Committee on U.S. - Latin American Relations

CUSLAR Newsletter

When the Law Is Injustice

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When the Law Is Injustice

By Tim Shenk, Editor

When talking about immigration, people in both major U.S. political parties justify their policies by citing the phrase, “We’re a nation of laws.” Originally penned by John Adams, this idea has become a near-sacred part of the U.S. self-image. Other countries may have kangaroo courts and corrupt strongmen, the thinking goes. But we have the rule of law.

What happens, then, when the law itself is injustice?

It’s legal to deny someone food and shelter while land lies fallow; houses sit empty and about half of the world’s food ends up as waste. It’s legal to deny asylum to a child fleeing violence or starvation in another country and deport her back to die. In contrast, it’s often against the law to demand one’s right to live. Post-9/11 anti-terrorism laws originating in the U.S. have been adapted for use around the globe and are being used primarily against activists. Brazil, Colombia and Honduras are examples of states carrying out this brand of “lawfare.”

Lady Justice, it turns out, is not blind. Too often the law is used as a weapon of the oppressor. Before she was assassinated in 2016, indigenous leader Berta Cáceres noted, “Defending human rights in Honduras is a crime.” Gabriel Fernandes explores Cáceres’s case on page 13 of this issue.

Yet history is full of examples of people who have defied unjust laws, out of conviction to obey a higher law or out of necessity in a system that has outlawed their survival.

Indeed, most social change work worth its salt was illegal when it was undertaken. In Latin America, those who would challenge a dictator had to form illegal clandestine groups to fight the repressive regime.

In the U.S., the long Black-led struggle for freedom is rooted in disobedience to slaveholder law. In 1850, the Fugitive Slave Law passed the Supreme Court, which meant all formerly enslaved people living in the North could be captured and dragged back to slavery in chains. Jermain Loguen of Syracuse, New York responded at a public rally: “My home is here, and my children were born here... I don’t respect this law -- I don’t fear it -- I won’t obey it! It outlaws me, and I outlaw it, and the men who attempt to enforce it on me.”

More recently, in 1990, groups of unhoused people connected to the National Union of the Homeless staged simultaneous takeovers of abandoned federally owned housing units in eight cities and moved in. With the media in tow, homeless organizers posed their conundrum to the public: “We either abide by the law and die in the streets, or we break the law and live.”

Undocumented activist Marco Saavedra builds on this legacy in a poem we’ve reprinted on page 16. Saavedra asks, “What if the problem is you? What if the illegal is you? Your institutions, your economy/your system of reality?”

These leaders turn the debate on its head. Instead of an “immigration crisis” or a “crisis of homelessness,” they suggest that the crisis is the existence of a racist, xenophobic, exploitative system itself.

This issue of the CUSLAR Newsletter highlights stories of some of those facing the brunt of the systemic crisis today, with a focus on migrants.

On page 3, Kevin Maldonado reports on the event, “On the Ground with the Migrant Caravans,” hosted by CUSLAR on March 22. Margarita Nuñez Chaim’s lecture from the event is excerpted extensively on pages 4 and 5.

On pages 6 and 7, we share excerpts from Steve Pavey and Amaury Tañón-Santos, who spoke at CUSLAR’s April 10 event, “Welcoming the Stranger,” on faith-based and ethical responses to issues related to immigration.

Rebekah Jones notes that the U.S.-Mexico border is only one of many places of hostility for migrants. With many countries following the U.S. “zero-tolerance policy” on immigration, Jones asks on page 9, “Where are they to go?”

While laws affect individuals, they also operate at the level of states and governments. Mauricio Streb writes on page 10 that sanctions act as “modern-day warfare” in the hands of powerful states to bend other nations to their will. Richard Gaunt provides a case study for this argument on page 11, detailing the immense damage done by U.S. sanctions in Venezuela.

Laws are powerful, but they will not keep people from getting what they need to survive. Let us not be swayed by the so-called moderates who advocate for “law and order” in the face of unjust conditions. Let us take on the challenge of building a society anchored in higher law, a law that decrees that we love our neighbors as ourselves.
Asylum Crisis on the Southern Border

By Kevin Maldonado

The U.S.-Mexican border may have receded from our news feeds, but the asylum crisis there still rages on.

On March 22 Cornell students Karla Castillo and Victoria Inojosa as well as Mexican Anthropology student Margarita Nuñez, put human faces on the humanitarian crisis endured by thousands of Central Americans seeking asylum in the United States. They highlighted abuses perpetrated by the U.S. and Mexican governments in the CUSLAR-sponsored event, titled “On the Ground with the Migrant Caravans.”

All three speakers have had recent direct experience working on the border or accompanying a migrant caravan.

Castillo, a Fulbright scholar from El Salvador studying at the Cornell Institute for Public Affairs (CIPA) interned during her winter break at an NGO called Border Angels. The organization does migrant outreach in Tijuana, immigration consulting, and education and advocacy.

Castillo shared about the life-or-death experiences she was privy to while with Border Angels for those short weeks. She said, “It was January 14 and I was about to go to sleep until I received a call. ‘Please come for me because they want to kill me.’ It was a Salvadorian migrant that I met in Tijuana… at that moment he was being kidnapped by four armed men who he identified as members of the Cartel.” Another migrant, who was facing an indefinite wait for his asylum claim to be heard, told her, “I did not leave my country to die here.”

Castillo shared photos of masses of people gathering in San Salvador to travel north together and explained the lack of central organization of the caravans. Caravans have formed predominantly as a result of social media messages on Facebook and WhatsApp, communicating open invitations. She also discussed the reactions to the migrants traveling in groups. Initially, the Mexican government’s unwillingness to assist migrants made left them vulnerable to the elements and organized crime, and more pressing problems began when the migrants began facing racial and cartel tensions in Northwest México. Especially difficult is Tijuana, where most migrants wait to have their asylum claims heard. Tijuana was ranked in 2018 as the most violent city in the world.

Castillo concluded by acknowledging that the impossibly long waits for asylum hearings may encourage migrants attempt to enter the U.S. through the desert without authorization.

Inojosa is a third-year law student who volunteered in January with the Dilley Pro Bono project under the direction of Cornell Law Professor Jacklyn Kelly-Widmer and provided legal aid to the women and children fleeing gangs and gang violence. She was tasked with preparing asylum seekers for what the United States Citizenship and Immigration Services calls a “Credible Fear Interview,” where asylum seekers must prove to immigration officers that they are “under a continued threat of persecution based on race, religion, nationality, political opinion or membership in a particular social group.” This very specific criteria required to even begin the asylum process in the U.S. is problematic as it slashes the number of possible applicants drastically: those escaping their country due to gang violence don’t qualify.

Nuñez, a doctoral student at Mexico City’s Centro de Investigaciones y Estudios Superiores en Antropología Social, joined the event via Skype. She is a founder of the Laboratorio de Investigación Social Justicia en Movimiento, an organization dedicated to research with a human rights focus and gender perspective. She has accompanied several migrant caravans traveling through Mexico as part of her field work since 2015.

Nuñez shared information recently made public that the U.S. and the Mexican governments conspired by targeting those who would help migrants. “It is known that the U.S. and Mexican governments have a joint intelligence operation called “Operation Secure Line” that targets advocates, journalists, migrants, and even preachers, whom have faced government surveillance, harassment, and even the denial to entry Mexico.”

She dispelled the myth that migrants were not aware of the dangers that they would face on their journey. One man she spoke with echoed the general sentiment, saying: “If some of us die at the border, at least we would die trying it, and at least we would die here, because for us there just wasn’t any chance to keep on living in our countries. We were already dead there.”

This legal apparatus that disregards the safety of migrants and deports them back to their country of origin or leaves them stranded in a dangerous city is indicative of a larger issue in the United States. Immigration policies should be efficient and reasonable, and they should judiciously provide aid to those who are fleeing their country regardless of the kind of persecution they are escaping. Persecution is persecution, and weeding people out because they haven’t suffered just the right category of violence means that many people, including children, will be sent back to their country to face death.

Kevin Maldonado is a Junior studying Government in the College of Arts and Sciences at Cornell University.
Migrant Caravans: A View From Ground Level

By Margarita Núñez Chaim

This article is based on a talk given by at Cornell University on March 22 by Margarita Núñez Chaim, a Ph.D. student at the Centro de Investigaciones y Estudios Superiores en Antropología Social in Mexico City. The event, “On the Ground with the Migrant Caravans,” was sponsored by CUSLAR and the Latin American Studies Program. The full edited transcript can be found at cuslar.org/caravans.

My presentation today speaks to realities and understandings I came to while traveling through Mexico for two months accompanying one of the migrant caravans. I will use the term “caravan” for simplicity, though it is not accurate to describe recent mass migration from Central America as caravans.

Last year, people would constantly say we were facing an exodus. Now, with the non-stop movement these first months of 2019, it is more accurate to name the phenomenon as a “massive migration” or as “mass flows of people,” or even as “collective migration.”

The “migrant caravan,” a more explicitly political tactic, actually emerged in Mexico in 2009 and 2010. Caravans were organized by human rights defenders and activists in Mexico alongside migrants in transit to the United States. The caravans were a combination of political protest demanding the respect of human rights for migrants in Mexico, and a way for migrants and allies to walk safely through some parts of the route. These political actions had the goal of documenting and making visible the realities migrants had to face in transit through Mexico at a time when violence against immigrants in Mexico reached outrageous levels.

Contrary to those actions organized in Mexico, what began last October erupted without centralized leadership or strong organization. Rather, it was very spontaneous. During the two months that I accompanied migrants on their journey, I constantly asked people how they decided to leave. Everyone I met answered that they had decided to join the caravan in a matter of a few hours, or at the most, a few days. The most recurrent answer was something like: “I was at my house listening to the news that morning, and I heard people were gathering at the bus station to leave, so I told my mom, ‘this is my chance,’ and I packed my bags and left by the afternoon.” So from what I heard, the individual decisions that drove people to join a caravan were quite spontaneous.

On the other hand, there were, and still are, processes that have been at work for decades, which continue to worsen living conditions of people in Central America. These processes are not spontaneous at all. We have known about increasing gang violence, street violence and state violence. We have known about deepening poverty and growing corruption in the Central American governments. And we have known the number of people fleeing their countries is rising. So we should have seen this phenomenon coming.

When I asked people in the caravan why they left home, they told me about poverty, lack of jobs, jobs that wouldn’t allow them to make ends meet, or violence, gang threats, gang extortions, or all of these reasons mixed together. For women, almost always, the answer also included gender violence from their partners, their families or the gangs. But this shouldn’t make us discard the political context as a reason for people to leave. The 2017 election in Honduras was a key factor, so it should be no surprise that this phenomenon started there, last year. Though it was not common to hear that the reason people left was “political,” that is, they didn’t leave because of government persecution, through everyday conversations it was very common to hear about the role of the Honduran government as part of the larger story.

Many would talk about how the 2017 election was a complete fraud, how people went to vote just to realize their vote had already been cast by someone else. Migrants would talk daily about corruption. At night, or standing in line for food, or when we were on the highway inside a trailer, every time people started talking with each other they would complain about their government.

Through these conversations, I began to understand that the political situation in Honduras had a direct impact in the living conditions that obligated people to leave. Specifically, I understood that the 2017 election was a breaking point where many Hondurans lost hope in the possibility of change. Therefore, in the face of the worsening political, economic and social conditions in Central America — mainly Honduras, El Salvador, Guatemala and Nicaragua -- it is understandable that a message on social media or TV could be a catalyst to make people leave everything to try and go somewhere where they could find a better life, or simply an opportunity to keep on living. Thousands of people each month knew it was better to leave than to stay, even though they didn’t know exactly what they were going to face on the journey.

In the public narrative, it has been common to hear that migrants left without knowing the risks of the road, or with misinformation of what to expect. Of course most don’t have all the details about the asylum process or the route, or even the distances -- it is very common that immigrants from Central America don’t know how enormous Mexico is. But they do know they might not make it. They know they can be detained and deported. They know they can be kidnapped in Mexico. They even know -- and are very conscious about -- the possibility of dying. This was demonstrated on November 25, the day migrants were tear-gassed by U.S. Border Patrol in Tijuana.

When I spoke with people after they were attacked, many of them told me that they would try to cross again. The fact that crossing that way was dangerous, to them, was not a valid reason not to try it. “We know some of us will not make it,” I heard repeatedly. “Some of us will be deported, and some of us might die. But if we try it together, some of us will make it, and that’s enough.” That day made it clear...
that migrants not only were very conscious about the risks they were facing, but also they were willing to take them. One man told me, “If some of us die at the border, at least we would die trying, and at least we would die here, because for us there just wasn’t any chance to keep on living in our countries. We were already dead there”

These statements help us to understand the complexity of what is happening. It helps us to understand why 10,000 people could one day decide to leave their countries because of a message on social media, without any organization to speak of. These testimonies, full of both hope and desperation, help us to understand why the caravans appeared so apparently spontaneously, but at the same time how profoundly rooted this phenomenon is in the history, economics and politics of the region.

The media, politicians and even activists tend to underestimate migrants, thinking they are “misinformed,” and in that sense these groups tend to be condescending. This condescension is a manifestation of racism and reveals the patriarchal way migrants are treated. At the end of the day, in spite of the fake news and rumors around them and amongst them, most migrants are quite conscious about their place on earth and the implications of what they are doing.

I previously mentioned that migrants said that if they tried to cross the border together, at least some of them might make it. This is key to understanding how the caravan became a movement in itself. All along the way from Central America to the U.S., we dealt with constant uncertainties, but the only two things that were certain for the people were: first, they were heading to the U.S., and second, they were going together. People knew that by travelling together they had a better chance to succeed, and this speaks to the strong solidarity ties developed along the way.

This new form of migration is a direct response to the violence migrants face on their journeys. Travelling together is a way to protect themselves. So the previous caravans organized in Mexico by human rights defenders did have an effect on the migrant population because they experienced that by travelling together the journey was easier and safer. Many migrants who participated in past caravans have participated since last October in these new flows as activists and human rights defenders. This in turn has encouraged other Central American migrants to engage in humanitarian aid and human rights activism.

During the last year’s walk, great leadership emerged among the migrants. This leadership responded to immediate circumstances along the way, to everyday necessities. For example, one day people thought someone was trying to kidnap a child. After that, migrants formed an internal security committee to take charge of night surveillance and to make sure every ride that people took was going to the next town, so no one would get lost on the way. When media started talking about the garbage that the caravan was leaving behind, the migrants formed a clean-up committee that organized volunteers in every place we stopped to pick up garbage. Like these, many committees formed along the way to resolve emergent circumstances.

This also meant that walking together, moving together, for many people was a process of empowerment in itself. This empowerment may not have been around a strongly articulated political demand, but it was a demand of the right to exist and to move across borders without seeking permission. It was an unapologetic claim for visibility and the respect of their dignity that challenged governments, borders, and even the human rights movement in Mexico. It was a chaotic but functional organization that emerged from thousands of people who decided to leave their countries because they were not willing to give up. They decided to fight for life, so they didn’t see themselves as victims of their circumstances. They came to see themselves not as mere recipients of humanitarian aid: they demanded respect and recognition.

Moving in large groups has become a new way to emigrate in the face of worsening living conditions in Central America, violence in Mexico, and transnational repression of migrants. Unless these circumstances are addressed, the mass flows won’t end any time soon. People continue to arrive in large groups every day to the Mexico-Guatemala border, and to the U.S.-Mexico border. In spite of all they are facing, migrants keep choosing not to give up. In spite of not knowing what exactly they will encounter through their journey, they believe it will be better than staying in their countries. Migrants are defying government threats and repression, arrests and deportations, and openly defying migration policies and borders. Not because of overtly political demands, but because they have no other choice.
I’d like to share some questions I’m grappling with, at this intersection of faith and migration, and being a citizen, and being a human being. It’s an honor to be here. I didn’t realize Dan Berrigan was a part of this place. I met his daughter in Washington, DC for a week in work to try to shut down the Guantanamo Bay prison, which is not off of the topic of immigration.

I want to focus on questions that lead us away from the immigration crisis as an isolated problem. I might even ask if that’s really the real crisis. We are, after 17 years, still locking away male Muslims because we’re afraid of them. Guantanamo Bay prison was supposed to be shut down under Obama, who promised to do that, but he never did. Now it looks like it might continue to grow under Trump. These things are all connected.

I want us to struggle with the idea that what we call “emergency” is less an emergency but actually the way things work all the time, to paraphrase Walter Benjamin. These people [in the event poster] are all people who were either in sanctuaries, or fighting deportations or detentions during the Obama era. That repressive machine has grown under both the Democrats and Republicans. So the title for me could be “Welcoming Ourselves.” What would it mean to welcome ourselves? When I talked yesterday at Ithaca College, my friend Marco Saavedra, an undocumented activist, reminded me that maybe the immigrant and especially the refugee is a vanguard for the future. There are things we can learn from those who already are ahead of us and asking the right questions about how to be more human in this world.

As Immanuel Wallerstein said, there are three main myths that modernity has produced for us. First is the so-called “free market.” The second is the equality of rights and the ability of the nation-state to protect all citizens. And the third is the value-neutral scholar or scientist. I want you all to know that I am not neutral. I have a commitment and preferential option for the poor, guided by Gustavo Gutierrez and the tradition of liberation theology.

The work I do is to bear witness to the world as it is, and the lies we live under, but also as it could be -- largely through struggle and being present to people who are resisting and struggling for human dignity. That’s the real work that we need to be about.

I’ll return to the question that maybe we don’t have an immigration crisis. As Thomas Merton said in his “Letters to a White Liberal”: “We don’t have a Negro problem or an immigration problem or a poverty problem. We have a white supremacist settler state empire problem.”

When we redefine the problem, we will approach immigration or other issues differently, I think. It will drive us to do more than just trying to bring aid to the world, which is deeply needed -- but there is more we can do than most white liberals end up doing.

I chose this quote in particular from the Brazilian educator, Paulo Freire, because it connects to me in why left the academy: “The oppressor is in solidarity with the oppressed only when he stops regarding the oppressed as an abstract category and sees them as persons who have been unjustly dealt with, deprived of their voice, cheated in the sale of their labor—when he stops making pious, sentimental, and individualistic gestures and risks an act of love.”

The core of what I want to share with you is to let suffering speak. As scholars and academics, we often listen to those who are suffering while collecting our data and include them in the data process, but we need to include the suffering in helping us to define the problem as part of the analysis.
Why Christians Should be Compelled to Welcome Immigrants

From a Talk by Amaury Tañón-Santos

I come to this conversation wearing many hats. The formal hat is more of a collar. I am a minister in the Presbyterian Church USA. I’ve also been a parish minister in four congregations that are mostly made up of migrant folks.

Also, I’m Puerto Rican, which means being in a strange state where I was born an American citizen, not as a natural right, but as an act of law. I want you to understand this strange relationship that the United States insists on having with Puerto Rico. It makes the island and the people of Puerto Rico not a part of the United States, but property of the United States.

I consider myself a migrant, but I come with a blue passport. So I carry those contradictions and identities as I talk about welcoming the stranger, and why is it that Christians particularly, and religious people generally, should be compelled to engage.

One thing that should compel Christians to welcome the stranger, especially around the immigration issue, is that the Holy Scripture, the whole set of books that make up the Bible, is the story of foreign status.

If you think about early Jewish history and the calling of the family that becomes God’s people, these are people enslaved in Egypt. They leave Egypt and are about to arrive to the Promised Land -- and now there are all sorts of political problematics around that, especially with Netanyahhu poised to be Prime Minister of Israel again.

But the story of the Exodus is that migrants, ex-slaves, are called to take over the holy land. Close to the end of the book of Deuteronomy, a phrase that will accompany Jews and Christians is: “A wandering Aramean was my ancestor.” The core of Jewish identity and how that is inherited by Christians is marked by the wandering of our ancestors.

Throughout the Hebrew scriptures you find stories of people on the move, for political reasons, economic reasons or because of divine intervention, that is, when God calls them to move.

It is core to understanding these sacred stories that they are about being migrants, and having foreigners among them. There are mandates throughout the Hebrew scriptures to treat foreigners well because you were once a foreigner. Exodus 12, Leviticus 24, Numbers 9 and 15, Deuteronomy 1 -- they all talk about having one common law that would apply to both native and foreign-born in the structures of government in Israel. Exodus 22 calls that there should be no oppression to resident aliens because you were once an alien in Egypt.

The New Testament continues this legacy. Matthew 35:31-46 is a set of mandates for what we should be doing as Christians. We will be judged in the end times, says Matthew 35, based on how we welcomed others. In as much as you did or did not welcome the least of My siblings, you did or did not welcome Me.

Galatians is an interesting book in the New Testament. Paul writes to the church in Galatia, a province on the western edge of the Roman Empire. Galatia is having issues with barbarians crossing the border and intermingling with the people. The church in Galatia was trying to support the narrative of the empire. Paul tells them, “No! Everyone must come together to be a church in Galatia.” Embrace the opportunity, says Paul. The church is called to welcome everybody. Acknowledge where they’re coming from, and become a new community.

Immigration is an issue of poverty. Why are people obligated to move? Poverty is an issue of structure, it’s not an issue of state of being. I did not choose to be born poor. Poor was done to me! Foreign debt is not something that countries decide to go into. There are structures that perpetuate that.

“I acompañamiento” is practicing presence and engagement. How do I give fully of myself? How vulnerable am I willing to become, to be changed by experiences I will have? What would it look like for us, residents and some of you citizens of the empire, to strip yourselves of your capacities, abilities and privileges and be with in a way that would transform you?
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Where is one to go? The Effects of Zero-Tolerance Policy on Displacement

By Rebekah Jones

“In our countries, we were already dead,” Central American migrants seeking asylum at the U.S. border told Mexican anthropology student Margarita Nuñez last year. “Here some of us will not make it, but at least we’ll die trying.”

In 2017, 68 million people around the world who faced this sort of desperation left their homes, as war, poverty or gangs made life impossible. It is a growing crisis as many people are on the move now as during World War II. While the United States has historical precedent as a world leader in making room for immigrants and refugees, recent policy has enacted a “zero tolerance” stance on immigration that criminalizes migrants and has negated their right to live.

These policies have opened the way for other anti-immigrant legislation around the world and have serious implications for the global migrant population.

To understand how these policies affect the conditions of individuals, we must understand the situations driving migration. Latin America is home to 17 of the world’s 20 countries of highest homicide rates. Although many have attempted to find refuge in the United States and Mexico as they flee political instability and organized crime, the vast majority are being denied as a result of U.S. initiatives to, for example, militarize the southern border. With the increase of zero-tolerance policy, displacement follows. Colombia currently faces the world’s most massive displacement crisis. In 2017, there were 73 million people internally registered as displaced while another 340,000 reside abroad. The city of Bogotá has received 22 percent of all Venezuelan migrants in Colombia, and many of these individuals are attempting to find stability as undocumented migrants who are more susceptible to experiencing the effects of drug trafficking, prostitution, exploitation and violence due to the limited opportunities afforded to them. Honduras currently has more than 190,000 internally displaced people; El Salvador had 71,500 people displaced due to violence between 2006 and 2016. Mexico also experienced internal displacement of more than 345,000 in 2017 due to cartel violence and the militarization of the government.

Zero-tolerance immigration policies in the U.S. have had repercussions beyond our own borders. Not only do these policies contribute to the continued struggles of those displaced, but it also places the burden of acceptance on neighboring countries that may not be economically prepared to accept them. Considering the conditions migrants are fleeing, the zero-tolerance approach to their plight in receiving nations and the level of crisis in sending countries, we are left with the questions: Where can one find rest? Where is one to go?

The U.S. accepts only 0.6 percent of the world’s refugee population annually, despite being a media center of the general immigration discussion. The majority of those seeking asylum have, historically, not fled to the world’s wealthiest countries. Many of the countries that tend to shoulder the burden have been countries like Turkey, Jordan, Lebanon, Iran, and others. As a major international media center of the global immigration crisis, the U.S. has the power of precedent regarding responses to migration patterns and asylum claims. Thus, the denial of asylum requests is an essential denial of stability for the families fleeing these conditions. In addition to the fact that U.S. refugee admissions have fallen more than 85 percent between 1980 to 2017, more than 226,000 immigrants were deported in 2017.

More broadly, this shift reflects a growing sense of apathy toward people originating outside U.S. borders. Increasingly, this country is subscribing to a practice of “othering” that denies the sometimes horrific conditions that fellow human beings endure. Last December the United States rejected the United Nations Global Compact on Migration that aimed to manage the process of immigration in a humanitarian way. Brazil, Chile and the Dominican Republic soon followed suit. After pulling out of the resolution, Brazil’s minister of foreign affairs, Ernesto Araujo, stated that “Immigration shouldn’t be treated as a global issue, but rather in accordance with the reality of each country.” His approach that places priority on the economic conditions of Brazil over the humanitarian crisis across the country’s western border reflects an inhumane response to the anguish of fellow human beings. Policy is powerful, not only internally, but in its ability to set international precedent.

In an era of political and economic instability that threatens the safety and quality of life of billions across the world, immigration policy has the potential to send a message of solidarity to vulnerable communities and those around it. There is no room for indifference. U.S. zero-tolerance policies on immigration not only lead the most vulnerable to suffer displacement but place pressure on the often economically developing countries surrounding them. We must once again shift the focus of our immigration to reach across our self-drawn lines to our neighboring states and global citizens, conveying one message: We stand with you.

Rebekah Jones is a Senior studying Development Sociology in the College of Agriculture and Life Sciences at Cornell University.
Sanctions as Modern-Day Warfare

By Mauricio Streb

Since the end of the Second World War, the role of sanctions has grown to take pride of place amongst the tools available to nations across the world. Where in centuries past the leading powers of the age often turned to war in order to remedy slights, perceived or otherwise, in recent decades warfare has been seen as less and less of a justifiable course of action.

Instead, world powers have sought to leverage their preeminence in the global economy to force other states into line without ever firing a shot. We often see sanctions mentioned in the news, whether they are being increased, decreased or initially implemented without ever stopping to ask ourselves how these invisible weapons are wielded.

At first glance, the idea may seem relatively straightforward: one country bans another from engaging with it in private or public business. Yet there are a number of questions raised upon further examination. Why can’t the targeted country simply take their business elsewhere, what about non-state actors such as terrorist groups, and could a foreign power realistically sanction the U.S.? All of these are valid questions that are glossed over every time news outlets report on a new American sanctions regime.

To begin understanding the use of sanctions, it is important to first understand that which country, or countries, impose sanctions is critical. The larger, and thus more globally interconnected, a country’s economy is, the more devastating their sanctions will be. This is why whenever sanctions are discussed, they almost always originate with the U.S. or European Union. Larger economies have more weight to throw around in this arena by virtue of the fact that so much of the global economy flows through their markets.

The U.S. in particular has an advantage since the dollar is the global reserve currency as well as the currency for all oil transactions, meaning that countries worldwide are dependent on the American economy. What this preeminence across international markets means is that it is very difficult to avoid the displeasure of the U.S. government anywhere in the formal financial system. Since President George W. Bush declared a “War on Terror,” the U.S. Treasury Department has worked to refine techniques at its disposal to target individuals and non-state organizations as well as hostile regimes.

The most powerful of the Treasury Department’s tools is the seizure of financial assets held in American institutions. It is also the most dramatic weapon in the arsenal and as such likely the most well-known method by which the U.S. government cracks down on its targets. Despite its effect on the public, it is far from the Treasury’s first choice when dealing with rogue financial actors, since it requires absolute certainty that the assets to be seized belong to rogue actors. Failure to perform due diligence can easily lead to backlash, which is why the Treasury usually opts for indirect means first.

One such example of an indirect tool is a PATRIOT Act Section 311 designation. The label marks an institution as being a “primary money laundering concern,” according to Juan Zarate. Institutions that are so designated are subject to additional scrutiny from the Treasury Department as well as requirements that they increase scrutiny regarding the nature of their clients’ business dealings. More powerful than the technical implications of the label are the reputational ones: financial institutions marked by a Section 311 become radioactive within the formal banking system. They quickly find themselves bleeding business as banks, clients and governments immediately begin to look elsewhere for their banking needs without direct intervention from the Treasury.

The advantage of this approach from the Treasury’s point of view is that a Section 311 drives the private sector to isolate certain institutions of its own accord. By forcing banks to choose between their targeted clients or access to American markets, and the all-important New York financial sector, the Treasury Department can create a snowball effect that effectively levies sanctions without direct involvement. This strategy also creates a positive feedback loop, wherein the more effort targeted institutions put into hiding their activities, the more suspicious they appear to the formal financial sector, which in turn strengthens the 311.

There is certainly much more to say about how sanctions work, but their role as modern-day weapons wielded by powerful governments should be clear.

US Sanctions Cost Venezuela Billions

By Richard Gaunt

While Venezuela’s economic crisis has harmed the life and livelihood of millions of people, the United States has applied sanctions designed to make the crisis worse and erect barriers to recovery.

Venezuela’s economy is particularly vulnerable to fluctuations in global markets and economic interference. Since the early 20th century, 98 percent of Venezuela’s export income has consisted of oil -- a “rentier economy” similar to Iran, Libya and Saudi Arabia.

When a single, highly valuable export dominates an economy to this extent, it leads to an overvaluation of the currency during “boom” periods. Domestic production -- such as agriculture and value-added industry -- atrophies in this situation because it’s cheaper for a booming rentier economy to import necessary goods than to produce them. In the mid-20th century, the oil economy birthed the urbanized, socially stratified, economically singular Venezuela with sprawling hillside slums that persists to this day.

In the Global South this economic model is a colonial archetype that has changed in form but not substance through the centuries: a nation dependent on the export of a single, ecologically destructive raw material to the global economic center, and importing nearly all other goods. Rentier nations can experience periods of rapid growth that allow for high public spending, followed by periods of crisis when income from the key export diminishes, and the ability to import decreases with it. In Venezuela’s case, sanctions have exploited this weakness, and have contributed significantly to an outright collapse of the country’s oil production.

From 2002 to 2013, global crude prices experienced a consistent upward trend, largely as a result of Hugo Chavez’s efforts to strengthen the Organization of Petroleum Exporting Countries (OPEC). However, in 2014 Saudi Arabia broke with OPEC quotas and crashed the oil
market, a move targeting Russia and Iran. Crude prices dropped below $30 a barrel in January 2016, an unprecedented low in recent decades. This resulted in sharp declines in production levels in Venezuela, which can be attributed to the relatively high production cost and low profit margin of Venezuelan crude. Prior to 2016, production in Venezuela had remained at a more or less consistent 2.4 million barrels per day for years, but with prices this low, oil fields and refineries could no longer operate at full capacity.

When prices had stabilized and conditions were improving for a potential recovery, the United States enacted Executive Order 13.808 in November 2017. The sanctions enacted regulatory barriers to financial institutions providing loans to the Venezuelan government or oil company, a form of financial “blockade.” Major financial institutions cancelled billions of dollars in bond purchases with Venezuela, closed Venezuelan accounts and flagged payments for “criminal” activity. When the sanctions took effect, oil production in Venezuela decreased by nearly 300,000 barrels per day within a month and continued a sharp decline for much of the following year. Most media attributed the production collapse to government policy, ignoring or minimizing sanctions as a factor. However, in a September 2018 article, Venezuelan economist Francisco Rodriguez points out that the dramatic decline far exceeded every “worst case scenario” projection made before the sanctions were announced.

While Rodriguez -- who heads an economics consulting firm in New York City -- is very critical of the government’s price controls and fiscal policies with regard to other aspects of Venezuela’s economy, he concludes that the devastating production collapse is only able to be explained by what he terms the “toxication” of Venezuela’s finances that resulted from the U.S. sanction regime. This flies in the face of the unbacked assumptions presented by most media reports.

On January 29, 2019, the US treasury department announced sanctions on Venezuela’s state oil company, Petróleos de Venezuela, S.A., that would freeze assets and block oil revenues from CITGO. U.S. National Security Advisor John Bolton said in a statement that the measure was expected to block $11 billion in assets to Venezuela -- likely a very conservative estimate that doesn’t include the billions in losses that resulted from previous sanctions. The much politicized “humanitarian aid” pushed by the U.S. around this same time accounted for less than one percent of the oil assets being withheld by this measure.

In the months since this de facto oil embargo was enacted, Venezuelan crude production has suffered yet another sharp decline, having fallen from 12 million barrels per day in January to a historic low of 0.8 million in March, less than a third of capacity. Bolton insists that these sanctions are meant to target Venezuela’s government, and not the people, but in a country that depends on its ability to produce and export oil to purchase much needed imports, this claim is absurd. Sanctions that rob an ailing economy of billions of dollars are not intended to help Venezuelans, but to further the political interests of the wealthy. Their imposition enacts a very real human toll, and is a form of economic warfare with the ultimate goal of installing a government friendly to US objectives.

If the United States government truly wished to see Venezuela lift itself out of the crisis it is facing, it would remove barriers to recovery rather than erect them.

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The rule of law is often assumed to be on the side of democracy, and we’ve been taught that the job of the courts is to defend what is right. But what happens when working for justice is deemed illegal?

Before she was murdered in 2016, while leading an effort to save indigenous territory from a devastating dam project in Honduras, Berta Cáceres was not only threatened by company thugs but harassed and falsely charged by police as well. Reflecting on the unequal treatment activists received from state authorities, Cáceras stated that “defending human rights in Honduras is a crime.” Lamentably, she was not speaking in metaphor -- in fact, she was referring to a political strategy known as lawfare. Lawfare is described by social scientist Neve Gordon as the politicization of human rights by framing activists as a security threat. In this sense, lawfare “securitizes” political dissent and makes not complying with the system a criminal act. Given that the use of lawfare is directly correlated to agrarian elites interested in the international expansion of agribusiness, groups that oppose neoliberal acts are often the ones who suffer most from lawfare measures. Not unfrequently, traditional communities that pressure authorities for land rights and agrarian reform are unjustly persecuted under anti-terrorism laws. Through lawfare, states employ legal justifications to keep political dissent under control and silence those who resist to the undemocratic and often illegal seizure of land and resource extraction under neoliberal economic ventures.

In Honduras, the perpetrators of the 2009 coup d'état against the Manuel Zelaya administration were interested in returning the country to an era of free market deregulation and international commerce of agricultural goods; therefore, gaining the animosity of major political players in the global arena was a risk they were not willing to take. Similarly, in order to maintain control over political dissent, grassroots movements and human rights advocates were all trapped in a government-led lawfare scheme. Increased institutionalized corruption, an ideology-driven judiciary, and the overall destruction of the rule of law post-2009 were essential factors in allowing lawfare to prosper as the extra-official state approach to deal with opposition. As one might expect, the consequences were terrible to Honduran civil society.

The submission of the law to particular political interests has resulted...
in various disastrous attitudes for the Honduran population. In the legislative realm, for example, the anti-terrorism financing law of December 2010 limited the amount of financing that non-profits and NGOs could have if associated with groups accused of terrorist acts, that is, any group engaged in civil disobedience. The implementation of this sort of law is also directly proportional to the militarization of security.

As a rule of thumb, militarized states are little concerned with the safety of their constituents and more interested in enforcing order, whatever the interpretation of order may be. Beleaguered activists from the Inter-American Commission on Human Rights documented the complete overturn of the rule of law. “The police aren’t giving me protection,” says one. “I need protection from the police.” There are countless examples of police brutality and repression directed toward activists disguised as lawful actions throughout the country. Human rights defenders are now constantly the subject of wrongful accusations without evidence, such as: aggression against the police, trespassing, traffic violations or involvement with the drug market.

Activists are also subjected to a rigid system of checkpoints that limit their mobility and put them under constant surveillance. Probably the most well-known victim of lawfare in Honduras was Berta Cáceres, a Lenca indigenous leader and one of the founders of COPINH (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras). Beginning in 2006, COPINH protested the construction of the Agua Zarca dam, a project that would directly impact the livelihoods of many indigenous peoples.

After the coup, serious repression began, utilizing the state’s legal apparatus. In May 2013, authorities charged Cáceres with possession of an unlicensed gun, a piece of false evidence planted in her car at a security checkpoint under military control. She lived the last years of her life under the threat of being unjustly incarcerated until she was finally brutally murdered in 2016. In the case of Cáceres, law played an important role in restricting COPINH’s resistance efforts by subjecting its members to both psychological and physical distress. Cáceres’s murder was the last link on an oppression chain imposed unto the Honduran people with full complicity of the state.

Understanding that distorting the rule of law can be an intentional political strategy is key to understand the reason why her murderers remain unpunished. Moreover, what happened to her prompts us to realize that the observance of the law is not always democratic, as it can be subjected to private interests to the detriment of people’s rights.

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Puerto Rico’s Recovery Marked by Inequality

By Melanie Calderon

September will mark two years since Hurricane Maria devastated the U.S. territory of Puerto Rico. Yet, the island remains in shambles. The Caribbean island is far from recovered. In September of 2017, Hurricane Maria made landfall in Puerto Rico and left a path of mass destruction. Buildings were flooded, homes destroyed, and according to a study done by George Washington University, approximately 2,975 people died as a result. This figure is in sharp contrast to the number of 64 deaths reported by the Puerto Rican government even months after the storm. Puerto Rico experienced the largest and most prolonged blackout in U.S. history, as Maria destroyed its power grid, undersea power cables, and 80 percent of utility poles. Only in March of 2019 was power fully restored to every part of the island. Blue tarps provided by FEMA remain the pseudo-roofs of a substantial number of homes, food stamp funding has almost run dry, and Puerto Rico’s power grid was only fully restored in March.

The U.S. government has done little to help Puerto Rico rebuild. The island has only received $11.2 billion out of the $41 billion in aid allocated for disaster relief. Residents have been denied household assistance funds to rebuild their homes due to provisions in FEMA that prevent “informal” houses without proper deeds from receiving aid, leaving approximately 600,000 applicants without means of restoring their damaged homes, according to an NBC News report. And although Puerto Rico’s Electric Power Authority (PREPA) is moving towards privatization—a move that has made residents wary of rising costs—earmarks in the Stafford Act of 1988 make it impossible for Puerto Rico to modernize its electrical grid or other damaged infrastructure with FEMA disaster relief money.

And further relief does not seem like it is on its way. Congress entered a two-week spring recess without approving a multi-billion-dollar aid package for disaster-hit communities, including Puerto Rico. This came after backlash from President Trump who headed to Twitter to rant that Puerto Ricans “only take from the USA.”

To make recovery matters worse, Puerto Rico is currently in the midst of a 12-year-long recession. Its debt currently stands at $74 billion, causing the government to declare bankruptcy under different bankruptcy laws than those that cover U.S. states. Different federal minimum wage laws also apply to Puerto Rico, averaging 30 to 50 percent lower than wages on the mainland U.S. The consequences of these impediments are manifested in a University of Michigan study which found that it took twice as long -- four months -- for Puerto Rico to receive a comparable amount of aid as Texas and Florida after their respective disasters.

Without a voting representative in Congress, there are very few avenues of advocacy for expanded help for Puerto Rico, reigniting anger over what many call the colonization of the island since 1898, or 120 years. Is the neglect of Puerto Rico after Hurricane Maria part of a more ulterior motive?

Author Naomi Klein has developed a theory of “disaster capitalism” -- the idea that corporations exploit societies still reeling from disasters in order to profit from their resources or markets. In the months following Hurricane Maria, privatization became rampant. Puerto Rico’s biggest airport has already been privatized. The University of Puerto Rico’s student housing is on the way to being privatized. Neshma Salazar, a junior at the Cora campus of UPR and former Cornell University student, described how “water had filtered through the apartment’s roof” and there was no electricity or running water in the dorms, forcing students to move out and embark on daily, dangerous commutes to campus.

The prospects for renovations of these dorms will now lie in a less accountable corporate company looking for a profit. Public grade schools have also been led toward privatization -- in favor of charter schools and vouchers, leading to layoffs for teachers who do not have tenure -- and forcing families with limited means to the mainland U.S., according to a June 2018 feature in the New York Times.

The dwindling island population has increasingly been replaced by “wealthy transplants” who use Puerto Rico as a tax haven through the previously little-known Act 20 and Act 22. These acts give federal and local tax exemptions to new individuals who spend at least half the year on the island—an incentive that has lured mostly wealthy tech entrepreneurs. In addition, real estate investors have filled in the gaps where the bankrupt government has struggled to recover.

“It is not coincidental that one of the first measures passed by the Rosselló administration after Hurricane Maria was to allow unsolicited contracts by private investors,” writes Yarimar Bonilla in The Nation. Even Puerto Rican government officials themselves described Hurricane Maria’s impact as a “restart” for the island. Whether the term “restart” carries negative or positive connotations, however, depends on the person you ask.

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Marco Saavedra, above, wrote the poem, “Que?!?” while in the Broward Detention Center in Florida. He was one of a group that infiltrated the site in 2012 to gather cases of abuse and wrongful imprisonment of fellow undocumented immigrants. The events are the subject of a new film, “The Infiltrators.” At right is Marco with several other young undocumented leaders known as the “Dream 9.”

Art: Steve Pavey

Que?!

We need an immigration solution?
Does that mean that we have an immigration problem or that immigration, meaning immigrants, are the problem?

Well I never thought of myself as problematic.
I like to play, fool, & feel as well as anyone else.
What if upon me is a reflection of you?
What if what you fear is who you are?

Yes, I know myself.
Have had to – otherwise I’d have to deal w/
the pathetic definitions you had for me
and there’s not enough poverty for that.
Now, is there?
Is there?

Maybe the problem is ours.
We’re the problem.
Now this sounds like a play
With equal parts?

What if the problem is you?
What if the illegal is you?
Your institutions, your economy
your system of reality
your gods
are now being weighed by those sullen
people you’ve denied so long …

Are the scales fair?
Is fortune rigged?
Whose world will become anew?

About the Images
The cover photo shows an undocumented dad and his daughter in Washington, DC at a 2014 march, rally and civil disobedience action largely led by the National Day Laborer Organizing Network (NDLON). The action brought many immigrant rights groups to the nation’s capital while Obama was in office. Marchers demanded to give deferred action, or DACA, to everyone, not just to certain qualified or “exemplary” immigrants. The message expanded on the #Not1More deportation campaigns around the country.

All photos in this issue are courtesy of Steve Pavey of Hope In Focus: stevepavey.com. Pavey was CUSLAR’s guest in April and spoke at Cornell University and Ithaca College about his life’s work to “let suffering speak,” accompanying people in struggle. See page 6 for excerpts of Pavey’s talk.

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