

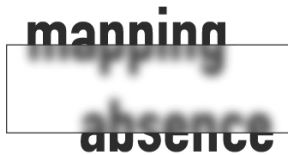
Migrant “Illegality” and Disappearance in the US: An Interview with Nicholas De Genova

Nicholas De Genova

Mapping Absence (MA): Southern Cone dictatorships are known for, among other terrors, the systematic practice of enforced disappearance. In thinking of the thorny relationship between enforced disappearance and contemporary US politics and policies, we are interested in echoes of the Southern Cone in the link you establish between border war and civil war in the US ...

Nicholas De Genova (NDG): ... with no evidence or verification, and in utterly brazen disregard for any sense of responsibility for policy-making to even pretend to be accountable to the truth, Trump has issued executive orders pronouncing Venezuelan and Salvadoran gangs as “terrorists” and “enemy aliens.” The purpose of this devious maneuver has nothing to do with crime fighting, much as it cloaks itself in that cynical pretense. Instead, it serves to blur and efface any meaningful distinctions between ordinary migrant “illegality,” actual “criminality” (however petty or serious), alleged membership in criminal “gangs,” “terrorism,” and finally the status of “enemy” that putatively warrants a militarized campaign of violent enforcement and virtual warfare.

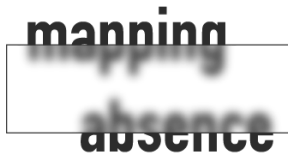
As a result, we see the brutal (quasi-)militarized invasion of US cities such as Los Angeles and Chicago, and unbridled and reckless violence perpetrated by federal agents against both migrants and United States citizens (particularly Latinxs and others not racialized as white), as well as citizens engaged in protest and civil disobedience against this onslaught of authoritarianism. Along the way, notably, political opponents of this ever-increasingly authoritarian regime come to be



branded as “an enemy within” whom Trump and his police state seek to punish in extravagantly lawless and repressive ways.

The critical pivot for all of this is the despotism intrinsic to border policing and immigration enforcement against (noncitizen) migrants, but this despotic power is being continuously mobilized to advance an ever-more full-spectrum authoritarianism. Thus, “border war”—the reign of terror against illegalized migrants—gets repurposed as “civil war,” a reign of terror directed against fellow citizens who may now be branded as “the enemy within” for no other reason than that they are perceived to be political rivals to the regime.

Already, people subjected to the deportation power are routinely swept into migrant detention, and often effectively “disappeared” into remote immigration jails where their loved ones (and any potential legal representation) commonly have no access to them while they are “fast-tracked” for deportation. Then, there is the the case of Trump’s mass deportation of hundreds of Venezuelan and Salvadoran migrant men as “gang members” (and thus as “enemy aliens”), in which we have witnessed an even more cruel and ruthless version of disappearance. Virtually all were apparently run-of-the-mill undocumented migrants or asylum seekers, and they were sent to a maximum-security prison in El Salvador with no due process of law and no evidence or even formal charges. This presents the very real prospect that fellow citizens who are deemed to be political rivals or dissidents may also become the targets of systematic disappearances of the sort that have characterized numerous dictatorships around the world, most notoriously those in South America (which were funded and trained, after all, by none other than the United States in decades past).

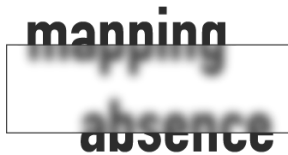


MA: ... Might there be grounds to develop parallels between deportability and the ontological status of the “desaparecido” (in Videla’s notorious 1979 press conference, with his haunting words “no están ni vivos ni muertos”) as well as disappearance as placing a person “outside the protection of the law” (as defined in multiple international conventions)? ...

NDG: ... for the vast majority of those migrants who live under this threat, those who are subjected to this susceptibility to deportation, and therefore rendered permanently vulnerable to the uncertain and indefinite prospect of this utterly cruel disruption of their whole lives, their deportability does indeed amount to ultimately being “outside the protection of the law.” ...

Still, we must be careful with analogies. Under the South American dictatorships, disappearance was usually a tactic of State power that was inseparable from the victims’ protracted subjection to torture and often, sooner or later, to being killed and then disposed of, with no chance for loved ones and the wider community to even commemorate the loss of the victim’s life. A major part of the political potency of disappearance as a tactic of rule, therefore, is that it suspends any way for others to know what has become of the person who has vanished, so it terrorizes the broader population, and also deprives people of even the chance to grieve. It is calibrated to maximize uncertainty, which is its own torturous form of collective punishment.

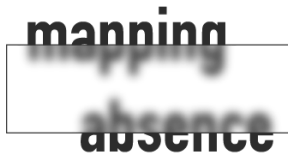
For most of those deported, eventually there is an opportunity to make contact—even if only after a prolonged period of being silenced and the resultant uncertainty and torturous dread for that person’s loved ones. Of course, if someone is deported to a brutal and potentially deadly (so-called safe) third country—especially if one is handed over for indefinite imprisonment as a



“criminal” or a “terrorist,” as in the case of El Salvador—this prospect of eventually making contact with loved ones following the deportation is not necessarily the case. So, we see the indisputable evidence of the Trump regime experimenting with a more absolute type of disappearance. They literally treat people as human garbage to be disposed of, in whatever way may be done for maximally spectacular effect, as a political publicity stunt, the explicit narrative of which is that these people may be treated as effectively subhuman because they are branded—with no evidence, no formal charges, and no due process—as a scourge, a menace to society, as “criminals” or even as “terrorists” (and therefore, “despicable,” “dangerous,” “violent,” “evil”). Hence, for some small minority of those who may be subject to deportation, there is now the real and verifiable chance of being not merely deported but deported into indefinite and possibly permanent carceral conditions, characterized by casual brutality and even torture, which is to say, imprisonment in something resembling a concentration camp. This means that for anyone who is deportable, there is now the added excruciating peril of the possibility of disappearance.

MA: There are indeed key differences in the means and ends of (enforced) disappearance and deportation. ... In structural terms, there are echoes of countries’ participation in the “exportation” of disappearance under the *Plan Cóndor*, but these are not the same practices. Does the new iteration of an “outsourcing” model—which leverages the permission structure of deportation and manipulates territorial jurisdiction—redefine the logic of the United States’ relationship with these circuits of violence? ...

NDG: This sort of outsourcing of deportation to so-called third countries is a way to evade the inconveniences of actual deportation, which customarily requires the

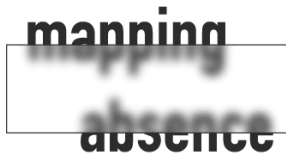


cooperation of the deportee's State of citizenship or origin, the State that must recognize the deportee as its citizen and accept to receive that individual. ...

As far as deportation is concerned, this sort of exportation of deportees is certainly new for the United States, but it has precedents in the efforts of, perhaps most notoriously, Australia, and more recently also the UK, various European countries as well as the European Union. ...Perhaps more importantly, it also has precedents in the "extraordinary rendition" of alleged "suspects" during the so-called War on Terror, whom the United States disappeared from one country to another to be imprisoned and tortured in so-called "black sites," which officially did not exist and for which there could never be any accountability.

In short, the United States' relationship with these circuits of violence abides by the logic of a double sovereignty, whereby its parochial (territorially defined, "national") sovereignty as merely one "nation" among all the rest is always coupled with the logic of its putative sovereignty as an empire, an imperial sovereignty that is global, for which the manipulation of territorial jurisdictions is an intrinsic feature. Imperialist power has never been accountable to any juridically constituted authority, and operates according to pure power, whether it's the power of armed force (whether direct military intervention or covert operations), or the power of money. ...

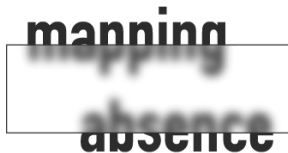
MA: ... This brings to mind Aimé Césaire's notion of the imperial boomerang, whereby the violence used "abroad" returns to affect the metropole. In what way does the United States' double sovereignty, maintaining imperial power by manipulating territorial jurisdiction, complicate and expand our understanding of this boomerang? Does this process fundamentally collapse the distinction



between imperial violence abroad and police power at home, suggesting the violence was always inherently domestic?

NDG: I think that the colonial boomerang effect of which Césaire speaks always had this peculiar character in the context of the United States, where the United States' national formation was inseparable historically from a white settler-colonial project. In other words, at least until the end of the 19th century and the early 20th century, there was never the same sort of illusion possible between a notion of “domestic” (“national”) territory and the “foreign” theaters of US imperial domination. The space of “the nation” was always a restless one, inseparable from a project of continuous westward expansion and conquest, which of course included not only the dispossession of Indigenous peoples but also the annexation of roughly half of Mexico, and then, by 1898, also the outright colonization of Puerto Rico, Cuba, Guam, and the Philippines, followed soon thereafter by United States' invasions and prolonged occupations of Nicaragua, Haiti, and the Dominican Republic. The synergies between colonial forms of State violence and domination and those modalities of rule that otherwise were considered to be “domestic” were therefore always at play.

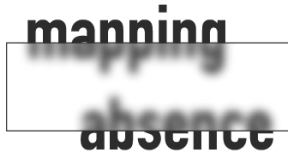
Indeed, the deep grammar of the United States' militarism abroad, particularly in Asia, was always fundamentally shaped by the subjugation of Native Americans across the North American continent, as is memorably demonstrated in Richard Drinnon's under-appreciated classic, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (1980). The other side of this history was the protracted era of fierce class struggles within the United States, in which the urban industrial working class was always overwhelming migrant in composition, and against which the military was frequently deployed. ...



MA: To close, we would like to return to the power of language. ... what is the role of epistemic resistance (such as bringing together deportations, or understanding them as “disappearances”) in creating the conditions ... to dismantle that imperial sovereignty? ...

NDG: ... the seeming intellectuality of the question could be misleading, because characterizing such creative subversion as “epistemic” might appear to imply that this is all about cerebral and abstract concerns. But I don’t think that’s the case. The framing of various contentious social or political antagonisms in particular discursive terms tends to be effective precisely because it succeeds to impose a way of thinking that defines and conceptually forecloses how people tend to comprehend an issue, to the point that words and ideas that ought to be hotly contested come to be so thoroughly naturalized that it becomes difficult for people to imagine things otherwise. Migrant “illegality” is a perfect example. Of course, the production of these real abstractions that ultimately organize and regiment our reality is an iterative process: it requires a constant and ever-redundant repetition. These plainly social and political practices then over time succeed to attain a more or less high degree of naturalization, and become commonsensical.

... there is much at stake here that is emotional, not strictly or narrowly the expression of an intellectual or logical or even legalistic position. But it is no less epistemic in character, because it points to the very ideas, words, terminologies, and categories of thought that not only condition and train how we understand these issues but also organize our actual lived social and political relations to State power and the law. ...



And as I have already suggested, the authoritarian ambition at play here abides by an ethos of civil war, for which the ultimate target is not confined to illegalized or otherwise deportable noncitizens, but anyone whom the regime deems to be pose a challenge or threat to its unbridled power, anyone whom it perceives to be a political rival or indeed, an “enemy.” As we know from the historical experience of fascism in Nazi Germany, people were meticulously stripped of their citizenship and denationalized during the process of deporting them to the prison labor camps that eventually were converted into mass torture chambers and death camps. That means that instead of declaring that “no one is illegal,” we would be wise to recognize that we are all “illegal”—that in the face of a State power that is actively expanding the scope of its purview for repressive violence and energetically intensifying and entrenching its apparatuses of inhuman cruelty, we are all fair game, all potential targets, all de facto “outlaws” and “enemies” whom they may very likely prefer, sooner or later, to exterminate.

Our resistance and subversion will be so much the more tactically effective and strategically incisive, the more that we refuse the premises and categories of thought and the banal discursive common sense that State power has promulgated and naturalized, and find new language and new images that radically subvert the epistemic normalization of our subjection and oppression.