

Counterdocuments

Undocumented Youth Activists, Documentary Media, and the Politics of Visibility

REBECCA M. SCHREIBER

In the 2010s, undocumented youth activists have forged a politics premised on reconfiguring self-representation and visibility.¹ During a time in which they began to lead their own organizations and focus on mobilizing other undocumented youth, these activists also used documentary forms to represent themselves in ways that defied the machinations of the U.S. state. They have employed strategies of *countervisibility*, which protects undocumented migrants against state violence, and produced what I term *counterdocuments*. Counterdocumentation is a deliberately oppositional image practice that references the truth claims of traditional documentary film and video in order to provide evidence that challenges official forms of documentation and the state's ability to determine the parameters of political inclusion.²

This essay focuses on videos produced by activists involved in the National Immigration Youth Association (NIYA), created before they performed acts of civil disobedience in which they risked being arrested, detained, and deported, as well as during the infiltration of an immigration detention center in 2011. These videos served as a means for undocumented youth activists to frame their depictions and to present public political claims. In order to make these ephemeral actions public, activists distributed their videos through various online media platforms, including activist websites, YouTube, and blogs. These activists' distribution and circulation of documentary realist forms through digital and social media was linked to their emphasis on political mobilization.³ Yates McKee and Meg McLagan contend that "political acts are encoded in medial forms . . . by which the political becomes manifest in the world," and thus "modes of circulation and making public are forms of political action."⁴ In analyzing videos produced by undocumented youth activists before and during their political actions, I study how they have circulated through digital and social media as counterdocuments and were a key part of these activists' political

project: reaching other undocumented young people who can be engaged by these politics and further mobilized.

I understand documentation both as an aesthetic practice based in the visual conventions of social realism and as an administrative practice for producing and policing boundaries of inclusion and exclusion within the nation-state. Referring to these activists' videos as counterdocuments is a means to suggest a deliberate connection to other modes of documentary practice, and I argue that the video excerpts that circulated in social media contexts have analogous functions to elements of traditional documentary film, such as testimony or *vérité*-style sequences.

Undocumented youth activists used documentary media to contest the limitations of prosecutorial discretion announced by the Obama administration in August 2011 as "guidelines" that were not legally binding, as well as to expose state agents' disregard of eligibility criteria.⁵ While this administration held up prosecutorial discretion as positive, as something that would be given to those who were "deserving" of it, discretion can reinscribe the authority of the state to evaluate undocumented migrants involved in removal proceedings on a case-by-case basis. Seen in this light, discretion is an administrative technology of individuated subjection, which is also based on the exclusion of those who are deemed to be "undeserving."⁶ Thus, the politics of visibility for these activists is at once similar to the traditional reformist ethos of documentary "making public" and put in the service of more far-reaching agendas that challenge the meaning of political inclusion.

Since 2010, undocumented youth activists have produced and circulated documentary media as part of a strategy to publicize their political actions. The videos that undocumented youth activists produced before and during these actions developed out of a more confrontational approach to organizing that they took up in response to the limits of the Development, Relief, and Education for Alien Minors Act (DREAM) Act.⁷ Their tactics were a reaction to the ways in which U.S. government agencies, including Immigration and Customs Enforcement (ICE), an arm of the Department of Homeland Security (DHS), have deported or threatened to deport undocumented migrants from the United States. These activists' use of documentary media was thus specific to the context of state and federal immigration policies that could render visibility a form of surveillance linked to detention and deportation. Their strategies emerged in response to the Obama administration's policies toward undocumented migrants, which, in contrast to the Bush administration's emphasis on producing spectacles

of migrant apprehension, aimed to conceal or minimize publicity around its policing of undocumented migrants. Undocumented youth activists made themselves and their actions public and visible to counter this concealment and mobilized through the circulation of counterdocuments that radiated outward to audiences via digital and social media. Undocumented youth activists publicized their political actions in order to draw attention to the effects of these laws on undocumented migrants and to mobilize supporters. At the same time, they inverted the visual terms of surveillance to shield themselves from possible detention and deportation.⁸

I consider two examples of the ways in which undocumented youth activists have used counterdocuments as part of their broader political strategies. Both are drawn from the work of NIYA, which was formed in 2011 by undocumented youth activists interested in deploying confrontational tactics.⁹ Activists in NIYA produced documentary videos, including personal narratives, previous to their actions in part because by protesting and taking part in acts of civil disobedience they risked not only arrest but also detention and deportation, and their videos could be used as part of campaigns to take them out of deportation proceedings. The first set of videos examined here consists of undocumented youth activists videotaping themselves previous to their arrests for participation in a civil disobedience action in North Carolina. While these activists produced the videos as a means of protection in case they were put into deportation proceedings, they also contested the limits of discretion. The second video was recorded by an undocumented youth activist as he was being arrested by Border Patrol agents in Alabama as part of his attempt to infiltrate an immigration detention center. It functioned as a form of evidence that documented how state agents were not using discretion when they encountered undocumented migrants. These videos, which were uploaded onto activist websites, in addition to YouTube and various blogs, have been used to publicize the actions and arrests of undocumented youth and to mobilize others in support of specific political issues and campaigns to release these activists. In both examples, activists used documentary media as a form of protection to counter policing and the state's surveillance of undocumented migrants.

The activists' videos draw upon elements of traditional documentary film and involve performances on the part of the activists who produced them. In creating videos before and during direct actions, undocumented youth activists represent themselves in ways that are deliberately oppositional. Their performances are thus quite distinct from the migrant

melodramas that Ana Elena Puga argues are a growing subgenre within a variety of media, including documentary film. She argues that these migrant melodramas, “while sympathetic to migrants, stage suffering so as to create the illusion that the undocumented must naturally, inevitably, necessarily endure physical and psychological pain.”¹⁰ Countering this approach, Martin, an undocumented youth activist who took part in an action in North Carolina, was quoted in a press release as saying that he chose “not to present another emotional testimony” or to “ask for sympathy”; instead, he asserted, “We ask for justice. Mere justice!”¹¹ In this context, Martin’s statement functions as a form of disruption in that he refuses to take part in what Puga refers to as “the political economy of suffering,” which involves an “exchange of affect—migrant suffering for spectator empathy.”¹² As counterdocuments, the videos were created primarily to organize and mobilize other undocumented migrants, and they circulate on the Internet as a means of encouraging the mobilization of other undocumented youth. Counterdocuments, in this sense, strategically protect, confront, and mobilize.

COUNTERDOCUMENTS AS CHALLENGES TO THE LIMITS OF DISCRETION

In September 2011, to prepare for a protest of the discriminatory policies toward undocumented students at Central Piedmont Community College, NIYA activists Marco and Mohammad traveled to Charlotte, North Carolina, to coordinate the action with Viridiana, the cofounder of the North Carolina DREAM Team. The event took place in Charlotte because the Democratic National Convention would meet there in 2012, and the protest was directed toward the Obama administration and the Democratic leadership in Congress. Since Charlotte was located in a 287(g) county, undocumented youth risked arrest, detention, and deportation.¹³ Assuming that they would be arrested, undocumented activists in North Carolina made video recordings of themselves before the civil disobedience action, which took place on 6 September 2011.¹⁴ They had learned that by declaring their immigration status and publicizing their actions, they could evade detention and deportation. Mohammad, an activist affiliated with Dream-Activist.org, explained, “The more public we are with our stories, the safer we are.”¹⁵ These activists believed that declaring their undocumented status could serve as a form of protection for those who wanted to participate in direct actions.

During the protest, a group of activists declared that they were undocumented; they spoke about discriminatory policies toward undocumented students at Central Piedmont Community College; and they explained the effects of the federal government's programs—such as Secure Communities (S-Comm) and 287(g)—on undocumented migrants in North Carolina.¹⁶ Following the rally, activists staged a civil disobedience action at an intersection near the college. Ten activists were arrested.¹⁷ While these activists were in jail, ICE put holds on them, thus initiating their transfer to an immigration detention center in Georgia. In the end, however, not one of the undocumented youth was detained. The activists attributed this decision to the “bad publicity” their detention would have generated for the Obama administration.¹⁸

This action by undocumented youth activists tested the Obama administration's announcement on 18 August 2011 that ICE was eliminating “low priority” cases in order to focus on deporting undocumented migrants convicted of serious crimes.¹⁹ Young undocumented migrants, many of who came to the United States as children, appeared to be among those who would benefit from this change. Some politicians and migrant rights activists applauded this announcement, but these were not the changes that many undocumented youth and migrant activists had been advocating for—such as stopping any action against undocumented migrants, including those *not* currently facing deportation. Nor did Obama's announcement have any effect on federal policies and programs, such as 287(g) or S-Comm, through which ICE agents continued to arrest, detain, and deport undocumented migrants. Instead of changing immigration laws, the Obama administration attempted to make the current laws less harsh through prosecutorial discretion, which would delay the deportations of young undocumented migrants but would not grant them permanent residency status.²⁰ The administration was trying to deflect criticism by attempting to make immigration laws more palatable.

NIYA activists wrote a press release in advance of their action in North Carolina in which they critiqued the limits of discretion, arguing that the Obama administration was using it to pacify undocumented youth.²¹ In their press release, NIYA activists criticized how discretion involves working within the constraints of the current political context to restrict or partially undo current immigration laws. However, this approach does not account for the shifting ground of immigration policies, which would also change again with a new administration. These activists also questioned

the force of discretion within the broader context of punitive U.S. immigration policies.

The significance of the press release emerged in a context in which undocumented youth whom ICE had placed in deportation proceedings were advised by activists involved in the Education Not Deportation (END) campaign to create videos as part of public campaigns to both draw in and mobilize a broader public that could put pressure on ICE to stop their deportation.²² Because the joint task force overseeing the review of removal cases considered factors such as the pursuit of education, circumstances of arrival, and length of presence in the United States, some elements of an undocumented youth's story were deemed to be very significant in cases of discretion. As a result, the END campaign encouraged undocumented youth to share information such as their names, ages, places of residence, educational histories, community activities, and immigration statuses in their videos. The main targets of these public campaigns included John Morton, director of DHS and ICE, as well as politicians from an individual's state or district.

However, there were limitations to the approaches recommended by activists involved with the END campaign. In order to convince both potential supporters and ICE to use discretion in a certain case, for example, *Education Not Deportation: A Guide for Undocumented Youth in Removal Proceedings* suggested that undocumented youth represent themselves in ways that would make their cases "compelling and worthy of discretion."²³ But this approach had repercussions, as has been noted more recently by activist Tania Unzueta Carrasco.²⁴ According to Unzueta Carrasco, who helped develop the guide, activists were attempting to "challenge the label of 'criminality' as a qualifier for deportability" by "emphasizing other hegemonic characteristics."²⁵ Directing undocumented youth to highlight their own "worthiness" implicitly diminished that of others who had not attained this kind of "success," which reaffirmed the prerogative of the state to determine worthiness and supported the presumption that most are less worthy or unworthy of discretion. Producing this kind of public narrative could thus be risky for undocumented migrants.

In addition to advising undocumented youth to create scripts that emphasized elements of their lives fitting the terms of discretion, the *Education Not Deportation* guide also directed them to represent themselves in specific ways. The strategies put forth by the authors of the guide instructed those in removal proceedings to appeal to a broad audience by attempting

to mobilize feelings of identification. Undocumented youth were informed that they should speak about elements of their personal lives and include photographs of themselves within the videos, which would encourage viewers to empathize with them.²⁶ In addition to “making a personal connection,” they were to perform the telling of their story.²⁷ Although the instructions for the video component appear to be simple, including the writing and recording of a public narrative, the guide’s authors advise that the stories should appear “natural,” and thus individuals should avoid reading these narratives in front of the camera. This approach was intended to produce a “real” aesthetic, although it is important to note that the appearance of “naturalness” involved a carefully rehearsed narrative.

The END campaign’s focus on undocumented youth creating videos to prevent their deportation emphasized an appeal for inclusion within the nation, which differed from the counterdocuments produced by activists in North Carolina that drew upon the aesthetic elements of these videos and yet also challenged their approach.²⁸ Similar to the videos produced as part of the END campaign, these counterdocuments included first-person narratives in which undocumented youth spoke directly to the camera. Each of the videos, which featured a single person, was closely cropped and shot in a simple, straightforward way. Although the aesthetics of these videos are similar, these activists in North Carolina specifically aimed to repurpose these conventional forms to challenge the terms of discretion. Some of the distinctions in the approach to these videos have to do with their different purposes, as well as with the audiences to whom they were addressed. Undocumented youth were already involved in deportation proceedings when they created their videos based on the instructions in the *Education Not Deportation* guide, whereas the activists in North Carolina produced their videos as they were preparing for a direct action, which put them at risk for arrest and possibly deportation. While the guide suggested that videos be directed to Morton and others, those produced by activists in North Carolina were addressed to at least three different audiences, including government agents reviewing cases for discretion, family members, and other undocumented youth.

The distinction between using personal narrative as a case for inclusion in the nation-state and as a means of fundamentally challenging the terms of political inclusion is evident in the videos produced by undocumented youth activists in North Carolina. Although these undocumented youth activists included information about themselves in their videos that was needed to be considered for discretion, they often represented themselves

in ways that failed to conform to normative characteristics, such as how the “DREAMer” had been scripted by mainstream immigrant organizations.²⁹

The videos made by these activists prior to their arrests served at least two purposes. Some activists recorded these videos as a precaution, in case they were put in deportation proceedings.³⁰ These videos could then be used as part of antideportation campaigns and included all the information necessary for an individual to be considered for discretion, including the activist’s name, age, educational history, and how they came to the United States. These videos were also produced in order to mobilize other undocumented youth to become involved in the struggle against restrictive anti-immigrant laws. As opposed to gaining the support of politicians and leaving the repressive structure of immigration laws in place, these activists directly challenged the laws in their videos by referring to the effects of racism and discrimination against people of color in the United States, which have included racial profiling of Latina/o immigrants, while referencing their own privilege, especially in relation to their parents. The aesthetics of the videos produced by the END campaign and of those produced by activists in North Carolina are similar, conveying direct address and emphasizing a lack of televisual mediation. However, the former is an appeal to the state on its own terms, while the latter challenges these terms as a counterdocument.

In their videos, undocumented youth activists challenged how U.S. immigration law criminalizes undocumented migrants—including their parents—while also critiquing the limits of discretion. The videos produced by the activists in North Carolina included elements of their life stories, including the fact that they were undocumented. They also presented a counternarrative to how the U.S. state deemed their parents—as undocumented migrants—to be deportable. By getting arrested, these activists were testing the Obama administration’s policy on discretion, as well as contesting how this policy made some groups eligible for discretion but not others. Unlike the videos featured in the *Education Not Deportation* guide, these activists did not create “compelling” personal narratives to represent themselves as “worthy of discretion.” Instead, their videos challenged how politicians and state agents treat undocumented migrants. For example, Angelica stated in her video that she was tired of all the politicians’ lies and the ways that local officials treated undocumented migrants as criminals (fig. 8.1).³¹ Other activists’ videos portrayed how undocumented youth activists contested U.S. immigration policy on behalf of their parents. In Santiago’s video, he noted that he was “standing up to power,” with the

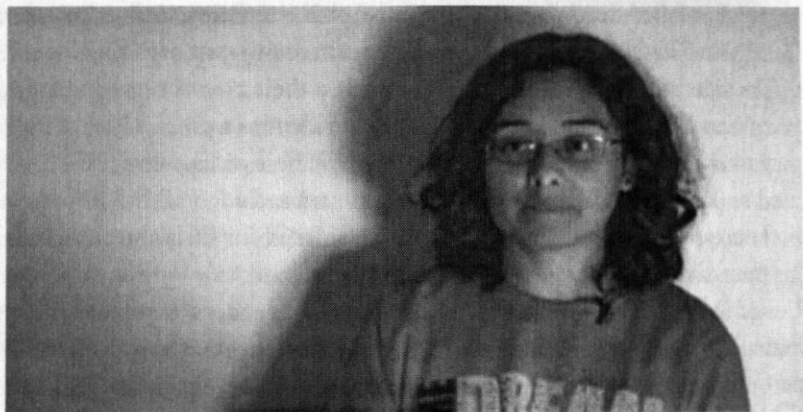


FIGURE 8.1 Screen shot from undocumented youth Angelica's video. Screen capture from digital video.

hope that his parents could also do so someday without the risk of deportation.³² In their videos, these activists represented their parents in ways that challenged U.S. immigration policies. As opposed to referring to their parents' actions as "illegal" (due to the way in which they crossed the U.S.-Mexico boundary), they instead stated that their parents were brave to travel to the United States to improve families' lives. Instead of participating in the criminalization of their parents, these activists chided politicians for failing to act on behalf of undocumented migrants.³³

Rather than appealing to the U.S. nation-state for inclusion, the undocumented youth videos were a means to motivate other young migrants to join their cause. In their videos, the activists represented themselves as models whom other undocumented youth could follow to effect real political change.³⁴ For example, Santiago stated, "[We should not] assimilate to a system that oppresses us and try to belong to that system" and "We need to challenge that system and create a real movement, a movement where we are fighting for human rights for all."³⁵ Martin also spoke directly to undocumented youth, encouraging them to mobilize on their own behalf: "It's time to step up and do something—we will no longer be placed on hold." Further, he stated, "Doing nothing—waiting to get deported—is a horrible idea. You have to do something about what's going on. No one is going to take care of our issues—we have to take responsibility now to do something about this injustice. So get involved—do something now—there's no time to wait."³⁶ In creating these counterdocuments, undocumented youth activists challenged the perception that some migrants are not considered

to be “deserving” of discretion. They also encouraged undocumented youth to become active in protesting anti-immigrant laws.

Moreover, these videos convey a specific, strategic visibility. After the videos were produced, they were uploaded onto activist websites, as well as onto social networking sites such as Facebook, YouTube, and blogs.³⁷ McLagan and other scholars argue that digital and social media have shaped how social movements have publicized their campaigns in recent years. Like undocumented youth activists, the human rights activists about whom McLagan writes have also produced “a new kind of media activism” that “not only makes sophisticated and innovative use of techniques of celebrity and publicity through a wide range of forms . . . but that also involves the creation of new organizational structures that provide a kind of scaffolding for the production and distribution of these media.”³⁸ Activists’ distribution of these counterdocuments did a certain kind of political work, challenging hierarchies established by the U.S. state and reaffirmed by mainstream immigrant rights groups in efforts to get immigration legislation passed and protecting and mobilizing other undocumented migrants.

In the context of undocumented youth activists’ online presence, their websites, such as one developed by the undocumented-led online organization DreamActivist.org, function as “portals into activism.”³⁹ Following the arrest of the undocumented youth activists in North Carolina, Dream Activist.org circulated a petition to President Obama and Janet Napolitano, the secretary of the Department of Homeland Security, to end 287(g) and S-Comm. The authors of this petition noted the contradiction between Obama’s August 2011 announcement and the fact that the activists arrested were “put on the fast track to immigration detention.”⁴⁰ The actions of these undocumented activists highlighted federal laws and policies that continued to place undocumented migrants in detention and deportation proceedings. Their videos also addressed a core constituency of supporters and claimed a digital space for challenging U.S. immigration policy.

In their videos, youth activists in North Carolina represented themselves as disruptive, since they refused to abide by the constraints of discretion. While undocumented youth had focused on lobbying politicians to support the DREAM Act from the early 2000s through 2010, in these videos activists also directed themselves toward other undocumented youth in order to enlist them to act on behalf of all undocumented migrants. Although the END campaign advised activists to represent themselves within the terms of discretion, many refused to abide by these limitations. Through their public actions and their videos, these activists mobilized other undocumented

migrants to challenge punitive U.S. immigration laws and policies—such as 287(g) and S-Comm—that have contributed to the increased number of undocumented migrants who have been detained in or deported from the United States.

COUNTERDOCUMENTS AS FORMS OF COUNTERSURVEILLANCE

Soon after the action in North Carolina, NIYA activists escalated their political strategies beyond acts of civil disobedience. The activists arrested in North Carolina were not transferred to an immigrant detention center, yet most undocumented migrants with ICE holds who were in the jail at that time were taken to the Stewart Detention Center in Georgia. By conversing with “low priority” undocumented migrants in the jail, NIYA activists developed a new strategy to infiltrate immigration detention centers to inform undocumented migrants of their rights, as well as to gather information to help release those detained.⁴¹ The production of counterdocuments was central to this strategy. These activists wanted to demonstrate that when the media were not present, “low priority” undocumented migrants were being arrested, put in detention centers, and then funneled into deportation proceedings.

The activists focused on the inconsistencies in the implementation of the guidelines for discretion. This type of action could be performed only by undocumented migrants. As Marco wrote, “We the undocumented . . . have become in effect perfect soldiers to tackle the architects and structures of our detention.”⁴² While Marco was noting that undocumented migrants could get into detention centers as part of efforts to release those who were detained, Mohammad stated that NIYA members should also use their undocumented status to “flip the power of those who think they are in charge.”⁴³ Government agents believed they had the upper hand, but Mohammad’s comment demonstrated that the activists could use their undocumented status to infiltrate detention centers in order to illustrate the inconsistencies between who was being detained and deported and who was not and how this information was being “officially” reported by the Obama administration.⁴⁴ These actions relate to what Jonathan Xavier Inda and Julie A. Dowling refer to as “migrant counter-conducts,” which are “acts or forms of comportment that contest the criminalization and exclusion of undocumented immigrants.”⁴⁵ Furthermore, activists’ use of everyday technologies such as cell phone cameras and social media—to engage in forms of countersurveillance against state agents—shows how “tra-

ditional hierarchies of visibility are being undermined [and] reconfigured,” as Kevin Haggerty has described.⁴⁶

The first activists to document the inconsistencies in the enforcement of the guidelines for prosecutorial discretion were Jonathan and Isaac. These two activists were arrested in November 2011 at a Border Patrol office in Mobile, Alabama, and detained at the South Louisiana Correctional Center in Basile. At the time, Jonathan and Isaac were members of the San Gabriel Dream Team, and they traveled from Southern California to Alabama to join activists protesting HB 56, the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. Activists organized rallies and actions in Montgomery to protest the measure, which was based on Arizona Senate Bill 1070 and criminalizes undocumented migrants, prompting many to leave the state. What differentiated the actions in Alabama from those previously organized by undocumented youth activists was that they engaged in civil disobedience along with their parents or with activists of their parents’ generation.⁴⁷ All the undocumented migrant activists who were involved in civil disobedience in Alabama were arrested. Yet due to the publicity around these actions, everyone—including the adults—was released, avoiding detention centers or deportation proceedings.

The activists’ strategy to infiltrate and organize within immigration detention centers was part of a broader campaign to highlight how federal and state agents were not consistently abiding by the terms of prosecutorial discretion, as they continued to arrest, detain, and deport undocumented migrants who were considered “low priority.” The jail-to-detention-center pipeline was enabled by ICE’s S-Comm program, which connected local police to federal immigration authorities through the use of integrated databases that use biometric technologies—including fingerprinting—to determine the immigration status of arrested individuals.⁴⁸ The S-Comm program provided the infrastructure for taking an undocumented migrant who had committed a minor crime—such as a traffic violation—to a detention center or deportation proceedings. As part of the campaign against the S-Comm program, undocumented youth activists held civil disobedience actions at ICE offices nationwide. For example, Jonathan and Isaac participated in a civil disobedience action against ICE in Los Angeles in October 2011, during which young activists blocked a van full of undocumented migrants who were about to get deported.⁴⁹ Undocumented youth also took part in and recorded an act of civil disobedience at one of the ICE offices located next to the immigration detention center, which was recorded on the camera of a cell phone and circulated on the Internet.⁵⁰ By

holding a civil disobedience action in front of a van of undocumented migrants who were about to be deported and in the middle of an ICE office, undocumented youth activists attempted to disrupt the “processing” of undocumented migrants by the ICE “machine.” Their actions included recording the activities of government agents, which were largely unseen by the broader public, and exposing the processes by which ICE detained undocumented migrants and then systematically deported them. The activists’ use of documentary media functioned as a tactical weapon.

While some undocumented youth activists adopted strategies of counter-visibility that protected them from detention and deportation, Jonathan and Isaac also engaged in countersurveillance, as they attempted to infiltrate an immigration detention center. To document what federal agencies were doing behind closed doors—making visible what the state wanted to keep invisible—they performed as “ordinary” undocumented migrants so that their actions did not receive the attention of the news media. Jonathan and Isaac described this infiltration as a “silent action” in which they declared their immigration status before federal immigration agents without the presence of the media.⁵¹ The strategies of these activists—including the “silent action”—developed in response to the Obama administration’s predilection for “silent raids” and its more veiled approach to detention and deportation, which stood in contrast to the spectacle associated with ICE workplace raids during the Bush administration.

During their action, Jonathan was the first to enter the office, and he used the video camera on his cell phone to live-stream his interaction with the Border Patrol.⁵² He put his cell phone in a jacket pocket with the camera lens directed at the Border Patrol personnel. After entering the office, he speaks to a receptionist, acting as if he is lost. In watching the video, viewers see the Border Patrol staff, but they only hear Jonathan. The camera is shaky, and the aesthetics resemble that of *cinéma vérité*, making the video appear similar to a journalistic exposé. During his interactions with the Border Patrol agents, he questions what they are doing. When the agents explain they are “enforcing immigration law,” Jonathan accuses them of deporting people, noting as well that he is “undocumented,” a term they do not understand. (Jonathan then translates the term, stating that he is “illegal.”) He continues to film the Border Patrol agents as they ask him questions regarding his entry into the United States. Within a short time after his arrival at the Border Patrol office, the agents decide that Jonathan—considered “low priority” by the terms of prosecutorial discretion—will

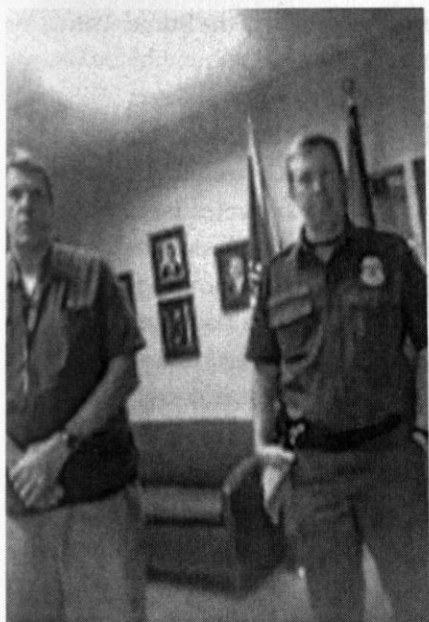


FIGURE 8.2 Screen shot from “Undocumented Youth vs. Border Patrol Round 1—Mobile, Alabama,” filmed by Jonathan while he was being questioned in a Border Patrol office in Mobile in November 2011. Screen capture from digital video.

be moved to a detention center. The documentary video exposes how state agents failed to follow the guidelines for discretion.

Jonathan used his cell phone camera as part of a strategy of counter-surveillance: “We knew people like us were being deported and we wanted to create a scenario where that could be seen in the public sphere.”⁵³ As such, he documented what happened in the absence of publicity around the case of a “low priority” undocumented migrant. Consequently, Jonathan provided evidence that undocumented migrants—like himself—who met the terms of discretion were being detained. The video highlights the state agents’ lack of discretion in their “processing” of undocumented migrants, and it documents this not-so-silent action, as Jonathan’s words were heard during the live stream. Jonathan’s interaction with Border Patrol agents was posted on YouTube, under the title “Undocumented Youth vs. Border Patrol Round 1—Mobile, Alabama,” while he and Isaac were still being held at the detention center in Louisiana (fig. 8.2).⁵⁴ Although this action involved countersurveillance, the video also created a counternarrative to the story provided by the Obama administration: that state agents were using discretion.⁵⁵ The video served as a counterdocument, circulating Jonathan’s interaction with state agents, revealing the limits of the Obama administration’s policies around discretion, and demonstrating the ways

in which he and Isaac directly challenged the work of the Border Patrol, the DHS, ICE, and the Obama administration.

One of the main strategies of undocumented youth activists in the early 2010s was to publicize their actions through digital and social media in order to bring attention to how U.S. immigration policies was affecting undocumented migrants, which also served as a form of protection against their detention and deportation. These strategies were a response to the Obama administration's minimizing of publicity around its policing of undocumented youth migrants. However, Jonathan's video also reveals the limitations of representing state agents from the perspective of undocumented migrants. After a few minutes of filming the Border Patrol with a cell phone camera, he was arrested by the Border Patrol agents, limiting his ability to document what they were doing after their initial interaction.

The video "Undocumented Youth vs. Border Patrol Round 1" and those produced by activists in North Carolina served as counterdocuments that represented the ways in which undocumented youth activists challenged state and federal immigration laws and policies, mobilized in support of undocumented migrants, and protected those who took part in actions from being detained or deported. The undocumented youth activists involved in these actions contested both state policies and their implementation and configured their self-representations in ways that were oppositional. Further, by disseminating their videos through digital and social media, these activists were able to mobilize other undocumented migrants against anti-immigrant state and federal laws. The videos produced by these activists thus invoked circulation and mobilization as political strategies rather than sought inclusion. As such, they reworked notions of visibility from an *abstract* form of empowerment to a more *specific* strategy, which involved publicizing their political actions that directly challenged immigration laws and policies on the state and federal levels. The activists' decision to record these videos was part of a strategy that they devised in order to communicate their perspectives regarding the effects of programs and policies such as S-Comm and 287(g) on other undocumented migrants. Circulating these videos enabled undocumented youth to provide an example of organizing that served as a model for other undocumented migrants. In their rejection of liberal claims to the inherently transformative capacity of visibility, these activists practiced strategies that also defied conventions of representation and documentation that demand inclusion as a normative imperative.

These activists' counterdocuments speak to both the changing context

of documentary practices and the politics of self-representation for undocumented youth. One of the main developments in documentary film and video over the last twenty years has been the dispersion of these forms throughout popular culture, including mainstream cinema, reality television, and digital and social media, including websites like YouTube.⁵⁶ The distribution of counterdocuments changes not just the context of documentary but also what the documentary genre of media production is and can do. McLagan argues that “new media refashions previous media forms . . . and this process of ‘remediation’ upends old ideas about subjects and participants, producers and texts that underpin theories of how media work.”⁵⁷ Counterdocuments, as forms of digital activism, have the ability to “define the terms of political possibility and create terrain for political acts,” as McKee and McLagan suggest.⁵⁸ As such, counterdocuments strategically assemble evidence, disrupt, and mobilize.

NOTES

I would like to thank the editors for their feedback on this essay. I am also grateful to Jonathan, Isaac, and Viridiana for sharing their experiences during the “Everyday Forms of Popular Power: Art, Media and Immigration” symposium at the University of New Mexico in November 2012.

1. I describe these individuals as “undocumented youth activists” to distinguish them from either DREAM activists or migrant activists who are not eligible for the DREAM Act or Deferred Action for Childhood Arrivals due to their age. However, I am aware that I am using the term *youth* to describe activists who range from teenagers to young adults. I have intentionally withheld the surnames of activists in this essay.

2. By “official forms of documentation,” I am referring to administrative record keeping, monitoring, status adjudication, and so forth.

3. I use the phrase “documentary realist forms” to call attention to the ways in which documentary is an aesthetic practice based in the visual conventions of social realism, with genealogical connections to state record keeping and scientific modes of visual documentation, as in the work of Alphonse Bertillon and Francis Galton, among others. See Sekula’s essay “Body and the Archive”; see also Tagg, *Burden of Representation*.

4. McKee and McLagan, introduction to *Sensible Politics*, 17–18.

5. On 18 August 2011, the Obama administration announced that undocumented migrants who fit certain eligibility criteria should *not* be placed into deportation proceedings. A 17 June 2011 memo by John Morton, the director of the Department of Homeland Security, directed agents to use “prosecutorial discretion” with the migrants currently in deportation proceedings. The memo stated that Immigration and Customs Enforcement should focus its work on undocumented migrants convicted of crimes, but this directive was largely ignored by federal immigration officials, who continued to arrest, detain, and deport those who had committed only civil violations. See <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>, accessed 18 May 2016.

6. Discretion is clearly a historically fraught concept that is based on interpretation and has allowed for institutional racism. For example, Mexicans crossing the U.S.-Mexico boundary without documentation after 1924 were considered to have entered “illegally” and were thus perceived as criminals and as undeserving of relief. Ngai, *Impossible Subjects*, 89.

7. There were a number of different versions of the DREAM Act proposed in the 2000s.

8. In this sense, the activists I write about have something in common with the queer migrants of color whom Monisha Das Gupta describes and who likewise do not “un-critically embrac[e] visibility as a mode of political empowerment.” Das Gupta, *Unruly Immigrants*, 165.

9. For more information, see NIYA’s Facebook page.

10. Puga, “Poor Enrique and Poor María,” 228.

11. The press release is available on YouTube underneath the activists’ videos. See <http://www.youtube.com/watch?v=TCRiyhUitok>, accessed 19 May 2016.

12. Puga, “Poor Enrique and Poor María,” 228.

13. According to ICE, the 287(g) program “allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA). The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.” See <http://www.ice.gov/287g/>, accessed 19 May 2016.

14. Most of these videos can be viewed on YouTube under an activist’s first name and last initial, location (North Carolina), and “We Will No Longer Remain in the Shadows.” The heading for the press release is “Seven Undocumented Youth Speak Out against Federal Inaction and the Lack of Educational Access,” posted by DREAMTeamNC, <http://www.youtube.com/watch?v=TCRiyhUitok>, accessed 18 May 2016.

15. Gomez, “DREAMers Personalize Cases to Stall Deportation.”

16. Secure Communities requires local and state enforcement agencies to check both the criminal history and immigration status of individuals whom they have arrested, which they share with ICE.

17. May, “Los Infiltradores.”

18. Ibid.

19. See note 5.

20. Prosecutorial discretion is issued by a joint task force—composed of staff members from the DHS and the Department of Justice—that reviews pending removals and can grant deferred action on an individual’s deportation. Alexa Alonzo and Mary Kenney, “Practice Advisory,” 1 September 2011, www.legalactioncenter.org, accessed 19 May 2016.

21. The press release is available on YouTube, underneath the activists’ videos. See <http://www.youtube.com/watch?v=TCRiyhUitok>, accessed 18 May 2016.

22. According to the website for “United We Dream,” the END campaign was initiated in 2010 “to prevent the deportations of young people, thereby allowing immigrant youths to continue their lives in the United States, pursue higher education and achieve their dreams.” See <http://unitedwedream.org/about/projects/end/>, accessed 19 May 2016.

23. *Education Not Deportation: A Guide for Undocumented Youth in Removal Proceed-*

ings was produced by NIYA in collaboration with the Asian Law Caucus, Educators for Fair Consideration, and DreamActivist.org. The sixty-page guide provides legal strategies for undocumented youth in removal proceedings during a period in which the DHS could exercise prosecutorial discretion.

24. Unzueta Carrasco and Seif, "Disrupting the Dream," 288.

25. *Ibid.*, 288.

26. As noted in the guide, "By using pictures you intend to show the public that you are just like them." *Education Not Deportation*, 35.

27. *Ibid.*

28. I compare the videos produced in North Carolina with the example included in the END guide. See the video made by Herta: "Meet Herta Llusho and Help Stop Her Deportation," YouTube video, posted by DreamActivist, 13 August 2009, https://www.youtube.com/watch?v=kMU_DZofuWQ, accessed 19 May 2016.

29. Walter Nicholls notes that the "DREAMer" was developed by professional associations that were working to get the DREAM Act passed. In creating the "DREAMer," these organizations specified that "these youths were exceptionally good immigrants and particularly deserving of legalization." Nicholls, *DREAMers*, 13.

30. Cristina Beltrán refers to these videos as "cyber-testimonies." Beltrán, "Undocumented, Unafraid, and Unapologetic," 20.

31. See Angelica's video: "Angelica V_ North Carolina: We Will No Longer Remain in the Shadows!," YouTube video, posted by DREAMTeamNC, 6 September 2011, <http://www.youtube.com/watch?v=HuqoGX8hP2o>, accessed 19 May 2016.

32. See Santiago's video: "SantiagoG_ North Carolina: We Will No Longer Remain In The Shadows!," YouTube video, posted by DREAMTeamNC, 6 September 2011, <http://www.youtube.com/watch?v=XEvokpyUysY>, accessed 19 May 2016.

33. Martin explains that he participated in the action because politicians representing his state—such as Senator Kay Hagan (D-N.C.)—were doing nothing to help undocumented youth. See Martin's video: "MartinR_ North Carolina: We Will No Longer Remain In The Shadows!," YouTube video, posted by DREAMTeamNC, 6 September 2011, <http://www.youtube.com/watch?v=TCRiyhUitok>, accessed 19 May 2016.

34. A few activists did make statements that contained aspects of conventional DREAMer narratives.

35. He also noted that undocumented youth should "embrace the struggles of LGBTQ communities, African American communities, communities of color and immigrant communities of all backgrounds" in order to "create a real movement." See Santiago's video.

36. See Martin's video.

37. These approaches to publicity have been addressed elsewhere, including Choi, "Web of Power."

38. McLagan, "Human Rights, Testimony and Transnational Publicity," 311.

39. *Ibid.*, 312. DreamActivist.org's Facebook page describes the organization as "the largest social media hub for undocumented immigrants to aid organizations, communities and individuals to come together and find new ways to provide help for immigrant communities" (accessed 12 June 2014).

40. The petition blamed President Obama and the Democratic Party, explaining,

"Your recent announcement only acts as a mask to the devastation and injustice that programs like 287(g) and Secure Communities will continue to have in our communities. Your announcements are a symptom of the problem that is the vicious cycle of immigrant criminalization, not a potential cure to the realities of a broken immigration system. We will not tolerate lies designed to court the votes of our community. We will hold you and other Democratic leaders accountable as we demand to be treated with nothing less than dignity and justice." "Support Undocumented Youth Arrested in North Carolina," 8 September 2011, www.dreamactivist.org, accessed 19 May 2016.

41. May, "Los Infiltradores." Marco, an activist arrested in North Carolina, wrote that undocumented migrants began "applying counter-intuitive measures to counter-hegemonic ends" (Pavey and Saavedra, *Shadows Then Light*, n.p.).

42. Quoted in Pavey and Saavedra, *Shadows Then Light*, n.p.

43. Quoted in *ibid.*

44. Inda and Dowling note that "ICE's law enforcement partners are supposed to target dangerous 'criminal aliens,' but most immigrants who get caught are actually low-level offenders or people who simply crossed paths with local police." Inda and Dowling, "Introduction," 22; Waslin, *Secure Communities Program*.

45. Inda and Dowling, "Introduction," 3. Their concept of "migrant counter-conducts" draws on Michel Foucault's notion of "counter-conduct," which he describes as "the sense of struggle against the processes implemented for conducting others." Foucault, *Security, Territory, Population*, 201.

46. Haggerty, "Tear Down the Walls," 29.

47. Pallares, *Family Activism*, 124–25. See also "People of Alabama vs. HB 56," YouTube video, posted 16 November 2011, <http://www.youtube.com/watch?v=wFHQA-zr9-I>, accessed 19 May 2016.

48. Inda and Dowling note that "in some locations . . . police officers are engaging in heavy racial profiling of Latinos, making pretextual stops and arrests of people believed to be immigrants so that their information (such as fingerprints) can be checked against the DHS databases." Inda and Dowling, "Introduction," 22; see also Romero, "Keeping Citizenship Rights White."

49. Jonathan and Isaac, presentation at the "Everyday Forms of Popular Power: Art, Media and Immigration" symposium, University of New Mexico, 9 November 2012, <https://www.youtube.com/watch?v=4ct6lMyFWfM>, accessed 19 May 2016.

50. See, for example, "DREAM Student Protest March at ICE Chief Counsel Office, Los Angeles October 2011," YouTube video, <http://www.youtube.com/watch?v=PkxnPixjTts>, accessed 19 May 2016.

51. Jonathan and Isaac presentation at "Everyday Forms of Popular Power."

52. Irene Vásquez and Daniel Sonis, "Interview w Jonathan and Isaac 12032011," University of New Mexico, 3 December 2011, YouTube video, posted 3 December 2011, https://www.youtube.com/watch?v=g9yXC_Q68gU; "Going Undercover at the Border Patrol," *Arts of Aztlán*, video, <https://vimeo.com/33189634>, accessed 19 May 2016.

53. Jonathan and Isaac presentation at "Everyday Forms of Popular Power."

54. "Undocumented Youth vs. Border Patrol Round 1—Mobile, Alabama," YouTube video, posted 20 April 2011, <http://www.youtube.com/watch?v=iA54ErBfZ8E>, accessed 19 May 2016.

55. Scholars like Mark Andrejevic refer to countersurveillance as “inverse surveillance” that “relies on the ability to offer a convincing counter-narrative to that promulgated by authorities, who may have better access to mainstream media or public relations strategies.” Further, he comments that “the success of inverse surveillance depends on the efficacy of such counter-narratives—or, similarly, on the availability to subvert a particular dominant narrative.” Andrejevic, “Watching Back, Surveillance as Activism,” 180.

56. See Austin and de Jong, introduction to *Rethinking Documentary*.

57. McLagan, “Human Rights, Testimony and Transnational Publicity,” 315.

58. McKee and McLagan, introduction to *Sensible Politics*, 9.