

The Escalation of U.S. Immigration Control in the Post-NAFTA Era

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The conventional wisdom is that the almost universal embrace of open markets and the decline of geopolitical rivalry are eroding the significance of territorial controls. Echoing this view, Lawrence Herzog argues that, “The internationalization of the world economy . . . has led to an inevitable reshaping of boundary functions. The most obvious change has been the shift from boundaries that are heavily protected and militarized to those that are more porous, permitting cross-border social and economic interaction.”¹

While there is much truth in this claim, trends along the boundaries between developed and less developed countries suggest a more complex and paradoxical dynamic: the expansion of cross-border economic activity and the decline of geopolitical tensions are paralleled by a rapid expansion of border policing and rising tensions over prohibited cross-border flows. This is evident, most strikingly, along the United States-Mexico border and along the external borders of the European Union. These borders are increasingly protected and monitored, not to deter armies or impose tariffs on trade, but to confront a perceived invasion of “undesirables,” particularly illegal immigrants, drug traffickers, and other clandestine transnational actors.

Curiously, the international relations literature has much to say about the economic and military border regulatory functions of the state, while remaining

¹ Lawrence A. Herzog, “Changing Boundaries in the Americas: An Overview” in Lawrence A. Herzog, ed., *Changing Boundaries in the Americas* (La Jolla, CA: Center for U.S.–Mexican Studies, University of California, San Diego, 1992), 5–6.

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largely silent on the policing function.² This is reflected in the two major sub-fields of the discipline, security studies and international political economy, both of which pay little attention to the policing dimension of borders and the clandestine dimension of cross-border economic activity.³ Within security studies, this neglect is partly due to the dominance of structural realism, with its focus on interstate relations, particularly on the “high politics” of military conflict and cooperation.⁴ In this framework, policing is considered “low politics.” At the same time, cross-border economic activity that takes place outside the parameters of legal markets also lies largely outside the disciplinary parameters of international political economy.⁵ This pattern is even evident in the extensive literature on transnational relations and interdependence, which despite emphasizing the proliferation and intensification of cross-border interactions, generally overlooks their clandestine side.⁶

The lack of attention to policing in much of the international relations literature is particularly puzzling given that policing is the “bedrock of sovereignty.”⁷ As a core component of the state’s monopoly over the legitimate means of coercion, policing epitomizes sovereignty in action. “The state’s prime ‘function’ has always been policing territory and people,” notes Janice Thomson.⁸ This is arguably even more true today. In an era when states are relaxing controls over cross-border economic exchange and military challenges to borders are declining, many states are expanding their efforts to police prohibited cross-border flows. Indeed, in some cases, security agencies, strategies, and technologies initially designed to deter military threats are now being adapted to police the clandestine activities of nonstate transnational actors. In other words, concerns over cross-border law evasions, not military invasions, are rising on the security agendas of many states. In these cases, the border

² For example, few articles are devoted to this topic in the leading international relations journals, such as *International Organization*, *International Security*, *World Politics*, and *International Studies Quarterly*. Important exceptions include Janice Thomson, “State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research,” *International Studies Quarterly* 39 (Summer 1995): 213–233; Ethan Nadelman, “Global Prohibition Regimes,” *International Organization* 44 (Fall 1990).

³ Recent exceptions include Peter Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan* (Ithaca, NY: Cornell University Press, 1996); Ethan Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park: Pennsylvania State University Press, 1993).

⁴ See Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979).

⁵ But see H. Richard Friman and Peter Andreas, eds., *The Illicit Global Economy and State Power* (Lanham, MD: Rowman & Littlefield Publishers, 1999).

⁶ See, for example, Robert Keohane and Joseph Nye, eds., *Transnational Relations and World Politics* (Cambridge, MA: Harvard University Press, 1971); and Robert Keohane and Joseph Nye, *Power and Interdependence* (Boston: Little, Brown, 1977); Thomas Risse-Kappen, ed., *Bringing Transnational Relations Back In* (Cambridge, UK: Cambridge University Press, 1995).

⁷ Janice Thomson, “State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research,” *International Studies Quarterly* 39 (Summer 1995): 213–233.

⁸ *Ibid.*

regulatory apparatus of the state is being revamped, not retired: economic and military barriers may be falling, but police barriers are rising.

Focusing primarily on the United States-Mexico border, I examine one of the most prominent and politically sensitive border policing tasks: controlling illegal immigration. The rapidly expanding U.S. policing campaign on the southwest border contrasts sharply with the rhetoric and practice of U.S.-Mexican economic integration. The trend, it seems, is toward increasingly restrictive controls over unauthorized immigrant labor flows in the context of a general loosening of controls over cross-border economic activity. Even as the North American Free Trade Agreement (NAFTA) promotes a de-territorialization of the economy, U.S. border control initiatives reinforce state claims to territorial authority. Thus, the apparent paradox of U.S.-Mexico integration is that a barricaded border and a borderless economy are being created simultaneously.

Enhanced border policing, I argue, has less to do with actual deterrence and more to do with managing the image of the border and coping with the deepening contradictions of economic integration. Even as the escalating border control campaign has generated some perverse and counterproductive consequences and has failed to significantly deter illegal immigration, it has been strikingly successful in terms of constructing the appearance of a more secure and orderly border.⁹ At the same time, the policy focus on the border has drawn attention away from confronting a long-established and deeply-entrenched cross-border labor market that is an integral (even if clandestine) dimension of U.S.-Mexican interdependence. As the United States and Mexico have grown closer together in recent years, there has been an increasingly sharp tension between the push to open the border and liberalize markets and the push to close the border to immigrant labor. This in turn has further reinforced pressures to enhance border policing.

In the next section I outline the escalating border control campaign and then critically review its multiple consequences. I then point to some of the contradictions and tensions that arise from trying to police the border in an era of economic integration. Finally, I extend the analysis beyond the U.S.-Mexico border case to briefly explore the dynamics along Germany's eastern border—a border that has lost its military function but which is gaining an increasingly important policing function. While both the United States and Germany have intensified their border enforcement efforts, there are striking variations in

⁹ For an earlier analysis that points to the significance of the image of border control, see Alejandro Portes, "Of Borders and States: A Skeptical Note on the Legislative Control of Immigration" in Wayne Cornelius and Ricardo Anzaldua Montoya, eds., *America's New Immigration Law: Origins, Rationales, and Potential Consequences* (La Jolla, CA: Center for U.S.-Mexican Studies, University of California at San Diego, 1983). While not focusing on the border, criminologists have also emphasized the symbolic dimensions of policing. See, for example, Peter Manning, *Police Work* (Cambridge: Massachusetts Institute of Technology Press, 1977).

their approaches to immigration control that reflect distinct historical legacies, state capacities, regional contexts, and border image concerns.

THE U.S. BORDER CONTROL CAMPAIGN

As domestic pressure to “do something” about the influx of illegal immigrants¹⁰ has intensified, the nearly 2,000-mile U.S.–Mexico border has become the focal point of political attention. Alan Simpson put it rather starkly when he was a Republican senator from Wyoming: “The first duty of a sovereign nation is to control its borders. We do not. . . . Uncontrolled immigration is one of the greatest threats to the future of this country.”¹¹ Expressing similar alarm, California’s Republican Representative Brian Bilbray has exclaimed that “we have travelled 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.”¹²

Although border control was a low priority for President Bill Clinton when he first took office (indeed, in early 1993 he recommended reducing the number of Border Patrol agents to save money), he soon became an enthusiastic proponent of stricter enforcement in order keep up with Republican initiatives in Congress. In late July 1993, Clinton held a news conference to announce aggressive new measures against illegal immigration, including the hiring of 600 more Border Patrol agents. While Clinton adopted the idea as his own, the proposal to add agents actually came from an amendment earlier in the month by Republican Representative Duncan Hunter of California. “We will make it tougher for illegal aliens to get into our country,” Clinton promised. In announcing the increase, Clinton said, “It’s certainly plain to anybody with eyes to see that the Border Patrol is drastically understaffed, breathtakingly understaffed.”¹³

The build-up of policing along the southwest border quickly emerged as the centerpiece of the administration’s immigration control policy. The Immigration and Naturalization Service (INS)—the parent agency of the Border Patrol—has become one of the fastest growing federal agencies. The INS budget has nearly tripled between FY 1993 and FY 1999 (from \$1.5 billion to \$4.2 billion), and much of this growth has been targeted toward beefing up the Border

¹⁰ The Immigration and Naturalization Service (INS) estimates that there are about five million illegal immigrants living permanently in the United States and that this number is growing by about 275,000 per year. Most of these immigrants are concentrated in seven states, with California absorbing 40 percent of the total. An estimated 54 percent of all illegal immigrants are from Mexico. William Branigin, “Illegal Immigrant Population Grows to 5 Million,” *Washington Post*, 8 February 1997.

¹¹ Quoted in Carlos Rico, “Migration and U.S.–Mexican Relations” in Christopher Mitchell, ed., *Western Hemisphere Immigration and United States Foreign Policy* (University Park: Pennsylvania State University Press, 1992), 256.

¹² “Border Security,” Hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, House of Representatives, Washington DC, 10 March 1995.

¹³ Fred Barnes, “No Entry: The Republicans’ Immigration War,” *New Republic*, 8 November 1993.

Patrol. In FY 1997, the INS spent \$800 million on southwest border enforcement, up from \$400 million in FY 1993.¹⁴ And the FY 1998 INS budget reflects a further increase of 9 percent over FY 1997. Between FY 1993 and the end of FY 1997, the size of the Border Patrol along the southwest border grew by 83 percent—from 3,389 agents to 6,213 agents. The deployment of new agents has been matched by an infusion of new equipment, including infrared night-vision scopes, low-light TV cameras, ground sensors, helicopters, and all-terrain vehicles.

Part of what makes the rapid expansion of the INS so remarkable is that it is occurring in an era of government down-sizing. At a time when many other federal agencies are struggling in the face of sharp budget cuts, the INS is struggling to manage its fast-paced growth. One reflection of this expansion is that the positions of border patrol agent and immigration inspector are now listed as two of the top-ten job growth areas in the federal government.¹⁵ Indeed, in the scramble to meet its hiring targets, the INS has established an around-the-clock hotline for prospective Border Patrol applicants. Advertising agencies hired by the INS have even come up with a slogan to try to attract new recruits to the Border Patrol: “A career with borders but no boundaries.”¹⁶ Thus, while devolution (less federal spending and more freedom and responsibility for state governments) has become a popular political theme of the 1990s, current trends in immigration control push in the opposite direction. In this case, it seems, reinventing government is more about redeploying rather than reducing government.

The unprecedented build-up of border policing is scheduled to continue at a fast pace at least through the end of the decade. The Illegal Immigration Reform and Immigration Responsibility Act of 1996, which the president signed in late September 1996, authorizes a near doubling of the size of the Border Patrol by the year 2001. The new law also promotes additional measures to secure the border, such as a sharp increase in penalties against immigrant smugglers and the building of a triple-layered fence along fourteen miles south of San Diego. The new fence was initially recommended in a study prepared for the INS by Sandia Laboratories (a national weapons lab). The Sandia study argued that, “The illegal aliens have shown that they will destroy or bypass any single measure placed in their path.” The study therefore concluded that, “A three-fence barrier system with vehicle patrol roads between the fences and lights will provide the necessary discouragement.”¹⁷

The 1996 immigration control legislation reinforces an INS border enforcement strategy called “prevention through deterrence.”¹⁸ Through more fencing,

¹⁴ *Migration News*, November 1997.

¹⁵ Leigh Rivenbark, “Help Wanted,” *Federal Times*, 28 July 1997.

¹⁶ *Ibid.*

¹⁷ *Systematic Analysis of the Southwest Border*, vol. i (Sandia National Laboratories, prepared for the Immigration and Naturalization Service, January 1993).

¹⁸ *Border Patrol Strategic Plan: 1994 and Beyond*, U.S. Border Patrol, July 1994.

surveillance equipment, penalties, and law enforcement personnel, the objective is to inhibit illegal entry rather than having to apprehend entrants once 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 crossers to attempt entry in more difficult, remote areas and at official ports of entry that the INS argues are easier to regulate. As a result, U.S. Border control strategists hope that many would-be border crossers are inhibited from trying; and those who try fail repeatedly, leading them to eventually give up due to frustration and lack of resources.

Such a strategy was first tested by the Border Patrol in El Paso in September 1993. "Operation Blockade" (later given the more diplomatic name "Operation Hold-the-Line") deployed 450 agents to cover a twenty-mile stretch of the border. As hoped, apprehensions dropped dramatically. The high-profile show of force in El Paso captured the attention of Washington, the media, and leaders in other border states. The political appeal of Operation Hold-the-Line was that the results were both immediate and highly visible. Thus, in 1994 the INS announced a much wider adoption of the "prevention through deterrence" strategy to concentrate on the main corridors of illegal entry along the border. In October 1994, "Operation Gatekeeper" was launched south of San Diego, and "Operation Safeguard" was initiated in Nogales, Arizona. While the first phase of Gatekeeper focused on the fourteen westernmost miles of the border, in October 1996 the INS announced an extension of Gatekeeper to include the sixty-six westernmost miles. Similarly, in January 1997, Operation Hold-the-Line was extended ten miles west into New Mexico. And in late August 1997, the INS announced the launching of "Operation Rio Grande" in east Texas, which will cost about \$3.5 million and include setting up floodlights along thirty-one miles of the Rio Grande River.

As part of the border deterrence effort, controls at the official ports of entry have also been significantly tightened. Between FY 1994 and FY 1997, the number of INS port inspectors expanded from 1,117 to 1,865, 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. Of the total number of INS port of entry inspectors in the country, 78 percent are now assigned to the southwest border—an increase from 54 percent in FY 1990. The increase in personnel has been matched by an increase in penalties: those who attempt entry through fraudulent document use are now being prosecuted for repeat violations, and vehicles may also be confiscated.¹⁹

The military has also played an important support role in the expanding border control campaign. Although prohibited from making arrests, the military assists the INS by operating night scopes, motion sensors, and communications equipment, as well as building and maintaining roads and fences. For example, along the border south of San Diego, army reservists have constructed

¹⁹ *Migration News*, February 1997.

a ten-foot high steel wall using 180,000 metal sheets originally designed for temporary landing fields during military campaigns such as Desert Storm. Mexicans call it the "iron curtain." Similarly, in Nogales, army engineers in 1994 and 1995 constructed a fifteen-foot tall fence that is nearly five miles long, extending from one end of town to the other. New border fencing is going up elsewhere as well. For example, in January 1996, construction began on a 1.3-mile-long fence in Sunland Park, New Mexico, the first fence of its kind in the state.

Technologies and equipment designed initially for military purposes are increasingly being adapted for border control. Magnetic footfall detectors and infrared body sensors, originally used in Vietnam, are deployed along various parts of the border. Experimental technologies previously off-limits to law enforcement are also being tested. In March 1995, a Border Research and Technology Center was opened in San Diego to facilitate the conversion of defense technologies for border enforcement. The Border Patrol, for example, is evaluating a photo identification system developed by Hughes Aircraft. According to Robert Bach of the INS, "The technology came out of the CIA and the Department of Defense. They used it, and it was made available to the INS." The system, he said, "is a clear example of this administration's initiatives to convert military and intelligence technology to domestic applications." Other devices include an electronic current that stops a fleeing car, a camera that can see into vehicles for hidden passengers, and a computer that checks commuters by voiceprint.²⁰

Although the military has traditionally been reluctant to take on law enforcement tasks, the end of the cold war has generated greater enthusiasm for new missions. As one former U.S. Army officer has suggested, "With the military looking for a new job, a more easily accomplished mission for existing forces would be patrolling the borders. It is, of course, absurd that the most powerful nation on earth cannot prevent a swarming land invasion by unarmed Mexican peasants. The U.S. Army is entirely capable of plugging the holes permanently, and border duty would be excellent military training."²¹

The shooting of a teenage Texas goat-herder by a marine along the border on 20 May 1997 prompted a temporary halt to Defense Department operations along the border. Some politicians, however, have been pushing for much greater military involvement. In June 1997, the U.S. House of Representatives voted to authorize the use of 10,000 soldiers to assist in securing the border against drug trafficking and illegal immigration. Ohio Democratic Representative James Traficant, who introduced the legislation, argued that "If the Pentagon can send hundreds of thousands of U.S. troops to protect our allies, it should be able to spare about 10,000 military personnel to protect America."²²

²⁰ Sandra Dibble, "Star Wars Arrives at the Border: High Tech Developed by the Military, CIA May Aid Enforcement," *San Diego Union-Tribune*, 18 March 1995.

²¹ Christopher Bassford, "What Role for the Military Now?" *Newsday*, 17 September 1991.

²² Quoted in Stephen Green, "House Authorizes Sending Up To 10,000 GI's to Border," *San Diego Union-Tribune*, 21 June 1997.

In a Texas poll in November 1997, the majority of respondents said they favored using troops to seal the border.²³ Countering political pressures to further militarize the border, some Clinton administration officials have recommended increasing the size of the Border Patrol to 20,000 agents.²⁴

NOTHING FAILS LIKE SUCCESS/NOTHING SUCCEEDS LIKE FAILURE

Administration officials have repeatedly praised the results of their border deterrence strategy. In his January 1996 State of the Union address, 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." The INS boasts that "The border is harder to cross now than at any time in history."²⁵ INS Commissioner Doris Meissner told a Senate committee in October 1996 that, "We have done more where border control is concerned in the last two to three years, than I think has been demonstrated over the last two to three decades."²⁶ According to Meissner, the border strategy is "showing dramatic success."²⁷ Commenting on the results of Operation Gatekeeper, Johnny Williams, the Border Patrol chief for the San Diego sector, states, "This is probably the single largest accomplishment in the Border Patrol's history."²⁸ Before Gatekeeper, he says, trying to control illegal immigration looked like "Custer's Last Stand."²⁹

An evaluation of such upbeat claims of policy success reveals the peculiar nature of immigration control. Almost every indicator that administration officials point to as a sign of success can also be read as a sign of failure, and almost every indicator that points to failure is either downplayed or interpreted by administration officials as a sign of success. The ambiguity of the measures, combined with the heated political climate over immigration control issues, means that appearances matter enormously.

INS progress reports and press releases are most notable for what they do not say: there is no claim or evidence that overall levels of illegal immigration have actually declined as a result of tighter border controls. Regardless of the hardening of the border, there is little indication that large numbers of would-be crossers are giving up.³⁰ Most simply keep trying (sometimes being appre-

²³ Thaddeus Herrick, "Poll Finds Most Texans Want Troops on Border," *Houston Chronicle*, 16 November 1997.

²⁴ David LaGesse, "Border Residents Urge Removal of Military," *Dallas Morning News*, 16 July 1997.

²⁵ "Operation Gatekeeper: Two Years of Progress," Immigration and Naturalization Service (Washington DC: INS, October 1996).

²⁶ Testimony of Doris Meissner before the Senate Judiciary Committee Subcommittee on Immigration, 2 October 1996.

²⁷ *Ibid.*

²⁸ Verne Kopytoff, "In Tijuana, Border Crackdown Hurts," *New York Times*, 28 August 1996.

²⁹ Author interview with Johnny Williams, 4 March 1997.

³⁰ See Wayne Cornelius, "Appearances and Realities: Controlling Illegal Immigration in the United States" in Myron Weiner and Tadashi Hanami, eds., *Temporary Workers or Future Citizens? Japanese*

hended more than once in the same day) until they eventually make it across the line. But while failing to significantly deter, the enforcement strategy has been critical in determining where, how, and how often illegal immigrants cross the border. This is of critical importance in terms of public and media perceptions, the rewards for key actors (law enforcement agencies, elected leaders, smugglers), and for the clandestine border-crossing experience of the immigrants themselves.

Enhanced law enforcement has certainly made the border a much more challenging barrier. Indeed, the border has also become a deadlier barrier: a 1997 report by researchers at the University of Houston found that over the past 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.³¹ As law enforcement has concentrated on the easiest and most popular border crossing points, the human traffic has been disrupted and displaced. Clandestine crossers have turned to less visible and more remote entry points away from those urban areas targeted by law enforcement. Thus, apprehensions in the El Paso sector remain far below the levels prior to Operation Hold-the-Line but have skyrocketed to the west in New Mexico and Arizona. Similarly, apprehensions in the Imperial Beach sector south of San Diego (traditionally the single most important gateway for illegal entry) have declined sharply since Gatekeeper began, but arrests have jumped dramatically in the more remote parts of east San Diego county.

By disrupting the traditional routes and methods of clandestine entry, law enforcement 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 smuggler (coyote). Now the use of a smuggler has become standard practice. 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.”³² Not surprisingly, as the demand for smuggling services and the risks of crossing the border have gone up, so too has the price of being smuggled. Smuggling fees have jumped from \$250 to \$300 to \$500 or more.³³

Border control officials view the increase in smuggling prices as a key sign that the policy is working. Yet higher prices are not necessarily a significant deterrent, given that smuggling fees are often covered by relatives in the United

and U.S. Immigration, Refugees and Citizenship Policies (New York: New York University Press, 1998).

³¹ Sam Howe Verhovek, “‘Silent Deaths’ Climbing Steadily as Migrants Cross Mexican Border,” *New York Times*, 24 August 1997.

³² See *Binational Study: Migration Between Mexico and the United States* (Washington DC: Binational Study on Migration, 1997), 28.

³³ *Migration News*, February 1997.

States rather than by the immigrants themselves.³⁴ The main impact of higher smuggling fees, it seems, is to enrich increasingly sophisticated and well-organized binational smuggling groups. As Miguel Vallina, the assistant chief of the Border Patrol in San Diego notes, “The more difficult the crossing the better the business for the smugglers.”³⁵ Meissner explained in January 1996 that “[A]s 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.”³⁶ But even as Meissner recognizes the fact that the Border Patrol creates business for smugglers, she also says that we are “moving as aggressively as we can . . . so that we can put them [the smugglers] out of business.”³⁷ Thus, on the one hand, more enforcement fuels more smuggling; on the other hand, more enforcement will also presumably end smuggling.

The problem is that even while law enforcement puts some smugglers out of business, this simply creates business for competing smugglers. What is one smuggler’s loss is another’s gain. Smugglers are merely service providers (even if often abusive ones), and as long as there is a strong demand for their services, smuggling will persist. The high profits of the business (inflated by law enforcement pressure) guarantee that there will be smugglers willing to accept the occupational risks. Smugglers have also proved to be highly adaptable to law enforcement pressure. As one senior INS official has acknowledged, “Alien smugglers have developed a sophisticated infrastructure to successfully counteract U.S. Border Patrol operations along the Southwest Border.”³⁸ The freelance smugglers who once dominated the business are increasingly being replaced by better organized and more skilled smuggling groups.³⁹ The sophistication of the smugglers, one federal prosecutor claims, has “improved dramatically.”⁴⁰ Interestingly, these law enforcement-induced changes in the business of smuggling, claims one senior Border Patrol official, should be interpreted as a sign that the control strategy is working.⁴¹

Meanwhile, the growth of organized smuggling has provided a rationale for even tougher laws and tougher enforcement. The number of alien smuggling

³⁴ Philip Martin, “The Mexican Crisis and Mexico–U.S. Migration” (unpublished paper, University of California at Davis, 16 September 1996).

³⁵ Sebastian Rotella, “Tough Border Policies a Boon for Smugglers,” *Los Angeles Times*, 5 February 1995.

³⁶ News Conference with Janet Reno and Doris Meissner, Washington DC, 12 January 1996.

³⁷ Hearings of the Commerce, Justice, State, and Judiciary Subcommittee of the House Appropriations Committee, 8 May 1996.

³⁸ Testimony of George Regan, acting associate commissioner of enforcement, Immigration and Naturalization Service, before the Subcommittee on Immigration Claims, Committee on the Judiciary, U.S. House of Representatives, 23 April 1997.

³⁹ Author interview with Johnny Williams, San Diego sector chief of the Border Patrol, 4 March 1997.

⁴⁰ Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, CA, 1 April 1997.

⁴¹ Author interview with Michael C. Nicley, assistant regional director of the U.S. Border Patrol, Laguna Niguel, CA, 27 March 1997.

cases prosecuted in San Diego, for example, increased from 33 in 1993 to 233 in 1996, and is projected to reach approximately 400 in 1997.⁴² Sharp increases in prosecutions are also evident elsewhere across the border. Smugglers are now being sentenced to years rather than months in prison. Nevertheless, there has been no shortage of smugglers. As one senior official from the Border Patrol's antismuggling unit put it, the smugglers "just get paid more for taking more risks."⁴³ Consequently, even though arresting more smugglers provides a body count for officials eager to show progress in controlling the border, it does not necessarily curb smuggling. At the same time, as the risks and penalties for smuggling rise, so does the smuggler's willingness to take more extreme measures to evade law enforcement. This partly explains the increased number of high speed chases and accidents that have resulted when smugglers try to evade highway checkpoints near the border.

A far less discussed and less measurable unintended by-product of the border enforcement offensive may be more corruption. In 1994, the *New York Times* 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. Year after year, dozens of employees are arrested for taking bribes or related crimes. Yet even when corruption cases repeatedly expose glaring weaknesses in the system, the agency usually neglects to correct them."⁴⁴ Although obviously difficult to quantify, current trends along the border may reinforce rather than remedy the corruption problem. Michael Bromwich, the inspector general of the Department of Justice, has expressed serious concern as a result of the sudden build up of border law enforcement: ". . . there are many line employees who are untested and supervisors who have little experience providing leadership and guidance to employees in this difficult environment. 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." He notes that the number of INS personnel along parts of the border has doubled since 1993. Fraud and corruption allegations involving INS employees, he says, represent the single largest component of the caseload of the Office of Inspector General.⁴⁵

Further exacerbating the corruption problem is that as border controls increase, the incentive to offer bribes and/or buy entry documents from those

⁴² U.S. Department of Justice, Office of the United States Attorney, Southern District of California, *Annual Report 1996*.

⁴³ Author interview, San Diego, CA, 8 April 1997.

⁴⁴ Joel Brinkley, "INS Appears Adrift in Sea of Mismanagement, Low Morale; Staff Cites Unwieldy Workload, Lack of Leadership," *Dallas Morning News*, 11 September 1994.

⁴⁵ Statement of Michael R. Bromwich, inspector general of the Department of Justice, before the United States Senate Caucus on International Narcotics Control, 14 May 1997.

doing the controlling also increases. And as smuggling groups have become more sophisticated, organized, and profitable (due to the higher demand and cost for their services and the heightened risks involved in providing these services), the capacity and means to corrupt have also grown. Thus, bribing corrupt officials is in a sense the equivalent of paying an informal tax or entry fee—and the incentives to both pay and collect the fee increase as traditional methods of entry become more difficult and risky. Indeed, partly in response to the potential for increased corruption, the U.S. Attorney's Office for the Southern District of California established a Border Corruption Task Force in 1995.⁴⁶ While some officials point to the growing number of corruption cases as a sign of greater law enforcement resolve in confronting corruption, the increase in cases may also partly reflect an increase in corruption.

Another important consequence of the tightening of border controls is a change in the frequency of clandestine entry. The traditional pattern is that most Mexicans who cross the border illegally do not stay in the United States but rather go back and forth almost as a form of cross-border commuting. The increased risk and cost of crossing the border, however, has also increased the incentive for many illegal immigrants to extend their stay and perhaps even remain permanently. Put differently, as the commute has become more difficult and costly, the incentive to relocate closer to the workplace has increased. This is confirmed in a number of studies. For example, a study of Operation Hold-the-Line by Frank Bean and his colleagues found that many Mexicans who cross the border illegally stay on the U.S. side for longer periods in the El Paso area because of the increased difficulty of entry.⁴⁷

In terms of reducing the size of the unauthorized immigrant population in the United States, this outcome is an indicator of not only policy failure but of a counterproductive policy. Yet at the same time, this outcome contributes to the policy goal of reducing the number of illegal border crossings. Thus, when a 1997 Urban Institute study found that illegal immigrants in California were remaining in the state for longer periods of time because of tighter border controls, the INS responded that, "This is another sign that our efforts to control the border are working."⁴⁸

Away from the border, meanwhile, there has been no shortage of illegal immigrant labor. The U.S. Commission on Immigration Reform noted in its staff report on Gatekeeper, "By one measure, Operation Gatekeeper appears to have had little effect—the availability of workers in industries that are dependent on illegal alien labor."⁴⁹ Indeed, in some industries, such reliance has

⁴⁶ Author interview, Office of the U.S. Attorney for the Southern District of California, San Diego, CA, 28 February 1997.

⁴⁷ 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 at Austin, July 1994).

⁴⁸ "Tight Borders Keep Immigrants In, Study Says," *New York Times*, 12 October 1997.

⁴⁹ U.S. Commission on Immigration Reform, *Staff Report on Border Law Enforcement and Removal Initiatives in San Diego, CA* (Washington DC: November 1995), 7.

actually increased as border controls have tightened. For example, the Urban Institute has calculated that the percentage of workers in California's agricultural industry that are illegal immigrants has gone from under 10 percent in 1990 to as high as 40 percent in 1997.⁵⁰

According to The President's 1994 Report on Immigration, "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. . . ."⁵¹ Nevertheless, only about 2 percent of the FY 1996 INS budget was devoted to employer sanctions enforcement.⁵² 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.⁵³ While the Clinton administration has hired hundreds of new inspectors and claims that worksite enforcement is a priority, the trend for most of the decade has actually been toward a relaxation of workplace monitoring. For example, there were about 6,000 INS investigations of employers for immigration violations in FY 1995, a drop from almost 15,000 in FY 1989.⁵⁴ Nation-wide, worksite enforcement efforts in 1996 led to only fifty completed criminal cases, fifteen prosecutions, and twenty-four convictions.⁵⁵ In the first six months of FY 1997, the INS imposed only \$3.8 million in fines against employers—compared with \$13.2 million in fines for all of FY 1996.⁵⁶ Moreover, the INS generally settles cases for less than half the amount of the initial fine. Even as the number of illegal immigrants arrested in workplace raids has doubled since 1989, fewer companies are being fined under the employer sanctions law.

Among advanced industrialized countries, the United States has the toughest penalties for immigrant smuggling and related activities, yet it ranks among the lowest in terms of sanctions against employers of illegal immigrants.⁵⁷ Employer sanctions, created for the first time by the Immigration Reform and Control Act of 1986, are notoriously weak, poorly designed, 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, which, not surprisingly, has spurred a booming business in phony documents. According to Richard Rogers, head of the INS in Los Angeles, a packet with a Social Security card and a green card can be

⁵⁰ Ibid.

⁵¹ *Accepting the Immigration Challenge: The President's Report on Immigration* (Washington DC: U.S. Government Printing Office [GPO] 1994), 42.

⁵² *Migration News*, November 1996.

⁵³ William Branigin, "Reaping Abuse for What They Sew: Sweatshops Once Again Commonplace in U.S. Garment Industry," *Washington Post*, 16 February 1997.

⁵⁴ *Migration News*, April 1996.

⁵⁵ Testimony of George Regan, acting associate commissioner of enforcement, Immigration and Naturalization Service, before the Subcommittee on Immigration Claims, Committee on the Judiciary, U.S. House of Representatives, 23 April 1997.

⁵⁶ *Migration News*, September 1997.

⁵⁷ *Trafficking in Migrants Quarterly Bulletin*, no. 12, September 1996.

bought “for about \$50 or \$75, one sufficient for an employer to use as verification.”⁵⁸

The lack of attention to the workplace is a striking example of the enormous gap between expert opinion and policy practice. For example, reinforcing a widely shared view among immigration scholars, the U.S. Commission on Immigration Reform concluded in a September 1994 report, “Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration.”⁵⁹ Nevertheless, the most recent immigration control legislation passed by Congress in 1996 reaffirms the policy focus on the border while neglecting workplace controls. For example, although an earlier version of the proposed legislation included 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.⁶⁰

The lack of political consensus in Congress on workplace controls contrasts sharply with the strong bipartisan support for more border controls. Thus, the border is conveniently targeted as both the source of the problem and as the most appropriate site of the policing solution. The border campaign is carefully scrutinized in congressional hearings, but these evaluations 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 achieving deterrence is technical rather than any fundamental flaw in the focus and nature of the control strategy itself.

Judged purely on its actual deterrent effect, the enormous political popularity of the border control campaign seems rather puzzling. After all, while casual unauthorized crossings by local border residents have certainly been reduced as a result of enhanced controls, there is little evidence that determined long-distance border crossers in search of work in the United States are being seriously discouraged by the U.S. show of force along the border. A failing deterrence strategy, however, can still succeed politically. In this case, the border appears more orderly because much greater control has in fact been imposed at the major urban crossing points that are most publicly visible. Unauthorized crossings are much less visible because they are more dispersed, more remote, and more hidden. In just a few years, a powerful image of control has been projected through a high-profile deployment of law enforcement resources and personnel along what were once highly-contested sections of the border. “[S]ealing the border is an impossible mission,” one researcher from the Uni-

⁵⁸ Quoted in Marcus Stern, “Low-Skill Labor Markets Full of Illegal Workers, But Employers are Seldom Fined,” *San Diego Union-Tribune*, 2 November 1997.

⁵⁹ Quoted in Marcus Stern, “Legislators Put Focus on Fences, Not Jobs,” *San Diego Union-Tribune*, 3 November 1997.

⁶⁰ Cassandra Burrell, “House Passes Bill to Crack Down on Illegal Immigration,” *Associated Press*, 25 September 1996.

versity 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."⁶¹ Indeed, Reyes was so successful that he was elected in November 1996 as a local representative to Congress.

Enhanced border policing has generated substantial rewards for both law makers and law enforcers. For the INS, the border campaign has brought with it enormous organizational expansion and political commitment to a long-neglected agency. For elected leaders, the campaign has won votes and provided a politically costless method of signaling that they are tough on illegal immigration. For Democrats in particular, beefing up border controls has helped inoculate them against Republican attacks that they are soft on illegals. For example, in the 1996 electoral race President Clinton battled Republicans in a war of images over the border and illegal immigration. In June 1996, a Republican National Committee television ad highlighted a border entry point marked "Mexico" and then showed what were presumably illegal immigrants running into the country under the glare of spotlights. The advertisement then declared that "under President Clinton, spending on illegals has gone up, while wages for the typical worker have gone down." The Democratic National Committee quickly went on the offensive with its own ad, which showed what were presumably illegal immigrants being hand-cuffed. The ad boasted that Clinton has significantly boosted the size of the Border Patrol, and responded to scenes from the Republican ad with the word "WRONG" stamped in red letters.⁶² Both ads were run most often in California, where public anxiety over illegal immigration has been the highest. In the 1996 election, Clinton not only took California but also the conservative stronghold of Orange County.

The new image of order on the border is powerfully captured by pre- and post-Gatekeeper photographs taken of the same stretch of the border, displayed at the front entrance of the public affairs office at the Border Patrol sector headquarters south of San Diego. The picture of the border taken before Gatekeeper was launched shows a mangled chain-link fence and crowds of people milling about on both sides, seemingly unaware that the border even exists. The Border Patrol is nowhere in sight. The image is of a chaotic border that is defied, defeated, and undefended. The picture taken of the same area after Gatekeeper was initiated, however, shows a sturdy steel wall fence, backed up by powerful stadium lights and four-wheel drive Border Patrol vehicles alertly monitoring the line. There are no groups of people milling about on either side of the fence. The image is of an orderly border that deters and defends against unauthorized crossings. These kinds of photographs provide a visual representation of policy success. At a 1995 congressional hearing on border security,

⁶¹ Quoted in Carlos Hamman, "Border Chief to Retire after Years of Holding the Line; Reyes May Consider Bid for Congressional Seat," *Dallas Morning News*, 22 October 1995.

⁶² Dick Kirschten, "Crossing the Line," *National Journal*, 3 August 1996.

Meissner turned to such before and after Gatekeeper pictures to make her case: “You can just see from the picture . . . those are crowds up on the top picture,” she told Texas Republican Representative Lamar Smith. “The one below, you just don’t have the kind of massing that we once had.”⁶³

Two of the Border Patrol’s public affairs videos provide a similar contrast between order and chaos. The first video, titled “Border Under Siege,” was made in 1992. The narrator alarmingly describes the border as “less than a boundary than a backdoor.” The second video, titled “Challenge on the Border,” was produced in 1996, and projects an entirely different message and image. While the first video depicts the border as being overwhelmed by hordes of clandestine crossers, the second video is largely self-congratulatory. The Border Patrol is applauded for finally securing the border so that it “is no longer an open backdoor.”

The border, however, has many backdoors. Closing some of them means that the clandestine population flow has been moved, not removed. 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.”⁶⁴

From the political perspective of U.S. border control strategists, however, how the media and the public see the border is more critical than the actual deterrent effect of the border. Border policing has always been as much about image as reality. Indeed, the very premise of the current campaign to “regain control of the border” perpetuates the myth that the border was ever actually controlled. As William Langewiesche observes, “If the border is a myth, it is a useful one. The Border Patrol’s real function is to play along.”⁶⁵ Border management is therefore a game of image management.⁶⁶ How the game shapes the perceptions of the spectators (the media, local residents in border areas, the broader public) has enormous political importance—regardless of whether or not the opposing players (the clandestine border crossers) are actually deterred.

TENSIONS AND CONTRADICTIONS BETWEEN ECONOMIC AND LAW ENFORCEMENT POLICIES

The game of image management along the border, however, is becoming more difficult for the border enforcers to play—even as they are under intense do-

⁶³ “Border Security,” Hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary House of Representatives, Washington, DC, 10 March 1995.

⁶⁴ Michael Gransberry, “INS Investigates Border Patrol Arrest Data,” *Los Angeles Times*, 6 July 1996.

⁶⁵ William Langewiesche, *Cutting for Sign* (New York: Pantheon, 1993), 44.

⁶⁶ This is an example of what Goffman calls the “art of impression management.” See Erving Goffman, *The Presentation of Self In Everyday Life* (Woodstock, NY: Overlook Press, 1973).

mestic political pressure to play better and harder. The awkward problem facing U.S. officials is that at the same time as there is a powerful political imperative to control the border, this task is becoming evermore complicated in the context of Mexico's deepening market reforms and the broader process of U.S.–Mexican economic integration.

There is a growing tension, for example, between the policy of facilitating increased cross-border travel and enforcing immigration controls. The President's 1994 Report on Immigration observes that, "The openness of the world economy requires making commercial travel and tourism easier and friendlier. The U.S. economy clearly benefits from playing an energetic role in encouraging travel."⁶⁷ Noticeably down-played is the fact that some 40–50 percent of all illegal immigrants in the United States entered the country legally (as tourists or students, for example) and then overstayed their visas. The debate over controlling illegal immigration has so far focused mostly on the border, glossing over the significant problem of visa overstays. Roughly 150,000 people settle illegally in the United States each year after entering the country legally. This neglect of visa overstays is itself a revealing indicator of how the symbolic importance of border control trumps 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, it has failed to appropriate funds for even a modest increase in the number of INS investigators to track down visa overstayers.⁶⁸

The tension between facilitation and enforcement is played out on a daily basis at the ports of entry along the southwest border. As the President's 1994 Report on Immigration frankly acknowledges, "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."⁶⁹ Officials have an increasingly frustrating time reconciling two objectives: to facilitate the growing volume of legitimate border crossings at the ports of entry, but also to control the growing volume of illegitimate crossing attempts that result from stepped up border enforcement between the ports of entry.

This is illustrated at the port of entry at San Ysidro south of San Diego, by far the busiest land border crossing point in the world. A staff report of the U.S. Commission for Immigration Reform observes that, "Inspectors are frustrated that they must often choose between a thorough inspection which slows traffic or an expedited one that keeps traffic moving."⁷⁰ Operation Gatekeeper

⁶⁷ *Accepting the Immigration Challenge: The President's Report on Immigration* (Washington DC: GPO, 1994), 26.

⁶⁸ William Branigin, "Illegal Immigrant Population Grows to 5 Million," *Washington Post*, 8 February 1997.

⁶⁹ *Accepting the Immigration Challenge*, 42.

⁷⁰ *U.S. Commission on Immigration Reform, Staff Report on Border Law Enforcement and Removal Initiatives in San Diego, CA* (Washington DC: November 1995), 14.

has only added to the frustration. For example, the INS says that the initiation of Gatekeeper sparked a 40 percent rise in the use of fraudulent documents to cross the border at ports of entry. In January 1996, INS inspectors were caught off guard by the sudden influx of people attempting to enter through fraudulent document use. The following January, the INS significantly enhanced the number of inspectors in anticipation of a similar postholiday rush.

Tightening controls at the ports of entry, however, risks creating delays for the growing volume of legitimate border crossers. Some forty million people and fifteen million cars a year now enter the United States through the ports of entry south of San Diego. Overall, some 230 million people and 82 million cars enter the United States from Mexico every year.⁷¹ Between 1984 and 1996, the number of people crossing the southwest border increased by 59 percent. As the number of crossings continue to increase as a result of deepening cross-border ties, so too do the pressures on law enforcement. The policy response has been a mixture of tougher penalties for fraudulent document use, a sharp increase in the number of port inspectors, and development of more efficient and technologically sophisticated traffic management procedures.

Innovations in border control techniques, however, do little to address the larger economic transformations that are helping to fuel continuing high levels of illegal immigration. For example, sweeping market reforms in Mexico are, at least in the short and medium term, adding to the incentives for Mexican workers to seek employment in the United States. In the most general sense, reducing the role of the state in the economy reduces the state's ability to withstand market forces—and the strong demand for cheap immigrant labor in the United States is certainly no exception. As Robert Bach explained before he became a senior INS official and a key proponent of the administration's border enforcement effort, "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."⁷²

NAFTA only deepens and extends this process. Politicians on both sides of the border promised that the trade agreement would help curb immigration, yet as Douglas Massey and Kristin Espinosa explain, "The provisions of NAFTA . . . 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

⁷¹ *Migration News*, February 1997.

⁷² Robert L. Bach, "Hemispheric Migration in the 1990s" in Johnathan Hartlyn et al., eds., *The United States and Latin America in the 1990s* (Chapel Hill: University of North Carolina Press, 1992), 274.

of people—students, business executives, tourists, and, ultimately, undocumented workers.”⁷³

Even many of the immigration experts who argue that NAFTA will eventually help to curb illegal immigration note that it fuels such immigration in the short and medium term. A number of studies suggest that the combination of NAFTA and the side-effects of Mexico’s own domestic market reforms will add as much as several hundred thousand to the number of Mexicans who migrate to the United States annually though at least the end of the century.⁷⁴ This will, of course, further enhance the cross-border social networks that provide a critical base and bridge for later immigration flows. Thus, even the hoped-for long-term reduction of illegal immigration is not at all assured.

Market-based reforms in Mexico’s agricultural sector have become a particularly important stimulus for illegal immigration.⁷⁵ For example, in a widely cited study, Raul Hinojosa Ojeda and Sherman Robinson have projected that 600,000 displaced Mexican farmers will likely migrate illegally to the United States over a six-year period.⁷⁶ The incentive to migrate is further reinforced by massive reductions in state assistance in rural areas.⁷⁷ Since the late 1980s, the Mexican government has been cutting back electricity, fertilizer, water, and credit subsidies to peasant farmers. Price supports for many crops have been slashed. In addition, prohibitions on the sale of communal farm lands (about 70 percent of Mexico’s crop land and one-half of its irrigated land) have been eliminated. Although the government initiated an income subsidy program in late 1993 for producers of corn and other basic crops, it 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.⁷⁸

Market-based reforms in the agricultural sector are leading to the displacement of millions of peasant farmers. Luis Tellez, the former undersecretary for planning in Mexico’s Ministry of Agriculture and Hydraulic Resources, has estimated that one million peasants are likely to leave the land every year, and that as much as fifteen million peasants will leave agriculture in the next decade

⁷³ 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 (January 1997): 991–2.

⁷⁴ Some of these studies are reviewed in Philip L. Martin, *Trade and Migration: NAFTA and Agriculture* (Washington DC: Institute for International Economics, 1993).

⁷⁵ Cited in Philip L. Martin, “Mexican–U.S. Migration: Policies and Economic Impacts,” *Challenge*, March 1995.

⁷⁶ Cited in Philip L. Martin, “Do Mexican Agricultural Policies Stimulate Migration?” in Frank D. Bean, Rodolfo O. de la Garza, Bryan Roberts, and Sidney Weintraub, eds., *At the Crossroads: Mexican Migration and U.S. Policy* (New York: Rowman and Littlefield Publishers, Inc., 1997), 89.

⁷⁷ 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 DC: The World Bank, August 1992).

⁷⁸ See Manuel Pastor and Carol Wise, “State Policy, Distribution and Neoliberal Reform in Mexico,” *Journal of Latin American Studies* 29 (May 1997): 419–456.

or two.⁷⁹ Crossing the border in search of work will no doubt be the most logical option for many. As Philip Martin argues, “With projections that 20 to 50 percent of Mexico’s farmers could leave the land over the next decade, the stage is set for a repeat of a great migration similar to what the United States experienced in the 1950s and 1960s, when structural changes in U.S. agriculture and cotton harvest mechanization brought sharecroppers from Mississippi to Chicago. Mexico is on the verge of a similar agricultural revolution, but potential destination cities for ex-farmers include Los Angeles and Houston.”⁸⁰

Meanwhile, the collapse of the peso in December 1994, which plunged Mexico into a deep economic crisis, has only added to the exit incentive. The peso devaluation widened the U.S.–Mexico wage gap from 8–1 to 12–1. In 1995, the Mexican economy shrank by 6 percent and about 10 percent of formal sector jobs were lost, reflecting the most severe recession in over half a century. The Mexican private sector responded to the crisis by cutting jobs and lowering wages. While the economy has been recovering, this has not been followed by a significant improvement in either wages or employment. At the same time, the U.S. economy continues to be a powerful magnet for low-skilled migrant labor. It seems that the “giant sucking sound” that Ross Perot warned would be produced by NAFTA is in fact the pull of the U.S. job market. Thus, regardless of stepped up U.S. border enforcement, economic trends suggest that El Norte will continue to be a favored destination for many Mexican workers.

Even if left conveniently unmentioned in the official policy debate, illegal immigration has become an increasingly important dimension of U.S.–Mexican interdependence. Mexico depends on exporting part of its unemployment problem, which in turn generates as much as \$4 billion in remittances; and U.S. employers depend on the cheap labor provided by illegal Mexican workers. Far from being reversed, this mutual dependence is only being reinforced by the deepening process of economic integration. This is the less celebrated, though no less important, clandestine side of U.S.–Mexico integration. Building bigger and better border barriers only helps to deny this reality.

EXTENDING THE ANALYSIS: EUROPE’S RIO GRANDE?

Analytical leverage may be gained by comparing the changing dynamics along the U.S.–Mexico border to recent trends along other fault lines between developed and less developed countries. Germany’s eastern border provides a particularly interesting comparison. Even as the Berlin Wall and the militarized border between West and East Germany have disappeared, the eastern border of a unified Germany is being rapidly built up to deter illegal immigration and other prohibited cross-border flows. Thus, while the military function of the border has disappeared, its policing function has gained new symbolic meaning

⁷⁹ Martin, “Mexican–U.S. Migration.”

⁸⁰ Martin, *Trade and Migration*, 6.

and political importance.⁸¹ Despite the celebration over the fall of the Iron Curtain, some German law enforcement officials nostalgically lament its disappearance: “The wall that the GDR [German Democratic Republic] erected to ‘protect’ socialism not only prevented GDR citizens from leaving their country, but also had the function of a bulwark for the internal security of the Federal Republic of Germany, since threats to the internal security of the FRG, posed by people coming over the border without passport checks, could be ruled out.”⁸²

The Oder-Neisse Rivers, which separate Germany and Poland, has been called “the Rio Grande of Europe.” Heinrich Vogel of the Cologne-based Institute for East European and International Studies notes that, “there are strong economic and social parallels” between the U.S.–Mexico and German-Polish relationships.⁸³ For example, the wage gap between Germany and Poland rivals the wage gap between the United States and Mexico. Similar to the U.S.–Mexico border, border crossings between Germany and Poland have increased significantly in recent years. 147 million people crossed the German-Polish border in 1995—a 250 percent increase over 1991.⁸⁴ The number of vehicles crossing the border increased from approximately 7.2 million in 1990 to 60 million in 1994.

Along with expanding cross-border economic exchange between Poland and Germany, there has been an increase in illegal immigration and other forms of clandestine border activity. Although impossible to calculate with precision, one estimate suggests that around 100,000 people illegally enter Germany every year, mostly from the East.⁸⁵ The primary policing concern on the border is not unauthorized crossings by Poles (Poles do not require visas) but rather the use of Poland as a favorite entry point into Germany for illegal immigrants from other countries, such as Romania. Many illegal crossers attempt to blend in with the growing number of people legally crossing from Poland. As in the U.S.–Mexico case, increased cross-border traffic has strained the capacity of law enforcement to separate legal from illegal crossings.

The crumbling of authoritarian systems, the shocks of market-based economic restructuring, improved transportation and communications links to the West, and the lure of better paying jobs have all provided powerful incentives for many East Europeans to move illegally to Germany or to other European Union (EU) countries via Germany. Efforts to cross the German border illegally are also partly a response to the significant tightening of Germany’s asy-

⁸¹ Albrecht Funk, “Control Myths: The Eastern Border of the Federal Republic of Germany Before and After 1989” (paper prepared for the ECPR workshop, “Police and Immigration towards a Europe of Internal Security,” Madrid, 18–22 April 1994).

⁸² Fritz Ulrich Maier, quoted in Funk, “Control Myths,” 1.

⁸³ Tyler Marshall, “Regional Outlook; Europe’s New Wall: The Rich and the Poor,” *Los Angeles Times*, 1 September 1991.

⁸⁴ Peter Gumbel, “European Unity Sits and Waits on the Oder,” *Wall Street Journal*, 10 May 1995.

⁸⁵ Cited in *Migration News*, September 1995.

lum laws in May 1993. No longer able to apply for asylum at border crossings, many foreigners have instead opted to enter Germany as illegal immigrants.⁸⁶

In response, Germany has quickly built up its border policing presence, not only at land borders but at air and seaports as well. For example, at the Frankfurt airport, there has been more than a tripling of enforcement personnel since the early 1990s. The Bundesgrenzschutz (or Federal Border Police) has been restructured and expanded. Its budget more than doubled between 1990 and 1995.⁸⁷ The single most important targeted area is the German-Polish border. While there were only about 400 border guards on the German-Polish border in 1990, the number increased to some 3,300 by mid-1996. About 80 percent of the border guards along Germany's eastern border are from the former GDR. It is perhaps ironic that while their old mission was to keep people from the East in, their post-cold war mission is to keep them out.

Following the pattern on the U.S.–Mexico border, tighter German border controls are forcing more clandestine crossers to hire smugglers. The business of human smuggling is booming, partly thanks to increased law enforcement. As one German border official candidly remarked, “We create the business for the smuggler. We remove 100 aliens, and the smugglers bring 100 back in.”⁸⁸ Between 1992 and 1993, there was nearly a 250 percent increase in the number of people arrested for alien smuggling.⁸⁹ According to the German border police, small-scale smuggling is increasingly being replaced by more organized international smuggling groups. And this, as in the U.S. case, is providing a further rationale to define illegal immigration as an organized crime problem. But also following the U.S. experience, more extensive and sophisticated border policing has so far failed to significantly reduce the number of people illegally attempting to cross the border.⁹⁰

There are, however, crucial differences between the German and U.S. border policing efforts that reflect distinct historical legacies, state capacities, regional contexts, and border image concerns. While Germany's deployment of police to the eastern border parallels the expansion of the U.S. Border Patrol on the southwest border, the stadium lights and steel fencing favored by the United States are noticeably missing. The combined legacy of the country's authoritarian past and recent memories of the Berlin Wall inhibit the use of more high-profile policing and surveillance methods. In particular, German officials are wary of creating the image of building an “electronic Iron Curtain,” a concern that does not similarly constrain U.S. officials, who actually emphasize the high-tech character of their border strategy. For similar reasons, the German

⁸⁶ Funk, “Control Myths,” 13.

⁸⁷ “Massive German Border Patrol Increase Cuts Illegal Immigration,” *Deutsche Presse-Agentur*, 29 August 1995.

⁸⁸ Author interview, Eissenhüttenstadt, Germany, 24 June 1996.

⁸⁹ Report on Illegal Entry, Grenzschutzdirektion, Koblenz, Germany, nd.

⁹⁰ Peter Cullen, “Crime and Policing in Germany in the 1990s” (draft discussion paper, University of Edinburgh, 1996), 21.

military does not play the same border support role that the U.S. military does. As one senior German law enforcement official put it, "Some of the border control methods used by the United States are inconceivable here."⁹¹

Historical sensitivities also mean that German officials are careful to explain and justify the tightening of the eastern border not simply as a German initiative but rather as part of a broader European policy on common external border controls. Under the Schengen Accord, internal border checks between signatory countries are dismantled while external controls are built up as a compensatory measure. In other words, the tightening of German territorial controls is embedded in a larger European framework that dampens the appearance of a nationalist reassertion of German territorial sovereignty. In immigration matters in general, such as asylum policy, German leaders have rationalized their increasingly restrictive controls as necessary measures to conform to wider European standards.⁹² External border enforcement in particular is promoted and legitimized as performing a European function rather than simply serving German national interest. In the U.S. case, in contrast, it is precisely the image of defending and reasserting national sovereignty that officials hope to convey on the southwest border.

The German-Polish border is also more ambiguous than the U.S.–Mexico border, because Poland is expected to join the EU. The carrot of future entry into the EU helps assure Polish cooperation in stemming the trafficking of people through Polish territory. As agreed to in a treaty that took effect in March of 1993, Poland now takes back those who try to enter Germany illegally, while Germany provides funds as compensation. Germany also provides funds for Poland to improve the policing of its own borders. For example, Germany allocated \$80 million to Poland in 1994 for border control purposes. Thus, the German and broader EU strategy is to use Poland and other central European countries as a kind of buffer zone. Poland's entry into the EU would open the German-Polish border and formally extend the EU's external border to Poland's eastern frontier. While this scenario is years away, the United States and Mexico are not even contemplating such a move.

Also in sharp contrast to the United States, it is important to emphasize that Germany has much more extensive internal controls, including the kind of workplace regulations that would meet stiff resistance by U.S. employers long accustomed to minimal state intervention. German penalties are both more common and more severe. For example, employer fines in Germany include the profits earned by employing illegal workers. German authorities also rely on a mandatory resident registration system, as well as national identity cards, which are broadly viewed in the United States as an unacceptable threat to civil liberties. Germany is also attempting to integrate its various bureaucratic surveillance systems (education, welfare, labor, criminal justice) into a central for-

⁹¹ Author interview, Wiesbaden, Germany, 1 July 1996.

⁹² Funk, "Control Myths," 16.

eigner registry to monitor and check more effectively the residency status of all foreigners.⁹³

Despite these extensive controls, growing numbers of illegal immigrants are employed throughout the German economy, such as in the construction and service industries. However, the job magnet is certainly weaker in comparison to the U.S. case, and this is no doubt significantly due to the more regulated nature of the German workplace and of the broader society. In contrast, U.S. enforcement attention is focused almost exclusively on the border itself, while internal controls remain at token levels. Thus, the German border is in a sense thicker (extending into German society), while the U.S. border is noticeably thinner and certainly higher, in the form of fencing, floodlights, and so on.

CONCLUSION: THE DEBORDERING AND REBORDERING OF THE STATE

The changing border dynamics discussed here suggest that the role of territorial controls may be shifting rather than simply declining in the post-cold war era of economic integration. Borders provide a living laboratory for tracing how states are reinventing themselves in a transformed economic and security environment. Despite the celebratory rhetoric about the emergence of a borderless world, a number of critical territorial divides are being politically reinforced, particularly those between developed and developing regions. The policy concern is less about deterring the military incursions of neighboring states or restricting cross-border commercial flows, and more about policing the clandestine territorial crossings of nonstate transnational actors, especially illegal immigrants. Thus, while many states are embracing free market initiatives that de-territorialize their economies, they are also attempting to reassert their territorial authority over “undesirable” populations flows. As Saskia Sassen notes, despite the relaxation of barriers to the flow of goods, information, and capital, when it comes to regulating the movement of people, “the national state claims its old splendor in asserting its sovereign right to control its borders.”⁹⁴ And as suggested here, the economic push to open borders and the law enforcement push to close borders generates its own tensions and contradictions that further reinforce the trend toward enhanced border policing.

Controlling illegal immigration is certainly not a new concern, but in many countries it has quickly risen from the status of low to high politics. In an increasingly restrictionist political climate, state leaders are scrambling to create an appearance of controlling their borders against unauthorized entrants. As shown in the U.S. case, intensified border enforcement has failed to significantly curb illegal immigration and has even generated a variety of negative consequences. Yet it has succeeded in terms of constructing an image of a more

⁹³ *Ibid.*, 15.

⁹⁴ Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996), 59.

secure border. While the overall deterrent effect has been limited, the U.S. border control strategy has had a profound effect in terms of influencing where, how, and how often illegal immigrants cross the border. Thus, the old border game between law enforcers and law evaders persists as before, but the game strategy of the law enforcers has changed to maximize the appearance of control. At least for now, projecting a winning image has provided a politically viable substitute for actually winning the game.

Timothy Mitchell has noted how border controls have helped define our conception of the state and have given the state the appearance of autonomy, authority, and power: “By establishing a territorial boundary and exercising absolute control over movement across it, state practices define and help constitute a national entity. Setting up and policing a frontier involves a variety of fairly modern social practices—continuous barbed-wire fencing, passports, immigration laws, inspectors, currency controls, and so on. These mundane arrangements, most of them unknown two-hundred or even one-hundred years ago, help manufacture an almost transcendental entity, the nation state.”⁹⁵ From this perspective, evaluating border policing solely in terms of the stated policy goal of deterrence misses much of what these state practices are all about. Even while border controls may fail as a serious deterrent, they reinforce territorial identities, symbolize and project an image of state authority, and re-legitimize the boundaries of the “imagined community.”⁹⁶

⁹⁵ Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *American Political Science Review* 85 (March 1991): 94.

⁹⁶ Benedict Anderson, *Imagined Communities*, rev. ed. (London: Verso), 1991.

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