

Queer Narratives of Migration and Sobrevivencia in the “Ordinariness” of State Violence

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ABSTRACT: This article documents the precariousness of a queer undocumented family attempting to make their lives within racist heteronormative regimes in the United States. Using film as a methodology by which to engage their experiences and trace their memories of violent encounters with the state, it highlights the nuanced afterlife of ‘unspectacular’ forms of state violence mediated by race, gender and sexuality. Conceptualizing the state as a system of discourses and bodily practices diffused in the *everyday*, I make legible the depths to which violence materializes in their bodies. The acts of *sobrevivencia*, or of survival, they enact as inassimilable subjects traversing the violent myriad of geographically and corporeally inscribed borders, suggests these moments of state encounters are not exceptional. Rather, they point to the ease with which heteropatriarchal lines of race, sexuality, and gender are drawn and given coherence within a presumed multicultural society.

Key Words: Latina/o immigrants, state violence, heteropatriarchy, queer immigrant families, Mexican immigrants

Fernando’s phone call was persistent that early morning in December. Realizing whom it was when his name appeared on my screen, I answered weary of what I would hear. “Hola Elvia. ¿Te desperté?”/“Hello Elvia, Did I wake you?” he asked with his voice breaking. He sounded deeply fatigued and it was difficult to make out what he was saying as his words seem to grind against one another. “¿Qué pasó, Fernando?”/“What happened Fernando?” I asked him anxiously, not having any patience for formalities so early in the morning. Gathering his words, he finally uttered dispassionately, “Nos quitaron a Diana”/“They took Diana from us.” “¿Cómo que les quitaron a Diana?”/“What do you mean they took Diana from you?” I asked in my sleeping stupor. Not wanting to explain over the phone, he asked if I could go over.

As I made my way to their home, I remembered Fernando and his partner José had received a letter from the National Visa Center indicating an appointment for Diana, Fernando’s daughter who was only eleven years old at the time. José had co-adopted her and they had been waiting for “*la carta/the letter*” after they filed the application to obtain her permanent resident status through his ‘naturalized’ U.S. citizenship. José and Diana had driven to the U.S. Consulate in Juárez, Mexico to expedite her petition. Unable to travel due to his unauthorized immigrant status in the U.S., Fernando had stayed behind.

Fernando appeared anxious and somewhat emotionally restrained when he opened the door. Inviting me in to a cup of coffee, he led me to the backyard where they once had a lush garden spanning the width of their home. Now it had been completely ripped apart. With bushes and plants pulled from the roots, vegetables and flowers smashed and branches jutting through the mounds of dirt, it reflected the despair and utter sense of helplessness that overcame Fernando. Once a place of solace, it had failed to bring him comfort when José called informing him Diana had been taken by DIF (Desarrollo Integral Familiar/National Agency for Family Development)¹ during their appointment at the U.S. Consulate. The birth certificate issued to them after Diana's adoption identified José and Fernando as the parents. Upon presenting it to the agent at the Consulate however, she found it "sospecho"/"suspicious" that two men appeared on it. "¿Por qué un hombre se va a echar el compromiso de criar a una niña?" "Why is a man going to take on the responsibility of raising a little girl?" she rebutted when José explained they had adopted Diana. "No es lógico"/"It's not logical," she responded. Unable to satisfy their series of questions, they threatened José with federal charges and incarceration. They denied their petition and placed Diana in a shelter for approximately two weeks, during which José and Fernando were forbidden to communicate with her while they 'investigated' if in fact, José and Fernando had "legal authority" over her.

The two men recounted their profound sense of powerlessness in not only being unable to present themselves as Diana's rightful parents, but also not having the opportunity to protect their daughter from this traumatic situation that affects all of them still today. Fernando, in his feelings of ineptitude, felt trapped within the strangulating borders of the U.S. and Mexico, as he navigated through confusion and feelings of cowardice. José, describing how he was forced to "entregar"/"deliver" their daughter to "el estado"/"the state" as he was escorted by police, struggled with feelings of guilt and shame. He felt not only dejected in his inability to prevent them from taking their daughter, but also degraded by being coerced into the state's bureaucratic protocol that took her away. They feared the uncertainty of remaining a family of three. Still after Diana's return, Fernando had lost the most instinctive of needs, such as food and sleep. He struggled with confusion, rage and fear as they attempted to recover and move on with their lives; cautious to their reality as two Mexican gay men attempting to make a life for themselves and their daughter as an immigrant family. "Fue lo peor que hemos pasado"/"It has been the worst we've gone through," Fernando said to me, "No sé que haríamos si fuera a pasar otra vez"/"I don't know what we would do if it were to happen again."

The emotional exhaustion and trauma to which Fernando and José often alluded were not solely the result of their daughter's state abduction, but of an accumulation of their previous violent encounters with the state, as well as future ones. What is the mental and emotional prowess required to continue *living* after such violent encounters? How does it play out in the *everyday* as they attempt to make a place for themselves within a country that denies their personhood?

In her posthumous book, *States of Terror*, Begoña Aretxaga (2012) makes a case for understanding terror as the product of "familiarity," she argues, "brought about by living under state regimes in which the threatening violence of the state enters the consciousness." It is a "state of being," she continues, that is characterized precisely by the ordinariness of the "hidden terror" that is "institutionalized as a reality" in everyday life. Its intimacy and its dwelling in the everyday aspects of life, renders the state of terror as a normal state of being. Its forceful

¹ It is a government agency in Mexico similar to that of child protective services in the U.S.

entry and intimate *knowing* of its existence “tears the fabric of everyday life” while “deeply immersed in the everyday order of things.” Her assertions align with other scholars who warn us to not take for granted the site of the “ordinary” by looking away towards the larger violent events, because in doing so, we risk overlooking the “ordinary” as precisely, a site where violence and terror takes place (Das & Kleinman 2000; Das 2007).

For queer Mexican immigrants, to speak of terror then, is to account for a normalized state of violence they face in the ‘ordinariness’ of heteropatriarchy and normativity. To understand how racialized genders and sexualities influence and shape the daily living of queer Mexican subjects in ‘ordinary’ ways, as individual subjects and as a historical racialized collective, it is critical to explore the more intimate aspects of state violence. What we come to know through the narratives recounted here is that the terror of the state has no borders and knows no boundaries since its power is experienced in intimate ways--“close to the skin, embodied in local officials [and] through practices of everyday life” (Aretxaga 2003).

Paying attention to the continuities of time through the memories of violent encounters José, Fernando, and Diana have had with the state, we come to understand that violence is indeed not temporal or episodic, but rather the internalization of those instances that continue to manifest in their lives well past that particular *moment* of encounter. For queer, brown, undocumented immigrants, some scholars suggest, their precarious positioning within existing hierarchies of race, gender, and sexuality is further exacerbated in their status as “unauthorized” or “undocumented immigrants,” or through inscriptions of *illegality*. Their vulnerability to violence, more specifically, to state violence, is not solely based on their not being ‘legally’ recognized as subjects with rights, but that the marking of “illegality” relegates them to isolated zones where the violence does not become known outside the subject (Cantú 2009; Cacho 2012; Lubheid 1998, 2008). In making ethnographically visible the everyday struggles of José, Fernando, and Diana, I am interested in how the state produces fear and anxiety that haunt queer brown people’s lives as it suspends their quotidian lives in a network of violence. Along this same vein, I am also attentive to the nuanced negotiations Fernando, José, and Diana make in the ordinariness of the *everyday*. I focus on their shared experiences, the nuanced textures of their subjectivities, as intersecting subjects, as *border crossers*, to reveal the afterlife of such encounters with the state. (Alexander 2005; Aretxaga 2003; Brown 1995). In this way, the accounts narrated by José, Fernando, and their daughter Diana, are not “tangential” from other racial-sexual violences that are more easily located; rather, they are a continuation of the same logic of heteronormativity where sexuality is used to humiliate and punish (Puar 2007).

“Nosotros también migramos”/“We too, Migrate”

José met Fernando while on vacation in Zacatecas, Mexico. After a night out at El Escándalo/The Scandal and several days of exploring the colonial city together, the moment of departure arrived. José returned to Arizona, but they maintained communication via email, online chats, and intermittent phone calls. Both of them thought the sentimental good-byes in Zacatecas were polite gestures, but their conversations over the course of the next several months and their next encounter, proved to be more than just gracious farewells. They made plans for Fernando to live with José in Arizona. They had to do it quickly however, because the impending invasion of Iraq at the time seemed imminent and they were certain it would intensify surveillance along the U.S.-Mexico border; making it more difficult for Fernando to go to the United States. Precisely on the day Bush authorized the occupation of Iraq, Fernando made his

clandestine move across “*la línea imaginaria*”/“the imaginary line,” to begin their lives “como pareja y como familia”/“as a couple and as a family.” After a few years of living in Arizona however, José, Fernando, and Diana, moved to Chicago. It is there we met while José and I worked together at a community-based organization. Working together on creating curriculum for classes the organization offered, I became familiar with their struggles as a queer (undocumented/mixed-status) immigrant family. Coincidentally, we relocated to Texas around the same time and continued our friendship. By the time an opportunity arose to document their experiences, I felt assured they felt comfortable in declining if they were not entirely at ease with the idea.

Of course this methodology is not free of problems. Though José and Fernando were in favor of doing a short film with me, I had reservations about using any identifiers that could reveal their identities. I worried they could be found and deported, and wanted to be sure they were aware of any possible repercussions in considering the state-of-affairs with the implications of the proliferation of immigrant detention centers and prisons, policing, border surveillance, and forced removals that continue to characterize Texas. We discussed experimental film options to conceal their identities while still conveying their story, and they were polite in hearing my concerns. They had already made their choice to show their identities to the fullest. “Es una forma de declarar quiénes somos”/“It’s a way of declaring who we are,” José asserted unapologetically. “La gente tiene que entender nuestra situación”/“people have to understand our situation,” added Fernando, “para que comprendan nuestras luchas como hombres gay y sin papeles”/“so that they understand our struggles as gay men and without *papers*.” Their purpose was clear and so was the way they understood their circumstances. “Es difícil vivir esta vida”/“It is difficult living this life,” Fernando added, “no porque somos dos hombres gay, pero porque nos hacen la vida pesada por ser hombres gay”/“not because we are two gay men, but because they make our lives difficult for being men who are gay.” Fernando shared more of his reasoning for doing the film before making a plea of recognition, “tienen que respetar y reconocer nuestra humanidad”/“they have to respect and recognize our humanity.” This ethnography, they reminded me, was a way of queering narratives for belonging and diaspora; because as José assertively pointed out, “nosotros también migramos”/“we too, migrate.”

José’s and Fernando’s assertions documented here and on film are exigencies for recognition and of self-affirmation not only as gay men, as they have clearly stated, but also as a queer immigrant family living in a state of uncertainty under the enduring regimes of the “war on terror.” Such regimes circulate representations of the U.S/Mexican border as ‘criminal’ and ‘predatory,’ and extends well beyond the *imaginary line* itself, into various social realms in the making of *home* and the of making *self*. Their messages and narratives documented here, are an intervention not only within mainstream immigration studies that tend to look at immigrant experiences through a heteronormative lens, as queer migration scholars have consistently argued (Lubhéid 2008, Manalansan 2003; Cantú 2009), but also within queer studies that in the recognition of looking to the specificity of the manifestations of gender and sexuality, leave out the particular forms of intersecting subjectivities constituted through raced narratives of nation and belonging. Still more pointedly, their accounts also trouble queer notions of ‘home’ and ‘belonging’ by disrupting conceptualizations of ‘family’ and ‘kinship’ understood within dominant frameworks of the “families we choose” and less so, within “families we create.” Likewise, they also complicate discourses that project queer diasporic persons such as José, Fernando, (and one could argue, that by extension, Diana) and their desires for creating family, through a homonormative reading that leaves under-interrogated the complexities of their

intersubjective experiences as queer Mexican subjects *already* and enduringly inscribed with *illegality* and *perversity*.

The failure to recognize them as willful subjects now occurs across various spaces. In several social realms of heteronormative civil society within which they are ousted for their brown(ed) queer sexualities while governed as ‘suspicious’ for their decisive roles as caregivers-as fathers and parents (Das Gupta 2014). The other is within tropes of homonormative discourse that pivots them as complicit with libertarian identity politics through what is deemed ‘desires’ for ‘heteronormative ways of life.’ The outcome is that they are left isolated and vulnerable to the “search and destroy” (Spillers 1984) tactics mediated by enduring colonial representations that *hold* (queer) Mexicans as undesirable (Cantú 2009) and ‘homosexuality’ as a contagion in their underpinning of nationalist projects. We overlook, or perhaps, misrecognize how families of queer Mexican/Chicanx subjects are likewise subjugated and rendered violable through heteropatriarchal deployments of race, sexuality, gender, and nation. In *Waiting in the Wings*, Cherrie Moraga, reminds us that the colonial legacies of racial, sexual, and gendered violence filter into the lives of (queer) Mexican/Chicanx families. The story of José, Fernando, and Diana perhaps most directly illustrates the ways in which the children of queer Mexicans/Chicanxs, are also *queered*. They are denormativized and endure the variegated forms of violence informed by the same racist heteropatriarchal logic and articulations of race, sexuality, and gender as are their parents. Sexuality and race continue to manifest across time and spaces in ways that inform their subjectivity as individuals, as well as in relation to those with whom they attempt to build and spend their lives.

“Suspicious” *Being*

José led me into their bedroom. Lying on their bed was a blue folder contrasting against the starkness of their white comforter. Methodically pulling out the documents from the pockets, he laid them out in piles and with a plan in mind, “Estos son unos documentos de un problema que tuvimos yo y Fernando en el aeropuerto de Tucson, Arizona”/“These are the documents from a problem that me and Fernando had at the airport in Tucson, Arizona.” He proceeded to identify them: an incident report from the border patrol (Border Patrol, Report of Apprehension or Seizure, form I-44), notice of felony charges being brought against him (Civil/Criminal Summons from the Pima County Constables), notification letter of assignment of public defender, letter announcing their case dismissal and another for case reinstatement from the Pima County Public Defender. Included was yet, another case dismissal also warning him to “not discuss the incident with anybody,” neither with friends, family, and most importantly, with any law enforcement officer. It’s possible, the letter informed him, “the prosecution could be reinstated at any time during the next 7 years.” Lastly, were receipts from the lawyer he had hired to represent him against charges that were filed against him as a result of this incident at the Tucson airport.

Reading the ‘incident report,’ I scanned the state terminology that presented José and Fernando as the ‘criminals’ they were not: “alien’s name,” “observed two men,” “aggressive gesture,” “agitated,” “restrain,” “homosexual.” As I scanned the documents, José and Fernando began recounting what happened *that* day at the Tucson airport. Having previously flown from Arizona to Chicago without any problems, he began, they became confident and made plans to spend the weekend in the bay area to celebrate their one year together as a couple. They were en route to San Francisco, California from Tucson, Arizona.

They remembered the details. It was an early morning in 2004. While boarding the plane, an immigration officer stopped them and asked for their documents. Nervous. Scared. José thought, “Ya valió”/“It’s over,” pulled out his Arizona driver’s license and handed it over to the officer. The officer did not believe he was a US citizen, said José, certain he would not have been questioned if he and Fernando had “blue eyes, blond hair, and light skin.” “Por el hecho de que somos Mexicanos—pelo negro, ojos negros, el color de nuestra piel”/“Because of the fact that we are Mexican—black hair, black eyes, the color of our skin,” he continued, “es lo que nos hace ‘sospechosos’”/“this is what makes us *suspicious*.” Fernando presented his Mexican passport and his Arizona student identification card to the officer, but this was not enough to (dis)prove he was (un)authorized to be in *this* country the officer told him, “No tenía forma de comprobar ciudadanía en los Estados Unidos”/“I didn’t have a way of proving citizenship in the U.S.” Fernando stated. José showed his U.S. passport. The officer proceeded to interrogate them at the United Airlines counter and called-in to gather an “immigration history” on José and Fernando.

The officers on the other end of the phone apparently had difficulty finding any information on Fernando and in ‘(dis)proving’ José’s US ‘citizenship.’ It was taking a long time and they held on to a thread of hope thinking that maybe they could make it to the plane after all. With the officer on the phone, still waiting, José asked, “Are we going to miss our flight?” But the officer became agitated, still waiting with the phone at his ear, and ordered José to take his hands out of his pockets. He did, but after a couple of minutes he forgot. While still waiting, he put his hands back in his pockets. “Take your hands out of your pockets I said,” repeated the officer. While following his orders, José asked, “Why?” “Because I said so,” he responded. “No me gustó su respuesta”/“I didn’t like his response,” José said to me, “y por coraje, volví a meter mis manos en los bolsillos de la chamarra”/“and out of anger, I put my hands back in my jacket pockets.” This is when the officer became angrier, explained Fernando, and he threw José on the floor, face down. With his arm crushed and in pain, José, by instinct, tried to pull his arm out. The officer called for backup and while holding him down, handcuffed him. “En ese momento, sentí como si me hubiera convertido en un espectador viendo a José ser arrestado”/“In that moment, I felt I became a spectator watching José get arrested,” Fernando explained, describing that a crowd of people waiting to board the plane gathered around this spectacle where the two of them were at the center. “Saca la cámara”/“Take out the camera,” José yelled at him as the officers pinned him to the floor, “y toma fotos”/“and take pictures.” Someone from the crowd warned him not to do it though, “Porque iban a pensar que estaba sacando un arma”/“Because they would think I was pulling out a weapon.” Pausing for a long minute, barely able to speak the words, he continued, “Quién sabe lo que hubiera pasado. Me da miedo solo de pensarlo”/“Who knows what would have happened. I’m scared just to think about it.”

Expressing feelings of regret, confusion, rage, guilt, impotency, and fear, he described what was going through his mind as he stood there trying to decipher “the right thing to do, and the possible consequences.” “¿Qué haces?”/“What do you do?” he asked. “Sólo la persona que está allí sabe lo que es. La gente pensará que debería haber hecho esto o aquello, o que tal vez me debería haber escapado. Eso se me vino a la mente porque todos los oficiales tenían su atención en José”/“Only the person who is there knows what it’s like. People might think I should have done this or that, or that maybe I should have escaped. That did come to mind because all the officers had their attention on José.” But he could not. “Porque ves a tu pareja siendo tratado de esa manera, tirado así en el suelo, y te sientes impotente. No hay nada que puedas hacer”/“Because you see your partner being treated that way, thrown on the floor, and you feel powerless. There is nothing you can do.” It is the person who is there that feels that

fear, he explained. Fernando's energy level had gone down by this time as we were filming. I suggested we stop but he did not hear me, lost in his thoughts. "¿Ayudas a tu pareja, arriesgando ser disparado, o te quedas ahí con los brazos cruzados y...?" "Do you help your partner and risk being shot, or do you stand there with your arms crossed and...?" Then, as if thrusting the words from his innermost being, he asked, "¿Qué haces?" "What do you do?" Fernando wanted to do the "right thing" but "no sabes qué es lo correcto. ¿Corres, tomas fotos, luchas contra los oficiales, o simplemente no haces nada?" "you don't know what is the right thing. Do you run, take photos, fight with the officers, or do you just not do anything?" he asked rhetorically. His fear was conflicting. "Mi temor no solo era que me fueran a disparar" "Not only was my fear being shot," he explained, "pero de que hubiera hecho el problema más grande de lo que ya estaba" "but that I would make the problem bigger than it already was." Fernando, thinking, cannot answer his own questions, "Aún todavía no sabría qué hacer si estuviera en la misma situación" "I still wouldn't know what to do if I was back in the same situation." He apologized, "Perdón, es difícil traer otra vez el tema porque piensa uno que ya está escondido, u olvidado, pero en ese momento sientes mucha rabia-y todavía lo siento por todo lo que tenemos que pasar" "I'm sorry, it's difficult to bring this up again because one thinks that it is hidden, or forgotten, but in that moment you feel a lot of rage—and I still feel it because of everything we have to go through." Fernando believed it was he that should have been treated this way. "Yo soy el que no tiene la ciudadanía, no José. Él es ciudadano de los Estados Unidos" "I'm the one without citizenship, not José. He's a U.S. citizen." As became evident, however, José's 'citizenship' did not protect him or his family.

With José handcuffed, both he and Fernando were taken into custody. The officer returned to the phone, trying to still obtain any "immigration history" on either "subject." Eventually, they were moved to the TAA holding cells where they were separated and further interrogated. All the while, José insisted he was a naturalized citizen of the U.S. and Fernando, "not wanting to make things worse", responded "con la más verdad posible" "With as much truth as was possible." With their belongings seized and searched, the officers used the information they found as a tactic during the interrogations. Fernando, describing the interrogation, believed the officers were trying to trump up charges against José of human trafficking, for "smuggling" him into the country, as they put it. "Dijeron que José les había dicho que éramos gay, una pareja" "They said José had told them we were gay, a couple" said Fernando, "y que también les dijo que él me había cruzado para estar juntos en este país—y que si era cierto" "and that he had told them he smuggled me into the country to be together--and if this was true." Refusing to answer, they asked him if he used condoms when he had sex with José. "En ese momento empecé a sentirme mal" "In that moment, I began feeling sick," he said, "y mi presión bajó" "and my blood pressure dropped." He felt sickened "por la humillación de que se te haga una pregunta tan personal, especialmente en una situación en la cual ya te sientes que no tienes nada de control" "by the humiliation of being asked such a personal question, especially in a situation when you already feel you have absolutely no control." He sat quietly, unable to bring himself to answer the question. They suggested he get tested for AIDS. He remained quiet while officers insisted José admitted to bringing him over "illegally." He didn't believe them, finding it strange that José, or anyone else for that matter, would give up so much information like that. "Nadie haría eso, dar información así a un oficial" "No one would do that, offer information like that to an officer."

The officers were finally able to confirm José's claim of U.S. citizenship--after clarifying the spelling of his last name. It didn't matter, bonded by hands and feet, they were transported to

the Tucson Border Patrol Station where they were detained. José remembered being in jail, “crying,” he said, “porque sentía mucho coraje”/“because I felt so much rage.” He was charged and booked for “Assault on a Federal Officer” and “Harboring an Illegal Alien.” Fernando was interrogated about José and his role in “smuggling” him into the United States. José, now facing felony charges, was released thirty-six hours later. Fernando however, was processed for “removal,” and placed in a holding cell--a women’s holding cell.

Un/Making Gender

“Fui puesto en la celda de mujeres por la situación de que ellos se dieron cuenta que yo era gay”/“I was put in a women’s cell because they came to find out that I was gay,” said Fernando, still engulfed by the rage the memory provoked. The officer had been telling all the officers on duty he was gay and referring to him “en el sentido femenino”/“in the female tense.” Explaining his resentment while suppressing his anger, Fernando explained that he failed to understand why he was treated in such a humiliating manner and placed in a holding cell with women just because he was gay. “Yo no debería ser tratado de esta manera”/“I should not have been treated that way,” he reflected, “Yo soy hombre y no porque sea gay, que tenga una pareja que es hombre también, quiere decir que soy mujer”/“I am a man and not because I’m gay, because my partner is a man, it means I’m a woman.” He was not the only one left uneasy by his presence in the women’s cell. In a cell where one has to share a toilet that is in open sight, both he and the women did not know “para dónde hacernos o dónde ponernos”/“Where to go or where to place ourselves.” The women kept telling the officers to take him out of their cell. They declared the space as a space for women and they did not feel safe sharing it with him. Fernando explained, “No las culpo/I don’t blame them.” Understanding the women’s concerns, he struggled to find the words to explain the officer’s perception and his placement in the women’s holding cell, “Yo pienso que ellos lo ven de esta manera-o sea en el sentido de que si eres gay, tienes que ser mujer”/“I think they see it this way—or in the sense that if you’re gay, you must be a woman.” Unsatisfied with his explanation, he continued, “Lo que quiero decir es que - ¿cómo lo digo? No sé si lo ven como que los hombres homosexuales tienen que ser mujeres o si las mujeres que les gustan las mujeres, tienen que ser hombres”/“What I want to say is that—how can I say it? I don’t know if they see it as if gay men want to be women or if women who like women, want to be men.” He paused as he let the meaning of his words settle attempting to understand officer’s mentality as he stripped him of his masculinity, “No sé cómo diferencian entre hombre y mujer, o cómo los dividen. No es que me *trató como* mujer, sino de que me *definieron como* mujer para que me hubieran puesto en una celda de mujeres. Eso fue”/“I don’t know how they differentiate between man and woman, or how they divide them. It’s not that they *treated* me like a woman, but that they *defined* me as a woman by putting me in the women’s cell. That’s what it is.” he says with self-assurance, “me definieron como mujer y yo siempre me defino como hombre”/“they defined me as a woman and I always define myself as a man. Arriving at what lies at the base of his rage, “Y creo que es lo que me da mucha rabia”/“And I think that’s what enrages me,” he elaborated, “que hasta eso me quitaron—cómo es que yo me defino”/“that they took even that away, how it is that I define myself.” The silence that followed floated thick in the air.

Placing Fernando in the women’s cell was not an arbitrary act of sadistic officers. It illustrates the state’s power to define one’s gender and sexual identity in and through violence. Ironically, the classification of Fernando as “feminine,” and because of it, placed in the women’s

cell, was an invocation of state normative masculinity whereby his queerness came to articulate him as ‘feminine’ in the eyes of the agents. Scholars have demonstrated how the state un/does gender through acts of terror by disqualifying and figuratively and discursively *dismembering* deviant individuals (Aretxaga 1997; Puar 2007; Spillers 1987). Thus, revealing yet another dimension of this bio-production of identities. At times, the state, in recognizing the subjectivity of its victims, does so but only to the extent within which such recognition is based on their culpability and annihilation. In this sense, Fernando’s placement in the women’s cell was an act of recognizing his queerness, but only as criminal, pathological, illegal, and deportable. The ‘feminine’ subject, under the patriarchal state’s gaze, is at once an object of desire, a site of degradation, and of annihilation and therefore, so is the *feminized* body of the queer Mexican/Chicano/a subject. It is important to note the construction and interplay of patriarchal inscriptions of ‘masculinity’ and ‘femininity’ in the production of racist heteropatriarchal power. Indeed, Fernando’s encounters with the state and state officials, in conjunction with José’s and Diana’s, illustrates the extent of this power dynamic. It makes clear the sexualized, gendered, and racialized aspects of the state itself, and of the violence that it extends. Fernando’s queerness was codified as ‘feminine’ by the state agents, which simultaneously marked him as a *site* to be dominated, degraded, punished, and exchanged in the production of patriarchal masculinity. Fernando and José share this experience of state aggression with their daughter, Diana, who was also usurped by the state’s policing mechanisms used to justify their subjugation in the production of state narratives of protectionism.

In the women’s holding cell, Fernando overheard women talking about their children who were taken away from them and he began to worry about Diana. She had stayed behind with José’s mother. He had heard about families being separated because of immigration; but he found it hard to believe that because someone “se brinca una línea, les quitan a sus hijos”/“jumps a line, they take away their children.” He knew what he had to do. As his paperwork was processed for “removal,” he was asked by the officer if he had any children. Fearful they would go to his house and pick up Diana and deport her, he replied, “No.”

We sat on the bed talking about how he was feeling about the filming process and if he felt he was saying what he needed to say. I asked if there was anything we could do differently. I could tell he was exhausted from recounting these stories. It was obvious they provoked a much distress. Though I had known José and Fernando for several years now, I had not known about this nightmarish ordeal. I asked him about the pictures in his room. Everything appeared different, such as the pictures of him and José standing in front of a water fountain in Zacatecas, of José and Diana embraced on the sofa, of the three of them sitting at an outside restaurant patio, of the figurines of the Aztec gods sitting on their headboards as if watching over them, and the colognes that sat on their dresser. It all took on a different meaning. Their belongings, as minute as they may seem, all spoke to a facet of their different sensibilities--as things that provided some sort of consolation and comfort in the provocation of their senses. “¿Tú y José hablan acerca de todo lo que han pasado juntos?”/“Do you and José talk about all that you have gone through together?” I asked, curious about the mental prowess needed to maintain a relationship such as theirs, in the midst of all they have endured. “Es difícil”/“It’s hard,” he responded while touching the bed cover to feel the warmth of the sun coming through the window. “El problema es que cuando recuerdas estas cosas o esos momentos”/“The problem is that when you recall these things, or those moments,” he continued, “de nuevo sientes mucho coraje por la manera en la cual hacen que te sientas impotente y vulnerable. Y pues, solo quieres olvidarlo todo, especialmente como pareja”/“you feel angry all over again because of how

helpless and vulnerable they make you feel. And well, you just want to forget about it, especially as a couple.” Looking out the window, he mentioned, “Como ahorita, la manera en la que va bajando el sol me recuerda de cuando me aventaron a Mexico”/“Like right now, the way the sun is setting reminds me of when they *threw* me into Mexico.” I look out the window, but I don’t see what he sees. “Después de como una semana”/“After about a week,” he said with ease, “me brinqué otra vez para estar con mi familia”/“I *jumped* over again to be with my family.”

Redressing Injustice?

José recalled, with some regret, not having brought charges against the officers. He walked home from jail after he was released. He lived far from where he was detained and it was very late. It was around ten or eleven at night, but he needed to be alone. Fighting against feelings of cowardice and worthlessness, he was consumed with rage and vengeance. In the hour it took him to make it home, he sought ideas about how to regain his dignity, to redeem himself, to bring charges against the officers that had humiliated him and Fernando. He thought about reporting the officers or taking the case to an attorney. But he never did, “no por cobardía/not because of cowardice,” he said, but because “tenía miedo de que el oficial de la patrulla fronteriza tomara represalias y fuera a invadir nuestra casa”/“I feared the border patrol officer would retaliate and raid our home.”

José had good reasons to be cautious. With such discretionary power, border patrol agents can decide who is “legal,” who is “illegal,” and who should be sent to jail and face extra charges for responding to/resisting their abuses. Living in Arizona, a state known for its anti-immigration/racist policies, they had to take extra precautions. Known as the “deportation state,” Arizona has a long history of abuse against immigrants, or anybody that stood outside their imaginary circle of citizenship. In the last two years, the state had deported as many as ninety-two thousand immigrants. In 2013, they passed several laws giving border patrols the power to check and search any person they ‘suspected’ to be an immigrant, that is, to be undocumented. Under the law SB 1070, U.S. citizens and non-citizens were forced to “show their papers” simply for “looking or sounding foreign.” In 2015, the Arizona Senate introduced the controversial “Stop, Catch and Release Act,” granting the state the authority to hold in custody any undocumented immigrants ‘suspected’ of having committed crimes (ADI News 2015).

While Fernando’s family does not live in Arizona anymore, they lived under the same regime of terror other immigrants find themselves under in that state. The option of flying as a means of transportation is no longer available to them after that incident. As it was, José and Fernando were already cautious navigating through routes in Tucson to evade police officers—the city known to be the largest base of the border patrol. After this ordeal, José was consistently reminded of the eyes that were set upon them when he pulled aside when boarding future flights. He had been “blacklisted.” They entertained the idea of leaving Arizona but the felony charges against José that had been originally dismissed, had been reinstated and they needed to stay there until his record was cleared. He hired a lawyer and the charges were dismissed—but he was warned they could be reinstated again anytime within the next seven years. This left them worried as driving the streets of Tucson complicated the most mundane aspects of their lives. “Cada vez que mirábamos una camioneta de la patrulla fronteriza”/“Every time we saw a border patrol vehicle,” José shared, “luego luego se nos ponían los nervios de punta. Quedamos ariscos-pensábamos que íbamos a pegar con el border patrol que nos detuvo, que nos iba a reconocer”/“right away we would get extremely nervous. We were paralyzed by the thought of

coming across the border patrol agent that arrested us and that he would recognize us.” They became isolated, fearful of not only stepping outside their house—but of being in it. Their home was no longer a place where they could find safety and security. Fearing the immigration authorities would raid their home or be recognized by immigration the officers that saturated the streets of Tucson, they decided to move to Chicago where José had family. Fernando however, was concerned about having to pass through the immigration checkpoint in Amarillo, Texas, while en-route to what would become their new home. José understood. Harboring the same fears, he set out to test an alternate route before their final departure to ensure they wouldn’t run into similar problems: he headed up north to Utah, took Highway 70 to Denver, Colorado, and then took highway 80 all the way into Chicago. Returning and reporting a clear (enough) path, they packed up their things and made their way five months later. I experienced this while out with Fernando, repeatedly checking the side and rearview mirrors. When we would make plans to meet, I was conscious of where we would meet—asking where he was coming from to calculate into my suggestions meeting places in order to more easily avoid any police.

Though they felt criminalized, Fernando did not believe they did anything wrong. “Yo solo entré a los Estados Unidos. No soy culpable de nada”/“All I did was enter into the United States. I’m not guilty of anything,” he states unapologetically. Both stated that being left with no other options, it’s wrong that families are separated “sólo porque se brincan una línea”/“just because they jump a line.” For them, as for many in this country, the border is yet another challenge, another obstacle to vanquish.

Terrorizing the Intimate

For Diana, the memory of being so abruptly separated from her fathers had left her fearful as well. She does not talk about it often, though she hints at the trauma this state abduction created for her. Being taken away so abruptly continues to haunt her. Her fear is not so much being deported, but rather being separated from her fathers. It was, undoubtedly, a legitimate concern when we consider the current statistics on children with parents deported from the United States. According to the Migration Police Institute, 25% of the US population under the age of eighteen (17.4 million children) had at least one immigrant parent under eminent threat of deportation; and 22% of the deportees are parents of US-citizen children (MIP 2015).

This situation haunts Diana’s existence. She had been unable to sleep and when she did, she would cry out in terror in the middle of the night, calling for José and Fernando. I witnessed the residual effects of this abduction while filming, José encouraged her to show us the family picture she had drawn. With the image of herself with José, Fernando and their dog Canelo, they stood next to one another with pointy feet and hands. Their heads were larger than the boxed bodies on which they rested upon. They stood alongside a sole blossomed flower that was as tall as them. They stood smiling under half of a bright yellow sun sitting in the corner of the page as white puffy clouds floated above them, in a section of a baby blue sky. Diana spoke of her adoration for her two fathers and it wasn’t long until she began to weep. “Porque me han cuidado desde que yo era chiquita”/“Because they’ve taken care of me since I was little,” she explained, “Nunca me han dejado. Me han cuidado...yo los quiero mucho...y ojalá así siga”/“They’ve never abandoned me. I love them a lot--and I hope it continues to be this way.” We stood quietly with the camera rolling. Admittedly, it was an awkward situation to have her in full view of the lens as she grappled and navigated through her emotions. It felt invasive,

intrusive, conflicting—but necessary. This was—is--*her* story. I thought about turning the camera off, but that didn't seem like the solution. It stayed on. While documenting her words, the camera caressed the image she presented, enabling her to be present in the telling of her story, *their* story.

Queering Memory

Showing pictures of family from Mexico and of when they first met in Zacatecas, José, Fernando and Diana told snippets of stories in trying to recall the dates and particularities of each photo. It was celebratory and reflective of what I would often hear from José, “un buen rato”/“a good time.” It is an expression that signifies a savory *moment* free of worry and concern. Diana proudly told him to show me his premio/prize hanging on the wall. José showed me a certificate with his name in bold, safeguarded in a bamboo frame. It hangs above their sofa in the living room, adjacent to a large-sized framing of Sor Juana Inés de la Cruz. “Esto fue un escrito de cuando conocí a Fernando-de todo el proceso en el cual se vino para los Estados Unidos para reunirse conmigo. Pues ganó mención honorífica. Yo le tiraba al premio mayor, pero no se pudo. Ya por lo menos esto fue un buen recuerdo”/“This is for a piece I wrote about when I met Fernando-the process by which he came to the United States to reunite with me; and well, it won honorable mention. I was going for first prize but it wasn't possible. At least this is a reminder” he says wiping off the dust. He writes for similar reasons as many other writers, as a practice for self-reflection, to put things in perspective, to organize them, “y tratar de llevar un mensaje”/“to carry a message.”

“¿Por dónde empezamos?”/“Where do we start?” José asked Fernando when the question of where to begin did not stem from a lack of what to tell, but more so, from determining *what and when* marks the beginning of their story. Of particular interest was not only the content of what was shared. This was, indeed, crucial for coming to an understanding of how queer brown lives are constituted by the quotidian circuits of power that intersect with their daily living as queer Mexican immigrants. Equally revealing however, was how particular moments of subjugation were *lived* in the everyday, as well as how they were remembered and told. How the speaking of one event led, or perhaps, fused into another, was just as telling as the content. It was as if the reverberation of the words spoken dislodged another moment, another memory, another event that affectively merged time and space. Whereas on the surface it may have appeared as if there was no link between the conjuring of two or more seemingly disparate moments, their relationship was established through the residual effects of trauma and terror stemming from violations that were felt at the most profound level of their personhood.

Our memory is tricky. Sometimes it tricks us. We try to remember things and they go away. Other times, it comes out of the blue. José's and Fernando's painful exercise to remember was also an exercise to forget. They forgot many moments and deliberately did not want to go back to them. Other times, one remembered details that the other would entirely forget. What their strategic *re/membering* illustrated though, is that forgetting and remembering/dismembering are acts of agency. In their case, the act of messing/shifting with/the events, was a queering of memory. By inserting themselves as the narrators and protagonists, they reconfigured and realigned time and space in such a way that revealed not only the more intricate and intimate aspects of state violence, but also their refusal to be casted out of the nation's physical and historical landscape. Through such disruptions in the processes that mystify and *conceal* these acts of subjugation, José and Fernando, along with Diana, intervened in the state narratives that

(re)produce them, and *others* like them, as “illegal”--as “imprudent, unethical subjects incapable of exercising responsible self-government and thus as threats to the overall well-being of the social body (Inda, 2008:128).” Their interventions insisted on another narrative that demystified the often-convoluted processes of how racialized sexuality and gender come together to reproduce and impose ‘illegality’ onto, as we will see below, *suspicious* bodies.

This family’s narrative point to the criminalizing mechanisms of the state’s violent juridical and discursive practices that placed them in confinement. Their expulsion from the larger national *community*, reflects the different facets, methods, and logics of and for removal that the state enforces onto *some* bodies (Alexander 1994). Through the simultaneous acts of dis/membering and re/membering however, or of manipulating the processes of erasure in order to make known those *histories* otherwise rendered invisible, their retelling of their encounters with *la migra*, represents the reinscription and reinsertion of their own bodies/stories. Likewise, it represents that of the collective body of diasporic queer subjects into official historical narratives while exposing the *lethality* of “normative citizenship” (Muñoz & Fusco 2000). Their “enactments of memory” (Taylor 2003) I contend, complicate the inscription of “assimilationism” often inscribed onto “Mexicans.” José and Fernando do not espouse notions of “resistance.” Rather, they simply convey the reality of their *everyday* as they carve out a space of *sobrevivencia*--a space in which they construct a life while being well aware of the negotiations they have to make as queer/Mexican/immigrant/men trying to survive, to put it in José’s words, “bajo la extrema vigilancia de la migra/under the extreme surveillance by immigration authorities.”

Constant Fear and “La espinita de qué hacer”/“The Thorn in my Side”

While we waited for a left-turn traffic signal, José states, “It’s hard”/“es difícil,” in thinking about Diana’s refusal to go back to Mexico. He has told Diana it wasn’t the Mexican government that took her, but rather the US government in questioning the legitimacy of the documents. She is scared to go to Mexico, he mentioned while looking at Diana through his rearview mirror. Though talking to me, it was directed at her, “pero no entiende”/“but she doesn’t understand,” he said, “Tiene miedo de que se la lleven otra vez”/“She’s scared they will take her again.” I looked at Diana as she glanced out the window, quietly contemplating, and I wondered if it *who* took her from them. How does her body attempt to rationalize the trauma? To Diana, Fernando and José, it did not matter which government or which state terrorized them. They knew there was no safe place for a queer family like the one they had created. At times they have thought about returning to Mexico. They felt doubtful and unsure at times they are enduring such abuses of power. The ideal for José would be to live in Mexico and work in the United States. If they are unable to “remediar”/“remedy” Diana’s immigration status, he and Fernando have discussed the possibility of returning to Mexico. It would be very difficult, they explained, for her to make a life for herself in the United States “sin papeles.” It’s already so difficult to be a parent, to be a father raising a child—“una hija”/“a daughter.” It becomes even harder, they shared, when she doesn’t have her “papeles”/“papers” along with being a same-sex family where one of the parents is also undocumented.

Their precarious situation, as neither safe in Mexico or in the U.S., illustrates that regardless of the sexual subject’s location, in this case queer Mexican immigrants, are always/already clandestine. They bear the status of *placeless* subjects to the point that false oppositions such as “documented/paperless,” “citizen/immigrant,” “resident/alien,” collapse in

the face of their sexual and racial alterity. Pushed by the daily and constant fear of not only being separated, but of the everyday hustle of molding a meaningful life for themselves and for their daughter, “citizenship,” as we saw with José, did not protect him or his family. It also did not guarantee a life absent of the terror that kept them moving in trying to evade the state. Stuck between reality and possibility, they are left with the “*espinita de qué hacer*”/“the question of what to do”—of how to create a sense of safety, if not security, for themselves. They argued about it at times. Fernando wants to leave and live in peace. He wants to be able to be out in public without feeling like he has to constantly be looking over his shoulder. “*Sólo manejando al trabajo*”/“Just driving to work,” he said, “*voy tan nervioso, con miedo de que me vaya a parar la policía*”/“I am so nervous, fearful of being stopped by the police.” He has heard about the presence of ICE officers in the jails, where now, he said, “*si parece que no perteneces aquí, te pueden pedir tus documentos*”/“If it looks like you don’t belong here, they can ask for your documents.” Knowing the drill, he continues, “*Si no los tienes, te llevan a la cárcel, te buscan en el sistema, y te deportan*”/“If you don’t have them, they will take you to jail, look you up in the system, and deport you.” He is relieved when he arrives at work; feeling like he can finally breathe. He works and then it all starts again when he has to drive home.

José stated confidently, “*Comienzas a hacer tu vida aquí. Tenemos compromisos, y como familia, siempre encontramos la manera de llevárnolas*”/“You begin to make a life here. We have commitments, and like a family, we always find a way to get through them.” Fernando struggled to find *home* as he shared his thoughts about their move from Arizona, to Chicago, and now to Texas. People call it home because they live here, he explained to José and I. But for him, there was no freedom or security to be found here either. “*Somos hombres gay sin papeles*”/“We are gay men without papers,” he proceeded, “*o al menos yo soy*”/“or at least I am.” “*Pero José es mi pareja*”/“But José is my partner,” he elaborated, “*así que en realidad, ni siquiera podemos presentarnos como una pareja*”/“so we can’t even really present ourselves as a couple.” He imagines a scenario, “*Si vamos caminando por la calle, digamos, y nos agarramos de las manos o nos besamos—eso va a llamar la atención*”/“If we are walking down the street, let’s say, and we hold hands or one of us kisses the other—that will call attention to us.” José attempted to intervene, but Fernando insisted that if a police officer saw them, “*o si alguien hacía un escándalo por eso, atraemos atención. Pues van a sospechar que somos indocumentados*”/“or if someone made a scandal because of it, we attract attention. Well, they are going to suspect we are undocumented.” For Fernando, having his family with him is what would make a home—a family that consists of not only Diana and José, but of his family in Mexico. It would be a place, he tells me, “*donde mi seguridad y bienestar, igual como la de mi familia, no tiene que ser negociada todos los días*”/“where my security and well-being, and that of my family’s, does not have to be negotiated everyday.” While José is able to travel back and forth from Mexico, Fernando is unable to do so and, at times, feels that his family is broken, incomplete. “*El simple hecho de que existe esta posibilidad*”/“By the simple fact that this possibility exists,” Fernando states assertively, “*como ya fue demostrado, hace que sienta como que si fuera la realidad de nuestras vidas*”/“as it has already been demonstrated, makes me feel as if this were the reality of our everyday lives.” “*Es como si tu cuerpo está aquí*”/“it’s like your body is here,” he continued, “*pero tu alma no está. Yo quiero sentir que tengo mi familia—realmente tengo una casa aquí—pero no tengo lo que es la seguridad de tener mi familia*”/“It’s like your body is here but your spirit is not. I want to feel like I have my family. In reality, I have a house, but I don’t have the security of having my family.”

Reflecting on Diana's abduction by the state, they have found fatherhood to be something extraordinary. "Cuando te quitan a tus hijos es como si te quitaran la vida"/"When they take your children it's like they take your life away," said Fernando, "Ya nada existe--es como si la posibilidad de la vida ya no existiera"/"Nothing matters. It is as if any possibility of life ceases to exist." Through their life with her, they attempt to reflect on several possibilities. "Cuando nos la regresaron, estábamos muy felices. No sabíamos realmente lo que iba a pasar, ¿verdad?"/"When they returned her to us, we were very happy. In reality, we did not know what was going to happen, right?" they shared. "Ser padre es algo extraordinario"/"To be a father is something extraordinary," José stated with a smile. Thinking that as a gay man he would never have children, he welcomed Diana into his life, and expressed his desires for her, "Simplemente, quiero ayudar a mi hija a que crezca emocionalmente, físicamente, que logre hacer algo con su vida"/"I just want to help my daughter to grow emotionally, physically, that she accomplish something in her life." He expressed his unnamable fear, "Me da miedo que algo"/"I'm fearful that something,"—he redirects himself and after a long pause, he continues, "pero no--espero todo nos salga bien para sacar a nuestra hija adelante. Que sepa que no está sola. Que se sienta segura en su vida, en su futuro."/"but no-I hope everything goes well so that we may build a future for our daughter. That she knows she is not alone. That she feels secure in her life--her future."

References

- Alexander, M. J. (1994). Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas. *Feminist Review*, 48(1), 5–23.
- Alexander, M. J. (2005). *Pedagogies of crossing: meditations on feminism, sexual politics, memory, and the sacred*. Durham, NC: Duke University Press.
- Aretxaga, B. (2012). *States of terror: Begoña Aretxaga's essays*. Nevada: University of Nevada Press.
- Cacho, L. (2012). *Social death: Racialized rightlessness and the criminalization of the unprotected*. New York: New York University Press.
- Cantú, L., Naples, N. A., & Vidal-Ortiz, S. (2009). *The sexuality of migration: Border crossings and Mexican immigrant men*. New York: New York University Press.
- Das, V. (2007). *Life and words: Violence and the descent into the ordinary*. Berkeley: University of California Press.
- Inda, J.X. (2008). *Targeting immigrants: Government, technology, and ethics*. Hoboken, NJ: John Wiley & Sons.
- Lubhéid, E. (1998). "Looking like a lesbian": The Organization of Sexual Monitoring at the United States-Mexican Border. *Journal of History and Sexuality*, 8(3):477-506.
- Lubhéid, E. (2008). Queer/migration: An unruly body of scholarship. *GLQ: A Journal of Lesbian and Gay Studies*, 14(2), 169–190.
- Muñoz, J., & Fusco, C. (ed.). (2000). "Memory Performance: Luis Alfaro's "Cuerpo Politizado." In *Corpus Delecti: Performance of the Americas* (pp. 97–113). London: Routledge.

- Spillers, H. (1984). Interstices: A small drama of words. *Pleasure and Danger: Exploring Female Sexuality*, pp. 73–100. Boston: MA. Routledge and Kegan Paul.
- Taylor, D. (2003). *The archive and the repertoire: performing cultural memory in the Americas*. Durham: Duke University Press.
- Puar, J. K. (2007). *Terrorist assemblages: Homonationalism in queer times*. Durham: Duke University Press.