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# The War on Immigrants

By Alisa Solomon

The plight of Steve Kurtz of the Critical Art Ensemble arrested under 'war on terror' legislation has become a cause celebre on the new media art scene. But his case is not a unique masterpiece of injustice. As Alisa Solomon reports, the primary target of State repression has been not artists but immigrants

It's a fair guess that the residents of Midwood, Brooklyn have never heard of the Critical Art Ensemble. The Pakistani immigrants who dwell in this working-class neighborhood and eke out a living in low-wage jobs around New York City, don't mingle much in the PoMo art world. Yet they have intimate knowledge of the fear, frustration, bewilderment, and rage that must have swept through CAE member Steve Kurtz last May when he found himself thrown down the rabbit hole of America's 'war on terror'. After all, America has bored that hole with restrictive regulations and draconian laws that have criminalised immigrants. The families of Midwood and of immigrant communities all over the United States have been in free-fall for the last three years.

As readers of Mute probably know, one night this May, Kurtz called for emergency help upon finding that his wife had collapsed. But when authorities arrived, they quickly shifted their focus from Kurtz's wife (who died of a heart attack) to equipment and books related to biotechnology that he had in his house - all material relevant to a CAE project raising questions about genetically modified organisms. They called the FBI, who confiscated not only Kurtz's wife's body, but also his computer, art materials, and even homework papers written by his university students. Soon thereafter, agents arrived at the Massachusetts Museum of Contemporary Art in North Adams and seized pieces of the CAE exhibit Free Range Grain mounted as part of Mass MoCA's show, The Interventionists.

Less well-known is how 'security' forces rehearsed for the Kurtz debacle in neighborhoods like Midwood, which lost more than 10,000 of its estimated 120,000 Pakistani residents in the last three years: more than 1,000 have been deported (in airplanes chartered expressly for the purpose) and the rest have fled out of fear, sometimes leaving businesses and family members behind. Historically, periods in which American citizens' freedoms are restricted usually begin with the curtailing of the rights of immigrants. From the invoking of the 1798 Enemy Alien Act during the 1941 internment of Japanese-American citizens to McCarthy's use of the tools of the 1919 Palmer raids in the witch-hunts of the 1950s, the Feds have repeatedly sharpened their teeth on immigrants before closing their jaws on such dissidents and undesirables as anarchists, leftists, filmmakers and teachers, and now, interventionist artists.

The post-9/11 crackdown began with random sweeps in communities with significant populations of immigrant Muslim men. FBI and INS agents pounded on doors in the middle of the night and hauled hundreds of people away. In areas like Midwood, residents became so afraid to venture out of doors that they asked US-citizen neighbours to pick up groceries for them. Popular restaurants sat empty and local businesses withered from lack of customers.

Then came 'special registration', the law introduced in late 2002 requiring that men from 25 Arab and Muslim countries present themselves in immigration offices for interviews, photographs, and fingerprinting. The program - suspended after a year- resulted in the deportation of some 14,000 undocumented immigrants without uncovering a single terrorist. 'Whenever the terror warnings come out, our community gets just as scared of what the American government will do to us,' Jagajit Singh, the director of programmes at the Council of Pakistani Organisations in Midwood, told me.

But it's not just in Muslim enclaves where this sentiment hangs in the air like an enervating humidity. Immigrants from all over the world, especially from Latin America and the Caribbean, are finding their communities just as devastated by detentions and deportations and a general sense that they are no longer welcome. In diverse neighbourhoods around New York, a survey by the grassroots group Families for Freedom found that more than half of the non-citizens polled - a majority of them legal permanent residents - said they were afraid to seek help from government agencies (and thus most likely would think twice before calling paramedics upon finding a collapsed spouse).

The legal infrastructure supporting aggressive detentions and deportations was established in 1996 with restrictive laws pushed through by Congress (and signed by Bill Clinton). These laws expanded the scope of crimes considered deportable offenses, made detention mandatory for almost all people facing deportation, and increased the number of Border Patrol officers apprehending illegal entrants, especially in the Southwest. One result was a tripling over only a few short years of the number of immigrant detainees - the fastest-growing segment of America's exploding prison population. On September 10, 2001, there were some 20,000 people in detention proceedings being held in administrative detention by immigration authorities.

The security fervour that has swept over the country since 9/11 has only accelerated the upward arc in the numbers, even as the number of citizens convicted of crimes began to decline, reversing a decade-long trend that had produced a prison-building boom across America. In the wake of 9/11, CEOs of private prison companies brashly told their investors that the terrorist attacks - and the increased incarceration of immigrants likely to result -- would be their financial salvation. Like agriculture, restaurants, hotels and other realms of American business, the prison-industrial complex now looks to undocumented immigrants as the most promising means of keeping themselves afloat.

Meanwhile, the Bush administration has built elaborately upon the draconian network established in 1996. Worse - as in other policy realms - it has bypassed Congress and used various executive orders and backdoor means to press its extreme agenda. The resulting policies have decimated neighbourhoods, split families apart, cavalierly returned asylum-seekers and torture survivors to the places they fled, and eroded due process for non-citizens. And set the stage for similar wearing down of citizens' protections.

The climate worsened after the long-beleaguered Immigration and Naturalisation Service was dissolved in 2003 and its functions divided between a bureau dealing with such matters as visa renewals and naturalisation (US Citizen and Immigration Services, or USCIS), and another, residing in the Department of Homeland Security (Immigration and Customs Enforcement, or ICE), whose job it is to crack down. As advocates predicted, USCIS has been starved for funds, and routine applications -- as in INS days - can take months, even years. Scores of the men who showed up for 'special registration' were put into deportation proceedings only because applications for, say, status through a family sponsor had been stuck in the backlog. What's more, immigrants with pending applications who show up for USCIS appointments, but are found to have some lingering violation, are handed over by the service division to the cold claws of ICE.

The hostile 'culture of no' bred at ICE has filtered down into the general atmosphere as one agency after another has been pressed into serving the war on immigrants, whether it wants to or not. The Department of Health and Human Services declared that in order to receive Medicaid funding, hospitals would have to collect information on patients' immigration status - even though medical personnel say such a policy has grave public health implications. Likewise, although police in half a dozen major cities have refused to become immigration agents - not least because they need the trust of the communities they serve - a national crime database includes the names of those who have committed visa violations. If a cop pulls people over for, say, not wearing seat belts, he or she is

expected to deliver them to ICE if the database shows them to be out of status.

The history of US immigration policy has always been schizophrenic, aiming both to welcome strangers and to shun them, and mirroring the quintessential question of the liberal state: is government's role to provide services to people or to police them? But since 9/11, the tension in this question has gone slack: immigration policy is now cast purely as a security matter. The country has undergone a significant paradigm shift and its agencies operate under a pervasive miasma of mistrust.

This all encompassing attitude has directly fed the recalcitrance and belligerence that have characterised the government's stance in the Steve Kurtz case. Indeed, the false assumptions that underlay the Kurtz arrest and that led authorities to bring charges against him – even after the chemicals in his possession were shown to be neither harmful nor illegal – come directly from the techniques and mindset fueling the round-ups, harassment, and deportations that have swept through immigrant communities since September 11th. More than that, one might say that the Department of Homeland Security – like audiences exposed only to a particular, narrow style of art – has been so steeped in a hostile way of regarding people that they have become incapable of recognising the ironic strategies of the CAE. Their security frame prevents them from taking on what phenomenologists of aesthetics call the 'proper gaze' an artwork demands.

By the same token, those of us attuned to the critical attitude artists like CAE seek to provoke might learn to look more attentively at the immigrants labouring in every realm of American life, delivering everything from our pizzas to our babies. As those without documents make their own subversive interventions into public space – isn't a forged social security card that enables work a kind of 'tactical media'? - they reveal the contradictions of an American system that depends both on their labour and on their criminalisation.

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