral home, where they had just seen Miguel’s remains. They were convinced that they had been deceived about the cause of death, because the body they were looking at was a horrifying sight—a blackened, decomposed, headless corpse whose hands had been cut off. Clearly, they said, Miguel had been murdered.

Although the official manner of death was accidental, not homicide, they were right. Miguel had been murdered by the U.S. federal government, using the Sonoran Desert as a weapon, and his body showed the signs of this violence.

INTRODUCTION

What happened to Miguel and his family was a complicated injustice, with layers of violence occurring along a protracted timeline. First, Miguel had likely been racially profiled by police. He was then deported to a country he hadn’t called home in more than 20 years, which separated him from his small children and his only means of income. Then, in an attempt to get home, Miguel had followed the path created for Latin American workers by decades of U.S. immigration and border policy, which cuts through remote regions of the Sonoran Desert. The desert conditions and arid heat took its toll, and Miguel died from exposure to the elements. His body was not found for several weeks because of the isolated area where he had been traveling. By the time Miguel was found, his body had endured the same brutality of the desert conditions that had killed him.
On arrival to the medical examiner’s office, Miguel’s body was unrecognizable due to decomposition, and would require special examination techniques for there to be any hope of finding his family. During autopsy, his inner organs and brain had been removed for examination. During the forensic anthropology examination, his skull had been detached, along with portions of his pubic bones. His body was so decomposed and desiccated that investigators had to cut off his hands so that his fingers could be rehydrated for fingerprinting. When his family finally saw his remains, they were looking at the effects of violence, but they were also looking at attempts to care for Miguel and his family.

The volunteer who had first taken the missing person report for Miguel, who had then called his sister when his remains were identified, and who had heard the distressed voices of the family when they were looking at what was left of his body, was in some ways ill-equipped to handle the situation. She was young, she was in over her head, and she was scared. That volunteer was me.

At the time, I was a graduate student in the School of Anthropology at the University of Arizona. The same semester I started graduate school, in the fall of 2006, I began interning and volunteering under the guidance of Dr. Bruce Anderson, forensic anthropologist at the PCOME. I was interested in the ways that a cultural anthropologist might be able to support the work of forensic anthropologists, and Dr. Anderson was eager to have my help. At the time, Dr. Anderson was examining about 150 cases per year—far more than any other single forensic anthropologist in the nation, likely in the world. On top of this, he was also managing calls from families of the missing. The families were calling the medical examiner’s office directly because they had nowhere else to go. The standard mechanism for reporting and pursuing the investigation of a missing person in the United States is through law enforcement. However, families of missing migrants generally struggle with this system: because they are afraid to contact police for fear of deportation, they do not live in the United States, or they are turned away by law enforcement officials when they try to file a report for a missing foreign national. So they call the medical examiner’s and coroner’s offices along the border directly. When I approached Bruce in 2006, he suggested that I help him with missing person reports, and with speaking to the families—work he had taken on voluntarily despite being already overwhelmed with the caseload.
Gradually, these volunteer efforts grew into a nonprofit, the Colibrí Center for Human Rights, which I cofounded in 2013. My graduate research became focused on the social and scientific process of identifying the remains of migrants who had died attempting to cross the U.S.-México border into Arizona (Reineke 2016). That summer, when on the phone with Miguel’s family, I had cautioned them against opening the body bag. I explained that viewing his remains would be difficult and that I didn’t want them to remember Miguel that way. But when the body bag containing Miguel’s remains arrived at the funeral home, the family wanted to see him. They needed to confirm that it was indeed Miguel, and to understand for themselves what had happened to him. What they saw was evidence of violence, but not the kind they assumed. There is no good language for the kind of violence Miguel’s body had gone through.

In this chapter, I consider the journeys of the bodies of those who have died while crossing the U.S.-México border. Because of the primary forms of violence experienced by Latin American immigrants during life, such as racism, exploitation, structural violence, or deportation, the bodies of those who die during a desert crossing go through a unique process that often involves further forms of violence, including what Jason De León has termed “necroviolence” (De León 2015). While there are those, such as forensic scientists, who attempt to care for these dead bodies with compassion, their work is limited and fraught due to the severity of the violence already endured by the deceased, both prior to and after death. Unfortunately, attempts to care for the dead can be experienced by families as further violence. From disposition at the scene of discovery to condition upon release for final burial, the bodies of deceased migrants along the U.S. side of the border with México reveal a particular border biopolitics of the dead that has heavy bearing on the living. Drawing on anthropologies and social histories of the dead body, this chapter centers the materiality of the border dead and considers how their disposition constitutes and is constituted by the political border itself.

THE BORDER AS RACIST SPECTACLE

Since the mid-1990s, a large but unknown number of migrants have died or disappeared in attempts to cross the U.S.-México border. Although
the U.S. Border Patrol reported 7,216 border deaths between fiscal years 1998 and 2017 (U.S. CBP 2017), these numbers most likely vastly undercount the true number of fatalities. The factors pushing migrants into dangerous geographies have been discussed at length in the academic literature on migration and border security (Cornelius 2001; Martínez et al. 2014; Rubio Goldsmith et al. 2006). In essence, the U.S. federal government has used the geography and ecology of the desert Southwest as a weapon against those who would cross the border outside official state-sanctioned mechanisms, which are essentially nonexistent. This strategy, labeled “prevention through deterrence” by its authors, was ostensibly designed to discourage would-be migrants from attempting an illegal crossing. On closer examination, however, what the deployment of the desert as a weapon actually accomplishes is not to prevent or deter undocumented border crossings, but rather to make such crossings more terrifying and more destructive to migrants than ever before. Taken along with the history of a century and a half of U.S. dependence on exploitable migrant labor (Ngai 2004), it is more responsible to think of the U.S.-México border not as a security system designed to keep people out, but as a policing system designed to create conditions for a particular kind of social control within borders.

I follow the approach of critical race theorists in understanding immigration policies as both rooted in and productive of American racism (Johnson 2003; Romero 2008). The dead bodies on the border are a particularly brutal and degrading aspect of immigration policy. Rather than occurring on an individual level, these deaths and disappearances are socially structured and have meaning and effects at the social level. The dead bodies of Latin American migrants inform a continuing narrative about who belongs and is considered worthy of being “protected,” and who are thought to be outsiders, considered to be deportable, disposable, or sacrificial in the name of border security. Nicholas De Genova (2002, 2013) argues that the law should not become a “neutral framework” against which social processes are analyzed; instead, the law should be seen as a social process that produces further effects. The socially and historically constructed “laws” of the border produce “illegal” and deportable migrants and produce a border spectacle that provides a constant performance of the racialized borders between citizens and others (De Genova 2002).
The law also produces dead bodies. The material presence of the dead and their postmortem treatment is not independent of the broader social and historical factors at play along the U.S.-México border. As Soler et al. (this volume) discuss, a significant portion of those who have died along the border are indigenous Americans—from communities that have survived at least 500 years of abuse and exploitation. Both the introduction to this volume and Linda Green’s chapter discuss the centuries-long history of dispossession, exploitation, and genocide carried out against the very same indigenous communities who are now migrating north. This history now includes the history of the wall. Before there was a border wall, there was a social wall that was performed physically on the bodies of immigrants with brown skin. By 1924, European immigrants arriving at Ellis Island did not have to go through line inspection, yet Mexicans at the southern border were subjected to nude medical inspection, forced shaving, delousing, and fumigation (Ngai 2004). During the Bracero Program (1942–1964), in what was called “drying out the wetbacks,” employers went around the labor protections placed on braceros by forcing workers to go to México and cross back into the United States as undocumented immigrants with fewer rights (Ngai 2004). From its beginnings under the Department of Labor in 1924, the U.S. Border Patrol was a police force specifically designed to monitor, control, and repress Latin American bodies. This traditional focus on the body of the Latin American worker at the border is significant, and can be seen today in the language used by Border Patrol agents when discussing those they police. It is common for Border Patrol agents to refer to those they chase and apprehend simply as “bodies,” or worse, “tonks,” which is the sound a MAGLITE apparently makes when brought down with force over the head of a human being.

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

National immigration policy has long been understood to display dominant ideas about who is included and who is excluded in the “imagined community” of the nation (Anderson 2006; Brubaker 1990; Ngai 2004). Immigration policies are powerful tools of governmentality, whereby subjects are disciplined through processes of registration, inspection, and inscription (Foucault 1980; Inda 2014). “The border,” an arbitrary line that has become naturalized, has become a spectacle where a “never-ending war” (Grandin 2013) violently performs citizenship on the bodies of migrants, both in life and in death.

The destruction of dead bodies has been used throughout history during war and peace to publicly mark the bodies of outsiders or criminals (Crossland 2009; Sappol 2002; Scheper-Hughes 1992). To leave bodies unattended or uncared for is a profound act of violence that terrorizes the living and marks the dead and members of their community as threatening outsiders who are essentially subhuman. In the case of the U.S.-México border, the specific processes of criminalization and exploitation of Mexican workers is bound up with the colonial context within which the border was constructed. Building on the work of Frantz Fanon, Joseph Pugliese has discussed how the postcolonial American state, which has never reckoned with its genocidal past, continues to kill and re-kill colonized peoples whose very existence poses a sovereign threat to the nation-state (Pugliese 2014). Pugliese describes the “double death” of colonized peoples, who are killed “in order to silence questions about the sovereign legitimacy of the colonial nation-state” and who, “even when they are long dead,” are symbolically killed again (Pugliese 2014:5). As exploitable workers, migrants crossing the border are useful for U.S. capitalism. As indigenous Americans, however, migrants pose a threat to the historical amnesia needed to define America as white and to legitimize the existence of the border as a political and legal barrier between the United States and Latin America. The systematic erasure
and destruction of the bodies of Latin American immigrants, migrants, and refugees defines them as literally disposable while geographically marking the border as a racial filter. Some bodies are allowed into the nation unimpeded, while others are subjected to the brutality of the desert and to border bureaucracies that do not accord them basic human dignity, even in death.

**NECROVIOLENCE ALONG THE U.S.-MÉXICO BORDER**

Katherine Verdery has demonstrated that “because the human community includes both the living and dead, any manipulation of the dead automatically affects relations with and among the living” (1999:108). Historian Thomas Laqueur has similarly argued that “the living need the dead far more than the dead need the living . . . because the dead make social worlds” (2015:1). This view of the social significance of the material dead is a guiding framework for the discussion that follows. Critically, *any* action upon the dead has social effects. Not all of the actions around the remains of the dead in the borderlands are negative—there are profound acts of care and compassion that are of critical significance. However, these efforts are best understood alongside the powerful and dominant forces of violence and erasure they contest.

The elements that define disrespectful treatment of the dead are diverse and depend on local cultural, political, and historical factors. In general, however, mistreatment of the dead is any disruption in the usual or traditional way of caring for the body and spirit after death. Any disposition of the dead that disrupts the ability for the living to ease the deceased into the world of the dead is troubling, especially when death occurs on a collective level, such as in conflict or disaster. A death can be culturally defined as a “bad death” either through the nature of the death itself or because of the condition of the body after death (Metcalf 1982). Communities need to do the work of emplacement—to integrate the dead into their new setting as peacefully as possible so that they do not come back to harm the living (Goody 1962; van der Geest 2004). Laqueur discusses the ways in which the dead demand a different treatment from other objects. The “overwhelming materiality” of the dead, Laqueur (2015) writes, contrasts with the social, cultural, and emotional excess of meaning embodied within the corpse. The reintegration of the dead into
the natural and material world must be accomplished by the work of the living rather than by natural processes alone (Laqueur 2015). The dead “are not refuse like the other debris of life; they cannot be left for beasts to scavenge” (Laqueur 2015:4).

Jason De León’s book The Land of Open Graves is an important contribution to the study of violence in the U.S.-México borderlands. De León contributes the concept of “necroviolence,” which he defines as “violence performed and produced through the specific treatment of corpses that is perceived to be offensive, sacrilegious, or inhumane by the perpetrator, the victim (and her or his cultural group), or both” (2015:69). De León argues that this violence is “generative” in that it can produce further forms of violence and social fracturing. And, this violence “can be easily outsourced to animals, nature, or technology” (De León 2015:71). I will add to and continue this conversation about necroviolence along the U.S.-México border by discussing three temporal phases where such violence occurs: while dead bodies are in the desert borderlands, when they are forensically examined and investigated, and upon final release or burial.

DESSERT BORDERLANDS

The necroviolence occurring in the desert borderlands has predominantly taken the form of inaction. After 20 years of deaths in the hundreds following a spike clearly linked to increased U.S. border enforcement, there is still no federal-level policy change to address the loss of life. In fact, during both the Obama and Trump administrations, the federal government has doubled down on the same policies that have led to thousands of deaths. Migrants are allowed to die trying to cross the border, and, in one of the most heavily surveilled landscapes in the world, they are allowed to disappear. The bodies of the dead are left in the desert for weeks, months, or years.

By the time the remains of migrants are found, they usually have already been brutalized by desert conditions. The same heat that kills migrants on their journey through the desert destroys their bodies after death. The Sonoran Desert is known for its aridity and extremely high daytime temperatures, which range from 100°F to 110°F in the summer months. Attempting to go around checkpoints, migrants travel through the most remote parts of the desert Southwest. Those who suffer the
effects of hyperthermia (heatstroke) often become disoriented and wander deeper into the desert. Even before they die, their bodies begin to cook from the inside, accelerating decomposition after death. A single summer day in the desert can render faces unrecognizable. And most of the dead are not discovered after a single day, but after several months. One study estimated that the average length of time that migrant bodies remain undiscovered in the desert is six to eleven months (Martínez et al. 2014). Bodies rapidly become skeletal, and the effects of insect and animal activity can reduce a body to just a few bones and teeth in a matter of weeks.

The desert is vast, with thousands of miles of rugged terrain. It is likely that remains are not reported early because they are not seen or discovered for months or years. In a landscape where thousands of people have already been found dead in the past 20 years, however, organized search and recovery efforts are sorely lacking. Border Patrol Search, Trauma, and Rescue (BORSTAR) is the official search agency for the desert borderlands. The calls of those who dial 911 from the desert are routed to BORSTAR, which is known to deprioritize search and rescue in favor of apprehension (Lo 2015). As BORSTAR agent John Redd explained to a reporter, “A lot of what we do is enforcement. The rescue part is secondary, not the main objective” (Lo 2015).

Ely Ortiz’s story demonstrates the weakness of official search and rescue operations in the Sonoran Desert. Ely’s brother, Rigoberto, called, saying he was lost in the desert. Rigoberto then called 911 for assistance and was transferred to BORSTAR (Lo 2015). Agents conducted a helicopter search for a few hours before Rigoberto’s cell phone battery ran out. Agents ended the search with no success. Ely then struggled for months to get permission to search the federal land where his brother had disappeared. When he finally got approval, he combed the area for a day on foot and found the decomposed remains of his brother and another migrant (Lo 2015). A surveillance agency with helicopters, cadaver dogs, drones, miles of video surveillance, and an annual budget of $13.6 billion could not find Rigoberto’s body, but Ely could go out with little to no resources and find him in a day. There have been several cases like this. In 2005, the father of a missing woman searched the desert, discovering three bodies before finding the remains of his own daughter, Lucrecia (Rubio-Goldsmith et al. 2006).
Several civilian search crews have emerged in recent years that scour the desert for the missing with very little funding or external support. Their requests to Border Patrol for assistance are rarely honored (Glionna 2016; Lo 2015). In addition, there are reports of Border Patrol agents seeing human remains and not reporting them. In 2010, I spoke with a former Border Patrol agent who explained that bodies were often left behind in the desert by agents who knew they would be scolded by superiors for reporting them. Luis Alberto Urrea (2004) writes that Border Patrol agents understand that a dead body means paperwork and time wasted when they could be apprehending people and meeting quotas. The absence of a body can be one of the most destructive forms of necroviolence because of the suffering it inflicts on the family. Failing to report or recover human remains is a serious offense, and also illegal. In addition to providing food, water, and medical care to distressed migrants, No More Deaths has added search and recovery to their work in the desert. In one six-month period, the small volunteer-led organization discovered 11 sets of human remains (No More Deaths 2017). Shortly after this time, 10 volunteers from No More Deaths were arrested and charged with federal crimes, including a felony charge (Ingram 2018). Federal officials are not only failing to provide adequate care for those dying and disappearing in the desert, but are actively criminalizing those who do provide aid. This is another piece of evidence that these dead are threatening to the state apparatus at the border. These dead must firmly be defined as outside the reach of care, lest their status as less than human be challenged.

The word used to describe the migrant dead in southern Arizona is usually “remains,” rather than “bodies,” not only because such language is more respectful but also because it is more accurate. Many of the dead recovered from the desert are no longer “bodies” but fragmented, decomposed, or skeletonized pieces of bodies. When one sees these remains in person, it is very hard to see them as anything other than the result of violence. For this reason, I believe it is important to have at least a vague sense of what most of the remains recovered from the desert look like. What I have seen is blackened skin stretched thinly around bone. I have seen bodies without faces, without arms, without feet. I have seen mummified remains where the skin is as hard as leather. I have seen the teeth marks of animals. I have seen bones that are bleached, gnawed on, dismembered, or crumbling.
It is critical to remember that the discomfort of those who happen to see the dead is minimal compared to the pain and suffering of the families, for whom these remains are all that is left of a person they loved. I have had to delicately explain to mothers of the missing why they could not simply see photographs of the faces of the dead to find their sons. Colibrí staff generally caution families against opening caskets upon receiving remains. Although it is the family’s right to view the body, it can cause additional pain and suffering to see remains that bear no resemblance to the person they knew and loved. Sometimes, the visual appearance of the deceased is so traumatic and so different from a family’s memory of the person that a family will reject the identification, casting them back into the ambiguity of the search for a missing person. Special work and care must be taken during the identification and notification process so that families are prepared for what they will see.

I have made mistakes in this area. I was once comparing information about a missing man from Guerrero, México, to highly decomposed remains. The man’s brother had described the exact clothing found with the unidentified man—a blue button-up shirt, black Dickies pants, and red and black tennis shoes. When I noticed the similarities, I called the brother and explained that I may have found a match. With his permission, I emailed him photos of the clothing found with the deceased to see if he recognized anything. He called back immediately and confirmed that the clothing was indeed his brother’s. Furthermore, he had recognized his brother’s handwriting in notes on a prayer card found with the remains. His most urgent question, though, was about the shirt in the photographs—why was it torn? Had his brother been murdered? I instantly regretted having sent him the photograph of the long-sleeved blue button-up shirt, where you could clearly see that one arm of the shirt was in tatters. I explained to him that no, his brother had not been murdered, but had died from heatstroke. In focusing on identification, I had overlooked the fact that the shirt had been torn by the teeth of the animal that had eaten his flesh after he died. I told the brother in vague terms that the shirt had been damaged by desert conditions. He wept uncontrollably. I never forgave myself. Practices of care are challenged in a context where so much damage has already been done.

In addition to the natural taphonomic processes in the desert, including the effects of the sun, arid climate, animals, and insects, there
is also human activity that affects the dead. I know of no examples of
direct or intentional efforts to harm the bodies of the dead in the des-
ert. There are, however, many examples of care. Migrants have reported
coming across remains in the desert and taking the time to bury them
(De León 2015). Passersby have also been known to place items with
the dead, such as crosses or scapulars, or to take items, such as valuables
or phone numbers. The man from Guerrero discussed above (wearing
the blue button-up shirt that had been torn by animals) was found with
several rosaries around his neck. When I asked his family about this, they
said that the rosaries must have been placed on the deceased by fellow
migrants. Some have refused to leave the dead behind, even physically
carrying the body to a place where it could be cared for. In one case, a
man crossing the border found a skull in the desert. Rather than leave it
behind, he placed the skull in his backpack, brought it with him all the
way to a major U.S. city, and then called police from a pay phone to tell
them where he had left it so that they could find it, and hopefully return
it to a family for burial.

In several cases, groups of migrants have made stretchers to carry the
remains of fellow travelers. In one case, the group fashioned a stretcher
from branches torn from palo verde and mesquite trees, bound together
with their own belts and shoelaces to carry the dead body of a woman.
They had been traveling with her until she fell down an embankment and
died from her injuries. Rather than leave her body behind, they carried
her through the desert until they arrived at a road, where they flagged
down Border Patrol. They chose apprehension and deportation rather
than leaving her body alone in the desert.

Those who discover remains are also affected. One of the more ne-
glected areas of study in the borderlands is the effect of such massive hu-
man death and suffering on local inhabitants, or those sharing the same
space with a different purpose. A notable exception is David Seibert’s
Seibert’s interviews included a few with cowboys and ranchers who had
found the remains of migrants. Emotionally exhausted, one man noted
the tragic normalcy of such discoveries, saying, “If you haven’t found one
yet, you will” (Seibert 2013:146). The regularity of death in the desert is
disturbing, whether one is directly witnessing it or not. I remember read-
ing a case report where a family had found decomposing remains in their
own backyard. Others had called police when the family dog came home carrying a human skull. In another case, Border Patrol agents stopped the vehicle after hearing a loud crunch, only to find a human skull under one of the tires. Although the Border Patrol has demonstrated itself time and time again to be a deeply violent agency that operates with extreme impunity, agents are nonetheless individual human beings. Many agents are young, and many of them are Latino. They are undoubtedly affected by the tragedies they witness.

In the summer of 2008, I joined about 100 others on the annual Migrant Trail Walk, a five-day memorial pilgrimage in honor of those who had lost their lives while crossing the border. The 77-mile walk, which continues annually, begins at the border town of Sasabe and ends in Tucson. Participants carry crosses bearing the names of deceased migrants. During our final day of the walk in 2008, as we were approaching Tucson, a truck pulled over about a mile ahead of us and stopped, waiting. There were worried whispers and mumbles as the group approached the truck. In past years, participants of the walk had been met by counterprotesters. When we caught up with the truck, however, a Tohono O’odham man

Figure 5.1 Stretcher made by migrants to carry the body of a fellow migrant (photograph by Michael Hyatt).
and his young son were waiting for us. The man was carrying a staff adorned with red ribbons and small cloth pouches. He explained that he had traveled all the way from the western reservation that day to greet us and to thank us for honoring the dead. He wanted his son to see that there were those who cared. He had brought a sacred staff and tobacco that had been blessed. He told our group, “We used to clean the earth each time we found a dead body. Now, we find so many dead that we don’t even know how to clean the earth anymore. It hurts us, and it hurts the land.”

**EXAMINATION AND INVESTIGATION**

Although the investigative work of forensic autopsy and anthropological examination are necessary to identify the dead, they are quite destructive to human remains. Less destructive forms of human identification, such as visual recognition by family or fingerprint comparison, are often not possible due to the effects of the desert. Forensic practitioners at the PCOME have been unable to identify between 30 and 40 percent of decedents believed to be migrants each year (Reineke 2016). With nearly 900 cases as of 2014, Arizona ranked third among states (Mejdrich 2014). At the time of this writing, there were more than 1,100 unidentified. Although this chapter is not about all the factors leading to such a high number of unidentified remains, it is important to note that the risks migrants face during their journey, such as dehydration, deportation, or abuse, can affect the ability of forensic practitioners to identify the remains of the dead (De León 2015; Reineke 2016). The vulnerability of migrants in life contributes to their erasure in death. Forensic practitioners must use special methods for migrant cases to produce the biometric data that can assist in identifying them. Although these efforts can be seen as destructive, they are ultimately acts of care. As Bruce Anderson often says, “I work on the dead, but I work for the living.”

All unidentified remains found in the desert borderlands of Arizona and sent to Pima County undergo thorough examination, usually beginning with an autopsy. Most are then examined by a forensic anthropologist. Though standard for medicolegal cases, the autopsy is quite destructive. The main objective is to establish the cause of death, and this is done by dissecting the body. Following external examination and photography, a Y-shaped incision is made along the trunk of the body.
Shears or a scalpel are used to cut open the chest cavity. An electric saw is used to cut through ribs on either side of the sternum, so that the chest plate can be removed to allow access to the heart and lungs. The organs are removed individually, examined, and dissected. The stomach and intestinal contents are removed and weighed. The brain is then examined. An incision is made across the crown of the head, and the scalp is pulled aside. The top of the skull is then cut with a circular saw, and the “cap” of the skull is removed to reveal the brain. The brain is then observed, and in some cases removed. When the autopsy is complete, all elements are returned to the body, the Y-shaped incision is sewn closed, the cap of the skull replaced, and the incision along the top of the head sewn closed.

Because the PCOME receives so many remains that are mummified by the extremely arid conditions of the Sonoran Desert, investigators have innovated a way to successfully obtain fingerprints from desiccated hands (Shaheed 2014). In these cases, the hands are removed from the body and soaked in a solution that rehydrates them to the point where the fingertips can be rolled in ink and printed on fingerprint cards. Many successful identifications have come about because of fingerprint matches that would not have been possible without this process, and the technique is now used in other contexts. However, this procedure is one more step in the further disarticulation of the dead.

Generally, forensic anthropologists are asked to assist in the United States in cases where the cause of death or the identity of the deceased cannot be determined through autopsy and external examination. Forensic anthropology examinations are typically required in cases where remains are decomposed or skeletal. It is rare for a county the size and population of Pima County to have a full-time forensic anthropologist, yet as of this writing, the county employs three. The chief medical examiner for the office, Dr. Gregory Hess, emphasizes the disproportionate number of skeletal remains cases for Pima County by saying, “The year I trained in Milwaukee, we had one set of skeletal remains received that entire year, and we had a good idea of whose remains those were. That is compared to Pima, where we have an average 100–120 unidentified remains cases per year, the majority of which we have no idea who they are.”

Most cases of deceased migrants require the expertise of a forensic anthropologist to produce biometric data, including the individual’s physical characteristics and approximate time since death, which then
may be compared against missing person reports to identify the decedent (Anderson 2008; Reineke and Anderson 2016). The forensic anthropology examination procedure at the PCOME depends on the condition of the remains and the presence or absence of skeletal elements that can aid in the assessment of the biological profile. The elements most commonly relied on include the cranium, the pubic symphysis, the femur, and the fourth rib. If the remains are already skeletal or nearly skeletal, the process to separate out these elements for analysis has already been largely completed by nature, and the work to resect (cut out) elements is easier and less destructive. After all of the bones are placed on the examining table for documentation and photography, the elements needed to construct the biological profile are cleaned in a liquid solution and then examined closely. If, however, the remains are not skeletal, but instead fleshed, the resecting process is much more involved. The head must be removed and cleaned completely to enable a detailed examination of the cranium and dentition. The pubic symphysis is resected, along with the fourth rib, both of which are used in the assessment of age. In all cases, a bone sample is taken from either the tibia or the cranium, which is then sent to a laboratory for DNA sequencing and comparison with family reference samples from relatives of the missing.

Although the impact of forensic postmortem examination can be experienced by families as a further layer of destruction of their loved one’s remains, the process is necessary for there to be any hope of identification. Without identification, families continue to suffer the deeply traumatic experience of ambiguous loss and severe anxiety as they search for the whereabouts of a missing loved one (Boss 1999; Reineke 2016). Forensic scientists at Pima County work diligently to identify the dead with care and respect. The effects of immigration policy, desert conditions, and the lived experience of structural vulnerability of the migrants themselves have taken such a toll on the remains that the forensic scientists often start with so little that they must disarticulate in order to reconstitute. Their goal is not to cause harm, but to return the remains to families so they can be mourned as individual persons. This is restorative work, moving in the opposite direction from the dominant forces of violence and erasure that occur along the U.S.-México border.

In addition to investigating the highest number of migrant remains cases in the nation, Pima County also models some of the best practices
found among medicolegal offices along the border (Binational Migration Institute 2014; Jimenez 2009). The former chief medical examiner of Pima County, Dr. Bruce Parks, describes the ethical approach of the office simply and compassionately: “We treat people like we would want our family members to be treated” (McCombs 2011). Unfortunately, this ethical stance appears to be somewhat rare along the border, where too often migrant remains are treated with an appalling lack of respect for human rights and due process. The gap between ethics and law in the treatment of dead bodies in the United States is wide: there is both a lack of legal protections for the dead and their families and a lack of oversight by authorities who could enforce the laws that do exist (ProPublica 2011).

Up until 2013, remains discovered in remote areas of several counties in southern Texas were barely investigated at all before burial. Remains found in Brooks County, Texas, were transferred to the management and oversight of two private funeral homes, Elizondo Mortuary and Howard Williams Funeral Home, the latter of which is owned by the largest mortuary company in the United States, Service Corporation International (Frey 2015). Howard Williams would pick up the remains from the scene and take them to Elizondo Mortuary, which was contracted by Brooks County to collect DNA samples, identify the dead, and store remains before burial (Frey 2015). After investigation, unidentified remains were transferred back to Howard Williams for burial (Frey 2015).

In 2012, lawyers and community organizers in Texas began to pressure Brooks County to clarify the examination and investigation process for unidentified remains believed to be those of migrants (Kovic 2013). They discovered that remains were not being autopsied, examined by an anthropologist, or sampled for DNA before burial (Kovic 2013). Without these steps, it is very unlikely for decomposed or skeletal remains to be associated with missing person reports and identified. At least two families of missing migrants were told they would have to pay the funeral home to complete the portions of the exam that were not done initially, despite these funeral homes charging the county for the same work.

Marta Iraheta, the aunt of a missing Salvadoran man, Elmer Esau Barahona, shared her story with me, as well as with Texas human rights advocates who published her story in a report (Kovic 2013). Elmer crossed in June 2012. After injuring his leg and becoming ill after drinking water from a cattle trough, Elmer was left behind in the desert by the group with
whom he was traveling. Before leaving him, a traveling companion wrote down phone numbers for Elmer’s family and tied his own shirt around Elmer’s injured leg. When the man made it to safety, he called Elmer’s family and told them what had happened. He described the shirt he had tied around Elmer’s leg as a plaid brown-and-white, long-sleeved, button-up shirt. When Marta visited Brooks County in search of Elmer, she was shown photographs relating to several cases of unidentified human remains. In one set of photos, she noticed a plaid brown-and-white shirt.

Marta saw these photographs at the Brooks County Sheriff’s Office, in Falfurrias, Texas. When she asked the deputies where the remains for this case were, they referred her to Elizondo Mortuary. Upon contacting Elizondo, Marta was told that she would have to pay thousands of dollars for the body to be exhumed, sampled for DNA, and stored each day the body was in a cooler. If the body was not Elmer’s, the mortuary told Marta that she would have to pay for the remains to be reburied. By working with a number of organizations, including Colibrí, Elmer’s family was finally able to get answers and bury Elmer’s remains at no cost. The process involved a large project overseen by a forensic anthropologist at Baylor University to exhume all unidentified remains buried in Brooks County’s municipal cemetery; an equally large forensic anthropology examination project (Operation Identification) at Texas State University in San Marcos; and finally, the collection of antemortem information and DNA from Elmer’s family, overseen by the Colibrí Center for Human Rights and the Argentine Forensic Anthropology Team (EAAF). It took several years for Elmer’s remains to be identified and, due to bureaucratic hurdles between funeral homes and consulates, several more years for his body to finally be released to the family.

Like the violence in the desert and borderlands context, the necroviolence that can occur during examination and investigation often takes the form of inaction rather than overt direct action. If not carefully translated and explained, the work of forensic scientists to identify the dead can be experienced as further violence done to the remains of a family’s loved one. Rumors circulate in Latin American communities that forensic scientists in places like the medical examiner’s office in Pima County are doing research and experimentation on the dead, or taking pieces of the dead to sell in organ trafficking. Even with adequate explanation, however, it is generally very painful for relatives to imagine their loved
one going through an autopsy or a forensic anthropology examination. Furthermore, many of the families of missing and dead migrants are Catholic, and experience the disarticulation of the dead as a second death, even if they do understand that the work was necessary to identify the dead body. Ultimately, it is not the job of the forensic scientist to help the family heal. That is work the family must do on their own or with support from social workers, psychologists, clergy, or other local systems. When remains are not adequately examined and identified, there is no chance of healing at all. However, this healing is extremely difficult, as it is not just that someone has died, but that their remains have also been harmed, often repeatedly.

**FINAL DISPOSITION**

In 2010, Marc Silver, the director of the award-winning documentary *Who Is Dayani Cristal?* (2013), was retracing the steps of a man who had died while trying to cross the U.S.-México border. He had accompanied sheriff’s deputies to the scene on the day the man’s body was found in the desert, just 20 minutes from Tucson. Silver then spent weeks in the PCOME following every step of the identification process. When the remains of the Honduran man, Dilcy, were positively identified, Silver received permission from the family to accompany the body to the funeral home, and then onto the same flights from Tucson to Atlanta, and Atlanta to Tegucigalpa, the capital of Honduras. On arrival in Tegucigalpa, Silver greeted Dilcy’s family, who had traveled eight hours from the countryside to pick up Dilcy’s body from the airport. After the family waited for the passengers and cargo to exit the plane, an airline representative informed them that the casket containing Dilcy’s remains had not made it onto the flight from Atlanta to Tegucigalpa. Luggage took priority over caskets, the representative explained, and with a full flight, Dilcy’s body had stayed on the tarmac overnight in Atlanta.

Marc Silver later asked, “Could there be a clearer demonstration of what is happening to migrants in the Americas? Literally cargo is more important than human beings.” What happened to Dilcy’s body that day is a microcosm of what is happening to hundreds of thousands of migrants, living and dead, in the Americas today. Consumers, products, and businesses move across borders relatively unimpeded. The working
poor, however, cannot even cross when they are dead. This impediment to “crossing” holds true not only in the sense of the geopolitical crossing of borders, but also in the sense of crossing over from the world of the living to the world of the dead. On the day Dilcy was buried, the family erupted into crisis before lowering his body into the ground. They were unsure if the remains were truly his, and they wanted to open the casket to be sure. Having seen the condition of Dilcy’s body, Silver strongly discouraged them, but respected their need to view the remains. In the end, the only thing that prevented them from opening the casket was the lack of a proper tool to pry it open. So, on that day, which should have been about remembering Dilcy and mourning his loss, there were still serious doubts about whether the body being buried was indeed his.

In this final part of my discussion of the postmortem “lives” of migrant dead along the U.S.-México border, I consider the ways in which these human remains are often assaulted yet again when they are released from forensic medicolegal offices for burial or cremation. Once again, there are actions and inactions impacting the dead that can harm the living.

There are two general trajectories remains take once they are released from forensic examination facilities. If the remains have been positively identified, they are transferred to a funeral home, which, in collaboration with the consulate of the country of origin, makes arrangements with the family to receive the remains. If not identified, but instead released from the medicolegal office as unknown, human remains are usually considered the property of the county in which they were discovered, and are buried, cremated, or stored, depending on state law and county procedure.

Until 2018, for those cases where the remains were found in Pima County, Arizona, the unidentified were released to the Pima County Public Fiduciary from the medical examiner’s office once all procedures of the postmortem examination were completed. The Public Fiduciary then contracted with a private mortuary to cremate unidentified remains. In 2018, the PCOME took over the indigent burial program for the county. Most unidentified are still cremated, with the exception of those cases that were already skeletal when discovered. These remains are now stored at the PCOME. The cremated remains are deposited in niches in a columbarium located at the county cemetery in Tucson. Prior to 2004, Arizona state law did not allow for the cremation of unidentified remains. The law was changed in large part because of Pima County’s
struggle to bury the high number of unidentified remains (Medrano 2006). In 2005, the county spent $110,000 to purchase more land in order to bury the dead, only to see the space fill up again (Medrano 2006). Cremated remains not only take up much less space, but they also cost the county much less than burial; in 2006, a cremation cost the county $475, while a burial was about $1,800 (Medrano 2006).

The cremation of unidentified remains is generally understood to be a bad practice, both according to standards established in forensic science as well as those under international humanitarian law. After cremation, it is impossible to retrieve additional information that may have been missed during the initial examination. If the examination facility did not collect DNA, or if a sample was collected but was then lost or did not yield results, there is no possibility of collecting another sample after cremation. In addition, whether or not the survivors of the deceased would have chosen cremation, it is damaging for the choice to have been made by someone other than the family or community. While the burial of remains can be repeated indefinitely, allowing the family and community to perform funeral rites, the process of cremation can be done only once. Cremation denies families the chance to ritually incorporate the deceased person into the world of the dead. In addition, Latin American families of migrants are predominantly Catholic, and they place critical importance on the burial of physical remains both for the spirit of the deceased to enter heaven and for the continued collective remembrance of the dead, which is dependent on the material presence of a grave (Lomnitz 2008). The few times when I have notified families in cases where the remains were identified after they were cremated, the fact of cremation was like a second death. The family mourned anew when they learned that body and bones no longer were intact, but instead were ashes.

According to the 1949 Geneva Convention, “Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased” (IFRC 2016). The authors of a 2014 report on best practices for the investigation and examination of migrant remains on the U.S.-México border made the point that “the notion that unidentified remains should be available for families to reclaim is an internationally held principle. It is adhered to even in the course of active war-time conditions, when the dead may not be retrievable for the period of armed conflict. In the case of mere economic constraints, as opposed to
conditions of active combat, international requirements for the treatment of the dead during war should be considered a basic guideline for those responsible for releasing unidentified decedents” (Binational Migration Institute 2014).

The cremation of the unidentified human remains of migrants is one example among many of how international human rights protections established in postconflict settings fail to protect migrants and their families at borders. Even worse, there are at least two counties along the U.S.-México border that not only cremate the unidentified but also scatter the ashes. An official in Imperial County, California, told me that the county had contracted with a company called Burials at Sea, which scatters the ashes into the ocean. Similarly, an official from Pinal County, Arizona, explained that cremated remains of the unidentified are kept in a storage locker with limited space. Each time a new box of ashes is added to the collection, the oldest case is removed and scattered in the Superstition Mountains. In these cases, if and when these dead are identified, their families will receive no physical remains.

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

At the time of this writing, forensic scientists and border human rights organizations continue the painstaking work of recovering valuable information from the dead, and trying to match the unidentified to the missing. The Texas Ranger investigation has been the only official, legally binding inquiry to date into practices involving unidentified remains in Brooks County, despite the fact that forensic anthropologists have publicized substantial data and evidence that the Texas Criminal Code was repeatedly violated. Although the behavior of Brooks County officials is disturbing, the fact that there has been no oversight and accountability is even more problematic. It is indicative of the broader problem along the U.S.-México border, where migrants and their families can be treated without respect to the law, due process, or human rights protections with complete impunity. Thanks to the efforts of community organizations and forensic anthropologists, Brooks County finally stopped sending remains to private funeral homes for examination in 2013. Instead, it now contracts with the Webb County Medical Examiner’s Office, where these remains are investigated and examined thoroughly. However, the chief medical examiner of Webb County largely refuses to work with any nongovernmental organizations along the border, including the Colibrí Center for Human Rights and the Argentine Forensic Anthropology Team. As these organizations manage the largest amounts of data pertaining to missing persons on the border, this refusal to collaborate likely impacts the ability of the Webb County medical examiner to identify some of the dead.

The harmful treatment is not restricted to those cases in which the remains are unidentified on release from the medicolegal facility, but also occurs in cases when the remains have been positively identified. I have limited experience in observing and participating in the release and repatriation part of the process. However, I have observed some problems. Staff at the Colibrí regularly receive calls from families in México or Central America who do not believe the remains they received are those of their missing loved ones. Often, they explain that they got a call from an official who told them that their son was dead, but that they did not understand what the person was saying and were given no documentation or means to follow up. Recently, a family in Chiapas who did not speak Spanish was notified by an official from the Tucson office of the Mexican consulate, in Spanish, with no translation.
The family of Dilcy, the Honduran man mentioned at the beginning of this section, was finally able to receive his body for burial. Many families do not have this option because of the expense of transporting the dead. The Mexican government provides some financial aid to families for repatriation, depending on income (Pinkerton 2007). In general, however, the amount provided by the Mexican government does not cover the full cost of shipping a body in a casket internationally. In 2007, the cost to prepare a body and ship it on a commercial airline to México started at $3,500 (Pinkerton 2007). Even before shipping, the cost of exhumation for those bodies that were buried can be up to $10,000. Families first find out that their loved one is dead, and then find out that unless they can come up with significant funds, the body will remain in Arizona, or be cremated and returned to them as ashes.

**CONCLUSION**

When one considers the disposition of the dead along the U.S.-México border, it becomes clear that migrants are *exposed* in multiple ways. During the crossing, migrants are exposed not only to the blistering sun, but also to abuse from coyotes (human smugglers), drug cartels, bandits, border vigilantes, and the U.S. Border Patrol. After death, their remains are exposed to the destructive effects of aridity and heat, animals and insects. If what is left of their body is found, the dead are then exposed to uneven forensic practices along the border, where they may be buried without forensic investigation, or in a common grave, or even cremated and scattered at sea. All of this impacts the ability of families to find the remains of their missing loved ones and mourn them after death.

The brutalization of the remains of migrants is also part of a historical process where the U.S.-México border has been used to violently define the terms of legitimate membership in the U.S. nation-state. That hundreds of dead bodies continue to be found each year in several U.S. states in various stages of decomposition speaks loudly about who is considered worthy of protection and who is thought to be expendable. The tragedy of the loss of life on the border is compounded by the degrading and dehumanizing ways in which the dead are left to be consumed by nature. Historically, the treatment of dead bodies has been a lightning rod for political and racial violence. And, as Carole Nagengast argues, “when some categories of people are reduced to a less than human status,
it becomes easier for those higher in the hierarchy to imagine that those lower somehow deserve to be brutalized” (2002:330). In addition to paying attention to the number of fatalities, it is critical to be aware of the treatment of the dead. While violence against the dead may be felt more intimately by the families, it is symbolically powerful on a social level and may be predictive of further forms of violence against immigrants, refugees, and migrants.

NOTES

1. Border Patrol numbers are likely quite low because (a) the geography in which migrants die is remote and vast and many of the dead likely have not been found, (b) the dead are being recovered in border counties that are not keeping track of the number of migrant deaths versus other deaths, and (c) U.S. Customs and Border Protection has been unclear about the methodologies behind these numbers, which likely represent only those cases where Border Patrol agents were involved in discovery.

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

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

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

5. Personal communication with Gregory Hess, January 2013.

6. Personal communication, January 2013.

7. Conversation with Norma Saikhon, Imperial County public administrator, October 19, 2012, in collaboration with the Binational Migration Institute.


9. Personal communication with Kate Spradley, January 2014.

REFERENCES


