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Border Games

POLICING THE U.S.-MEXICO DIVIDE

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promoting the federal antidrug effort. Each hearing follows the same basic routine: the chair delivers an opening statement about the scourge of drugs, insisting that we must do more to stop drugs from crossing the nation's borders. Other committee members then offer their own variations on the same theme. These are followed by testimonies from drug enforcement officials, highlighting what their agencies have accomplished and what they hope to accomplish if more resources are forthcoming from Congress.

Each agency is concerned only about showing the success of its discrete mission, rather than with the viability of the policy as a whole. Each has its own way of measuring and justifying its performance: for example, the Customs Service highlights seizures and arrests at the border ports of entry; the DEA prioritizes the capture of major traffickers; the State Department stresses the level of cooperation with Mexico. Poor results tend to be blamed on mismanagement and insufficient resources. Improved results are assumed to come from more and better law enforcement and cross-border cooperation. The question-and-answer period that follows the prepared official testimonies can often be heated, but given the political and bureaucratic interests involved, there is rarely any challenge to the basic underlying supply-side logic of the drug control strategy.

Projecting an impression of cross-border commitment and progress in the antidrug campaign has ultimately proved to be more politically consequential for U.S. and Mexican leaders than whether or not the drug supply has actually been reduced. Regardless of its deterrent effect, the escalation of enforcement efforts has helped to fend off political attacks and kept the drug issue from derailing the broader process of economic integration. In other words, a policy that has largely failed in its stated goal has nevertheless helped to realize other key political objectives—most notably the creation and maintenance of NAFTA. The intensified antidrug campaign, however, has brought with it significant collateral damage: more corruption, more militarized law enforcement, more linkages between the drug trade and legitimate cross-border trade, and a generally more "narcoticized" U.S.-Mexico relationship.

CHAPTER FIVE

The Escalation of Immigration Control

Efforts to police the flow of illegal immigrants across the U.S.-Mexico border have undergone a metamorphosis since the early 1990s: immigration control along the border has been elevated from one of the most neglected areas of federal law enforcement to one of the most politically popular. The unprecedented expansion of border policing, I argue, has ultimately been less about achieving the stated instrumental goal of deterring illegal border crossers and more about politically recrafting the image of the border and symbolically reaffirming the state's territorial authority. Although the escalation of policing has largely failed as a deterrent and has generated perverse and counterproductive consequences that reinforce calls for further escalation, it has been strikingly successful in projecting the appearance of a more secure and orderly border.

The escalation of border enforcement has influenced where, how, and how often illegal immigrants cross the border. This has generated enormous rewards for lawmakers, law enforcers, and law-evading migrant smugglers and has powerfully shaped public and media perception. At the same time, the narrow and symbolically appealing focus on the borderline itself as both the source of the illegal immigration problem and the site of the policing solution has drawn attention away from the more politically awkward and divisive task of formally recognizing and regulating a well-entrenched clandestine cross-border labor market.

CREATING AND CHANNELING THE BACKLASH AGAINST ILLEGAL IMMIGRATION

During much of the twentieth century, the United States and Mexico not only quietly tolerated but actively facilitated and encouraged the in-

flux of cheap labor across the border; until recent decades the rising level of illegal immigration commanded little national political attention. For example, the platform of the Republican Party did not even mention immigration control until 1980, and only four years later did it affirm the country's right to control its borders and express concern about illegal immigration.[1]

Congressional debate over how to deal with illegal immigration culminated in the passage of the Immigration Reform and Control Act of 1986, which introduced employer sanctions for the first time, as well as a limited legalization program. But although IRCA provided a temporary sedative, the law exacerbated the very problem it purported to remedy. Rather than discouraging illegal immigration, the main impact of legalization under IRCA was to reinforce and expand already well-established cross-border migration networks. Many onetime immigrants who had gone back to Mexico returned to claim legalization papers. And those who were legalized under the program provided a more secure base for the arrival of new immigrants. Meanwhile, the primary impact of the poorly designed and minimally enforced employer sanctions was to create a booming business in fraudulent documents.

IRCA's perverse consequences helped set the stage for a powerful backlash against illegal immigration in the 1990s, most acute in California, which was home to nearly half of the unauthorized immigrants estimated to be in the country. The state was hit hard early in the decade by a budget crisis and an economic downturn occasioned by post–Cold War cuts in military support for southern California's aerospace industry. Economic insecurity combined with a rapidly changing demographic profile to nurture rising nativist fears among California's disproportionately white, middle-class electorate. The new restrictionist mood was embodied in the passage of Proposition 187 by California voters in 1994, which sought to bar illegal immigrants from receiving social services. Proposition 187 was self-consciously designed and promoted as a symbolic gesture to express frustration and "send a message" to the federal government.[2] Even though it was subsequently declared unconstitutional (as its proponents expected), its passage by a three-to-two margin sent shock waves across the country and through the halls of Congress.

My purpose is not to provide a general explanation for the anti–illegal immigration backlash but, more specifically, to show how this backlash was partly created and then opportunistically channeled by political and bu-

1. Joseph Nevins, "'Illegal Aliens' and the Political Geography of Criminalized Immigrants" (paper presented at the annual meeting of the Association of American Geographers, Boston, 28 March 1998).

2. Kitty Calavita, "The New Politics of Immigration: 'Balanced-Budget Conservatism' and the Symbolism of Proposition 187," *Social Problems* 43, no. 3 (1996): 284–305.

reaucratic entrepreneurs to focus on the border as both the source of the problem and the most appropriate site of the policy solution. Beginning with Patrick Buchanan, politicians used the border as a political prop in voicing their opposition to illegal immigration. During the 1992 presidential campaign Buchanan held a press conference above Smugglers Canyon (a well-known point of illegal entry along the border south of San Diego) to denounce what he called the federal government's failure to deter an "illegal invasion." In the following years more mainstream politicians embraced many of Buchanan's ideas and similarly adopted the border as a political stage.[3]

In a brilliant political move, Governor Pete Wilson of California revived his floundering 1994 electoral campaign by blaming the state's woes on the federal government's failure to control the border. His most effective tool for communicating this message was a television advertisement based on video footage of illegal immigrants dashing across the border from Mexico into the southbound traffic at the San Ysidro port of entry. Against the background of this chaotic scene the narrator's voice said: "They keep coming. Two million illegal immigrants in California. The federal government won't stop them at the border, yet requires us to pay billions to take care of them. Governor Wilson sent the National Guard to help the Border Patrol. But that's not all." Governor Wilson then appeared, pledging to do more: "For Californians who work hard, pay taxes and obey the laws, I am suing to force the federal government to control the border and I'm working to deny state services to illegal immigrants. Enough is enough."[4] Only a few years earlier, it should be recalled, Wilson had asked for a relaxation of controls so that Mexican workers could cross the border to apply for special agricultural workers' visas.

Far from being passive bystanders, border officials helped construct this image of the border under siege. Not only did the Border Patrol produce the original video footage used in the Wilson campaign;[5] it helped to create the spectacle of an overrun port of entry in the first place. While the Wilson ad conveyed the impression that this disorderly scene was an everyday occurrence, it had in fact been sparked in 1992 by intensified Border Patrol pressure on illegal crossers to the west of the port of entry.[6] Squeezed by the deployment of more agents and a new fence along the

3. Sebastian Rotella, *Twilight on the Line: Underworlds and Politics at the U.S.-Mexico Border* (New York: Norton, 1998), 30.

4. Quoted in Katrina Burgess and Carlos González Gutierrez, "Reluctant Partner: California in U.S.-Mexico Relations" (unpublished manuscript, n.d.), 29–30.

5. Author interview, Border Patrol Western Regional Headquarters, Laguna Niguel, Calif., 27 March 1997.

6. Author interview with Douglas Kruhm, former Assistant Commissioner of the Border Patrol, Washington, D.C., 6 February 1998.

westernmost five-mile stretch of the border[7] (traditionally the single most heavily used point for illegal entry), smugglers responded by orchestrating charges of fifty migrants at a time—called "Banzai runs" by border officials—through the southbound lanes of the San Ysidro port of entry.

The dramatic footage of men, women, and children dashing across the border and weaving through the busy traffic was broadcast across the nation, providing a powerful focusing event that galvanized public attention. Critics accused the Border Patrol of deliberately provoking the charges and playing up the images to secure more funding.[8] The scenes of the Banzai runs were not only exploited for political gain by Governor Wilson[9] but projected the message that lax border controls were the root of the illegal immigration problem. Left out of this message was the anemic condition of workplace controls, the economic reliance of key sectors of the California economy (particularly agriculture) on illegal foreign workers, and the fact that 40–50 percent of the unauthorized immigrants in the country had not entered illegally but simply overstayed their visas.

Instead of challenging this border-focused message, both Republicans and Democrats embraced it. Targeting the border (rather than, say, domestic employer demand for inexpensive labor) not only had an irresistible symbolic appeal but helped define the nature of the problem and limited the range of acceptable policy solutions. To a remarkable extent, then, official policy debate over illegal immigration was quickly reduced to a narrow debate over controlling the border. Politicians across the political spectrum sounded increasingly alike in pledging their commitment to border control. For example, echoing popular political sentiment, Representative Brian Bilbray (R-Calif.) exclaimed that "We have traveled all over the world as a nation since 1914, securing the frontiers of other nations, but the greatest power in the world has not chosen to secure its own national territory."[10] And as President Clinton put it, "We can't afford to lose control of our own borders at a time when we are not adequately providing for the jobs, health care, and the education of our own people."[11] Having identified the border as the political battleground on which the government's resolve to fight illegal immigration would be tested, politicians rushed to outdo one another in proposing tough new measures.

7. Built by the military, the fence was funded and justified as a deterrent against drug smugglers driving loads across the border. Although in practice it served immigration control purposes as well, it had to be built as a drug-control fence in order to secure military assistance and minimize political opposition to the idea: ibid.

8. Rotella, *Twilight on the Line*, 55.

9. As Alan D. Bersin, the U.S. attorney for the Southern District of California (appointed by Janet Reno as the administration's point person on border issues), put it, "the Banzai runners re-elected Pete Wilson": speech at the Institute of the Americas, University of California, San Diego, La Jolla, Calif., 11 July 1997.

10. House Subcommittee on Immigration and Claims, Committee on the Judiciary, *Border Security: Hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary*, 104th Cong., 1st sess., 10 March 1995, 6.

11. ABC News, *This Week with David Brinkley*, 20 June 1993.

The U.S. Border Control Offensive

Although border control was a low priority for President Clinton when he first took office, he soon became an enthusiastic proponent of tighter controls in order keep up with Republican initiatives in Congress. In late July 1993 he held a news conference to announce aggressive new measures against illegal immigration: "Today we send a strong and clear message. We will make it tougher for illegal aliens to get into our country." These measures included hiring 600 more Border Patrol agents—an idea Clinton adopted as his own, though the proposal actually came from an amendment proposed earlier in the month by Representative Duncan Hunter (R-Calif.). In announcing the increase, the President said, "It's certainly plain to anybody with eyes to see that the Border Patrol is drastically understaffed, breathtakingly understaffed." (Just a few months earlier he had actually recommended trimming its size as a cost-saving measure.)[12] Signaling the administration's new commitment, the attorney general and the INS commissioner became frequent visitors to the border.[13] The attorney general even appointed a Special Representative to the Southwest Border (who was immediately dubbed the "border czar" by the press). Officials of the Border Patrol (the uniformed enforcement wing of the INS), long accustomed to being outside the political spotlight and marginalized within the criminal justice system, were suddenly brought center stage—and indeed were even invited for the first time to the White House for press announcements with the president.[14]

The heightened status of immigration control has been reflected in the unprecedented expansion of the INS. Long viewed as the neglected stepchild of the Department of Justice, it has become one of the fastest growing federal agencies. The INS budget nearly tripled between FY 1993 and 1999, from $1.5 billion to $4.2 billion, and the single most important growth area has been border enforcement. Between 1994 and 1998 more than $3.3 billion was spent on the Border Patrol, whose own annual budget jumped from $354 million in 1993 to $877 million in 1998—a 148 percent increase.

12. Quoted in Fred Barnes, "No Entry: The Republicans' Immigration War," *New Republic*, 8 November 1993, 10–13.

13. Attorney General Janet Reno made fourteen trips to San Diego alone between 1994 and 1998: *Los Angeles Times*, 28 June 1998.

14. Author interview with Douglas Kruhm.

With much of the spending going toward hiring new agents, the INS now has more officers authorized to carry a gun and make arrests than any other federal agency. From 1993 to October 1999 the number of Border Patrol agents in the Southwest more than doubled, from 3,389 to some 8,200. In the San Diego sector alone the number rose from 998 in October 1994 to 2,264 by June 1998, and there are as many agents in this sector as there were along the entire southwestern border in the 1970s.[15] The infusion of personnel has been matched by new fencing, equipment, and surveillance devices: infrared night-vision scopes, low-light TV cameras, ground sensors, helicopters, and all-terrain vehicles.[16] To "thicken" the border, the Border Patrol has also expanded its checkpoints on the roads leading north.

The rapid growth of the INS is particularly impressive because it has taken place in an era otherwise characterized by government downsizing. While most federal agencies have been struggling in the face of budget cuts, the INS has been struggling to manage its fast-paced expansion. The positions of "Border Patrol Agent" and "Immigration Inspector" have been listed as two of the top ten areas of job growth in the federal government.[17] The INS has established an around-the-clock hotline for prospective applicants, hired an advertising agency, expanded its recruitment at colleges, military bases, and job fairs, and begun promoting its careers on the Internet.[18] Thus, although "devolution" (less federal spending and more responsibility transferred to state governments) has been a popular political theme, current trends in immigration control push in the opposite direction.

The border buildup is scheduled to continue at a fast pace. The Illegal Immigration Reform and Immigration Responsibility Act of 1996 calls for hiring 1,000 new Border Patrol agents a year and a total force of 10,000 by the year 2001. All new recruits are sent to the southwestern border where over 90 percent of the Border Patrol is deployed.[19] Among other measures,

15. Author interview, U.S. Border Patrol, San Diego Sector Headquarters, San Diego, Calif., 4 March 1997.

16. Between October 1994 and June 1998 the number of infrared scopes in the San Diego sector increased from 12 to 599; underground sensors from 448 to 1,214; computers from 100 to more than 1,350; and vehicles from 700 to more than 1,765: *INS Fact Sheet*, 14 July 1998.

17. Leigh Rivenbark, "Help Wanted," *Federal Times*, 28 July 1997, 1, 14.

18. *Washington Post*, 13 May 1999. The Border Patrol has also used mass E-mail within the Justice Department to recruit new applicants. A sample that was diverted my way targeted federal employees living in cold climates with the allure of a posting along the sunny and warm southern border.

19. Associated Press, 4 January 2000.

the act promotes tougher sentencing guidelines: mandatory minimum sentencing for those convicted of smuggling aliens for commercial gain and, in some cases, a doubling of penalties. The 1996 law also authorizes the construction of new physical barriers, most notably a multilayered fence to reinforce the fourteen miles of fencing already in place south of San Diego. (In the San Diego sector the length of border fencing has more than doubled since 1994.) The extra fencing was first recommended by a study prepared by Sandia Laboratories, a national weapons lab. Arguing that "the illegal aliens have shown that they will destroy or bypass any single measure placed in their path," the Sandia study concluded that "a three-fence barrier system with vehicle patrol roads between the fences and lights will provide the necessary discouragement."[20] The biggest advocate of the new fencing, Representative Duncan Hunter (R-Calif.), has proposed building a similar barrier system at each of the major urban corridors along the southwestern border. The second fourteen-mile layer of fencing south of San Diego will cost $25 million and is expected to be completed in 2001.[21]

The military too has played an important support role on the border. Praising the growing cooperation and coordination between law enforcement and the military, INS Commissioner Doris Meissner has said, "Think of this as one team, different roles, different uniforms, but with the same game plan—and that is to restore the rule of law to the border."[22] Although prohibited from making arrests, military personnel do assist the INS by operating night scopes, motion sensors, and communications equipment and by building and maintaining roads and fences. South of San Diego it was army reservists who constructed a ten-foot-high steel fence. In Nogales, Arizona, army engineers installed a fifteen-foot fence nearly five miles long, extending from one end of town to the other. New fencing is also going up elsewhere along the border.

Technologies and equipment originally developed for military use have increasingly been adapted for border enforcement purposes. Magnetic footfall detectors and infrared body sensors, many of which were first used in Vietnam, are deployed along the border. An electronic finger-printing system (called IDENT), adapted from the Navy's Deployable Mass Population Identification and Tracking System, is used by the Border Patrol to keep records on apprehended border crossers. The Border Research and Technology Center established in San Diego continues to facilitate the

20. Sandia National Laboratories, *Systematic Analysis of the Southwest Border* (report prepared for the INS, Washington, D.C., January 1993), ES-5.

21. *San Diego Union-Tribune*, 15 December 1999.

22. Doris Meissner and Janet Reno news conference, 12 January 1996.

conversion of defense technologies. Experimental devices tested include an electronic current that stops a fleeing car, a camera that can see into vehicles to find hidden passengers, and a computer that checks commuters by voiceprint.[23]

The administration's border control offensive is based on a strategy developed by the INS in 1993–94 called "prevention through deterrence."[24] The objective of increased fencing, surveillance equipment, penalties, and law enforcement personnel is to inhibit illegal entry and thus avoid having to apprehend entrants after they've crossed the border. Massive injections of law enforcement resources at the most popular points of unauthorized entry are designed to disrupt the human traffic, forcing migrants to attempt the crossing in more difficult, remote areas or at official ports of entry (which, the INS says are easier to control). The result, U.S. border control strategists argue, is that many would-be border crossers are discouraged from trying, and those who do try fail repeatedly and eventually give up because of frustration and depleted resources.

Such a strategy was first tested with the launching of Operation Blockade (later given the more diplomatic name of Hold-the-Line) in El Paso in September 1993. Silvestre Reyes, the El Paso Border Patrol chief who was the architect of the plan, faced initial resistance from his superiors at INS headquarters. There was concern that such a concentrated deployment of force would lead to violent confrontations and strain U.S. relations with Mexico on the eve of NAFTA. Moreover, the emphasis on deterring entry rather than apprehending migrants as they crossed contradicted the Border Patrol's traditional reliance on high apprehension numbers to justify budget requests.[25] Nevertheless, an enabling political climate and his own bureaucratic entrepreneurialism made it possible for Reyes to secure the overtime pay he needed to deploy 450 agents for intensive coverage of a twenty-mile stretch of the border.

As hoped, the operation led to a sharp drop in attempted entries in the El Paso sector. Previously, there had been up to 10,000 illegal border crossers per day, and only one of eight had been apprehended.[26] The high-profile show of force quickly reduced this flow to a trickle, drawing the immediate attention of Washington, the media, and California politicians

23. *San Diego Union-Tribune,* 18 March 1995.

24. *Border Patrol Strategic Plan 1994 and Beyond: National Strategy* (Washington, D.C.: U.S. Border Patrol, July 1994).

25. Author interview with Representative Silvestre Reyes (D-Tex.), former El Paso Border Patrol chief, Washington, D.C., 4 February 1998.

26. Testimony of Laurie E. Ekstrand, U.S. General Accounting Office, House Subcommittee on Immigration and Claims, Committee on the Judiciary, *Border Security,* 104th Cong., 1st sess., 10 March 1995, 105–10.

eager to replicate the El Paso experience.[27] Bureaucratic resistance at the INS soon withered away as the operation was widely praised.[28] Chief Reyes became an overnight hero, and would later even be elected to Congress. The powerful appeal of Operation Hold-the-Line was that the results were both immediate and highly visible. Once it had achieved national attention, the INS had little choice but to promote it and take credit for its success.[29] One consequence was that the rewards system within the Border Patrol was suddenly turned upside down, prevention rather than number of apprehensions becoming the new enforcement goal.

In consultation with the Defense Department's Center for Low Intensity Conflict, in 1994 the INS developed a comprehensive plan to apply "prevention through deterrence" across the rest of the border. The strategy would first focus on the busiest points of illegal entry: the El Paso and San Diego sectors, which in FY 1993 had accounted for 68 percent of all apprehensions. Thus, in October 1994, El Paso's Operation Hold-the-Line was joined by Operation Gatekeeper south of San Diego, which targeted the fourteen westernmost miles of the border. Together, these two operations covered the border areas that had traditionally accounted for two-thirds or more of all illegal entries. The plan was then to extend the strategy to the Tucson sector and south Texas—to which migrants were expected to turn after the El Paso and San Diego sectors were secured—and ultimately to the entire boundary. The vision was the restoration of the country's "confidence in the integrity of the border."[30]

Self-Perpetuating Escalation

An enabling political climate and bureaucratic entrepreneurialism helped launch the new border control offensive, but once initiated, it became self-reinforcing. The tightening of controls in El Paso and San Diego predictably pushed migrants to attempt entry elsewhere; consequently, apprehensions remain far below previous levels in the El Paso sector but have jumped in New Mexico and Arizona. Similarly, apprehensions in the Imperial Beach sector south of San Diego have declined sharply since Gatekeeper began, but arrests have skyrocketed in the remote parts of eastern San Diego County.

27. Apprehensions in the El Paso sector dropped 72 percent from FY 1993 to 1994: ibid.

28. According to an El Paso poll of February 1994, 84 percent favored the new Border Patrol strategy: ibid.

29. Author interview with Silvestre Reyes.

30. *Border Patrol Strategic Plan 1994 and Beyond,* 2.

These enforcement-induced shifts in the human traffic, dispersing the illegal migration flow from the traditional urban entry points, created a border version of NIMBY ("not in my back yard"). As crackdowns in one area pushed migrants to neighboring areas, officials and residents in those areas predictably lobbied for more Border Patrol agents and resources. Thus, Operation Safeguard was launched in Nogales, Arizona, in 1995 (and expanded to Douglas and Naco in 1999); Operation Gatekeeper was extended in October 1996 to cover sixty-six miles; and in January 1997 Operation Hold-the-Line was extended ten miles west into New Mexico. In late August 1997 the INS announced Operation Río Grande in southeast Texas, where it set up floodlights, twenty-foot watch towers, video cameras, and high-powered infrared vision scopes for thirty-one miles along the river.

As small border towns suddenly became major corridors of illegal crossings, new agents poured in and new fencing projects began. For example, in Douglas, Arizona, a new five-mile steel fence has been built (backed by a trench originally dug to deter Pancho Villa's army from crossing into the town during the Mexican Revolution), and the number of Border Patrol agents has increased fivefold since October 1994.[31] Apprehensions in this town of 15,000 residents have dramatically increased from 3,000 a month in 1995 to 27,000 in March 1999 alone.[32] The mayor of Douglas has complained that the stepped-up enforcement is "making our town a militarized zone."[33]

Similarly, in Naco, Arizona (population 7,000), the Border Patrol detained 1,600 illegal entrants annually a decade ago. In 1999, apprehensions passed this number by 1,000—in just the first twelve days of February.[34] Mexican towns across the Arizona border have boomed as a result of the influx of people heading north. Agua Prieta, for example, had six small hotels and 60,000 residents in the mid-1990s. By mid-1999 it was reported to have a population of 120,000, sixteen hotels, and numerous safe houses from which one hundred smugglers operate. Its central plaza had become a waiting place for some 3,000 people planning to cross the border, and the Border Patrol was returning an average of 20,000 apprehended Mexicans a month to the city.[35] "This people-smuggling business has surpassed narco-trafficking here," says Agua Prieta's mayor. "And the Border Patrol strategy is the reason."[36]

31. *Boston Globe*, 14 May 1998.
32. *Dallas Morning News*, 13 June 1999.
33. Quoted in *Arizona Republic*, 8 October 1999.
34. *Arizona Daily Star*, 14 February 1999.
35. *Migration News*, June 1999.
36. Quoted in *Arizona Daily Star*, 11 July 1999. The enforcement buildup along the Arizona-Mexico border in 1994–99 included an increase in Border Patrol agents from 287 to 1,285, more than a doubling of underground sensors, a tripling of vehicles, and a quadrupling of the number of low-light TV cameras and night scopes: *INS Fact Sheet*, 8 October 1999.

The expanding Border Patrol presence in areas between the ports of entry, meanwhile, has sparked a surge in attempted illegal entries through the ports of entry themselves, and the INS has responded with an infusion of new port inspectors. Their number rose from 1,117 to 1,865 between FY 1994 and 1997, representing a 67 percent increase. At some crossing points, such as Calexico and San Ysidro in California, the number of inspectors has more than doubled. The vast majority of INS port-of-entry inspectors for the entire country are now assigned to the southwestern border. The increase in staffing has been matched by stiffer penalties: those who attempt entry through the fraudulent use of documents are being prosecuted for repeat violations, and vehicles may also be confiscated. In addition, to inhibit the use of forged documents, officials are moving to replace the old border-crossing cards with high-tech visas containing a digital fingerprint.

By disrupting the traditional routes and methods of clandestine entry, the intensified border control campaign has transformed the once relatively simple illegal act of crossing the border into a more complex system of illegal practices. Past forms of unauthorized entry primarily involved either self-smuggling or limited use of a local "coyote." With the escalation of border policing in recent years, however, the use of a professional smuggler has become standard practice. Indeed, as the Border Patrol chief of the San Diego Sector has put it, the whole border-crossing experience has been transformed into a smuggling game.[37] The increased use of smugglers, a 1997 report of the Binational Study on Migration concluded, "helps to explain why most migrants attempting unauthorized entry succeed despite significantly more U.S. Border Patrol agents and technology on the border."[38] The study's surveys found that nearly 75 percent of all illegal Mexican border crossers now use the services of a smuggler.

As the demand for smuggling services and the risks of crossing the border have gone up, so too has the price of being smuggled. Fees have jumped in some places from $250 per person to as much as $1,500.[39] Border control officials view the increases as a key sign that the policy is working. Yet higher prices are not necessarily a significant deterrent, given that much or all of the smuggling fee tends to be covered by relatives and

37. Author interview, San Diego Border Patrol sector, San Diego, Calif., 4 March 1997.
38. See Binational Study on Migration, *Binational Study: Migration between Mexico and the United States* (Mexico City and Washington, D.C.: Mexican Foreign Ministry and U.S. Commission on Immigration Reform, 1997), 28. The study was a lengthy research project commissioned jointly by the U.S. and Mexican governments.
39. INS Fact Sheet, *INS' Southwest Border Strategy*, 1 May 1999.

friends already in the United States rather than by the immigrants themselves. The main impact of higher fees, it seems, has been to enrich increasingly sophisticated and well-organized binational smuggling groups. As Miguel Vallina, the assistant Border Patrol chief in San Diego has pointed out, "The more difficult the crossing, the better the business for the smugglers."[40] INS Commissioner Doris Meissner explained in January 1996 that "As we improve our enforcement, we increase the smuggling of aliens that occurs, because it is harder to cross and so therefore people turn more and more to smugglers."[41] But even as Meissner recognized that the Border Patrol creates business for smugglers, she also has said that "[we are] moving as aggressively as we can . . . so that we can put them [the smugglers] out of business."[42] Thus there is, on the one hand, a recognition that more enforcement fuels more smuggling but, on the other hand, an assurance that more enforcement will somehow end smuggling.

In practice, more enforcement has certainly put some smugglers out of business, but this has simply created business for their competitors: one smuggler's loss is another's gain. Smugglers are, at core, travel service specialists (even if sometimes abusive ones). And as long as there is a strong demand for their services (which the tightening of border controls guarantees), smuggling will likely persist. The high profits of the business, which have sharply increased since the border crackdown, assures that there will be smugglers willing to accept the occupational risks. As one smuggler working the border has explained, "Figure it this way. If I work in a factory five days, I make $125 a week. If I take one person across the border, I get $300."[43] A good guide can reportedly make $60,000 a year on the border.[44]

As border controls have improved, so too has the skill of smugglers in circumventing them. A senior INS official acknowledges, "Alien smugglers have developed a sophisticated infrastructure to successfully counteract U.S. Border Patrol operations."[45] A federal prosecutor agrees that the skill and sophistication of the smugglers have "improved dramatically."[46] The

40. Quoted in *Los Angeles Times*, 5 February 1995.

41. Janet Reno and Doris Meissner news conference.

42. Testimony of Doris Meissner, House Subcommittee on Commerce, Justice, State, and Judiciary, Appropriations Committee, *FY 97 Justice Appropriations*, 104th Cong., 2d sess., 8 May 1996.

43. Quoted in *Los Angeles Times*, 2 May 1992.

44. *San Diego Union-Tribune*, 28 April 1996.

45. Testimony of George Regan, INS acting associate commissioner of enforcement, House Subcommittee on Immigration and Claims, Committee on the Judiciary, *Combatting Illegal Immigration: A Progress Report*, 105th Cong., 1st sess., 23 April 1997.

46. Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, Calif., 1 April 1997.

operations that have the greatest transportation and communication capabilities are those most capable of evading law enforcement's tightening net. Some smugglers have literally gone underground, tunneling under the border defenses.[47] Others have turned to transporting migrants in 18-wheelers that blend in with the boom in cross-border trucking brought on by the liberalization of trade. Although the Border Patrol interprets this smuggling method as a sign that law enforcement pressure has forced smugglers to take "desperate measures," the ability to move one hundred or more migrants across the border in a single truckload reflects a more developed transportation system than in the past. "You can't search every semi," one border agent points out. "You'd back up the whole border, and they [the smugglers] know that."[48] The higher stakes of the migrant-smuggling game have also sparked a technological race. Peter Skerry and Stephen Rockwell note that "as the Border Patrol pours more resources into night-vision scopes, weight sensors and giant X-ray machines for seeing into trucks, smuggling rings counter with their own state-of-the-art equipment paid for by increased [smuggling] fees."[49]

Thus, even as the small-time, freelance entrepreneurs who once dominated the smuggling business along the border are being weeded out by intensified enforcement, they are being replaced by better organized and more skilled groups. One INS intelligence report suggests that many smuggling operations once based in the United States have relocated to the Mexican side of the border to help insulate principal leaders from prosecution.[50] A multi-agency federal task force has estimated that ten to twelve family-based organizations dominate the trafficking of migrants across the U.S.-Mexico border.[51]

An unintended side effect of U.S. efforts to deter the maritime smuggling of Asian migrants has added to the challenge of dealing with organized migrant smuggling. The highly visible arrival of Chinese smuggling boats such as the *Golden Venture* in 1993 drew enormous media attention, helping to create an image that the United States was under siege and prompting a swift law enforcement crackdown. Smugglers responded by diverting much of the Asian migrant traffic to alternative routes, one of

47. Smugglers have reportedly created a network of fifty to sixty tunnels under the border city of El Paso; one exits next to City Hall and another under the Fort Bliss army base: Reuters, 21 October 1999.

48. Quoted in *New York Times*, 18 June 1999.

49. Peter Skerry and Stephen Rockwell, "The Cost of a Tighter Border: People-Smuggling Networks," *Los Angeles Times*, 3 May 1998.

50. U.S. General Accounting Office, *Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed* (Washington, D.C., December 1997), 42.

51. *Migration News*, June 1998.

which was through Mexico.[52] As Meissner noted, "We've stopped that illegal boat traffic, but there are still a lot of people coming from Asia, mainly through Central America and Mexico."[53] Indeed, a December 1995 federal study estimated that 100,000 illegal south Asian and Chinese immigrants travel through Central America and Mexico annually en route to the United States.[54] Such long-distance smuggling of non-Mexicans represents only a small percentage of illegal migration across the southwestern border, but it is certainly the most lucrative component of the business.

In response to tighter controls, the smuggling of migrants across the U.S.-Mexico border has become a more organized business, which has served to justify still tougher laws and tougher enforcement. The INS has had an antismuggling program since 1978, but smugglers were not aggressively targeted along the border until recent years.[55] For example, Operation Disruption, launched in May 1995 to detect "drop houses" in the San Diego area, produced the arrest of 120 smugglers and the uncovering of 117 drop houses.[56] The crackdown displaced much of the migrant smuggling eastward to the more rural Imperial Valley. The Border Patrol, in turn, responded with a nearly tenfold increase in the number of agents assigned to combat smuggling rings in that area.[57] Other federal agencies, such as the FBI, have also deployed new agents to the border to combat the increasingly organized traffic.[58]

The number of alien-smuggling cases prosecuted has skyrocketed. In San Diego, the busiest federal court in the country for migrant smuggling cases, prosecutions rose from 33 in 1993 to 233 in 1996, and have continued to increase.[59] Smugglers are now being sentenced to years rather than months in prison. Although the sharp growth in the number of arrests and in the severity of penalties has so far failed to curb smuggling, one federal prosecutor explains that the tougher policy is justified because it "sends a serious message" to smugglers and improves officer morale.[60]

Still, there appears to be no shortage of smugglers. As one official from the Border Patrol's anti-smuggling unit has noted, they "just get paid more

52. Author interview, National Security Council, Washington, D.C., 2 June 1997.
53. Quoted in *New York Times*, 30 May 1996.
54. Ibid.
55. Author interview with senior official in the Border Patrol's antismuggling unit, San Diego, Calif., 28 April 1997.
56. *Migration News*, 2 February 1996.
57. *Los Angeles Times*, 10 May 1998.
58. *Los Angeles Times*, 29 May 1996.
59. Department of Justice, *Annual Report of the Office of the United States Attorney, Southern District of California* (Washington, D.C., 1996).
60. Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, Calif., 28 April 1997.

for taking more risks."[61] Consequently, even though arresting more smugglers has provided an indicator for officials needing to show progress in controlling the border, it has not necessarily curbed smuggling. As one federal prosecutor has noted, there is a "Vietnam approach" in which progress against smugglers is measured by "body counts." To justify budgets, the "statistics monster must be fed."[62] At the same time, as the risks and penalties have risen, so has the smuggler's willingness to take more extreme measures to evade law enforcement. This partly explains the increase in the number of high-speed chases and accidents that occur when smugglers try to evade highway checkpoints near the border.

The heightened stakes have also exacerbated the corruption problem within the INS. In 1994 the *Dallas Morning News* reported that "no agency of the government is more vulnerable to corruption than the INS, where front-line workers, paid little more than the minimum wage, give out green cards and other coveted documents that are worth thousands on the black market."[63] The problem is obviously difficult to quantify, but current trends have only added to it. Michael Bromwich, the inspector general of the Department of Justice, noting the doubling of INS personnel along parts of the border since 1993, has warned, "Experience in other contexts indicates that massive law enforcement hirings may be accompanied by increased police corruption because of the greater susceptibility of new recruits to temptation or because corners may be cut in screening and training the new hires." Fraud and corruption allegations involving INS employees represent the single largest component of the caseload of the Office of Inspector General.[64] INS port inspectors are particularly vulnerable to corruption. They are in charge of the thinnest line of the deterrence effort, are hired locally (not routinely rotated to other posts along the border), are poorly paid, and have little supervision.[65]

Moreover, as border controls have increased, the incentive for smugglers to offer bribes or buy entry documents from those doing the controlling has also increased. And as smuggling groups have become more sophisticated, organized, and profitable (given the higher demand and cost

61. Author interview, U.S. Border Patrol, San Diego sector headquarters, San Diego, Calif., 8 April 1997.
62. Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, Calif., 1 April 1997.
63. *Dallas Morning News*, 11 September 1994.
64. Inspector General Bromwich, Senate Caucus on International Narcotics Control, *Threat and Effects of Corruption to U.S. Law Enforcement along the Mexican Broder*, 105th Cong., 1st sess., 14 May 1997, 5–6.
65. Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, Calif., 4 April 1997.

for their services and the heightened risks involved), the capacity and means to corrupt have also grown. Thus, bribing corrupt officials is like paying an entry fee—and the incentives both to pay and to collect the fee increase as traditional methods of entry become more difficult and risky.

The Nonescalation of Workplace Enforcement

The escalation of the U.S. effort to control illegal immigration has been highly selective. Noticeably downplayed in the rush to secure the border is the fact that some 40–50 percent of all illegal immigrants in the United States entered the country legally (perhaps as tourists or students) and then simply overstayed their visas. Roughly 150,000 people thus settle illegally in the country each year after entering legally. The neglect of visa overstays is itself a revealing indicator of how the symbolic importance of border control has overshadowed the stated policy goal of reducing the size of the illegal immigrant population. At the same time as Congress has pushed for an unprecedented increase in the size of the Border Patrol, little has been done to track down the holders of expired visas.

Similarly, while border enforcement has escalated, there has been a noticeable nonescalation in the enforcement of employer sanctions and workplace standards to deter the hiring of illegal immigrant labor. The U.S. Commission on Immigration Reform noted in a staff report that "by one measure, Operation Gatekeeper appears to have had little effect—the availability of workers in industries that are dependent on illegal alien labor."[66] In some industries, in fact, that reliance has actually increased as border controls have tightened. For example, the percentage of illegal workers in California's agricultural industry rose from less than 10 percent in 1990 to as high as 40 percent in 1997. At the same time, the Border Patrol was turning its attention away from California's agricultural fields and toward the border: while more than 2,000 agents cover the San Diego sector of the border, the number of agents north of Los Angeles has fallen from 65 to 22 in just a few years.[67]

The president's 1994 report on immigration stated, "Everyone agrees that the primary incentive for illegal immigration is employment. Workplace enforcement of labor standards and employer sanctions are the instruments for reducing that incentive."[68] Yet only about 2 percent of the

66. U.S. Commission on Immigration Reform, *Staff Report on Border Law Enforcement and Removal Initiatives in San Diego, California* (Washington, D.C., November 1995), 7.

67. *St. Louis Post-Dispatch*, 14 March 1999.

68. *Accepting the Immigration Challenge: The President's Report on Immigration* (Washington, D.C., 1994), 42.

INS budget is devoted to enforcing employer sanctions. When asked at a news conference why the lion's share of spending goes to border enforcement rather than focusing on the job magnet, Commissioner Meissner simply responded, "We have always argued that the centerpiece of effective enforcement must be the border, and that it must be backed up with employer enforcement."[69] In 1998, INS workplace investigations represented perhaps 3 percent of the nation's employers of unauthorized foreign workers, and most of those investigations did not result in penalties.[70]

There are only about 1,700 INS investigators assigned to cover the interior of the country, and less than a fifth of their time is devoted to worksite enforcement.[71] Thus, what John Shaw, the assistant INS commissioner for investigations, observed in 1993 seems even more true today: "There are 7.2 million employers out there. In their lifetime, they're never going to see an immigration officer unless they stand up and scream that they've got a factory full of illegal aliens."[72] For example, there were only about 6,000 INS investigations of employers for immigration violations in FY 1995, a drop from almost 15,000 in FY 1989. The number of fines against employers for hiring illegal immigrants fell from 2,000 in FY 1992 to 888 in FY 1997, and the total amount of the fines dropped from $17 million to $8 million.[73] Moreover, the INS generally settles cases for less than half the amount of the original fine.

In short, the employer sanctions established by IRCA in 1986 are notoriously weak and minimally enforced. Since employers are not required to verify the authenticity of documents, they risk little by hiring illegal immigrants—so long as they can present some form of documentation; the consequence is an expansive business in phony documents. According to Richard Rogers, head of the INS in Los Angeles, "You can buy a packet with a Social Security card and [green card] right now on the street for about $50 or $75, one sufficient for an employer to use as verification."[74]

The lack of attention to the workplace is a striking example of the enormous gap between expert opinion and policy practice. For example, the U.S. Commission on Immigration Reform concluded in a September 1994 report that "reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration."[75] The commission pro-

69. Doris Meissner press conference, 8 February 1996.

70. General Accounting Office, *Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist* (Washington, D.C., April 1999), 3.

71. *Washington Post*, 16 February 1997.

72. Quoted in Dick Kirschten, "Tempest-Tossed Task," *Government Executive*, October 1993.

73. *Migration News*, April 1996; *Migration News*, November 1998.

74. *San Diego Union-Tribune*, 2 November 1997.

75. *San Diego Union-Tribune*, 3 November 1997.

posed a national computer registry of the names and social security numbers of people authorized to work in the country, and pilot projects to use the registry in select states. Employers would be required to call a central number to check that the social security numbers of their workers were valid and issued to individuals authorized to work. Nevertheless, the sweeping immigration law passed by Congress in 1996 reaffirmed the policy focus on the border. The final legislation gutted the proposal for a mandatory verification system (opting instead for a limited "voluntary" pilot project) and rejected requirements for tamperproof birth certificates and driver's licenses.[76] Moreover, although an earlier version of the proposed legislation called for an increase in the number of Labor Department inspectors to enforce wage-and-hour laws and an increase in the penalties for employers who repeatedly hire illegal immigrant workers, these provisions were deleted in the final bill.[77] Thus, Congress, the most enthusiastic proponent of tough border controls, at the same time blocked efforts to enhance worksite enforcement. As the INS commissioner commented, "Being effective means making it hard for an illegal immigrant to get employment. Yet with this Congress, it's been an uphill battle to get resources for employer enforcement."[78]

The lack of meaningful workplace controls has helped to fuel more border controls. Inhibited from seriously targeting the workplace, politicians have had to rely on touting their support for border control to demonstrate their resolve in fighting illegal immigration. Moreover, lax workplace controls have assured that high levels of illegal immigration persist, creating more work for the Border Patrol, which in turn provides a rationale for more agents and resources.

The INS remains under an intense congressional spotlight—not because of its beefed-up border controls or its neglect of workplace controls but rather because it is not doing even more to police the border. Evaluations in congressional hearings tend to be narrowly focused on operational concerns—equipment and technology needs, agency coordination, hiring levels, and strategy implementation. The unquestioned assumption seems to be that the obstacle to effective deterrence is technical rather than any fundamental flaw in the control strategy itself. Being pushed hard by Congress, however, is what has made the INS grow so impressively in recent years. The adversarial relationship with Congress, in other words, is also symbiotic: the INS has been an easy target for politicians, but political attention has brought with it an unprecedented increase in enforcement

76. Ibid.
77. Associated Press, 25 September 1996.
78. Quoted in *New York Times Magazine*, 27 October 1996, 52.

resources.[79] Even as INS officials admit that the border-focused control strategy can have only a limited deterrent effect as long as workplace enforcement remains anemic (and complain about the reluctance of Congress to strengthen it), they have nevertheless welcomed the new political commitment to beefing up border controls.[80]

The Contradictions of Economic Integration

It is an increasingly awkward problem for U.S. officials that even with the strong domestic political imperative to control the border more effectively, enforcement has become more difficult in the broader context of economic integration and market reform—which, in turn, further reinforces the push to improve border controls. According to the INS, "The Administration's goal is unambiguous: a border that deters illegal immigration, drug trafficking, and alien smuggling and facilitates legal immigration and commerce."[81] But this is much easier said than done. The president's 1994 report on immigration frankly acknowledged that "efforts to facilitate travel across the U.S.-Mexico border as part of the North American Free Trade Agreement may conflict with the need to establish closer controls on cross-border traffic to enforce immigration laws."[82]

The tension between facilitation and enforcement is played out on a daily basis at border ports of entry. At San Ysidro, the busiest land border crossing point in the world, "inspectors are frustrated that they must often choose between a thorough inspection which slows traffic or an expedited one that keeps traffic moving," according to the U.S. Commission for Immigration Reform.[83] Operation Gatekeeper has only added to the frustration, sparking a 40 percent rise in the use of fraudulent documents. The policy response has been a mixture of tougher penalties, a sharp increase in the number of port inspectors, and the testing of more technologically sophisticated traffic management procedures such as automated vehicle

79. Mark Reed, the INS district director in San Diego, explained that although the pressure and criticism from Congress may often be unfair and misplaced, in the end it helps his agency grow; it would be a far worse problem, reflected in past experience, if the INS were simply ignored. Author interview, San Diego, Calif., 1 May 1997.
80. Author interviews with INS officials in Washington, D.C., and San Diego, Calif., March and June 1997.
81. Immigration and Naturalization Service, *Building a Comprehensive Southwest Border Enforcement Strategy* (Washington, D.C., April 1996).
82. *Accepting the Immigration Challenge*, 42.
83. U.S. Commission on Immigration Reform, *Staff Report on Border Law Enforcement*, 14.

license-plate readers and a system that uses palm prints and fingerprints to verify the identity of individuals and reduce processing time.

Innovations in traffic management, however, have done little to tame the economic forces that have helped to maintain high levels of illegal immigration. Market integration and Mexico's own internal economic reforms are, at least in the short and medium term, adding to the incentives for Mexican workers to seek employment in the United States. As Robert Bach explained before he became a senior INS official (and a key proponent of border enforcement), "Increased market integration means the sending country's loss of control over its own labor supply. Although political tensions may increase . . . the demand for labor inside the United States will continue to dominate attempts to regulate the flow of immigrant workers."[84] In addition, the Mexican government's strategy to restructure the economy has been a labor-shedding process. Wayne Cornelius has pointed out that "even with a booming export sector," Mexico's neo-liberal economic development model "has much less capacity to create employment than the old import-substituting industrialization model that it replaced. Indeed, the new model's goals of efficiency and global competitiveness are inversely related to job creation."[85]

On the eve of the NAFTA vote, Attorney General Janet Reno argued that the passage of the trade accord would "help me protect our borders."[86] She even warned that if NAFTA failed, "effective immigration control [would] become impossible."[87] Without NAFTA, she said, illegal immigration was "only going to get worse. I don't have the numbers, but every bit of logic . . . would confirm it."[88] On the Mexican side, President Carlos Salinas promised that the passage of NAFTA would help Mexico export tomatoes rather than tomato pickers.

The aggressive political campaign to sell NAFTA, however, conveniently glossed over what Douglas Massey and Kristin Espinosa found obvious:

84. Robert L. Bach, "Hemispheric Migration in the 1990s," in *The United States and Latin America in the 1990s: Beyond the Cold War*, ed. Jonathan Hartlyn et al. (Chapel Hill: University of North Carolina Press, 1992), 274.

85. Wayne A. Cornelius, "The Immigration Issue in U.S.-Mexican Relations: A Structurally Determined Irritant" (paper prepared for Conference on Mexico and the United States in the Next Decade, Pacific Council on International Policy and Center for U.S.-Mexican Studies, University of California, San Diego, La Jolla, Calif., 11 May 1998), 15.

86. Janet Reno, "Consider NAFTA a Border Control Tool," *Los Angeles Times*, 22 October 1993.

87. Quoted in Wayne Cornelius and Philip Martin, "Perspective on NAFTA: Take the Long View of Immigration," *Los Angeles Times*, 2 November 1993.

88. Reuters Business Report, 1 November 1993.

> The provisions of NAFTA . . . [will] help to bring about the social and economic transformations that generate migrants. The integration of the North American market will also create new links of transportation, telecommunication, and interpersonal acquaintance, connections that are necessary for the efficient movement of goods, information, and capital, but which also encourage and promote the movement of people—students, business executives, tourists, and, ultimately, undocumented workers.[89]

Although many immigration specialists predict that NAFTA (along with slowing birthrates in Mexico) will in the long term help to reduce cross-border labor flows, in the short and medium term the liberalization of trade actually helps to promote them.[90] This fact, of course, reinforces the already well-established cross-border social networks that provide a critical base and bridge for further immigration flows. In other words, since immigration is a cumulative process that builds on itself, even the hoped-for long-term reduction of illegal immigration is not at all assured.

NAFTA, it should be emphasized, is only one component of a much broader process of economic restructuring in Mexico that has helped stimulate illegal immigration.[91] Particularly important has been the liberalization of agriculture. Luis Téllez, the former undersecretary for planning in Mexico's Ministry of Agriculture and Hydraulic Resources, has estimated that as many as 15 million peasants will leave agriculture in the next decade or two.[92] Crossing the border in search of other work will no doubt be the most logical option for some.

Massive reductions in state assistance in rural areas are creating incentives to migrate.[93] Since the late 1980s the Mexican government has been cutting back electricity, fertilizer, water, and credit subsidies to peasant farmers; slashing price supports for many crops; and eliminating prohibitions on the sale of communal farm lands (about 70 percent of Mexico's cropland and half of its irrigated land). The government's income sub-

89. Douglas S. Massey and Kristin E. Espinosa, "What's Driving Mexico-U.S. Migration?—A Theoretical, Empirical, and Policy Analysis," *American Journal of Sociology* 102, no. 4 (1997): 991–92.

90. See Philip L. Martin, *Trade and Migration: NAFTA and Agriculture* (Washington, D.C.: Institute for International Economics, 1993).

91. See Monica L. Heppel and Luis R. Torres, *Migration in the Post-NAFTA Era: Policy Issues for the United States and Mexico* (Washington, D.C.: Center for Inter-Cultural Education and Development, Georgetown University, September 1995).

92. Cited in Philip L. Martin, "Mexican-U.S. Migration: Policies and Economic Impacts," *Challenge* (March 1995): 56–63.

93. See Santiago Levy and Sweder van Wijnbergen, *Transition Problems in Economic Reform: Agriculture in the Mexico-U.S. Free Trade Agreement*, Policy Research Working Papers (Washington, D.C.: World Bank, August 1992).

sidy program, initiated in late 1993 for producers of corn and other basic crops, has been a poor substitute for the kind of public investment (affordable credit, crop insurance, infrastructural improvements such as irrigation and drainage) needed to modernize Mexican agriculture and make small-scale farming truly viable.[94]

The collapse of the peso in December 1994, which plunged Mexico into the most severe recession in over half a century, added to the exit incentive. The devaluation of the peso further widened the U.S.-Mexico wage gap, increasing the incentive to earn dollar wages in the United States. In 1995 about 10 percent of jobs in the formal sector were lost. The private sector responded to the crisis by cutting jobs and lowering wages, and the subsequent economic recovery has not been followed by substantial gains in wages or employment. Meanwhile, a healthy U.S. economy has been a powerful magnet for low-skilled migrant labor.

Thus, even if left politely unmentioned in the official policy debate, illegal immigration has become an integral dimension of U.S.-Mexican economic interdependence. Mexico has become dependent on exporting part of its unemployment problem (which in turn has generated an estimated $6 billion in annual remittances from Mexican migrants),[95] and many U.S. employers have become dependent on the cheap labor provided by Mexican workers. And this mutual dependence, far from being reversed, has only been reinforced by the state-promoted process of economic restructuring and market liberalization. This is the less celebrated, clandestine side of U.S.-Mexico integration.

The New Image of Order on the Border

Even in the face of these economic realities, U.S. officials have repeatedly praised the results of their border campaign to deter illegal immigration. In January 1996, in his State of the Union address, President Clinton highlighted his border enforcement record: "After years and years of neglect, this administration has taken on a strong stand to stiffen protection on our borders." Later that year the INS claimed that "the border is harder to cross now than at any time in history,"[96] and Doris Meissner boasted that the border strategy was "showing dramatic success."[97] Gus de la Viña, the

94. See Manuel Pastor Jr. and Carol Wise, "State Policy, Distribution, and Neoliberal Reform in Mexico," *Journal of Latin American Studies* 29, no. 2 (1997): 419–56.

95. A 1995 Mexican government survey found that some 600,000 Mexican households were receiving money from relatives in the United States: *San Diego Union-Tribune*, 31 October, 1999.

96. Immigration and Naturalization Service, *Operation Gatekeeper: Two Years of Progress* (Washington, D.C., October 1996).

chief of the Border Patrol, told a Senate committee in April 1999 that "we have achieved more in the past five years than had been accomplished in decades."[98]

Evaluations on the ground have been equally celebratory. Commenting on the results of Operation Gatekeeper, Johnny Williams, chief for the San Diego sector, boasted that it was "probably the single largest accomplishment in the Border Patrol's history."[99] Alan Bersin, who until mid-1998 was the attorney general's point person on the southwestern border, asserted that "for the first time in our history, we are moving decisively toward a border that functions effectively; one that is a lawful and orderly gateway; one that manages significantly better the problems of illegal immigration and smuggling; and one that promises and routinely delivers handsome dividends from an investment in regional integration."[100]

Most revealing about official statements, progress reports, and press releases, however, is what is not said: no claim is made or evidence presented that overall levels of illegal immigration have actually declined as a result of tighter border controls. Indeed, the INS has done little to formally evaluate the effectiveness of border deterrence. The GAO, in its 1997 assessment of the U.S. border control strategy, concluded that the INS lacked a formal process to determine the strategy's effectiveness systematically and comprehensively. Although the INS states that "the overarching goal of the strategy is to make it so difficult and so costly to enter this country illegally that fewer individuals even try," the GAO found that the INS and Justice Department had "no plans" for direct examination of the deterrent effect.[101]

There is no indication that large numbers of would-be border crossers are giving up in the face of tighter controls—and there is little reason to believe they will do so anytime soon.[102] Although "there is evidence the flows are shifting," one GAO official has explained, "what we are not see-

97. Testimony of INS Commissioner Doris Meissner, Senate Subcommittee on Immigration, Judiciary Committee, *Oversight of the Immigration and Naturalization Service*, 104th Cong., 2d sess., 2 October 1996.

98. Testimony of Gus de la Viña, chief of U.S. Border Patrol, Senate Subcommittee on Immigration, Judiciary Committee, *Border Patrol Operations and Staffing*, 106th Cong., 1st sess., 27 April 1999.

99. Quoted in *New York Times*, 28 August 1996.

100. Alan D. Bersin, "Reinventing the U.S.-Mexico Border," *San Diego Union-Tribune*, 25 August 1996.

101. General Accounting Office, *Illegal Immigration: Southwest Border Strategy Results Inconclusive* (Washington, D.C., December 1997).

102. See David Spener, "The Logic and Contradictions of Intensified Border Control in Texas," in *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, ed. Peter Andreas and Timothy Snyder (Lantham, Md.: Rowman and Littlefield, 2000).

ing is people being discouraged from even trying."[103] Most migrants simply keep trying (sometimes being apprehended more than once in the same day) until they eventually make it across the line. Despite official threats of criminal prosecution for repeat crossings, limited detention space means that relatively few repeat offenders are ever prosecuted. As the Border Patrol's San Diego chief has candidly acknowledged, "When they run, we grab as many as we can. We take them back to the border and they try again. Eventually, most of them get through."[104]

Even in the face of the massive border buildup, the number of unauthorized immigrants in the country has grown by an estimated 275,000 per year. Approximately 6 million illegal immigrants now live in the United States.[105] Judged purely on its instrumental deterrent effect, then, the current border control strategy's political popularity seems puzzling. But a failing policy can still succeed politically. In this case, the border *appears* more orderly because much greater control has in fact been imposed at the urban crossing points most visible to the media and the public. As the Border Patrol puts it, "The daily chaos which reigned along the San Diego border has, at long last, been replaced by scenes of control and order."[106] Gone are the images of the "Banzai runs" that helped reelect Pete Wilson and fanned the flames of the anti-immigrant backlash in California. In just a few years, a powerful image of control has been successfully projected through a high-profile deployment of enforcement resources and personnel along what were once highly contested sections of the border. In truth, however, unauthorized crossings are much less visible because they are more dispersed, more remote, and more hidden. "Sealing the border is an impossible mission," one researcher from the University of Texas at El Paso has noted. "Chief Reyes [the El Paso sector Border Patrol chief who launched operation Hold-the-Line] has compromised by making the problem invisible. In that sense, he's been successful."[107]

The new image of order is powerfully captured by two of the Border Patrol's public relations videos. The first, titled *Border under Siege,* was made in 1992. The narrator describes the border as "less a boundary than a backdoor." The second video, less dramatically titled *Challenge on the Border,* was produced in 1996 and projects an entirely different message. The first video depicts the border as being overwhelmed by clandestine crossers; the second video is largely self-congratulatory, applauding the

103. Quoted in *San Antonio Express News,* 20 May 1999.
104. Quoted in *San Diego Union-Tribune,* 14 January 1996.
105. *Washington Post,* 15 March 1999; *Washington Post,* 17 February 2000.
106. Quoted in *Christian Science Monitor,* 4 October 1999.
107. Quoted in *Dallas Morning News,* 22 October 1995.

Border Patrol for finally securing the border so that it "is no longer an open backdoor."

The border, of course, actually has many back doors. Closing some of them has moved, not removed, the clandestine population flow. In the case of Gatekeeper, "the game is to try and focus as much attention as possible on one small piece of real estate," explains T. J. Bonner, the president of the National Border Patrol Council. "You then hope everyone ignores the fact that we're being totally overrun in the rest of the sector." The truth, Bonner says, is that "it's bursting out all over—Arizona, New Mexico, parts of Texas. I don't see how that translates into success."[108]

From the political perspective of those charged with the task of border management, however, the way the media and the public *see* the border is more critical than actual deterrence. Pushing much of the migration flow out of sight has also helped push it out of the public's mind, and media coverage reinforces the new look of order. "Canyons once crowded with illegal crossers," glowed the *Los Angeles Times* in 1998, "are empty of all but sturdy new fences and the border agents who have poured into the region by the hundreds. Migrants no longer sprint en masse through the San Ysidro port of entry onto freeways."[109]

Ironically, some of the most perverse and counterproductive effects of the border deterrence effort have actually contributed to making the border appear more orderly and secure. For example, the tightening of controls has encouraged illegal migrants to cross the border fewer times but, once across, to stay longer in the United States. The traditional pattern was that most Mexicans who came illegally did not stay but went back and forth in what amounted to cross-border commuting. The increased risk and cost of crossing the border, however, also increased the incentive for many illegal immigrants to extend their stay or perhaps even to settle down permanently. In short, the more difficult and costly the commute, the greater the incentive to relocate closer to the workplace—a trend confirmed in a number of empirical studies.[110]

If the goal is to reduce the size of the unauthorized immigrant population in the United States, this outcome is an indicator of not only a failed but a counterproductive policy. Yet by contributing to the policy goal of reducing the number of illegal border crossings, it has enhanced the appearance of order. When a 1997 Urban Institute study found that illegal

108. Quoted in *Los Angeles Times,* 6 July 1996.
109. *Los Angeles Times,* 28 June 1998.
110. See, for example, Frank Bean et al., *Illegal Mexican Migration and the United States-Mexican Border: The Effects of Operation "Hold the Line" on El Paso/Juarez* (Austin: Population Research Center, University of Texas, and U.S. Commission on Immigration Reform, 1994).

immigrants in California were remaining in the state for longer periods of time due to tighter border controls, the INS responded, "This is another sign that our efforts to control the border are working."[111]

The powerful image effect and symbolic appeal of enhanced border policing has so far not only overshadowed its failings and flaws but made it rewarding for its architects. For the INS, the border campaign has brought with it unprecedented organizational growth and political commitment to a long-neglected and much-maligned agency. For elected leaders, it has won votes, provided a politically costless method of signaling that they are "tough" on illegal immigration, and helped inoculate Democrats against Republican attacks that they are "soft on illegals." As stated in the 1996 Democratic Party platform: "For years before Bill Clinton became President, Washington talked tough but failed to act. In 1992, our borders might as well not have existed. The border was under-patrolled, and what patrols there were, were under-equipped." The platform credited Clinton for reversing this history of neglect: "President Clinton is making our border a place where the law is respected and drugs and illegal immigrants are turned away."[112]

In the 1996 presidential race, beefed-up border controls provided Clinton with a powerful political shield against Republican attack, especially in the politically vital state of California. In June a Republican National Committee television ad highlighted a border entry point marked "Mexico" and then showed what were presumably illegal immigrants running across the line in the glare of spotlights; "Under President Clinton," it declared, "spending on illegals has gone up, while wages for the typical worker have gone down." The Democratic National Committee quickly counterattacked with an ad showing what were presumably illegal immigrants being handcuffed. The ad emphasized that Clinton had significantly beefed up the size of the Border Patrol and displayed scenes from the Republican ad with the word *WRONG* stamped in red letters.[113] Both of these television campaign advertisements were run most often in California, where anxiety over illegal immigration has been highest. Clinton handily won the war of images: in the November election he not only took California as a whole but prevailed even in the conservative stronghold of Orange County—the birthplace of Proposition 187. In other words, the images of a chaotic border that were so masterfully exploited by Governor Wilson in 1994 were unavailable for Bob Dole in 1996. The administration's border control offensive had successfully erased them.

111. *New York Times*, 12 October 1997.

112. The Democratic Party's 1996 National Platform, quoted in Nevins, "Illegal Aliens," 4–5.

113. Dick Kirschten, "Crossing the Line," *National Journal* 3 (August 1996): 1422–27.

In his autobiographical account of his experience as labor secretary during the first Clinton administration, Robert Reich recalls that one week before the November 1996 elections, Mark Penn, a chief pollster for the campaign, gave a presentation at the White House in which he explained how Clinton had gone from trailing the Republican candidate by ten points to leading by twenty points: he did so "by coopting the Republicans on all their issues—getting tough on welfare, tough on crime, balancing the budget, and cracking down on illegal immigration."[114] Penn then showed video tapes of campaign advertisements that emphasized these themes. Given this account, it should not be surprising that Clinton has been accused of taking credit for Republican initiatives. As Representative Duncan Hunter (R-Calif.), has complained, "I build fences and put Border Patrol in the budget and they [Clinton officials] do all the press conferences."[115]

High-profile immigration control initiatives such as Operations Hold-the-Line and Gatekeeper have transformed the landscape of the southwestern border. This has meant not necessarily a reduction in illegal immigration but rather a reinvention of the image of the border. The border control offensive has not only been the latest move in an endless game of cat and mouse but reflected a fundamental change in the rules of the game itself: the most visible form of clandestine entry—groups of illegal migrants openly crossing the border near urban areas—is no longer politically tolerable. Thus, for the border crossers, evading apprehension has become a longer and more complex game requiring greater patience and stealth. With persistence, they eventually make it across the line, but in a less visible (and thus less politically embarrassing) manner than before. In other words, the old game between border enforcers and clandestine border crossers persists, but the game strategy of the enforcers has changed to maximize the appearance of control. Projecting a "winning image," it seems, has so far provided a politically viable alternative to actually winning the game.

That image has come at an enormous cost: more intensive border policing has brought with it more (and more organized) professional smuggling, greater corruption, and many border deaths.[116] But at least for now, these negative consequences have been obscured by the powerful political and symbolic appeal of a border that appears more orderly and secure. At the same time, however, it should be emphasized that the deterrence ef-

114. Robert B. Reich, *Locked in the Cabinet* (New York: Knopf, 1997), 329.

115. Quoted in *Los Angeles Times*, 28 June 1998.

116. A 1997 report by researchers at the University of Houston found that over the previous four years, 1,185 people had drowned, died of exposure or dehydration, or been hit by automobiles while trying to cross the border between official ports of entry: *New York Times*, 24 August 1997.

fort has created the conditions for its own expansion, since the shifts in the methods and location of illegal border crossings have in turn placed new demands on the law enforcement system to adjust and keep up. Indeed, as envisioned by the Border Patrol, current enforcement levels are just the beginning of a long-term buildup.[117] Operation Gatekeeper, the San Diego sector chief has explained, was a "demonstration project." Once it was shown that the most contested piece of the border could be significantly controlled with an infusion of resources, it was assumed that a similar show of force would work elsewhere. As one agent put it, "We are taking back the border, piece by piece."[118]

117. *Border Patrol Strategic Plan 1994 and Beyond,* 12.

118. Author interview, U.S. Border Patrol San Diego sector headquarters, San Diego, Calif., 4 March 1997.

Part III

Extensions and Conclusions