

The Statue of Liberty has served as a symbol of freedom for European immigrants for over 100 years. New York was chosen as their gateway, and the statue became a beacon of hope for generations thereafter. No such symbol exists in the southwest for thousands of “huddled masses” at the U.S.-Mexico border “yearning to be free” of many of the same oppressive conditions that drove Europeans to seek refuge in the United States. There is no “golden door,” except the one that opens and closes when cheap, exploitable labor is needed. And the only “lamp” they have to guide their way are the miles of floodlights erected by the U.S. Border Patrol along the San Diego-Tijuana border.

—Roberto L. Martínez, *“On the Edge: Officials Shrug as Abuses Continue Along the Border”*

## ALICIA SOTERO VÁSQUEZ: Police Brutality against an Undocumented Mexican Woman

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*This article focuses on police brutality and human rights violations in the United States. The author examines the infamous Riverside Sheriff’s brutal beating of an undocumented Mexican woman—which was captured and broadcast live via television—as exemplary of a particular historical relationship between Mexican labor, the U.S. nation-state, and the material conditions of immigrant laborers. Tracing this relationship through a historical survey of Mexican immigration from the turn of the twentieth century and placing the analysis in the context of Critical Race Theory, the article foregrounds the intersection of race, class, and gender. While the author focuses on the Riverside Sheriff’s beating and apprehension of Alicia Sotero Vásquez, she also suggests the larger issue of gender on the border and the violence being perpetrated upon women who are seen as disposable under transnational capitalism.*

According to Gilbert Paul Carrasco (1998), since 1848 and throughout its history, the United States has requested and utilized cheap labor from its neighbor, Mexico, during times of economic growth and has rejected it during economic recession. The first wave of Mexican immigrant workers into this country occurred during the Gold Rush era, adding to a native population of *Californios* who had settled in the region with the expansion of the Spanish colonial frontier (Castañeda 1993). Anglo miners benefited significantly from the skills, tools, and techniques that these immigrants brought with them as well as the ones that long-time settlers already had. But there was no gratitude toward these workers; instead, given the racism of the time, Mexican miners were victims of discrimination, threats, violence, and even restrictive legislation against them. Throughout the rest of the nineteenth century Mexican labor continued to be exploited especially in the areas of ranching, agriculture, and the building of the railroad. At times, some of these workers were held captive and others were left to fend for themselves after a labor season was over. Similarly to the treatment suffered by the miners, other Mexican workers, seen as “foreigners” and an economic threat, continued to be victims of violence and terror even when their labor was still much needed (Carrasco 1998; Acuña 1972).

During the first two decades of the twentieth century, while immigrants from Asia and southern and eastern Europe were blamed for the country’s economic troubles and banned from entering the United States, those from Mexico were given an open-door policy to come and work (Carrasco 1998, 79; Acuña 1972). In the 1920s, according to Pierrette Hondagneu-Sotelo, women and children joined the workforce and were used by employers as a stabilizing and exploitative tool given that “...when accompanied by their families, men more willingly endured harsh working conditions” (Hondagneu-Sotelo 1994,

21). However, by the time of the Great Depression hundreds of thousands of women, men, and children, even those who were citizens, were deported/expatriated (Hondagneu-Sotelo 1997, 117; Ruiz 1998, 29–32; Acuña 1972). By 1942, amid the economic prosperity brought on by World War II, another big wave of Mexican laborers was sponsored under the Bracero Program,<sup>1</sup> which was intended to last a few years but was expanded until 1964. Although this program offered work permits to five million men, another five million were in the country without documentation (Hondagneu-Sotelo 1994, 23; Sánchez 1993; Gutiérrez 1995). During the 1950s, after the Korean War, another economic recession prompted labor unions' complaints that called for the control of undocumented immigration. This "control" measure was better known as "Operation Wetback" because it entailed the human rights violation of over one million people of Mexican ancestry who were deported within a few months in 1954 (Acuña 1972; Gutiérrez 1995).

But, true to its pattern, as soon as the recession ended, the United States requested reinstatement of the Bracero Program to bring back cheap Mexican labor (González 2000, 203). In 1965 (a year after the Bracero Program was officially terminated) the United States initiated the Border Industrialization Program (BIP), also known as the Maquiladora Program, which was supposed to reduce undocumented immigration by taking the factories and jobs to Mexico along the border region (González 2000, 233–45). However, this program has had the opposite effect. According to Michael Huspek (1998), the United States contributes to the large-scale migration of Mexican undocumented workers by establishing commercial agricultural firms in Mexico that eventually drive peasants to the cities where they then obtain exploitative jobs at maquiladora plants. In addition, employers in the United States who hire undocumented workers are rarely punished.

This program became even stronger after the North American Free Trade Agreement (NAFTA) passed in 1994 but has never aided undocumented migration and instead has continued to facilitate the exploitation of Mexican workers on both sides of the border (*In Motion Magazine* 1997; González 2000). From its beginnings, the BIP has targeted young women as their main employees and in the last decade it has been held responsible for numerous human rights violations and murders, especially in the Ciudad Juárez region.

As shown, the twentieth century has been marked by an opening and closing of the southwestern border to Mexican labor, a trend explained by the “push-pull factor” of immigration. Law professor Gerald López has complicated this theory even further by stating that:

[i]n contrast to conventional push-pull theory, the following hypothesis offers a more complex explanation for migration: Where there is substantial economic disparity between two adjoining countries and the potential destination country promotes, de jure or de facto, access to its substantially superior minimal wage, that promotion encourages migrants reasonably to rely on the continuing possibility of migration, employment, and residence, until a competitive economic alternative is made available in the source country. Substantial migration from Mexico did not begin until the United States urged and encouraged Mexican workers to fill lower echelon jobs in this country. (López 1998, 93)

López’s hypothesis is that as long as the United States continues to be more economically advantaged, migration north from Mexico will persist given that immigrants will continue to believe that the United States will provide them with better paying jobs than those available or unavailable at home. However, migration north is in many cases that of undocumented immigrants, a source

of contention between the two countries although they fulfill the demand for cheap labor but are readily blamed for the United States' economic problems during times of recession. Unfortunately, this blaming and finger-pointing does not stop at that; in many instances racist sentiments disseminated by the press and public figures have resulted in hundreds of immigrants being physically brutalized (*In Motion Magazine* 1997, 2–4; Avilés 1999). Therefore it should come as no surprise that the border between the United States and Mexico has been the site of continual human rights violations against documented and undocumented immigrants.

### **State Violence and Immigration**

In my examination of the issues of police brutality and human rights violations against undocumented Mexican immigrants, I focus specifically on the case of Alicia Sotero Vásquez, who was traveling with eighteen other persons at the time of the assault by members of the Riverside Sheriff's Department. In reviewing the case, I intend to investigate the underlying structures and ideologies of a system that calls for immigrant labor and yet rejects these workers as part of its State mechanism of control, indirectly advocating the abuse of immigrants by both hiding and minimizing the brutality they are made to suffer. To do this, I utilize Critical Race Theory to lay out the legal mechanisms that this hegemonic power structure uses in racializing immigrant workers. In addition, it is necessary to analyze the intersection between race, class, and gender that—in tandem—marginalize undocumented immigrants.

In a capitalist nation state, the hegemonic power structure is maintained, in part, by legal and law enforcement systems that selectively protect and abuse citizens and residents while promoting a rhetoric of equality—which is in fact important if those in power are to remain in power. As Critical Race Theorists argue, the U.S. economic power has historically been developed hand in

hand with social and economic constructions of race; in this sense, race is an important factor to consider in what is both an economic and political issue. Thus the policing of immigrants (by officers of the State) is accompanied by a rhetoric of the defense of the nation's boundaries from an attack by foreigners. Derrick A. Bell states through his theory of "interest convergence" that the redistribution of power in a racist nation is only possible when the interests of the racialized minorities coincide or converge with those of the middle- and upper-class white majority (Bell 1995, 22). That is to say, the United States condones undocumented immigration when the country is in need of cheap, exploitable labor (Carrasco 1998, 77). The ability of the United States to exploit cheap labor and to overlook such exploitation particularly affects female immigrant workers used at the lowest rungs of the labor market.

In order to preserve undocumented labor as exploitable it is necessary to criminalize and racialize the workers, thus maintaining a reign of terror against them so that their fear precludes them from demanding their legal, human, and economic rights (García 1998, 120). For instance, undocumented immigrants (especially in the southwestern states and in California in particular) are thought to be impoverished, dark-skinned criminals, and mostly men. However, INS records estimated approximately 3.4 million undocumented persons in the country in 1992, of which only about 39 percent (1.3 million) were from Mexico, whereas the number of undocumented immigrants from Canada and Poland ranked fourth and fifth, respectively (Johnson 1998, 376). In addition, since the 1970s the United States has experienced great demand for women to provide cheap labor as domestic and child care workers and to maintain production in the garment and electronic assembly industries (Hondagneu-Sotelo 1994, 187; see also Romero 1992). But in spite of the statistics and given the stereotypes created, undocumented male and female workers continue to be thought of as a threat to the "American way of life" (González 2000, 195).

Kimberlé Crenshaw (1995) and other theorists, who state that race is a social construction, find “a material dimension and weight to the experience of being ‘raced’ in American Society, a materiality that in significant ways has been produced and sustained by law” (Crenshaw et al., xxvi). It is precisely this material reality of race that is important to keep in mind through the discussion about Mexican immigrants singled out for physical abuse mainly because of their race. In discussing the topic of racism, Richard Delgado and Jean Stefancic state that racist sentiments are ingrained into the fabric of U.S. society and that it is almost always impossible to avoid experiencing a certain degree of racism when one lives in a racist country. Simply put, racism is part of one’s everyday reality (Delgado and Stefancic 1998, 212). In the late twentieth century this has not meant that racist practices are excusable and should go unpunished. In the case analyzed here we will see that the State, at the same time that it attempts to punish the racist and brutal act detailed below, does not necessarily do it in a way to eradicate racism, since these very racist practices are of benefit to the State.

### **Alicia Sotero Vásquez v. The County of Riverside**

On 1 April 1996, Southern California, the United States, and the world witnessed, live on television, the brutal beating by law enforcement officers of two undocumented immigrants: Alicia Sotero Vásquez and her partner Enrique Funes Flores. At the time, Sotero Vásquez was a thirty-two-year-old mother of two (an eleven-year-old daughter and a nine-year-old son) who was born in the state of Michoacán, Mexico. Initially, she had been working at a clothing factory in her home state and once it closed down she decided to come to the United States after being unable to provide for her family. In an interview after the beating Sotero Vásquez established that she did not understand why she was brutalized: “[t]hey beat me...they beat me. They hit me on my legs. They hit me on my back, where it still hurts. They grabbed me by the hair. I don’t know why they did what they did. I did nothing

wrong” (Ramos 1996). The idea of not having done anything to deserve such punishment implies two things: that she did not resist the arrest and that if her labor was needed she shouldn’t have been beaten for attempting to work in this country even when she had entered it without legal documents.

Sotero Vásquez’s case began in Temecula with a vehicle pursuit by INS officers, who then transferred authority to the Riverside County Sheriff’s Department. However, given that the vehicle was chased into the city of El Monte in Los Angeles County, the matter should have been turned over to the California Highway Patrol (Newton 1996). But Tracy L. Watson and Kurtis M. Franklin, the two Riverside County Sheriff’s deputies involved, were relentless in their pursuit. After an hour-long high-speed chase, an old pickup truck was stopped, and a total of nineteen persons, all believed to be undocumented workers, were discovered in the vehicle. As the truck came to a stop along the freeway, everybody jumped out from the back and began to run away into the nearby bushes. Sotero Vásquez and Funes Flores had a harder time getting away because they were in the cab with the driver. The driver managed to escape through his side of the truck and was never caught, but when Sotero Vásquez tried to open the passenger door, it got stuck. Funes Flores, who had already started running, returned to the vehicle to help her out, but it was already too late. By then, the deputies were at their side. As one of them began hitting Funes Flores with his baton, the other grabbed Sotero Vásquez by her hair, dragged her out of the truck, smashed her face against the hood of the car, threw her on the ground, and continued beating her. Televised across the nation, this image immediately traveled around the world, exposing the “shocking” news of a blatant case of human rights violation happening in “the land of the free and the home of the brave.”<sup>2</sup>

This event has to be analyzed within the historical framework of the racist, anti-immigrant, especially anti-Mexican, sentiment felt in California in the



1990s. In 1994, California voters passed Proposition 187, a piece of legislation aimed to criminalize undocumented immigrants and deny them access to benefits in education, health care, and other social services. Proponents of the measure formally named it the Save Our State Initiative, rhetorically voicing their fear in the Morse Code call for help. Shortly thereafter, California voters approved Proposition 209, the California Civil Rights Initiative that eliminated affirmative action in schools and workplaces. At the time of the beating, Ron Unz and others had launched the proposition “English for the Children,” which “severely restricted the teaching of bilingual education” and eventually passed in 1998 (Ochoa 2004, 39).

These measures caught the attention of Critical Race Theorists and activists who agree that the racist sentiments surrounding such legislation, particularly Proposition 187, are part of a long historical practice. Ian F. Haney López states that:

[i]n light of...xenophobic comments and the long history of nativism in the United States, it is difficult to conclude that anything but racism provides the primary force behind anti-immigrant measures such as Proposition 187...Racial prejudice against immigrants is a long tradition in the United States. In the western states, racial discrimination against Mexicans [has] a long history...Prejudice forms an established part of the contemporary social fabric, even as it stands in contradiction to society's expressed disapproval of racial discrimination. (Haney López 1996, 144–45)

The racist sentiments against Mexicans were condoned by state public officials such as California Governor Pete Wilson and 1992 presidential candidate Pat Buchanan who portrayed Mexican immigrants as a menace (Haney López 1996, 142–43 and González 2000, 195). Given the economic problems that

the state of California was undergoing, Mexican communities were singled out as scapegoats (García 1998).

Another important aspect of the historical framework for this case is the history of police brutality in Southern California and especially in Los Angeles County. The State's abuse of force and power was questioned with the Rodney King case in 1991 where a beating was also captured on videotape. George Holiday, a civilian bystander, documented how three Los Angeles police officers kicked and used batons to hit an African-American male who was already restrained and on the ground while twenty-three other officers watched (*The Nizkor Project*). The acquittal of the officers involved in the beating of King ignited the L.A. riots of 1992 where people of color protested human rights violations and police brutality. Given this acquittal, both Riverside deputies involved in the Sotero Vásquez's case hired as their lawyer John D. Barnett, who defended one of the officers in the King case (A. Goldman, E. Malnic, and H. Weinstein 1995).

By the end of the twentieth century, another example of police misconduct was brought to light through the Rampart scandal. Several police officers were accused of planting evidence, reckless behavior, and physical abuse against supposed gang members primarily from racialized groups (O'Connor 2000). In addition, the INS was also investigating allegations that these same officers were unlawfully involved in the deportation and prosecution of more than 200 Latino immigrants wrongfully accused of being gang members.

Given the participation of the media as well as both historical contexts of racism against Mexicans and police brutality against people of color in California, the Sotero Vásquez case does not seem an anomaly during its period. As the investigation progressed, the Riverside deputies became increasingly inculpated given the different pieces of evidence that surfaced

day by day and examined later in this paper. The case was eventually settled outside of court. (Riverside County paid \$370,000 to each victim). Although the opportunity to use this evidence of coercion to set a legal precedent and to make visible the fallibility of the System was lost at the time of the case, it is never too late to examine some of the events that led to an exposure of the State's policy of violence against racialized and gendered individuals.

What is especially interesting about this case is the cultural connection, that is, the role of a cultural apparatus in exposing the State's brutality. While the televised exposure was "accidental," because it seems to have been an accident that the beating was videotaped, it did contribute, as in the Rodney King case, to an exposé of State coercion. This event was originally televised as one more high-speed chase that had become an important entertainment genre in 1990s Southern California. It was not expected that the truck had been packed with undocumented immigrants and that the chase would end the way it did. Another occurrence that appeared to be an accident was the fact that Marco DeGennaro, a California Highway Patrol (CHP) young officer who had joined the pursuit at the very end, had secretly audiotaped the event as a self-protection routine he regularly exercised. DeGennaro accidentally forgot to turn the device off and recorded racial slurs directed at the immigrants. It was not clear who uttered these slurs because other officers were involved in the chase. But the availability of this evidence enabled civil rights activists to charge law enforcement officials with racism.

DeGennaro's further description of the beating as a "whaling on" in the tape also helped the victims' case (Newton 1996). DeGennaro's phrase implies that extreme force was used on the victims, meaning that the deputies went beyond merely trying to arrest people actively resisting. With this phrase, DeGennaro admits to the excessive use of force and abuse of power by the deputies. Acknowledging the importance of this CHP officer for the case, Jim Newton

stated: “DeGennaro, who is considered potentially the most important witness in the case, told investigators from the Los Angeles County Sheriff’s Department and the FBI that he could see the hands of one suspect and did not perceive him as threatening” (1).

Given the generalized anti-immigrant sentiment at the time of the incident, one could perhaps speculate that if the media had known this high-speed chase was going to have the ending it did (with undocumented immigrants in the position of clear victims) it might not have focused on the beating. But car chase scenes and violence are so much a part of daily TV fare that the spectacle was deemed newsworthy and broadcast widely immediately. By giving *this* case great visibility, the media helped create a moment when containment broke down and the possibility of legal exposure emerged.

The State’s monopoly on power was also compromised by the mistakes and mishaps that occurred during the deputies’ first contact with Sotero Vásquez and Funes Flores. In the audiotape, the officers first address the victims in English, a language that neither one of them understands. In addition, when Sotero Vásquez is asked to provide her full name, she provides a pseudonym, calling herself Leticia González González. Louis Althusser’s theory of interpellation can help us to understand the implications of this crucial moment. For him the State’s power operates in two different ways, with the Repressive State Apparatus (read police, armed forces) and the Ideological State Apparatus (composed of smaller ideological apparatuses like the church, the media), working together to subject the individual under the “ideology of the current ruling class” (Althusser 1989, 74, 77, 81). Althusser explains the relationship of “individuals, who are always-already subjects” (Althusser 1989, 97) to the State through the metaphor of interpellation. He describes this concept as a “hailing, and which can be imagined along the lines of the most commonplace everyday police (or other)

hailing: ‘Hey you there’” (Althusser 1989, 96). It is critical that the subject recognize her/himself as the one being interpellated by someone who represents State power, and once this is done, s/he becomes subjected to that power. Althusser also states that “[e]very individual is called by his [sic] name, in the passive sense, it is never he [sic] who provides his [sic] own name” (1989, 98).

But in this case, Sotero Vásquez, after being hailed as an undocumented person, uses a pseudonym. Yet despite her action to name herself, the State still subjects her to its power through interpellation, because she is being hailed neither as an individual with a specific name nor as a woman, but instead as an undocumented immigrant. In choosing her last name she picks a common Spanish surname—González—and when panicked, repeats it. Sotero Vásquez stated: “I was so scared [after the capture] that I gave them a false name. I couldn’t think of another name except González so I said it twice” (Ramos 1996). This simple action produces an excess of “Mexicanness” or “Otherness” attached to her name. Given her status, Sotero Vásquez was terrified of the police officers who were white, male, armed, and spoke no Spanish. She stated: “I was too afraid to run away...[w]hen the truck stopped everyone was screaming ‘Run! Run!’ But I didn’t. I said to the officers, ‘Estoy aquí’ [I’m here]. I didn’t run...I didn’t do anything wrong. I merely came here to find work...they beat me. I thought they were going to kill me” (Ramos 1996). Sotero Vásquez, as a brown Mexican woman, was brutalized because her body represented that of a dangerous and unwanted Mexican criminal; the “other” who cannot be seen as a desired and needed worker or potential citizen.

In referencing the “othering” of Mexican immigrants, Haney López states:

[u]ndocumented people...are cast as a single, homogeneous,  
undeserving, uppercase OTHER bent on victimizing the variegated

but relatively defenseless and lowercase “we.” Not surprisingly, the less-restrained public campaign for Proposition 187 echoed and amplified these overtones of racial bias. In the public campaign the issue was not immigration, it was Mexicans. In television commercials linking his bid for reelection to support for S.O.S., California Governor Pete Wilson repeatedly ran prime-time images of people running in pandemonium through a Tijuana-San Diego border checkpoint, powerfully transforming the anti-immigrant initiative into an anti-Mexican campaign. (Haney López 1996, 142–43)

The “we” versus “them” mentality creates false differences between the two groups that amount to racist distinctions. In the preceding quote, Haney López notes that members of a hegemonic racist society go to the extent of feeling victimized by the racialized group, criminalizing them, even when members of the latter are precisely the victimized.

But this victimization by officers of the State is hardly ever visible to the general public unless cameras record the incidents. Given the media’s function within global capitalism to sell commodities and attract viewers (especially through televised car chases and cop shows that highlight the criminalization of ethnic minorities) some television stations have allowed space for making the State’s violence evident. In *Discipline and Punishment* (1995) Michel Foucault discusses the movement from “public punishment” before the eighteenth century to the role of “discipline” in modern society. He acknowledges that for punishment to be effective it must remain hidden in private. He states that “at the beginning of the nineteenth century...the great spectacle of physical punishment disappeared; the tortured body was avoided; the theatrical representation of pain was excluded from punishment. The age of sobriety in punishment had begun” (Foucault 1995, 14). He adds that punishment, then, will tend to become the most hidden part of the penal process (Foucault 1995,

9). In order to sustain the United States' self-image as a highly modernized and humane society this public brutal enactment of public punishment should have never been allowed (or at least, should never have been televised). I do not mean to argue that public punishment is somehow not effective but rather that the capitalist system is best able to reproduce itself when coercion is not visible to the majority of the Nation State's members. Clearly the assailants were feeling "all powerful" over the undocumented immigrants and made the decision to take the law, through physical punishment, into their own hands.

Rather than analyzing the role of the deputies in State coercion, critics prefer to lay the blame on the "bad apples" within the policing unit. The problem, then, is one of incompetent officers who disobeyed orders and decided to punish the victims for ignoring the power that the State had invested in them. In wanting to punish, rather than merely arrest the victims, the officers clearly intended to act hidden from view (Newton 1996). Once the general public becomes aware of a situation like this, however, the State is able to appropriate the information and give it its own spin or interpretation.

This reconsideration of the event was enacted in several ways, as when those representing State authorities denounced the situation as "abnormal." In this case, the Riverside chief of police publicly claimed the offending officers superb and trustworthy enforcers of the law. In other words, their violence was an aberration. However, members of the Chicana/o and Mexican communities of Riverside who were interviewed regarding Deputy Watson and Deputy Franklin, stated that the officers "had a reputation in the largely Latino neighborhood...as 'heavy-handed' officers...[Franklin] is known for roughing up Mexican Americans and harassing the hell out of them" (Goldman, Malnic, and Weinstein 1995). During this time of public embarrassment for the State of California, as well as for the entire nation, both Pete Wilson and President Clinton addressed the

United States, Mexico (specifically), and the world, stating that this was definitely an “out-of-the-ordinary” case (Goldman, Malnic, and Weinstein 1995). The extraordinary nature of the case, as stressed by the politicians, is an old tactic used by the hegemonic system to reject its responsibility for its overall racism by placing the blame on particular individuals. As Alan David Freeman states:

The perpetrator perspective presupposes a world composed of atomistic individuals whose actions are outside of and apart from the social fabric and without historical continuity. From this perspective, *the law views racial discrimination not as a social phenomenon but merely as the misguided conduct of particular actors*. It is a world in which, but for the conduct of these misguided ones, the system of equality of opportunity would work to provide a distribution of the good things in life without racial disparities, and a world in which deprivations that did correlate with race would be “deserved” by those deprived on grounds of insufficient “merit.” (1995, 30, emphasis added)

That is to say, these high-ranking officials sought to reinstate the image of the United States as a benevolent nation willing to “accept” all immigrants, as long as they enter the country legally, by stating that the conduct of the deputies was unusual not only for the Riverside Police Department, but for the nation as a whole.

At the beginning of the case, not only were the culprits not punished for their crimes, but also they were supported in their actions by some anti-immigrant groups who found that the officers were the ones being “victimized” and stated that the “illegals” did not deserve any protection under the same law that they had decided to break in the first place. In regard to this unquestioned belief in the system of law, Crenshaw states the following:



*Law is an essential feature in the illusion of necessity because it embodies and reinforces ideological assumptions about human relations which people accept as natural or even immutable.* By accepting the bounds of law and ordering their lives according to its categories and relations, people think that they are confirming reality—the way things must be. Yet by accepting the worldview implicit in law, people are also bound by its conceptual limitations. Thus, conflict and antagonism are contained: the legitimacy of the entire order is never seriously questioned.  
(Crenshaw 1995, 108–109, emphasis added)

In asking the undocumented workers to obey the established laws, the anti-immigrant group members fail to question the law itself. They respect the legal system and no matter what blame the victims instead of faulting the economic system that provides the situation for the laws to be broken.

The anti-immigrant group argued that given the “illegal” status of the undocumented workers, they deserved absolutely no protection from the law once inside this country. But this is contradicted by the law itself. The 1886 Supreme Court decision in *Yick Wo v. Hopkins* stated that “[t]he Fourteenth Amendment’s protection extended to all persons within U.S. jurisdiction regardless of nationality, national origin or race” (“One Set of Rights for All in the U.S.” 1996). This court decision served as the basis of *Plyer v. Doe* in 1982 (the case more closely related to Sotero Vásquez’s) which states that “persons in the United States even without proof of citizenship are entitled to equal protection under the laws” (“One Set of Rights for All in the U.S.” 1996). These past court cases established precedent for arguing that undocumented immigrants, like Sotero Vásquez and Funes Flores, should be fully protected under the law while going through the process of the case. This information was ignored by the reactionary, anti-immigrant groups because to them, these “illegals” only enter the United States to take advantage of the benefits that the system has to offer.

It is easier to blame the victim instead of placing the responsibility for the abuses where it belongs: first, with the U.S. law enforcement system and the legal justice system that preach one thing but perform another; and second, with employers who seek and invite undocumented cheap labor, especially provided by women. Elvia Arriola argues that these employers should be the ones held responsible for hiring undocumented labor:

[i]t may appear legal...to enforce the law, not on the employers, but rather to focus on the workers. In fact, rarely does an account of a typical INS raid reveal the names of the employers who have been caught violating the Immigration and Naturalization Control Act's prohibition against hiring a worker without proof of citizenship or legal residence. (1998, 233)

Mary Romero states that the cheap labor of women is sought particularly by service industries such as “waitresses, laundresses, janitors, farmworkers, nurses’ aides, fast-food servers, cooks, dishwashers, receptionists, school aides, cashiers, babysitters...” (1992, 11). Many of them work as maids and caretakers where they are regularly overworked and exploited (Romero 1992, 6). In addition, immigrant women are caught in a system that depends upon a gender stereotype of passivity, fear, efficiency, and loyalty. Mexican women and Latinas in general are considered hard workers who do an excellent job as domestic laborers and child care-givers even when this means that their own children and homes are neglected (Romero 1992; Chávez 1991). Another component of immigrant women’s labor is that because it is cheap and exploited it allows other middle-class women, especially white women, to work outside the home (Romero 1992).

But the need and benefits of cheap labor are rarely analyzed or even mentioned when a case such as Sotero Vásquez’s becomes part of the public discussion.

It is not to the advantage of the system in the United States—that is, one of capitalist relations of production—to completely stop undocumented immigration. The regular coercion of immigrant workers, however, guarantees a frightened and desperate labor pool, one of people willing to toil for inhumanly low wages and more willing to settle for poor working conditions. Coercion, thus, is an extremely effective tool of the U.S. capitalist nation state. It has been discussed before, in works by historians such as David Gutiérrez (1995) and George Sánchez (1993), that on the one hand the system pretends to put higher physical and juridical barriers to undocumented immigration, but on the other (in compliance with the capitalist businesses that constantly lobby in politicians' offices) state and federal governments allow this to happen through the "back door." California Senator Tom Hayden aptly observed that "[a]s long as our California economy is built on sweatshop labor and the exploitation of farm labor in the field, we will continue to see the kind of human desperation that makes people leave their homelands and risk their lives to work for little pay and less dignity in America" (Slater 1996).

### **Conclusion**

Although this case ultimately failed to create conditions for change in the law regarding the treatment of undocumented immigrants by law enforcement officers, it is nevertheless a critical one to analyze in order to understand the different mechanisms that can serve to provide a criticism of the system in regards to U.S. immigration policies. Moreover, in the public imaginary this case will remain as an exceptional one because thanks to the intervention of the mass media it became visible and because it was also decided in Sotero Vázquez's and Funes Flores's favor. We should note as well that although the case was not necessarily taken to the U.S. Supreme Court, it did establish an instance in which the "State," through Riverside County was forced to "pay" for the mistreatment of these undocumented immigrants. The thought of the

poor Mexican undocumented workers, who came here to work for miserable wages, going back to Mexico with hundreds of thousands of dollars, seems to be a small consolation. Nevertheless, the physical violence inflicted on their bodies will never be forgotten by the immigrants themselves or by those who sympathetically watched the news on television that first day of April 1996. It is also important to highlight the courage on behalf of Sotero Vásquez and Funes Flores who decided to file this legal case in a foreign country and under the same system of law that dehumanized them. After the settlement Sotero Vásquez said: “I am pleased that this long ordeal is over, and I hope that no other individual, citizen or non-citizen, will ever have to endure the brutality and indignity that I suffered” (ACLU website, 20 June 1997).

Ingrained systemic racism and xenophobia are prevalent at all levels of U.S. society (Crenshaw et al. 1995). In the case analyzed here they materialized in the violence inflicted by members of law enforcement—sheriff’s deputies—who brutalized undocumented immigrants workers primarily because they were Mexican and poor. But as long as the United States continues to need and abuse cheap labor—both within and outside its borders, large-scale undocumented immigration will continue to be allowed and at the same time repudiated. Let’s not forget that the situation of poverty in which Sotero Vásquez found herself in her home state of Michoacán was created in part by the maquiladora worker program that eventually pushed her to risk her life as an undocumented worker in this country. Had she succeeded in her attempt, more than likely Sotero Vásquez would have found a job in the service industry or the agricultural fields in California where she would have continued to be exploited and terrorized because of her status as a poor, Mexican, undocumented woman in the United States.

## Notes

<sup>1</sup> The literature on this program is quite extensive and I will only suggest a few works such as Rodolfo Acuña (1972) *Occupied America*, Kitty Calavita (1992) *Inside the State*, and David Gutiérrez (1995) *Walls and Mirrors*.

<sup>2</sup> This case gained a lot of popularity but it wasn't until the end of the 1990s that it was used in a Chicana performance art piece by the artist and activist María Elena Gaitán in her work "The Adventures of Connie Chancla." Gaitán shows an altered version of the video in slow motion while she performs a song in the style of *son jarocho* entitled "El perro/The dog" on her cello. This part of Gaitán's performance clearly points to the violence and dehumanization inflicted on Mexican workers in this country.

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