

CHAPTER II

The History and Logic of Border Policing

All through the Twentieth century, one of the main principles of U.S. immigration control policies was the protection of its national borders. After having laid down the core concepts of this thesis, this second chapter will review the chronological and circumstantial development of border security escalation focusing on the issues of drug and immigrant smuggling. For the most part, my study will encompass the course of the Twentieth century, revising the construction of the Mexico-U.S. boundary, and emphasizing the aftermath of the Cold War, and the shift towards greater integration. The point to be analyzed throughout this chapter is the paradox of regional integration, manifested through closer economic ties against the escalation of the securitization and policing of the border. Specifically, this second section of the thesis will concentrate on drug smuggling and the immigration businesses as persistent problems of the Mexican-U.S. border. In doing that, I attempt to provide a first glance of what will be the exhaustive evaluation of “Prevention through Deterrence” policies in a following chapter.

Since the beginning, the bilateral relation between Mexico and the United States has been extremely interdependent. Transnational phenomena of the most diverse nature have been manifest as years have gone by. But the “(...) relationship has become even more extensive and intensive in the post-cold war period, reinforced by closer economic and social integration and technological innovation in travel and communication.”¹ The North American block, formed by Canada, the United States and Mexico is by far, the

¹ John Bailey and Sergio Aguayo-Quezada (eds.) *Strategy and Security in US-Mexican Relations beyond the Cold War*. (San Diego, CA.: Center for US-Mexican Studies, 1996), 3.

wealthiest of all regions in the world; it is also extremely important for its political power and an obligated reference to other integrating societies in terms of international policy.

Nevertheless, the high level of interdependence has been constantly obscured by the disparities –primarily economic- of the three countries, particularly between Mexico and the United States.² Yet, in the view of John Bailey and Sergio Aguayo-Quezada, who have studied the North American block and the Mexico-U.S. bilateral relation specifically, “[t]he contemporary absence of a struggle for global hegemony diminishes but does not eliminate the geopolitical impact of Mexico.”³

In fact, I argue, as both societies experience increasing rates of criminality and social distress, inefficiently coping with turbulence at the shared Mexico-U.S. border will have profound consequences within our capacity to deal together with broader international issues, and more importantly to safeguard our interests as neighbor countries and economic partners. Therefore, as we will see throughout this section, dealing with the border has been neither a recent nor an easy task.

2.1 The First Encounters

In over a hundred years, the governments of Mexico and the United States built a relationship that made the shared 2000 mile borderline, an international boundary so closely interconnected that it has become the showcase of both economic development and cooperation and a legal regime around contraband and illegal migration.

² This is precisely why many prefer to view the North American relationship as two strong bilateral relations and an incipient Mexican-Canadian. Robert. Pastor. “North America’s Second Decade.” *Foreign Affairs*. (January-February. Vol. 83 No. 1. CFR, 2004)

³ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*, 66.

Normally, countries set up boundaries and immigration control apparatus to identify their citizens as nationals and thus define any others as aliens. The Mexico-U.S. boundary is no longer a territorial or even a juridical divide; it is a reality that embeds interests for both nations. In this region,

(...) [t]erritorial disputes, warfare, violations of sovereignty, banditry, raiding, ethnic conflicts, protectionism, smuggling, illegal immigration, environmental pollution, and other border-related sources of friction certainly have taken their toll, but they have failed to stop the growth of cross-border interdependence.⁴

2.1.1 One Hundred Years of Border Building

Similar to other borders in the world, the race for territorial conquest was the first unfriendly encounter between Mexico and the United States. As Joseph Nevins recalls, the origins of the U.S.-Mexico boundary are to be found in the competition among European empires for possessions in North America.⁵ Although geographically the border did not look anything like it does today, Mexico assumed the challenge of protecting its northern territories as it became independent in 1821.

The U.S.-Mexican War (1846-1848) resulted, with minor changes, in the present boundary between the two countries. Mainly through purchases - and diplomatic settlements⁶, the boundary was configured over the course of the Nineteenth century. In that period, "(...) the United States and Mexico had to resolve a boundary dispute unintentionally created by the treaty of Guadalupe Hidalgo, which relied on inaccurate

⁴ Oscar J. Martínez. *Border People: Life and Society in the U.S.-Mexico Borderlands*. (Tucson and London: The University of Arizona Press, 1994), 40.

⁵ Joseph Nevins. *Operation Gatekeeper: The Rise of the "Illegal Alien" and the Remaking of the U.S.-Mexico Boundary*. (New York: Routledge, 2002), 16.

⁶ "Among the most complex disputes over the physical boundary was that of the *Chamizal* (...) At the time of the signing of the [Guadalupe-Hidalgo] Treaty (...) in 1848, the *Chamizal* was south of the Rio Grande. But flooding led to changes in the river's course (...) the central government of Mexico formally protested in 1864 (...) It was not until 1963, (...) that the *Chamizal* Territory was returned to Mexico." David Lorey. *The U.S.-Mexican Border in the Twentieth Century: A History of Economic and Social Transformation*. (Delaware: Scholarly Resources Inc., 1999), 154-155.

maps to define the boundary.”⁷ (See Appendix 1) As the Twentieth century approached, Mexico consolidated its possessions in the north by facilitating economic growth with the construction of railroads. Back then, the flourish and spread of violence in the region was mainly attributed to conflicts with indigenous peoples that claimed the lost of their territories and that were constantly being displaced from their long-established territories.

Eventually the two countries agreed on a way to allow trans-border crossings that, although unsteady, permitted the control of the incipient commercial exchange. On the other hand, immigration control had somewhat of a low profile in the bilateral agenda. In fact, tough immigration control policies by the United States were unnecessary. At that time, the international environment allowed the United States to rely solely on its institutional capabilities to regulate trans-border activities.

Law enforcement authorities –primarily the U.S. Army- focused on containing minor trans-boundary criminal activity such as smuggling and cattle rustling.⁸ Clearly, it was in the interest of both nations to construct a safe, orderly border that gave them territorial definition. Cooperation between officials of the two countries at this stage, however, was very precarious. At this relatively tranquil stage, the uncontrolled flow of immigrants coming from Mexico began to emerge as a problem.

2.2 The 20th Century; the Logics of Law Enforcement Escalation

By the beginnings of the Twentieth century, territorial disputes were an issue of the past. Violence at the Mexico-U.S. border was only manifested during the Mexican Revolution (1910-1921). In fact, early in the Twentieth century, immigration control

⁷ Nevins. *Operation Gatekeeper*. 21.

⁸ Nevins. *Operation Gatekeeper*. 24.

efforts from the United States were geared towards Europe and Canada and not towards Mexico; “(...) the United States relied relatively little on a boundary strategy to control unauthorized immigration. The nation focused its efforts to control immigration largely at official ports of entry such as Ellis Island, near New York City.”⁹

Although technically during the first twenty years of the Twentieth century immigration was more substantial than today¹⁰, it was until the outbreak of the Revolution of 1910, that the U.S. turned its eyes upon Mexican unauthorized entries into their territory.¹¹ Before then, a person attempting to cross the border did not need to hire *coyotes*, simply because immigration control was very scarce; moreover, official vigilance of the border itself was considerably lax. Only in March 1914 did the U.S. Bureau of Immigration set up a force of inspectors whose task was to combat organized smuggling and illegal entries, in addition to performing the inspection duties of those who crossed legally. However, the reach of said force was very limited.¹² The Immigration Act of 1917, passed by the U.S. Congress, was the first formal attempt to bring order to the border, as some of the sites of the area were somewhat of a battlefield for Mexican rebels. The measure increased the number of inspectors at the crossing points; the major consequence though, was the increase of trans-boundary traffic.

The inadequacy of the border force was more strongly evidenced with the outbreak of World War I, when countering European and Chinese massive immigrations became a priority to the U.S. government. Canada and Mexico had, until then, not been subjects to tough immigration restrictions resented the fearful enforcement of U.S. laws. “Thus, [many argue] the roots of the U.S. Border Patrol are

⁹ Nevins. *Operation Gatekeeper*. 25.

¹⁰ Clint E. Smith. *Inevitable Partnership: Understanding Mexico-U.S. Relations*. (Colorado: Lynn Reinner, 2000), 117. The author claims that thirteen out of every thousand citizens were immigrants in 1913, while only three of every thousand were immigrants in 1994.

¹¹ Nevins notes that the first three decades of the Twentieth century gave great significance to the demarcation of territorial divides on national identity basis. Nevins. *Operation Gatekeeper*. 54.

¹² Nevins. *Operation Gatekeeper*. 25.

to be found not only in concerns about unauthorized immigration, but also (and perhaps more so) in a preoccupation with matters of national security as related to the boundary.”¹³ But neither national security concerns nor the strengthening of immigration laws in 1917 deterred the increase in the amount of unauthorized crossings taking place at the majority of the United States’ entry points.

2.2.1 The Beginnings of Interdependence

A first global trend of interdependence stroke Mexico and the U.S. in the 1920s; back then, transnational commerce was the primary source of income to border households, outweighing mining, agriculture and ranching activities, which required no large-scale exchange from either side of the border. Until then, the influx of migrants was rarely accompanied by political or social friction and Mexicans were usually accepted into the labor market pretty quickly.

Contrasting with this spirit, the twenties saw the birth of the U.S. Border Patrol. For the first time, conservative groups –tainted with the memories of World War I– claimed that the U.S. authorities were gradually ‘losing control over the border.’¹⁴ These activist groups became strong advocates of an anti-immigrant cause that led Congress to undertake the most radical enforcement measures until then seen. Following the passage of the Immigration Act of 1924, the Department of Labor (DOL) –which was in charge of immigration control–, appropriated one million dollars to provide additional land-border patrol to the policing units serving back then.

The new force –called Border Patrol– would safeguard the territorial limits, gulf and sea coasts. The legislation of 1924 also set restrictions on the admissions of

¹³ Nevins. *Operation Gatekeeper*. 28.

¹⁴ Smith. *Inevitable Partnership*. 118.

Mexicans into the territory of the United States, and demanded stronger administrative controls at the ports of entry (POE). Nevertheless, the U.S. labor market demanded large amounts of workers to come into the U.S. either legal or illegally.¹⁵ In that sense, the Border Patrol was entitled to arrest illegal aliens coming in from all over the U.S. territorial boundaries.

During the 1930s, the Border Patrol experienced a slow but constant growth, launching several repatriation campaigns. Because of the onset of the Great Depression of 1929 the restrictive sentiments supported by organizations like the American Federation of Labor (AFL) and other labor and veteran unions, the constraints of immigration control hardened and led to expulsions of the unwanted.¹⁶ However, migratory levels experienced a boom during the 1940s, when large amounts of Mexican workers went north looking for a job opportunity after World War II. During the years of the war, 2 million people moved to California, and over the course of ten years, a total of 8 million migrants had headed in that direction and to other states west of the Mississippi River.

These intensifying links between Mexico and the United States were the beginnings of a relationship marked by dependence in realms other than merely the labor market. Security had also had a long stand in the agenda. In 1941, Mexico and the United States set a Joint Defense Commission intended to –among other tasks- study and develop joint defense and security plans for the two countries.¹⁷

¹⁵ Nevins. *Operation Gatekeeper*. pp. 29-33.

¹⁶ Kelly Lytle has deepened on the construction of the image of the illegal alien as a criminal and allocates the formal origins of the use of the term until later, in the fifties, around the launching of Operation Wetback. Kelly Lytle. “Constructing the Criminal Alien: A Historical Framework for Analyzing Border Vigilantes at the Turn of the 21st Century.” *CCIS Working Paper No. 83*. (CCIS: California, 2003), 5-7.

¹⁷ Mónica Serrano. “Bordering on the Impossible: U.S.-Mexico Security Relations after 9/11” in Peter Andreas and Thomas Biersteker (eds.) *The Rebordering of North America: Integration and Exclusion in a New Security Context*. (New York: Routledge, 2003), 49.

A Joint Defense Commission (JMUSDC) was appropriate for U.S. World War II strategic interests, but not so for Mexican interests; as non-intervention is one of the most imperative principles in foreign policy, binding the government to keep the lowest of profiles in matters of that nature. However, Mexico decided to cooperate with its northern neighbor's interests. Though the actual recognition of the JMUSDC was very unpopular in Mexico, it was one of the first signs that the United States and Mexico *could* cooperate.

2.2.1.1 The Crave for Workers; the years of *Bracero*

Supply and demand forces, and the growing numbers of illegal border crossers were easily added to the U.S. economic stability and security concerns. For that and other reasons the U.S. Government decided to embark upon the well-known *Bracero* Program in 1942. The negotiated agreement brought agricultural and industrial workers to the U.S. with fixed wages and health care conditions.

During these years, the amount of job-seekers along and across the border skyrocketed. “(...) *La frontera*, with its dynamic, U.S- driven economy, surpassed most other regions of Mexico in the expansion of trade, industry and tourism.”¹⁸ Indeed, the *Bracero* Program was a great contributor to the swelling flow of Mexican agricultural workers, as border cities became ‘staging areas’ for these potential laborers. *Bracero* also propelled the development of labor networks that eventually became the bridge gearing new arrivals. In reality, the number of illegal crossers apprehended by U.S. authorities did drop, however, the ‘imports’ of workers actually rose.

During the *Bracero* years,

¹⁸ Martínez. *Border People*. 39.

Border Patrol activities were predictable, enforcement was spotty, and millions of undocumented workers (...) came and went, pushed by unfavorable economic conditions in their communities in Mexico and *pulled* by the greater job opportunities in a generally expanding U.S. economy.¹⁹

But the slowdown of the U.S. economy after the Korean War provoked an uninviting environment for Mexican workers that led to massive deportations through Operation Wetback (1953-1955).²⁰

This U.S.-led initiative was the strongest effort of the Eisenhower administration to demonstrate its commitment to have an orderly control of the border which –at the time- was reinvigorated with tourism after years of economic slowdown.²¹ Operation Wetback started in June 9, 1954 with the purpose of apprehending and deporting illegal migrants in the border area. The enforcement program was implemented as a means to pressure employers to hire strictly documented workers. The plan also contained provisions that increased the number of *braceros* admitted into the country.²² Nevertheless, nor *Bracero* neither Wetback proved to be successful in deterring illegal practices. Many employers still preferred to hire the ‘illegals’ because they represented an inexpensive source of labor, or as stated by Peter Andreas, they were ideal because of their flexibility, compliance and temporality.²³

Furthermore, U.S. state officials claimed that the raising levels of illegal immigrants and the consolidating networks created throughout the years of *Bracero* could represent a potential threat to the stability of the agricultural sector. Let us bear in mind that the anti-wetback sentiment came natural in a Cold War environment –when national security concerns of the most diverse nature supposedly outweighed any other-

¹⁹ Smith. *Inevitable Partnership*. 119. (Cursive is mine)

²⁰ Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 162

²⁰ Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 162

²² Nevins. *Operation Gatekeeper*. 34-35.

²³ Peter Andreas. *Border Games: Policing the U.S.-Mexico Divide*. (New York: Cornell University Press, 2000), 33.

but the interests of the agricultural sector were powerful enough to maintain the difference in the border enforcement rhetoric and the actual illicit practices performed by U.S. employers. On the other hand, the end of the program caused high unemployment rates along Mexico's northern border, and they preferred to continue engaging in illicit practices as bureaucratic paperwork kept obstructing their legal entry to the U.S. job market.

Still, several millions of Mexicans worked as *braceros* in the U.S. until 1964, when the program ended after strong advocacy of American labor unions to eliminate it. Then, in 1965 the Immigration and Nationality Act INA, limited the amount of visas for incomers from the Western Hemisphere²⁴ converting the status of many migrants from legal to illegal.²⁵ Measures like the ones mentioned before show the beginnings of an ongoing trend in the Mexico-U.S. relation to be discussed later, i.e., tougher regulations make illegal practices even more appealing.

During the 1960s and 70s, policing efforts at the border remained poor. Likewise, the spread of corruption throughout the Border Patrol reflected a deceptive image of state control over the area.²⁶ On the U.S. side specifically, inadequately appropriated budgets and ineffective state control at the border generated a sense of contradiction, between local and federal polices and between economic development and law enforcement initiatives.

The seventies were an era of political startle and economic stand up for Mexico. It was around that time that the industrialization of the border accelerated the establishment of manufacturing industries, better known as *maquiladoras*, which eventually brought urbanization to the border area. Meanwhile, in the United States the

²⁴ Andreas. *Border Games*. 35.

²⁵ Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 163.

²⁶ The Mexican government launched the *Programa Nacional Fronterizo* PRONAF, to develop infrastructure and beautify the border to set favorable conditions for border industrialization. Nevins. *Operation Gatekeeper*. 44.

seventies were the time when the economic problems were blamed on the six to eight million aliens taking over the jobs of legitimate American citizens.²⁷

President Carter had brought the immigration issue into discussion by setting up a 'select commission' to assess the question of Mexican migration and to evaluate the different options to solve the ongoing problem.²⁸ Among the possible solutions the commission suggested amnesty for illegal residents and forgery-proof documentation; with minimum support in Washington, the implementation of said suggestions did not go very far.

In the meantime, Mexican illegal entries to the United States continued as entering the territory was a simple and inexpensive activity. Migrants either carried themselves across the border or hired a local professional -a *coyote*- who charged a reasonable amount of money to do the job for them.²⁹ But the increasing volumes of workers gradually made a profitable business out of immigrant smuggling, as the bargaining to provide this 'service', the growing flow of clandestine migrants started. Additionally, the migrant's trend to dispersion towards urban areas rather than agricultural made this business more organized.³⁰ Within five years, from 1970 to 75, Border Patrol apprehensions almost doubled, nevertheless, migrants kept trying to cross the border illegally until they eventually succeeded.³¹

In the mid-eighties immigration control legislation was approved by the U.S. Congress. Ronald Reagan's Immigration Reform and Control Act IRCA of 1986 was a law enforcement mechanism that incorporated sanctions for employers hiring undocumented immigrants, but this piece of legislation contained loopholes that have ever since perpetuated all sorts of illicit practices. For instance, the bill encompassed

²⁷ Nevins. *Operation Gatekeeper*. 66.

²⁸ Smith. *Inevitable Partnership*. 123.

²⁹ Andreas. *Border Games*. 35.

³⁰ Andreas. *Border Games*. 36.

³¹ Andreas. *Border Games*. 36.

Border Patrol enforcement on one side and broader amnesty provisions on the other; employer sanctions were very lax, and did not truly meet the law abidance requirements for agricultural entrepreneurs. The passage of IRCA also had repercussions on the ongoing war on drugs as the Border Patrol would also be preoccupied with drug enforcement duties.

The exhaustive debate that took place in the U.S. Congress over this bill brought about several other points subject to further discussion. In addition to assuming that the border was extremely porous, and that it was virtually impossible to control it through policing agencies like the Border Patrol alone, they recognized that the problem of the *indocumentados* entailed not only the workers, but a cluster of policemen, Border Patrol officers, smugglers, bureaucrats and employers that forged documents and often were corrupted or bribed to act outside the law. In an attempt to continue hiring cheap laborers, employers managed use corrupt measures to keep their employees working apparently lawfully.

With the approval of the IRCA, millions of Mexicans saw an opportunity to change their illegal status and apply for amnesty. By the end of 1988, almost 3.1 million had engaged in such procedure. Hence, many argue that IRCA was not the solution to deter illegal migration, rather, it became part of the problem. During the eighties, many illegal workers applied and obtained their legal residency or even citizenship. For this reason, members of Congress, constituents and lobbyists set a stage for a very strong anti-migrant advocacy during the nineties. The U.S. southwestern border became again the central point of political debate.

2.2.1 The End of the Cold War

Only in 1982, did illegal immigration decline, although very modestly. Yet, this backdrop on illegal migratory flows coincided with an economic recession in the U.S. Thus far, it is legitimate to say that Mexican migration to the U.S. correlates more strongly with U.S. demand for jobs than to Mexican unemployment. All in all, economic and demographic studies have repeatedly shown that migrants do not seek only better wages but sources of capital to invest in their communities of origin. And even though there have been strong security concerns, the demand of jobs has remained constant. Only, the ways to supply said demand have become a lot more complex.

The overall image of the border near the end of the Cold War was, for some at least, very promising. The enactment of the IRCA in 1986 had created the illusion of a humanely controlled border.³² This groundbreaking piece of legislation came in a very peculiar political environment. At that time, Americans were facing an electoral season and it became very important to integrate the border control issue into the political platform. As good as a political instrument the IRCA was, it –again- failed as an illegal migration control and/or deterrent policy. Only two years after the passage of IRCA, immigrant flows were back to their previous levels.³³ The truth of matter is that IRCA sent ‘mixed signals;’ on the one hand, there was a legitimate hope for regularization of migratory statuses while, on the other, it obstructed their ideals through more paperwork, and tougher border crossing restrictions.

The INS has estimated that the average inflow of Mexican ‘illegals’ over the years of 1982 through 1992 neared one hundred and sixty thousand yearly.³⁴ Over the nineties, the INS estimate doubled, accounting some three hundred and fifty thousand people coming into the U.S. undocumented; for that, the Mexican community was

³² Smith. *Inevitable Partnership*. 124.

³³ Lorey. *The U.S.-Mexican Border in the Twentieth Century*.163.

³⁴ Gordon H. Hanson, Raymond Robertson and Antonio Spilimbergo. “Does Border Enforcement Protect U.S. Workers from Illegal Immigration?” *CCIS Working Paper No. 31*. (CCIS: California, 2001), 6.

projected to become the largest immigrant population residing in the United States. Mexican communities surpassed those from China or Italy in size and projected growth.

During the Cold War, the United States based its conception of national security in terms of a fight against communism –as embodied in their Containment policies, and the promotion of liberal democracy. Mexico, for its part, had, until then, kept a lower national security profile allegedly because of fear of being subjected to external threats –specifically from the United States. In that sense, “Mexico’s identification of threats has remained consistent over time, largely because of the country’s status as underdeveloped, one-party state bordering a great power with no local rivals. The U.S. security umbrella protects Mexico from any great power rival of the United States but not from U.S. threats.”³⁵

According to the United States’ view, Mexico remained on their strategic agenda only marginally. No more than in matters of drug trafficking did the United States take a stand during the Cold War. Then, “[in] 1986, the National Security Decision Directive NSDD 221 defined drug trafficking as a threat to U.S. national security. Undocumented migration was added.”³⁶ Drug consumption at the time had significantly grown in the United States, and the reason for which it fell directly into the security scope of interest was no other than the links of traffickers and producers to the armed guerrillas spread all over the hemisphere, specially in Central America. Likewise, push and pull factors speeded up the flow of undocumented migrants towards the U.S.; politicians and other public officials rapidly put the issue forth by employing metaphors suggesting an illegal alien invasion of their territory.

Sadly, the debate over the problem of the border ended precisely at the border. As we will see in the following section, official policy to deal with drugs and illegal

³⁵ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*. 23.

³⁶ Serrano. “Bordering on the Impossible.” 55.

immigration focused solely at ‘regaining control’ and not at preventing nor ending the problem. Security escalation was manifest in abnormally large INS and Border Patrol budgets and the deployment of more vigilant officials close to the territorial perimeter. But the shift from a bipolar world to one dominated by the United States brought a new impetus as to the identification of threats to stability and security.

Before the enactment of NAFTA, Mexico and the United States had only two noteworthy bilateral agreements, one was a very short free trade agreement and the other was the *Bracero* Program. None of the two truly controlled nor terminated the most persistent of all border problems, the uncontrolled flow of people. However, with the end of the Cold War, Mexico and the United States have identified new common threats to their own national securities. Transnational organized crime, drug production and traffic, terrorism, regional conflicts and uncontrolled flows of goods and people are among the non-state actors taking over the traditional –limited- conception of shared security. Moreover, the bilateral relation has intensified with the ongoing social and economic integration and with the expansion of technology and telecommunications.

The economies north and south of the border became closer, but that did not necessarily mean a change in the relation of the two countries as a whole. The border, for that matter, will continue to be closely overseen by the U.S. government, and it is expected that law enforcement will continue to grow; unilateral policies however, will no longer be accepted by either one of the three NAFTA partners. But what NAFTA did achieve was the establishment of a framework that has facilitated commerce, and in terms of people flow, it has created TN-type³⁷ visas for Canadians and Mexicans engaged in business activities. (See Appendix 4)

³⁷ INA Section 214 (e) (2) “An alien who is a citizen of Canada or Mexico, and the spouse and children of any such alien (...), who seeks to enter the United States under and pursuant to the provisions of Section D of Appendix 1603 of the North American Free Trade Agreement (...) to engage in business activities at a professional level as provided for in such Appendix, may be admitted for such purpose under

2.3 Drug Trafficking and Illegal Immigration in Times of Change

The smuggling of substances has been a shared concern of the Mexican and U.S. governments for a long time. From the years of alcohol prohibition to the trafficking of marijuana, cocaine and heroin, the two countries have made efforts to stop this extremely lucrative business. Although severely criticized, the use of military forces at the border signaled the build-up of U.S. enforcement power towards a threat to its security.

In the case of illegal migration, the seventies were the beginning of the spread of anti-immigrant sentiments especially in U.S. southwestern states. Back then, the Border Patrol was apprehending large amounts of people and the American public was being invaded with declarations of enforcement authorities' officials alerting the dangers of a continued raise in the number of undocumented. Increasingly, analysts, politicians, TV shows, etc. were discussing the 'threat' that unauthorized migration represented to the United States' employment and economic security.

In the last couple of decades the United States has emerged as the most fervent setter of border control measures to face the uncontrolled flow of people across its national territorial boundary with governmental and civilian initiatives. Many of those have been conceived, designed and implemented at the local level, thanks to the advocacy of conservative groups within the governmental structure or the civil society in response to inadequate law enforcement efforts.

Vigilantism has a long history in the United States; just like in the past, vigilantes have gathered together responding to what they believe to be inadequate law

regulations of the Attorney General promulgated after consultation with the Secretaries of State and Labor." Available from <http://uscis.gov/graphics/services/visas.htm> Consulted, March 30th, 2004.

enforcement by the State. In some cases, vigilante initiatives have surpassed the civilian sphere and have been put into practice by local and federal authorities. In that sense, the war on drugs was one of the main contributors to the creation of the image of the illegal alien as a criminal.³⁸ The fueling of vigilant operations like the American Border Patrol or the Civilian Homeland Defense will be further discussed in the following chapter. This section will primarily focus on a local initiative, born in El Paso –Operation Blockade and its federal predecessor, Operation Gatekeeper.

2.3.1 Drugs, a Shared Target

“Even after marijuana became illegal in the early twentieth century, U.S. authorities showed little concern about small-scale shipments of marijuana from Mexico through the 1950s.”³⁹ But as drug production developed in Mexico and demand and consumption did so in the United States, enforcement measures were necessary and bi-national actions became evident. The rise in drug consumption levels in the sixties became a key issue in the Nixon administration. The response to a primarily domestic concern led to a very controversial enforcement operation that expanded the vigilance of the boundary.

Operation Intercept –as it was first named- was also aimed at pressuring Mexico to compel and cooperate with the U.S. drug combating initiatives. Soon after, Intercept was renamed as Operation Cooperation as Mexico agreed to add the drug issue to the Nixon ‘law and order’ agenda.⁴⁰ In this new era of drug control initiatives, Mexico launched Operation Condor in 1975, “(...) the most ambitious eradication effort ever

³⁸ Labor migration has been strongly related with drug smuggling, as the difficulties to cross as well as the high cost of immigrant smugglers drive migrants to carry shipments with them. Lytle. “Constructing the Criminal Alien.” 5.

³⁹ Nevins. *Operation Gatekeeper*. 57.

⁴⁰ Nevins. *Operation Gatekeeper*. 58.

undertaken by any country.”⁴¹ A dramatic reduction -in the trafficking of marijuana specifically- was accomplished thanks to the use of aerial herbicides spread all over plantations and to the deployment of military troops in the states of Sinaloa, Durango and Chihuahua, where troopers performed manual eradication. Additionally, cross-border surveillance, intelligence and training sharing contributed enormously to the combating of stupefacient substances.

The nineteen eighties were the decade of drug trafficking resurgence as a problem north and south of the border. After years of drug control measures, the market had figured out the dynamics of the anti-drug environment; traffickers were willing to bribe officials and officials accepted those bribes. David Lorey recalls that drug trafficking affected both the economy and the society of the two countries, and that initially, “[t]he United States blamed Mexico for its role as a source of the illegal drugs and for its failure to prevent the drugs from being transshipped through the border region to the [U.S.]”⁴² And indeed, statistical data demonstrates how Mexico had replaced Colombia in terms of dealing and distributing illegal substances, -although not so in the production of them- and the U.S. has forever believed that drug consumption can be reduced if the supply of those substances is eliminated.

Whatever the case, the spread of consumption in the U.S. fostered an alarming environment for U.S. and Mexican authorities, also concerned because of the rising numbers of crimes related to drugs. More and more, drug cartels acquired more sophisticated weaponry, became more organized and thus consolidated their power along the borderline. The most dramatic point was the assassination of DEA agent Kiki Camarena in the city of Guadalajara. As a response to Camarena’s murder the U.S.

⁴¹ Andreas. *Border Games*. 41.

⁴² Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 161.

launched a second version of Operation Intercept⁴³ only this time it was intended to send a strong disapproving message to Mexican drug enforcement officials.

Without a doubt, the Camarena affair reinvigorated the war on drugs initiated at the beginning of the Reagan administration. “[T]he U.S. campaign for control escalated at home and abroad. Budgets grew, agency missions expanded, tougher laws were introduced, and elevated.”⁴⁴ The stationing of military officials at the border clearly aided in the deterrence of the spread of drug trafficking as well as in the raising rates of violence in the area. Nevertheless, the actual flow of restricted substances continued to be the same. Indeed, officials kept intercepting and seizing larger amounts of drugs,⁴⁵ but that only meant that more and larger shipments were sent and received from one side of the border to the other.

The deterrence of the drug problem was, all in all, very questionable, but it turned out to be a great political standpoint in terms of border control. An orderly, safe border became –as Peter Andreas call it- “(...) the means to display political resolve.”⁴⁶ Moreover, the passage of bills commending the deployment of military officials to halt the entry of vessels carrying narcotics was a quick strike of congressmen very near the end of the congressional election season. Many members of Congress even accepted that they did not really care about the language of the bill, but that voting in favor of it was voting in favor of the war on drugs. Evidently, taking the other side (against the war on drugs) had very high political costs.

“Signaling the law enforcement focus on the Southwest, Operation Alliance was launched in June 1986 to coordinate all interdiction efforts along the U.S.-Mexico

⁴³ Andreas. *Border Games*. 47-49.

⁴⁴ Andreas. *Border Games*. 43.

⁴⁵ Seizures of cocaine shipments rose from a couple tons in 1981 to almost thirty in 1987.

⁴⁶ Andreas. *Border Games*. 43.

border (including coordination between the military and civilian agencies).”⁴⁷ For instance, the customs services began to coordinate and showed impressive numbers of cocaine and marijuana shipments seizures. However, businessmen from along the borderline complained about the traffic jams and long lines at the entry/exit points where officials searched vehicles for illegal substances that obstructed their attempt to commerce legally.

The Anti-Drug Abuse Act of 1986 created a certification process that would make the State Department issue yearly reports on the drug control efforts of supplying countries –like Mexico. Allegedly, the aim of that certification policy was to force supply countries to keep the drug issue as a priority in their domestic agendas, otherwise the U.S. would de-certify them. Once again the political cost of hosting ‘soft’ polices towards drugs was very high. The measure was harshly viewed, but in one way or another, the combating of drugs received wide media attention and really was elevated on many domestic agendas outside the United States. In Mexico specifically, the Attorney General’s office appropriated almost 60% of its budget in drug enforcement activities.⁴⁸

During the Salinas administration, Mexico and the United States entered a stage of closer economic ties that somewhat led the Mexican government to renew their drug control efforts to cope with the U.S. anxiety of having facilitated cross-border activities. For Mexico, it meant the ever more daunting ask of demonstrating to the U.S. that it was committed to terminate the drug problem for good. In that sense, the Mexican government initiated several structural arrangements like the creation of drug-control agencies modeled on the U.S. Drug Enforcement Administration DEA and even within

⁴⁷ Andreas. *Border Games*. 45.

⁴⁸ Andreas. *Border Games*. 49.

the Ministry of Foreign Affairs to signal its will to cooperate in the building of a stronger anti-drug apparatus.

Year after year, the U.S. State Department recognized the cooperation of the Mexican government. In the dawn of NAFTA, Mexico did not want drugs to become a political upheaval in the relationship. All through the nineties, eradication and enforcement were publicized on both sides of the border. Barry McCaffrey, the White House's appointee for drug control policy, insisted several times on the outstanding work of the Salinas government in seizing shipments and cartelists. And in fact, figures show a clear rise in the volume of illicit substances caught and confiscated by the two governments. But what mattered the most was the political commitment of both Mexico and the U.S. with the same goals.

In the second half of the decade, however, the liberalization and cooperation spirit of the first half was obscured by widespread corruption throughout the Mexican judicial and political systems. Indeed, the Zedillo administration had to rely more strongly on militarized initiatives to control the trafficking of drugs domestically. Militarization was, of course, reflected in the cross-border relationship as well. By 1997, the Mexican Ministry of Defense had expanded significantly. Also in that year, the U.S. government announced a decline in the levels of cocaine seizures, proving that Operation Hard Line, launched two years before, was throwing some positive results. Therefore, in 1997, "(...) the U.S. Department of Defense, responding to an autocracy against the use of military in drug trafficking assignments (...) ordered U.S. ground troops units to halt foot patrols in the region."⁴⁹

Drug trafficking across the border was not eradicated. Drug control was indeed, a legitimately shared concern in the domestic agendas; but on the whole, the war on

⁴⁹ Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 162.

drugs seems to have been more of a political assertion than a deterrence instrument of two integrating political entities. In deterring drug smuggling, Mexico implemented a response force in the northern border since becoming a drug corridor could set a path for the development of other transnational crimes. Such would be arms smuggling, car raiding, prostitution, money laundering, and human smuggling. That is why safeguarding Mexico's northern perimeter is vital to avoid threats to the United States' own security.

2.3.2 The Dynamics of Deterrence as the Ultimate Strategy

By the mid-nineties conservative groups of the U.S. Congress, lobbyists and influential people within the media had a somewhat xenophobic inclination in their conception of Mexican mass migration to the United States. Many thought that an unexpected increase in the number of Mexican immigrants could seriously affect the stability of the country's economy. In view of that, U.S. authorities placed more importance in escalating border enforcement and consequently influencing the perception of the public and the media on one hand, and altering the habitual practices of law evaders on the other. This renewed focus on the borderline has drawn the attention of the immigration and the insecurity problem away from the political and the labor market realms, to the state control and orderly security of the area.

Immigration control became an issue on the Republican Party's agenda during the eighties, when the IRCA debate occupied most of the attention of legislators. During the nineties, radical, conservative congressmen, together with anti-immigrant advocates provoked a backlash to unauthorized migration. The state of California became the ideal platform from which immigrant-hostile initiatives were launched. By 1994, the U.S.

southwest border had become the showcase of the law enforcement efforts of the Clinton administration; only “(...) between 1993 and 1996, the (...) administration increased the size of the Border Patrol by 45 percent.”⁵⁰

In contrast, the enactment of the North American Free Trade Agreement increased the level of interdependence between Mexico and the United States, but it did not terminate or alter the unequal terms of the ongoing relationship. Suárez-Orozco mentioned that around that time, cross-border traffic was ‘of monumental proportions’, and that major sectors of the economies of both sides were heavily dependent on foreign-oriented activities. He stated, for instance, that

[o]n the U.S. side, commerce, banks, real estate and stock brokerage firms, and labor-intensive industries thrive on the importation of capital, products and workers from Mexico, while the Mexican side drives substantial benefits from externally financed maquiladoras, U.S. tourist and shoppers, and U.S. jobs for many local workers.⁵¹

By 1993 the imminent trend towards a closer relation made it logical to think that the number of Border Patrol agents stationed at the U.S. southwestern border would be trimmed down. This idea came together with other initiatives of the Clinton administration to reduce the size of the state, “[b]ut Clinton quickly reversed this position in order to ride (...) the rising restrictionist wave sweeping across the country and in the halls of Congress. Thus, in late July 1993, Clinton announced tough new measures against illegal immigration, including 600 more Border Patrol agents.”⁵² Altogether, in the federal sphere, the Department of Justice was the fastest growing agency, managing budgets which increased threefold over five years. (See Appendix 5)

⁵⁰ Marcelo M Suárez-Orozco. (ed.) *Crossings: Mexican Immigration in Interdisciplinary Perspectives*. (Cambridge: Harvard University Press, 1998), 344.

⁵¹ Martínez. *Border People*. 49.

⁵² Suárez-Orozco. *Crossings*. 344.

Similar to the appointment of a state representative in charge of drug oversight, the unprecedented growth of the Immigration and Naturalization Services INS of the United States was reinforced with the appointment of a Special Representative to the Southwest Border, also known as a 'border czar'.⁵³ Attorney General Janet Reno designated John J. Kelly –the former attorney for the district of New Mexico- to be in charge of overseeing and coordinating the efforts of the border enforcement agencies belonging to the Department of Justice such as the INS, the Border Patrol, the FBI and the DEA.⁵⁴

In the local arena, El Paso authorities were the first ones to implement immigrant-unfriendly measures. In 1993, Operation Blockade, which was later referred to as Hold-the-Line positioned around 450 agents to cover a 20-mile range of borderline. A unilateral decision of El Paso Border Patrol Chief Silvestre Reyes –who now holds a post as Representative in the U.S. Congress- became the watershed in terms of immigration control. The Border Patrol's task was to apprehend illegal migrants once they had crossed the border, but Reyes' ideal was to prevent people from even attempting to cross.

Illegal crossings in El Paso fell dramatically in the short term. These results were publicized nationally, but more importantly, Operation Hold-the-Line was the predecessor of an even harder U.S. initiative, Operation Gatekeeper. Just a few weeks after the implementation of Hold-the-Line, California Governor Pete Wilson asked the federal administration for the expansion of the immigration control strategy along the 2000 miles of the border, all the way to the San Diego area. Clinton's aides were first reluctant to the idea as Reyes' harsh border enforcement sent bad signals to Mexico.

⁵³ Andreas. *Border Games*. 89.

⁵⁴ News Briefs. "'Drug Czar' McCaffrey Proposes 'Border Czar;' Reno Appoints DOJ Border Chief." Available from <http://www.ndsn.org/sep0ct98/traffi2.html> Consulted March 29th, 2005.

But, “[t]he birth of Gatekeeper [was] also tied to numerous short-term factors(...) These included various political initiatives undertaken, most notably by then governor Pete Wilson, to link worsening socioeconomic conditions to unauthorized migration.”⁵⁵ Additionally, Californian congressmen and women constantly pressurized Clinton until there was a spread perception of a crisis. As a result, the Crime Bill was passed in 1994 to provide funds for most enforcement agencies, including of course, those in charge of immigration control.

Despite the appropriation of funds, and the open statements of President Clinton demonstrating his will to end illegal immigration and welcome lawful ways of receiving new workers, residents, citizens and even refugees, the political scenario in the southern state of California was very unappealing. Later in 1994, in the midst of gubernatorial race, Proposition 187⁵⁶ became the center stage of Wilson’s reelection campaign. This was the toughest of Wilson’s strikes against federal initiatives. His disagreement with the Clinton administration in terms of border enforcement and especially with immigration control, were taken to an extreme level. “We can thus interpret Operation Gatekeeper as a response to Proposition 187, and perhaps even an attempt to try to defeat it.”⁵⁷

Signaling Clinton’s will to address and control the problem of the border in California, military enforcement operations took place at the San Ysidro-Tijuana check point; the Immigration and Naturalization Services’ military personnel operated most of the surveillance equipment newly installed in the area. In San Diego and New Mexico INS military officials handled night scopes, motion sensors, communication devices, electronic equipment and x-ray cameras for vehicles. Additionally, the federal and local

⁵⁵ Nevins. *Operation Gatekeeper*. 61.

⁵⁶ Proposition 187 denied access to education, social and health care services, to unauthorized immigrants.

⁵⁷ Nevins. *Operation Gatekeeper*. 92.

administrations increased penalties for alien smugglers and document forgers. In the same direction, the Illegal Immigration Reform and Immigration Responsibility Act IIRIRA of 1996 mandated to gradually increase the number of agents at the border from approximately 5,000 in that year to 10,000 in the year 2001; it tripled the size of the dividing fences and strengthened penalties for alien smuggling.

The strongest turn in immigration control contained in this piece of legislation had to do with the strengthening of the sentences for those convicted of alien smuggling. In some cases, the penalties were nearly doubled. Additionally, the IIRIRA approved the erection of new physical barricades along the San Diego border. On the ground, body sensors and a sort of footstep detectors were set up.⁵⁸ The Border Patrol also implemented a tracking system that would keep an electronic record of apprehended border crossers.

INS and Border Patrol expansion came along with a series of policies that the government envisioned as “prevention through deterrence”. The main goal of increasing the budgetary capacities of the migration control agencies as well as other federal and local policing dependencies was to discourage illegal aliens from attempting to cross. The logic of enforcement mistakenly foresaw that after two or three times of frustrating the crosser’s attempts, he or she will be discouraged to continue trying and that sooner or later the potential immigrant would choose to return home. That way, uncontrolled migration would be stopped and eventually prevented. However, this ‘bureaucratic entrepreneurialism’, as Peter Andreas has called it, had pervasive effects as a border control offensive. In effect, “[t]he tightening of controls in El Paso and San Diego predictably pushed migrants to attempt entry elsewhere; consequently, apprehensions

⁵⁸ Andreas. Border Games. p .91.

remain far below previous levels in the El Paso sector but have jumped in New Mexico and Arizona.”⁵⁹ (See Appendix 2 and Appendix 3)

The same phenomenon was observed in California, where entries were displaced towards more remote and inhospitable areas of the Tijuana-San Diego borderline. In response, the INS installed more ports of entry along the southwestern border; in addition, the introduction of high-technology visas aimed at avoiding the forgery of official documents. In this realm, since then, Mexico and the United States have engaged in bilateral programs that have stronger control of the cross-border activities on the one hand, and that facilitate the quick and efficient registration of frequent, low-risk crossers on the other.

Nevertheless, the disruption of the habitual methods of crossing the border has pervasively transformed this once simple act into a complex chain of crime and law evasion. Indeed, “[p]ast forms of unauthorized entry primarily involved either self-smuggling or limited use of a local “coyote.” [But nowadays,] (...) the use of a professional smuggler has become a standard practice.”⁶⁰ Oddly enough, the ‘industrialization’ of immigrant smuggling is projected to be tougher to deter than drug or goods traffic alone. The higher prices of a professional human smuggler, the higher risk of apprehension and the tougher penalties for incurring in such activities certainly do not discourage Mexicans from wanting to cross the border and establish in the neighbor country.

Clearly not efficient deterrents, enforcement polices were all in all very political, for the U.S. government was gradually gaining an image of ‘regaining control’ of its southern border. Allegedly, they were now better able to block illegal immigration. Nevertheless, as Bailey and Aguayo-Quezada point out, ending, blocking or deterring

⁵⁹ Andreas. *Border Games*. 93.

⁶⁰ Andreas. *Border Games*. 95.

illegal migration will continue as “[t]his alteration of the status quo will [continue to] have important implications because the U.S. economy continues to attract cheap, unskilled labor.” And moreover, Mexico will most likely be “(...) incapable of creating the necessary jobs for the foreseeable future,” even when “the conditions are being created for an agreement similar to the “Bracero” programs of old.”⁶¹

It seems however, that the United States has yet to work out its national aspirations in a single grand strategy. During the Cold War, it was very clear that the security strategy was mainly based upon containment principles; and even though the challenge of expanding the scope of reach of a bi-national strategy that includes the free and safe transit of people and goods persists, a shift to the right in the public opinion has prompted the administration to adopt harder-line positions in terms of migration, organized transnational crime and terrorism.

For example, the Clinton administration substantially beefed up law enforcement along the southwestern border in January 1996, in part to show tough deterrent measures against illegal immigration and drug smuggling to prepare for the re-election campaign.⁶²

A grand strategy for immigration control needs to be perfectly balanced in terms of its effectiveness as an illegal migration deterrent and its humanity as a facilitator of people’s flow across the shared boundary. Enforcement measures should acknowledge that the U.S. Constitution grants protections to those who enter their territory, which unable the harshening of apprehension and deportation processes.⁶³ Also, a new border control program should be aimed at knitting together special operations not only in California, but in Arizona as well; and it should result in one coherent regional strategy that also foresees anti-drug strategies.

⁶¹ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*. 14

⁶² Andreas. *Border Games*. 95.

⁶³ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*. 80.

In that sense, Mexico has been known to assimilate the pressures coming from outside, always finding a negotiated, institutional solution to bi-national problems. In the past, the United States and Mexico have fought together to stop the abuse of the consumption of drugs, and ever since Mexico became a consolidating democracy, they have pursued liberalistic policies in terms of good governance and market exchange. With this, Mexico has experienced the most drastic change in foreign policy practices in many decades, moving from autonomous and non-interventionist, to a multilateral, cooperative and even North American approach.

Though a productive bilateral relation should acknowledge the heterogeneity of the relationship. Effective communication between governmental agencies must be clear and available to avoid misjudgments and prejudices, so that the evaluation and solution of potential problems is the best possible.

Contemporary Mexican grand strategy thus seeks to use the international market to get a better deal with the United States and to use its relationship with the United States to benefit more from the international economy. Mexico offers the United States cheap labor and markets for its goods and services. In return, Mexico expects increased employment, better access to the U.S. market for its own goods, and help from the U.S. entrepreneurs in modernizing its economy.⁶⁴

Today, some of “[t]he most serious challenges to national stability across North America [come] from domestic violence and common crime, intertwined with international drug trafficking, ethnic violence, hunger, disease, environmental degradation, trade protection, and illegal immigration.”⁶⁵ More than ever, security policies are not exclusively geared towards the management of threats. Securing a

⁶⁴ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*. 33.

⁶⁵ Bailey and Aguayo Quezada. *Strategy and Security in US-Mexican Relations*.188.

nation also presents an opportunity to promote national values and interests, better off if these are shared and pursued along with allies and neighbors.

Safeguarding borders embeds respect for the human rights of migrants, the fight of organized delinquency related to narcotics and illegal migration, arms smuggling, and the sustainable use of natural resources. All the former require the coordinated effort of the two countries, bearing in mind that a terrorist threat is common to both nations and that cooperation between them is only natural in an integrating relationship like the U.S.-Mexican one.