Based in Tucson since 1978, Leslie Marmon Silko has earned international attention for books like Ceremony, Storyteller, Laguna Woman, and Almanac of the Dead, the last a prophesy of the restoration of the Americas to their original inhabitants. Silko returns to several of that novel's themes in her new book, Yellow Woman and a Beauty of the Spirit (Simon & Schuster, $23), a collection of essays on Native American life. Her 1994 essay "The Border Patrol State," included in that collection, deals with what Silko considers to be the U.S. government's continuing war on Indian America along the border with Mexico. The roadblocks and checkpoints she describes are still up, doing a thriving business.

--Gregory McNamee

I USED TO travel the highways of New Mexico and Arizona with a wonderful sensation of absolute freedom as I cruised down the open road and across the vast desert plateaus. On the Laguna Pueblo reservation, where I was raised, the people were patriotic despite the way the U.S. government had treated Native Americans. As proud citizens, we grew up believing the freedom to travel was our inalienable right, a right that some Native Americans had been denied in the early 20th century. Our cousin old Bill Pratt used to ride his horse 300 miles overland from Laguna, New Mexico, to Prescott, Arizona, every summer to work as a fire lookout.

In school in the 1950s, we were taught that our right to travel from state to state without special papers or threat of detainment was a right that citizens under Communist and totalitarian governments did not possess. That wide open highway told us we were U.S. citizens; we were free....

NOT SO LONG ago, my companion Gus and I were driving south from Albuquerque, returning to Tucson after a book promotion for the paperback edition of my novel Almanac of the Dead. I had settled back and gone to sleep while Gus drove, but I was awakened when I felt the car slowing to a stop. It was nearly midnight on New Mexico State Road 26, a dark, lonely stretch of two-lane highway between Hatch and Deming. When I sat up, I saw the headlights and emergency flashers of six vehicles--Border Patrol cars and a van were blocking both lanes of the highway. Gus stopped the car and rolled down the window to ask what was wrong. But the closest Border Patrolman and his companion did not reply; instead, the first agent ordered us to "step out of the car." Gus asked why, but his question seemed to set them off. Two more Border Patrol agents immediately approached our car, and one of them snapped, "Are you looking for trouble?" as if he would relish it.

I will never forget that night beside the highway. There was an awful feeling of menace and violence straining to break loose. It was clear the uniformed men would be only too happy to drag us out of the car if we did not speedily comply with their request (asking a question is tantamount to resistance, it seems). So we stepped out of the car and they motioned for us to stand on the shoulder of the road. The night was very dark, and no other traffic had come down the road since we had been stopped. All I could think about was a book I had read--Nunca Más--the official report of a human rights commission that investigated and certified more than 12,000 "disappearances" during Argentina's "dirty war" in the late 1970s.

The weird anger of these Border Patrolmen made me think about descriptions in the report of Argentine police and military officers who became addicted to interrogation, torture, and the murder that followed. When the military and police ran out of political suspects to torture and kill, they resorted to the random abduction of citizens off the streets. I thought how easy it would be for the Border Patrol to shoot us and leave our bodies and car beside the highway, like so many bodies found in these parts and ascribed to drug runners.

Two other Border Patrolmen stood by the white van. The one who had asked if we were looking for trouble ordered his partner to "get the dog," and from the back of the van another patrolman brought a small female German shepherd on a leash. The dog apparently did not heel well enough to suit him, and the handler jerked the leash. They opened the doors of our car and pulled the dog's head into it, but I saw immediately from the expression in her eyes that the dog hated them and that she would not serve them. When she showed no interest in the inside of our car, they brought her around back to the trunk, near where we were standing. They half-dragged her up into the trunk, but still she did not indicate any stowed-away human beings or illegal drugs.

Image Their mood got uglier; the officers seemed outraged that the dog could not find any contraband, and they dragged her over to us and commanded her to sniff our legs and feet. To my relief, the strange violence the Border Patrol agents had focused on us now seemed shifted to the dog. I no longer felt so strongly that we would be murdered. We exchanged looks--the dog and I. She was afraid of what they might do, just as I was. The dog's handler jerked the leash sharply as she sniffed us, as if to make her perform better, but the dog refused to accuse us; she had an innate dignity that did not permit her to serve the murderous impulses of those men. I can't forget the expression in the dog's eyes; it was as if she were embarrassed to be associated with them. I had a small amount of medicinal marijuana in my purse that night, but she refused to expose me. I am not partial to dogs, but I will always remember the small German shepherd that night.

Unfortunately, what happened to me is an everyday occurrence here now. Since the 1980s, on top of greatly expanding border checkpoints, the Immigration and Naturalization Service and the Border Patrol have implemented policies that interfere with the rights of U.S. citizens to travel freely within our borders. INS agents now patrol all interstate highways and roads that lead to or from the U.S.-Mexico border in Texas, New Mexico, Arizona, and California. Now, when you drive east from Tucson on Interstate 10 toward El Paso, you encounter an INS check station outside Las Cruces, New Mexico. When you drive north from Las Cruces up Interstate 25, two miles north of the town of Truth or Consequences, the highway is blocked with orange emergency barriers, and all traffic is diverted into a two-lane Border Patrol checkpoint--95 miles north of the U.S.-Mexico border.

I was detained once at Truth or Consequences, despite my and my companion's Arizona driver's licenses. Two men, both Chicanos, were detained at the same time, despite the fact that they too presented ID and spoke English without the thick Texas accents of the Border Patrol agents. While we were stopped, we watched as other vehicles--whose occupants were white--were waved through the checkpoint. White people traveling with brown people, however, can expect to be stopped on suspicion they work with the sanctuary movement, which shelters refugees. White people who appear to be clergy, those who wear ethnic clothing or jewelry, and women with very long hair or very short hair (they could be nuns) are also frequently detained; white men with beards or men with long hair are likely to be detained, too, because Border Patrol agents have profiles of "those sorts" of white people who may help political refugees. (Most of the political refugees from Guatemala and El Salvador are Native American or mestizo because the indigenous people of the Americas have continued to resist efforts by invaders to displace them from their ancestral lands.) Alleged increases in illegal immigration by people of Asian ancestry mean that the Border Patrol now routinely detains anyone who appears to be Asian or part Asian, as well.

Once your car is diverted from the interstate highway into the checkpoint area, you are under the control of the Border Patrol, which in practical terms exercises a power that no highway patrol or city patrolman possesses: They are willing to detain anyone, for no apparent reason. Other law-enforcement officers need a shred of probable cause in order to detain someone. On the books, so does the Border Patrol; but on the road, it's another matter. They'll order you to stop your car and step out; then they'll ask you to open the trunk. If you ask why or request a search warrant, you'll be told that they'll have to have a dog sniff the car before they can request a search warrant, and the dog might not get there for two or three hours. The search warrant might require an hour or two past that. They make it clear that if you force them to obtain a search warrant for the car, they will make you submit to a strip search as well.

Traveling in the open, though, the sense of violation can be even worse. Never mind high-profile cases like that of former Border Patrol agent Michael Elmer, acquitted of murder by claiming self-defense, despite admitting that as an officer he shot an illegal immigrant in the back and then hid the body, which remained undiscovered until another Border Patrolman reported the event. (In September 1994, Elmer was convicted of reckless endangerment in a separate incident, for shooting at least 10 rounds from his M-16 too close to a group of immigrants as they were crossing illegally into Nogales in March 1992.) Never mind that in El Paso, a high-school football coach driving a vanload of his players in full uniform was pulled over on the freeway and a Border Patrol agent put a cocked revolver to his head. (The football coach was Mexican-American, as were most of the players in his van; the incident eventually caused a federal judge to issue a restraining order against the Border Patrol.) We've a mountain of personal experiences like that that never make the newspapers. A history professor at UCLA told me she had been traveling by train from Los Angeles to Albuquerque twice a month doing research. On each of her trips, she had noticed the Border Patrol agents were at the station in Albuquerque scrutinizing the passengers. Since she is six feet tall and of Irish and German ancestry, she was not particularly concerned. Then one day when she stepped off the train in Albuquerque, two Border Patrolmen accosted her, wanting to know what she was doing, and why she was traveling between Los Angeles and Albuquerque twice a month. She presented identification and an explanation deemed suitable by the agents and was allowed to go about her business.

Just the other day, I mentioned to a friend that I was writing this article and he told me about his 73-year-old father, who is half Chinese and who had set out alone by car from Tucson to Albuquerque the week before. His father had become confused by road construction and missed a turnoff from Interstate 10 to Interstate 25; when he turned around and circled back, he missed the turnoff a second time. But when he looped back for yet another try, Border Patrol agents stopped him and forced him to open his trunk. After they satisfied themselves that he was not smuggling Chinese immigrants, they sent him on his way. He was so rattled by the event that he had to be driven home by his daughter.

THIS IS THE police state that has developed in the southwestern United States since the 1980s. No person, no citizen, is free to travel without the scrutiny of the Border Patrol. In the city of South Tucson, where 80 percent of the respondents were Chicano or Mexicano, a joint research project by the University of Wisconsin and the University of Arizona recently concluded that one out of every five people there had been detained, mistreated verbally or nonverbally, or questioned by INS agents in the past two years.

Manifest Destiny may lack its old grandeur of theft and blood--"lock the door" is what it means now, with racism a trump card to be played again and again, shamelessly, by both major political parties. "Immigration," like "street crime" and "welfare fraud," is a political euphemism that refers to people of color. Politicians and media people talk about "illegal aliens" to dehumanize and demonize undocumented immigrants, who are for the most part people of color. Even in the days of Spanish and Mexican rule, no attempts were made to interfere with the flow of people and goods from south to north and north to south. It is the U.S. government that has continually attempted to sever contact between the tribal people north of the border and those to the south.

Image Now that the "Iron Curtain" is gone, it is ironic that the U.S. government and its Border Patrol are constructing a steel wall 10 feet high to span sections of the border with Mexico. While politicians and multinational corporations extol the virtues of NAFTA and free trade (in goods, not flesh), the ominous curtain is already up in a six-mile section at the border crossing at Mexicali; two miles are being erected but are not yet finished at Naco; and at Nogales, 60 miles south of Tucson, the steel wall has been all rubber-stamped and awaits construction, likely to begin in March. Like the pathetic multimillion-dollar antidrug border surveillance balloons that were continually deflated by high winds and made only a couple of meager interceptions before they blew away, the fence along the border is a theatrical prop, a bit of pork for contractors. Border entrepreneurs have already used blowtorches to cut passageways through the fence to collect "tolls" and are doing a brisk business. Back in Washington, the INS announces a $300-million computer contract to modernize its record keeping and Congress passes a crime bill that shunts $255 million to the INS for 1995, $181 million earmarked for border control, which is to include 700 new partners for the men who stopped Gus and me in our travels, and the history professor, and my friend's father, and as many as they could from South Tucson.

IT IS NO use; borders haven't worked, and they won't work, not now, as the indigenous people of the Americas reassert their kinship and solidarity with one another. A mass migration is already under way; its roots are not simply economic. The Uto-Aztecan languages are spoken as far north as Taos Pueblo near the Colorado border, all the way south to Mexico City. Before the arrival of the Europeans, the indigenous communities throughout this region not only conducted commerce; the people shared cosmologies, and oral narratives about the Maize Mother, the Twin Brothers, and their grandmother, Spider Woman, as well as Quetzalcoatl, the benevolent snake. The great human migration within the Americas cannot be stopped; human beings are natural forces of the earth, just as rivers and winds are natural forces.

Deep down the issue is simple: the so-called Indian Wars from the days of Sitting Bull and Red Cloud have never really ended in the Americas. The Indian people of southern Mexico, of Guatemala, and those left in El Salvador, too, are still fighting for their lives and for their land against the cavalry patrols sent out by the governments of those lands. The Americas are Indian country, and the "Indian problem" is not about to go away.

One evening at sundown, we were stopped in traffic at a railroad crossing in downtown Tucson while a freight train passed us, slowly gaining speed as it headed north to Phoenix. In the twilight I saw the most amazing sight: dozens of human beings, mostly young men, were riding the train; everywhere, on flatcars, inside open boxcars, perched on top of boxcars, hanging off ladders on tank cars and between boxcars. I couldn't count fast enough, but I saw 50 or 60 people headed north. They were dark young men, Indian and mestizo; they were smiling and a few of them waved at us in our cars. I was reminded of the ancient story of Aztlán, told by the Aztecs but known in other Uto-Aztecan communities as well. Aztlán is the beautiful land to the north, the origin place of the Aztec people. I don't remember how or why the people left Aztlán to journey farther south, but the old story says that one day, they will return. TW