

*Icebox* and the  
Exceptionality  
Intrinsic to  
Institutional Violence  
on the US-Mexico  
Border

---

Anna Marta Marini

Instituto Franklin-UAH

Anna Marta Marini  
Instituto Franklin-UAH

# *Icebox* and the Exceptionality Intrinsic to Institutional Violence on the US-Mexico Border

## ABSTRACT

In 2018, Daniel Sawka directed independent feature length movie *Icebox*, which narrates the story of a 12-year old Honduran boy whose parents push him to migrate northbound in order to escape forced gang recruitment. Without giving way to ideological bias, Sawka reproduces his journey, providing a useful tool for raising awareness on some of the key matters related to the ongoing debate on US immigration and border policies. The operation of Immigration and Customs Enforcement (ICE) facilities and the detention of Central American children at the US-Mexico border represent a transnational gray area in the extension of sovereign power, turning the border itself in a kenotic space of exception legitimated by the construction of a specific public discourse on immigration and national boundaries. Furthermore, the movie describes the existence of the evident normalization of inhumanity intrinsic to the detention process and praxis, leading to dehumanization of detainees and a suspension—both individual and public—of questioning the tasks performed by border enforcement agencies from an ethical or moral perspective.

**Key Words:** Borderlands; state of exception; film studies; border studies; Central American immigration.

---

Anna Marta Marini is a PhD fellow at the Instituto Franklin-UAH. She obtained her BA and MA in Linguistic and Cultural Mediation specializing in Anglo American Cultures and Mexican Studies, and a 2nd level postgraduate master's in Public History. Her dissertation work (realized in collaboration with the CISAN-UNAM) explores the film representation of reciprocal otherness bridging the US-Mexico boundary. Her main research interests are: discursive and cultural representation of the US borderlands and Mexican American communities; CDA related to violence (either direct, structural, or cultural) and discrimination; identity re/construction and narration through cinema and comics, especially in gothic, horror, and (weird)western genres.


Marini, Anna Marta. "*Icebox* and the Exceptionality Intrinsic to Institutional Violence on the US-Mexico Border". *REDEN*, vol. 2, no. 1, 2020, pp. 49-58.

Recibido: 25 de octubre de 2019.


## The movie represents a timely narrative and a useful tool for analysis on some of the key matters related to the ongoing debate on US immigration and border policies.

In 2018, HBO acquired and presented the independent feature *Icebox* (Daniel Sawka, 2018), produced by Gracie Films and co-financed by Endeavor Content. The movie represents a timely narrative and a useful tool for analysis on some of the key matters related to the ongoing debate on US immigration and border policies. Starting in the mid-80s—with the Immigration Reform and Control Act (1986), among others—stricter measures and a structured border discourse have been implemented in the US institutional and public spheres. The militarization of the US-Mexico boundary has been increased in several steps and tied to the construction of the border fence; since the government's reaction to the 9/11 terrorist attacks, the measures have been strengthened and brought to a war level. In 2003, the Customs and Border Protection (CBP) and Immigration and Custom Enforcement (ICE) agencies were created, respectively, to exert border control and fight against illegal cross-border activities; both federal law enforcement divisions are subject to the authority of the US Department of Homeland Security. One of the cruxes of the national fight against illegal immigration has been the application of indefinite detention of migrants and the imposition of restrictions on asylum granting, as well as the limitation to opportunities of trial upon detention and obtainment of a provisional legal status. Detention is indefinite both temporally and legally, as it falls out of strict legal control and is characterized by extrajudicial action; it is, in fact, the suspension of judicial order, in the context of a state of exception (Agamben), dominating the border matter and redefining its legal limits. Several reportages have been released on the conditions of detention and the chronic abuse of migrants in the related facilities; in fact, it has been a question periodically raised at least since the mid-90s. In the 2010s, security footage leaks and internal reports on the abusive handling of detainees in border facilities have emerged, often to be dismissed or minimized by ICE and CBP officials.

If a state of exception should be produced by a state of emergency which legitimates the extension of sovereign power, in the case of the US-Mexico border the trans/national emergency has been constructed primarily through discourse. The border crossing statistics and studies show that illegal border crossing flux has depended mostly on socioeconomic cycles (Massey et al.), and that the number of yearly apprehensions—especially on the southwest border—oscillates in the same range since the mid-70s (US CBP, U.S. Border Patrol Apprehensions; U.S. Border Patrol Fiscal Year). Migration from the Northern Triangle countries—Guatemala, Honduras, and El Salvador—has often depended also on sociopolitical and institutional downturns, and it's been increasing especially since the beginning of the 21st century. The steady increment and the numbers themselves, though, don't seem justify the use of the term "emergency" nor the character of exceptionality.



**If a state of exception should be produced by a state of emergency which legitimates the extension of sovereign power, in the case of the US-Mexico border the trans/national emergency has been constructed primarily through discourse.**



Moreover, the migrants' illegal entrance in the US seems to pose a risk almost exclusively for the inhabitants of the immediate borderlands, as it inevitably intertwines with criminal activities such as human trafficking and narcotraffic. Nonetheless, public discourse legitimates the existence of a state of exception and its consequent infrastructure. In institutional and media spheres, metaphors supporting the idea of an existing emergency draw on terminology related to medical scare (epidemic), hydraulics (tide, flood), war (invasion), natural calamity (swarm), and so on (Santa Ana, "Empirical analysis of anti-immigrant metaphor in political discourse"; *Brown tide rising*), helping the construction of a national discourse that justifies any measure the government is willing to take against immigration.

To keep illegal immigrants in custody, several detention facilities have been built along the border over the years; the government can expand ICE's detection capacity, infrastructures, and logistics by redirecting funding from other federal agencies. In recent years, lawsuits have been filed by ex-detainees for medical neglect and lack of humane hygienic conditions, as well as physical and sexual abuse, during detention (Cantor et al.). The title of the film, *Icebox*, is the translation of *hielera*, the way migrants call these facilities in their recount of the experience. In several occasions the topic has been raised by independent media and yet, CBP officials have shunned the accusations and refused to acknowledge the testimonies on the matter, often collected by non-profit organizations and advocacy groups. Detention spaces are subjected to the desert climate and—at least officially—heat regulation seems to depend on that; also, detainees customarily have to sleep on concrete floors, wrapping themselves in scanty heat sheets.

The feature movie is the remake of a short film written and directed by Daniel Sawka himself in 2016. Oscar (Anthony Gonzalez) is a Honduran 12-year-old boy forced by local *pandilla* members to join them, under the threat of death and violent retaliation against his family. When his school is attacked by the gang chasing him, his family decides to pay a coyote to take the young boy to the US, where his maternal uncle Manuel (Omar Leyva) has lived for years working as a peon in Arizona. After the hardship of the travel through Mexico and across borders, Oscar is caught by the Border Patrol and brought to a facility where tens of migrant children are detained. Eluding the guards' control, he manages to talk with Perla (Genesis Rodriguez), a journalist visiting the detention center, and later on to persuade her to look for his uncle. As Manuel eventually takes responsibility for him, Oscar is entitled to a trial to apply for asylum; his request will be rejected for his—albeit unwilling—activity within the *pandilla*. The story closes with a bittersweet ending when Oscar travels to California in order to become an undocumented agricultural worker; notwithstanding his dream of pursuing education, he accepts the solution as it saves his life and protects his family. Throughout the movie, hand-held camera shots add to the pathos and awkward realism in the sequences related to human interaction, contrasting with unsympathetic overhead and panning shots taken inside the detention facility.

As *Icebox* shows, violence against Central American children begins in their local community, where they are—often unwillingly—chosen as future gang members by means of consolidated recruiting mechanisms. In the frantic opening sequence, three men are forcing a young boy on the floor, screaming over a buzzing sound in the background; they are shirtless and

their tattoos are exposed, letting the spectator understand that they belong to some criminal gang. Marking youth with a *pandilla's* symbolic tattoo is common practice to force them in the gang, as a visible mark of their alleged belonging will lead to isolation and rejection in the community of origin. Oscar's mother urges him to never show his chest tattoo to anyone; when the detained children are taken to shower, he gets abruptly forced by guards to undress leading to violent repercussions, isolation, and mistrust among the detainees. Later on, he decides to show the tattoo to his uncle, who has been unaware of the real reason behind his nephew's escape; his reaction

## **When Oscar is abandoned by the coyote and the adult migrants, he's tracked down by a drone, detained by the Border Patrol and brought to a detention facility populated by minors of all ages.**

is charged with fear and sorrow, as he immediately understands the implications of forced gang recruitment. In the 21<sup>st</sup> century, homicide rates and gang violence-related conflicts have been increasing in the Northern Triangle, seemingly due to an increased power of the organized crime groups operating in the region, paired with the ineffectiveness of state protection measures (Cantor). It might be argued that an intrinsic colonial structuring of power sustains the US state of exception spaces (Gregory), as US foreign politics related to the Northern Triangle countries have neglected—if not ineffectively intervened in—the political disruption their populations have been struggling with. The spatiality of border infrastructures and policies is thus complicated by its inevitable transnational character and implications.

Unlike other existing films on Central American minor migrants—such as *Sin nombre* (2009) or *La jaula de oro* (2013), among others—Oscar doesn't board the train known as *la Bestia*, but he travels across Mexico in the back of a truck, packed together with other migrants. The group crosses the border climbing ladders straddling the fence, mounts on bicycles prepared beforehand and cycles in the darkness through the Arizonan desert. When Oscar is abandoned by the coyote and the adult migrants, he's tracked down by a drone, detained by the Border Patrol and brought to a detention facility populated by minors of all ages. The description of detention spaces corresponds with journalistic reportages on the topic, as well as leaked internal footage, and ex-detainees' testimony. The children are held in a huge shed, where different groups are divided in fenced spaces resembling roosts. Each child is given a pad to sleep on the ground and a Mylar heat sheet; as the movie shows, detainees live in the clothes they were wearing at the moment of detention until they're occasionally allowed to rummage in boxes full of second-hand clothes donated by charities, frantically contending for garments with each other. Lighting is key to depict

cinematographically the children's experience. Night sequences are characterized by an almost total darkness in which the crumpled silver heat sheets crinkle and mark the *mise-en-scène* with an eerie, lunar mood; shadows dominate nighttime dialogues between Oscar and Rafael (Matthew Moreno), a younger kid he gets close to and whose future seems as indefinite as his time spent in detention. Conversely, daytime sequences are characterized by neutral light falling flat on the scene and giving the *mise-en-scène* the feel of a non-place (Augé), a space where relations are emptied of their anthropological meaning and existences reduced to the application of apparently lawful procedures. The treatment the children receive from the guards is quite detached—there isn't any interaction but the bare necessary—and resolved within the realm of a space of exception. No useful information is given to them nor clear perspectives on what will happen to them; vagueness dominates the detention time in a blurred extra/judicial vacuum, where the detainees are apparently bereft of any value and consideration. Despite their critical situation, in various scenes the children's naivety emerges as they joke, flirt, and cry as they miss their family; the film plays with these moments, showing the contrast between their necessity to grow up before time and their inevitable childlike nature. Contrastively, the character of Felipe (Johnny Ortiz) embodies the disillusionment and consequent crazed desperation; he's been detained three times in that same facility without being given the opportunity of a lawful trial. At first, Felipe acts as a confident, shrewd older boy feared by younger minors in custody; in the last sequence he appears, he's dragged away by guards while opposing resistance and screaming warnings to the other detainees on the illusory character of migrant-related bureaucracy. A pervasive sense of uncertainty and atemporality marks Oscar's stay in the facility, despite the check-in officers informing the children of alleged deadlines related to their detention process. Actually, on August 21, 2019, the US Department of Homeland Security announced that it would remove time limits on the detention of migrant children, thus legally extending the practice of indefinite detention to minors. In order to do so, the Trump administration would repeal the Flores Settlement Agreement (1997), a legal ruling which barred the government from holding migrant children in detention for more than 20 days.

Children can be released waiting for trial in the case a documented close relative guarantees for them. For Oscar's uncle, taking responsibility of the child in order to allow him to appear in court represents a rather complex choice. When he drives his nephew "home", the spectator discovers that he lives in a shack he shares with other peons on the land he works; he has to lend Oscar his spot in a bunk bed and sleep on the floor. After years spent as an undocumented worker, Manuel was wildly beaten by three American citizens; he holds a regular residence permit thanks to a U visa, which is granted to victims of violence they suffered while in the US. Such a permit can lead to the possibility of requesting a Green Card after a 3-year period of uninterrupted residence; the status it grants, though, is conditional and can be revoked for a wide range of reasons, while the requirements to fulfil during the stay are quite strict. Thus, Manuel's fear derives from yet another state of uncertainty in which even legal immigrants can live by. The trial sequence is as short as these trials are in reality. The only category most of Central American children could resort to in their attempt to be granted asylum is the belonging to a persecuted Particular Social Group (PSG), as they aren't victims of persecution based on religious, racial, national, or political reasons

**Its reality invisibilized by a public discourse reduced to platitudes and superficial assertions, the border itself becomes a kenomatic space characterized by the absence of legality, a suspension of law permitted by a sovereign government blurring its limits, and where the migrants' legal subjectivity is rather indefinite.**



(Orlang). Nonetheless, there isn't a recognized status for youth escaping forced gang recruitment. The definition of PSG has been ambiguous and open to interpretation; in 1985, the Board of Immigration Appeals ruled as necessary for granting asylum the proven persecution against a social group sharing "immutable characteristics" (Paz 1077), a requirement that's evidently hard to fulfil.

The narrative relative to the Honduran protagonist is reminiscent of other Central American personal stories told by means of other media forms. The Honduran protagonist—also named Oscar—of the comic *Barrier* (Vaughan et al.) doesn't accede to be part of a local gang despite the consequent threats; when the same gang brutally murders his family, he escapes northbound and manages to cross the US border, only to be detained by aliens in a sci-fi turn brilliantly packed with metaphors on border politics and discourse. In her harrowing short essay *Los niños perdidos: un ensayo en cuarenta preguntas* (2016), Mexican author Valeria Luiselli recounts her experience as interpreter for Central American minor migrants, especially during their trials to be granted asylum or—in the case of a negative outcome—deported. Luiselli's last novel *Lost children archive* (2019) resumes the theme, pondering on it through a road-trip narrative. Albeit less effective than the essay, the novel—possibly unconsciously—brings forth an extremely significant message: in the public sphere, the existence of these children holds, in many cases, the value of a piece of news caught on the radio, which can easily be turned off if it sounds too detailed or uneasy to linger onto.

Its reality invisibilized by a public discourse reduced to platitudes and superficial assertions, the border itself becomes a kenomatic space characterized by the absence of legality, a suspension of law permitted by a sovereign government blurring its limits, and where the migrants' legal subjectivity is rather indefinite. Aside from a state of legal exception, there's an evident normalization of inhumanity intrinsic to the detention process and praxis. In the movie, the guards involved in the facility operation don't come across as purposely bad or particularly ill-disposed; rather, their attitude evokes what Arendt described as the banality of evil (1963), a suspension of questioning one's own tasks from an ethical or moral perspective. The judge who turns down Oscar's asylum request as well doesn't appear as mean or ideologically driven; he's represented as a bureaucrat compliantly going through one case after the other, following a given procedure based on standardized questionnaires assessing the children's supposed eligibility. All the officers and institutional characters Oscar encounters throughout the movie aren't markedly characterized as antagonist figures, but rather, they're unreflective parts of the apparatus and act accordingly, in a space devoid of human compassion or questioning. A questioning that is left to individual conscience, as it is explored by Francisco Cantú in his autobiographical essay *The line becomes a river: dispatches from the border* (2018), in which he recounts his experience as a Mexican-American Border Patrol officer; he eventually left the agency as he couldn't cope with the efforts required to reconcile the imposed procedures and routines with his will to help migrants and borderlands inhabitants. Without yielding to political bias, *Icebox* certainly contributes to bare the dehumanizing mechanisms of the handling of immigration at the border, in a worthy attempt to raise timely and indispensable awareness in the audience.

## References

- Agamben, Giorgio. *Stato di eccezione*. Bollati Boringhieri, 2003.
- Arendt, Hannah. *Eichmann in Jerusalem: a report on the banality of evil*. Viking Press, 1963.
- Augé, Marc. *Non-lieux: Introduction à une anthropologie de la surmodernité*. Éditions du Seuil, 1992.
- Cantor, Guillermo et al. *No action taken: lack of CBP accountability in responding to complaints of abuse*. American Immigration Council, 2014.
- Cantor, David James. "As deadly as armed conflict? Gang violence and forced displacement in the Northern Triangle of Central America." *Agenda Internacional*, vol. 23, no. 34, 2016, pp. 77-97.
- Cantú, Francisco. *The line becomes a river: dispatches from the border*. Riverhead Books, 2018.
- Gregory, Derek. "The Black Flag: Guantánamo Bay and the Space of Exception." *Geografiska Annaler*, vol. 88, no. 4, 2006, pp. 405-427.
- Luiselli, Valeria. *Los niños perdidos: un ensayo en cuarenta preguntas*. Sexto Piso, 2016.
- . *Lost children archive*. Knopf, 2019.
- Massey, Douglas S. et al. *Beyond smoke and mirrors: Mexican immigration in an era of economic integration*. Russel Sage Foundation, 2003.
- Orlang, Adreanna. "Clearly Amorphous: Finding a Particular Social Group for Children Resisting Gang Recruitment." *Catholic University Law Review*, vol. 61, no. 2, 2014, pp. 621-650.
- Paz, Frank. "Children Seek Refuge from Gang-Forced Recruitment: How Asylum Law Can Protect the Defenseless." *Fordham Urban Law Journal*, vol. 42, no. 4, 2015, pp. 1063-1108.
- Santa Ana, Otto. "Empirical analysis of anti-immigrant metaphor in political discourse." *UPenn Working Papers in Linguistics*, vol. 4, no. 1, 1997, pp. 317-330.
- . *Brown tide rising: metaphors of Latinos in contemporary American public discourse*. UT Press, 2002.
- US CBP. *U.S. Border Patrol Apprehensions From Mexico and Other Than Mexico (FY 2000 - FY 2018)*, 2018.
- . *U.S. Border Patrol Fiscal Year Southwest Border Sector Apprehensions (FY 1960 - FY 2018)*, 2018.
- Vaughan, Brian K. et al. *Barrier*. Panel Syndicate, 2015.

## Cinematographic references

- Fukunaga, Cary J. (2009). *Sin nombre / Nameless* [movie feature].
- Quemada-Diez, Diego. (2013). *La jaula de oro / The Golden dream* [movie feature].
- Sawka, Daniel. (2016). *Icebox* [short film].
- . (2018). *Icebox* [movie feature].