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DEVELOPING THE U.S.-MEXICO BORDER REGION
FOR A PROSPEROUS AND SECURE RELATIONSHIP

MANAGING THE U.S.-MEXICO BORDER:
HUMAN SECURITY AND TECHNOLOGY

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Managing the U.S.–Mexico Border: Human Security and Technology

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Managing the U.S.–Mexico Border: Human Security and Technology

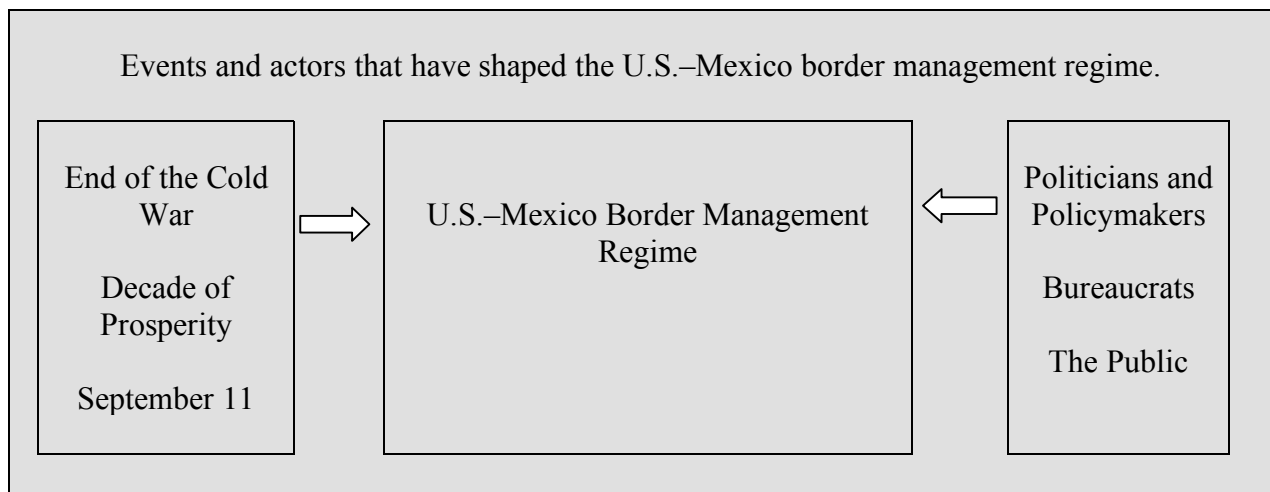
Abstract

This paper examines the current U.S.–Mexico border management system, analyzing the factors and actors that have shaped the discourse about the border and its physical and technological development. The paper points out the limits of the current border management system, and outlines suggestions designed to address cross-border flows and ensure the security and prosperity of the region.

Introduction

Three factors—the end of the cold war, a decade of exceptional economic prosperity at home, and the terrorist attacks of September 11—shaped the border management system that currently exists along the almost 2000-mile-long U.S.–Mexico border. Indeed, these three factors are chiefly responsible for the orientation and character of the U.S. government’s border management regime today. Along with these three factors, the regime is shaped by the priorities and interests of three principal actors: U.S. politicians and policymakers, government bureaucrats, and the public in general. Each of these factors and actors has contributed to the broken border management system that prevails today.

Figure 1



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An understanding of how these factors and actors have shaped current border management is the starting point for ideas and suggestions that can reshape the regime to better serve the economic and national security goals of the United States and Mexico.¹

To help achieve this understanding and make plausible recommendations to regain control of a largely dysfunctional management system, we first discuss how these factors and actors shaped the current border management regime. We argue that a previous prosperity-centered focus on border management, which emphasized *illegality* as a major problem, has changed to a paradigm focused on *national security*, often at the expense of prosperity.

Second, we analyze the impact of a national security-driven management model on cross-border, two-way traffic. Specifically, we look at the model's effect on: (1) the infrastructure for managing legal and illegal flows across the border, (2) the technology currently deployed to manage cross-border movements, (3) the staffing needs and competencies required by agencies to handle fast-growing cross-border exchanges, and (4) corruption in the ranks of border agencies.

Third, we put the development of the border management regime in the greater theoretical framework of the securitization of society in the United States. Finally, we suggest that another shift in border management paradigms is required—a shift that will move the current border management regime in the direction of opening and controlling U.S.–Mexico integration processes rather than resisting their inevitable advancement.

To accomplish this, we outline a series of policy changes that will be required to overhaul the border management regime. These changes shed light on the great difficulty of implementing a policy for a securitized border that also serves as the conduit for millions of legal border crossers and the roughly \$350 billion in two-way annual trade. The strategy of resistance has resulted, we conclude, in strengthening criminal organizations and adding to overall border insecurity.

¹ It is assumed here that both prosperity and security are desirable in managing the U.S.–Mexico border. See various documents regarding the Security and Prosperity Partnership launched by the United States, Mexican, and Canadian governments at www.spp.gov

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Factors and Actors

The Factors: The End of the Cold War and the North American Free Trade Agreement

The close of the cold war brought great optimism in North America and the Western world in general. American politicians spoke of investing the peace dividend while trumpeting the triumph of free market capitalism and democracy over the central planning and totalitarianism of the Soviet bloc. By the mid-1990s, Washington, D.C., could point to democracies in the Western hemisphere stretching from pole to pole, with communist Cuba the sole holdout. In this atmosphere, the United States addressed its borderland with Mexico.

Stretching nearly 2000 miles from San Ysidro, California, to Brownsville, Texas, the land border between Mexico and the United States is one of the world's busiest. Since the ratification of the North American Free Trade Agreement (NAFTA) in 1994, cross-border trade between the United States and Mexico has mushroomed, with raw materials and finished goods moving in both directions. In 2007, some \$115 billion dollars worth of goods were exported to Mexico from the United States, while more than \$180 billion in goods were imported from Mexico to the United States through the land border's 31 ports of entry.² The shipments included everything from soybeans to automobiles. In fact, we are able to measure, with great precision, the flow of goods between the two countries. The wholesale markets of Mexico, Canada, and the United States are much more open today, with information technologies supporting lean, just-in-time inventory systems and supply chain management firms capitalizing on the advantages inherent in each country's economy. The land border has been greatly opened to trade, and many have benefited, although some sectors have also been hurt. Indeed, economic interdependence is greater today than at any other time in the history of North America. This opening was the result of a conscious choice to emphasize prosperity over any other objective.

Cross-border infrastructure, however, has not kept up with the growth in trade and, as a result, it is more strained than ever. While trade has more than quadrupled since 1994, the infrastructure

² Texas A&M International University and Texas Center for Border Economic and Enterprise Development, <http://texascenter.tamui.edu/>

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has not even doubled in the last fifteen years.³ The rapid population growth of border counties and border municipios has also contributed to the burden on the border infrastructure.

Factors: A Decade of Prosperity

The strategy of increased trade and economic integration in the 1990s contributed to rapid economic growth in North America. The decade was a time of enormous prosperity in the United States. But there were other consequences, as well. The wealth and the overabundance of jobs drew millions of migrants, both documented and undocumented, to the United States. Recent studies, in fact, suggest that undocumented migration responds to U.S. economic conditions, not to policy decisions by the U.S. government.⁴ A quick analysis shows a striking correlation between the growth of the U.S. gross domestic product (GDP) and U.S. Border Patrol arrests of immigrants trying to enter the country. More recently, as the United States economy slumped, the undocumented population actually decreased from 12.5 million to 11.9 million, and the number of arrests by the Border Patrol went down from 800,000 in 2004 to 500,000 in 2008.⁵ Moreover, starting in 2007, the number of undocumented workers crossing the border has dropped even more dramatically. A quick search of news on undocumented worker arrests along the border shows that the numbers have been steadily dropping and, as *The Economist* shows, they appear to be related to the economic conditions in the United States.⁶ Thus, it can be concluded that an increased demand for labor in the United States, exacerbated by lack of opportunity in the home country, is the main factor for increases in the undocumented population.

³ U.S. Department of Transportation, Federal Highway Administration, U.S.–Mexico Border Planning, <http://www.borderplanning.fhwa.dot.gov/mexico.asp>

⁴ Wayne Cornelius, et al., “Controlling Unauthorized Immigration from Mexico: The Failure of ‘Prevention Through Deterrence’ and the Need for Comprehensive Reform,” Immigration Policy Center, <http://www.immigrationpolicy.org/images/File/misc/CCISbriefing061008.pdf>

⁵ Jeffrey Passel, “Trends in Unauthorized Immigration,” Pew Hispanic Center, October 2, 2008, <http://pewhispanic.org/reports/report.php?ReportID=94>

⁶ *The Economist*, “A turning tide?” June 26, 2008, http://www.economist.com/displaystory.cfm?story_id=11614062

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Figure 2

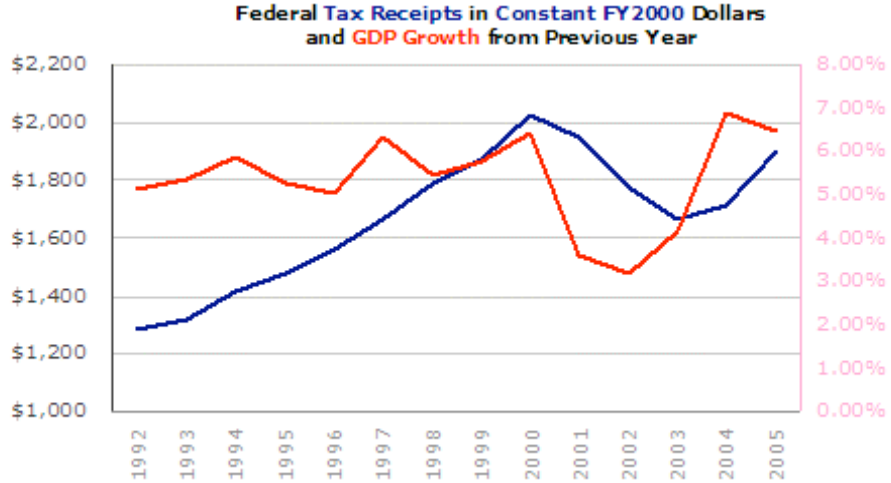
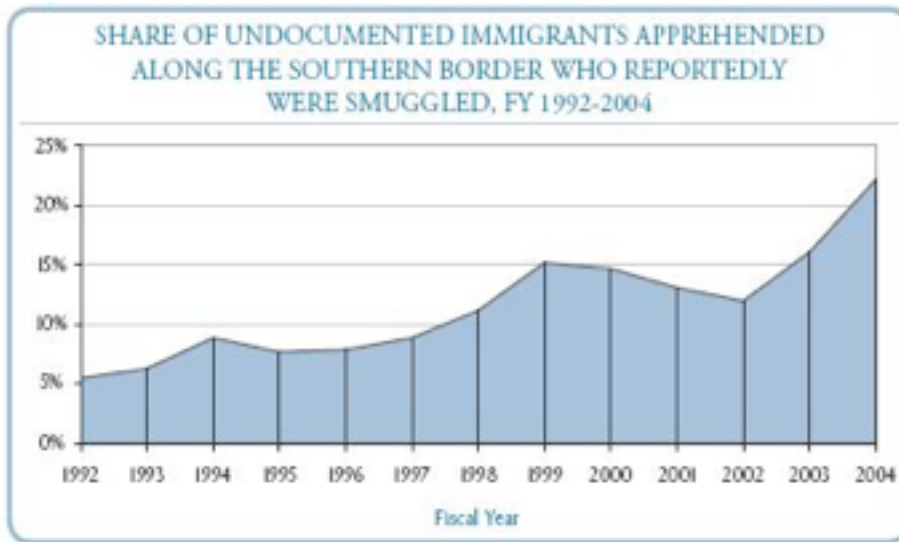


Figure 3



Source: Office of Immigration Statistics, U.S. Department of Homeland Security, September 2005.

Yet, ignoring this important evidence—that economic prosperity and immigration appear to be intimately correlated—the U.S. government implemented a policy of immigration deterrence by beefing up the law enforcement apparatus along the border. It is very likely that a feeling of loss of control of law and order along the border led to a logic of law enforcement that, in turn, led the U.S. government to ignore the evidence pointing to economic interdependence. This sense of “losing control of the border” is eloquently examined in *The Law into Their Own Hands*:

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Immigration and the Politics of Exceptionalism.⁷ Thus, on September 17, 1994, little more than nine months after NAFTA went into effect, Attorney General Janet Reno announced “Operation Gatekeeper,” an initiative to “shut the door on illegal immigration.”⁸ Under Gatekeeper’s provisions, a fence designed to stem the illegal flow of migrants into the United States would be constructed between Baja California and California. In addition to the border fence, which was first erected in the Border Patrol’s westernmost sector, where the urban Playas de Tijuana abuts the sleepy Southern California municipality of Imperial Beach, the program also instituted a systematic biometric collection program. After evaluating the FBI’s fingerprint system, at the time still under development, the Immigration and Naturalization Service (INS) chose to deploy its own fingerprint collection and database technology, IDENT. The fence and the technology, the attorney general claimed, would close the border. However, they did not. Illegal entrants, motivated by the idea that a day’s wages in Mexico were equal to an hour’s work in the United States, headed east, eventually to the arid Sonoran Desert, to seek crossing. Despite fingerprints and fences, the U.S.–Mexico land border remained porous, with immigrant smugglers, or *coyotes*, delivering their charges to the United States through new routes in more remote areas. The border was not closed, but portions of it were now more “secure.” The growth of the undocumented population in the United States, of course, would continue.

It is very likely that the factors that led the U.S. government to ignore mounting evidence that undocumented migration was directly related to the economy were the need for cheap labor by U.S. businesses; the bureaucratic growth incentives of U.S. border agencies; and, after September 11, the focus on terrorism, which combined the issues of undocumented migration and the terrorist threat.

Factors: The September 11 Terrorist Attacks

The terrorist attacks of September 11, 2001, in New York City and Washington, D.C., accelerated an already ominous trend in border management: the “securitization” of the border and its continued militarization. Investment in border security grew exponentially with little effect on the number of arrests between ports of entry and the growth in the undocumented

⁷ Roxanne Doty, *The Law into Their Own Hands: Immigration and the Politics of Exceptionalism* (Tucson, AZ: University of Arizona Press, 2009).

⁸ New York Times, “Reno Initiative Aims to Control Immigration,” September 18, 1994.

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population inside the United States. The logic of securitization was applied, rather than a border management logic dictated by the increasing economic integration of the North American financial, goods, services, and labor markets. This logic was further reinforced by *The 9/11 Commission Report*, which concluded that the terrorist attacks were in part the consequence of a “broken” immigration system. The issue of undocumented immigration was thus conflated with the issue of national security, and the logic of border securitization was further reinforced.

The tensions between North American integration (positive forces) and increased securitization (negative forces) were amplified in U.S. border management policy to give the impression that the border is a chaotic and unsafe place. In reality, it was simply the place where waves of globalization (promoted by the very distinct brand of U.S. capitalism) met the need for greater control of all cross-border exchanges.

Actors: Politicians and Policymakers

It is well known that politicians and policymakers are motivated by elections and re-elections, the lure of decision-making powers, and bureaucratic perks.⁹ These incentives often lead them to portray a situation in dramatic or threatening terms in order to claim they can solve the problem, or take credit when the problem is resolved. Indeed, these incentives have led many U.S. politicians and policymakers to portray the border in just such terms, adding to the demand for greater “border law enforcement,” then greater “border security” and, finally, a border management policy based on the logic of securitization and, some claim, militarization of an uncontested border.¹⁰ This logic was extended with a dramatic increase in the number of personnel deployed on the border, an increased use of technology and vehicles to monitor and patrol it, ever-increasing budgets, and the ongoing construction of a nearly 700 mile-long fence along the border.¹¹

⁹ See, for example, *The Macro Polity* by Robert S. Erikson, Michael B. MacKuen, and James A. Stimson, *Perspectives on Politics* 1, no. 2 (June 2003): 405–406.

¹⁰ Timothy J. Dunn, *The Militarization of the U.S.-Mexico Border, 1978–1992: Low-Intensity Conflict Doctrine Comes Home* (Austin, TX: The University of Texas Press, 1995).

¹¹ The *Secure Fence Act of 2006* was passed by Congress and signed by President George W. Bush on October 26, 2006.

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A second theory, however, is that politicians and policymakers did not act deliberately to maximize their political or material interests. Instead, they simply misinterpreted or even missed the evidence pointing to the economic reasons for border conditions, and prescribed and implemented a border management system oriented toward law enforcement and securitization, rather than toward economic integration and an orderly adaptation to the integration.

There is evidence supporting both theories, but clearly both the incentives that motivate political behavior, as well as the witting or unwitting neglect of the facts of economic integration, further exacerbated the securitizing logic of the current border management regime.

Actors: Bureaucrats

It is also well known that bureaucrats obey an imperial logic.¹² Nearly all bureaucracies that operate on the U.S.–Mexico border have argued for greater security along the border rather than a revision of the underlying assumptions behind the current border management system, or a reconsideration of its logic. According to the theory, this is done to gain greater budgets, prestige, credit, and in general to increase all the perks that bureaucracies are known to desire. A quick review of all congressional testimony by security-related bureaucracies identifies very few, if any, presentations that argue for a new paradigm or for fewer resources. Instead, most testimony is dedicated to the portrayal of the border as an unsafe region in dire need of further securitization—almost always with their own tools and mechanisms, depending on which bureaucracy is testifying.

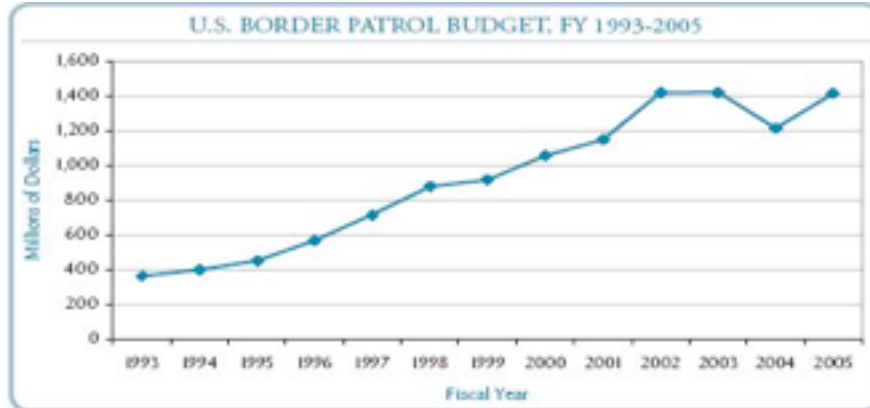
There is, in addition, the emergence of an iron triangle-type relationship between border politicians, agencies, and a private sector that claims to provide the goods (technology, fence materials, etc.) and services (maintenance, surveillance, etc.) that an increasingly securitized border requires. This is increasingly evident in a number of conferences organized at The University of Texas at El Paso every summer for the past five years. At these conferences, there is hardly any debate on the logic that underlies the current border management system. Instead, such conferences look increasingly like trade shows where politicians, bureaucratic agencies, and the private sector trade information on how they can collaborate to reinforce border security.

¹² William Niskanen, *Bureaucracy and Public Economics* (Cheltenham, UK: Edward Elgar, 1994).

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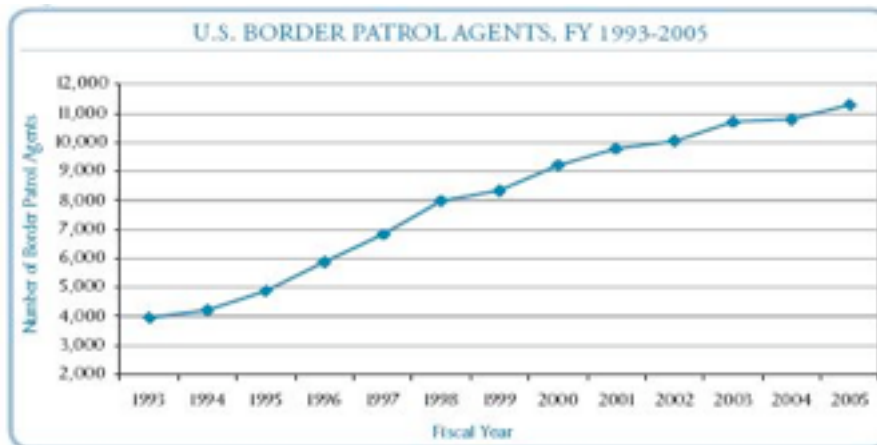
Figures 4 and 5 show that the logic of securitization began to strengthen in the early 1990s, which led some bureaucracies to benefit enormously from increased resources and to argue in favor of that logic and more resources, thus justifying their own indispensability.

Figure 4



Source: Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, February 2006.

Figure 5



Source: Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, February 2006.

Actors: The Public

Understandably, the American public took in the terrorist attacks of September 11 with great anxiety and edginess. In the face of these attacks and the combination of all sorts of issues within

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a national security framework, the public itself demanded that the border be secured.¹³ This in turn reinforced the incentives of both politicians and policymakers to call for greater border security, and buttressed the securitization logic. Although the argument that politicians were simply responding to voter perceptions in utilizing anti-immigration rhetoric can be made, this rhetoric still flew in the face of emerging evidence that undocumented migration was a factor of a fast-growing economy more than anything else.

Another consideration is that the American public's views may not mirror those found in the borderlands, a strip of terrain perhaps 75 miles wide on each side of the boundary. While the views of those living in the interiors of Mexico and the United States may be consistently at odds, the border public, representing both sides, is an important third constituency. This can easily be deduced from the fact that nearly all border counties are majority-minority counties in the United States and their particular minority (Hispanics) has a higher tolerance for immigration than the rest of the United States.¹⁴

Political identity in the borderland is often seen to be at odds with the national capitals, with Mexico City and Washington, D.C., equally culpable in failing to address the issues raised there. The bilateral relationship between capitals is one dialogue of many, where other actors—in government, business and the nonprofit sector—may communicate and collaborate.¹⁵ Here public dialogue is international dialogue as well, as constituencies doing business because of the border and its unique attributes. Border crossers, often tied to the *maquila* business community or to families settled across both sides, represent a distinct “third public” relevant to the policy discussion on border management.

¹³ See *The State of American Public Opinion on Immigration in Spring 2006: A Review of Major Surveys* in <http://pewhispanic.org/files/factsheets/18.pdf>

¹⁴ See “Border Officials Say ‘No, Thanks’ to Proposal for Federal Immigration Enforcement by Local Police,” November 12, 2003 in <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=568>

¹⁵ Carlos Rico, “From State to ‘state,’” in *The California-Mexico Connection*, eds. Abraham Lowenthal and Katrina Burgess (Stanford University Press, 1993).

The Impact

Infrastructure

The impact of the growth of cross-border economic integration on border infrastructure has been colossal, as has been the increased inspection protocols by U.S. border officials, as dictated by the Department of Homeland Security after September 11. Economic integration has strained the existing infrastructure because economic activity has grown at a faster pace than investment in infrastructure. In addition, border security measures implemented after September 11 have been found to impede the transborder flow of goods and people. A study by El Colegio de la Frontera Norte shows that the efficiency of cross-border infrastructure has decreased over time. Some general findings are that nearly 46 percent of all roads and highways leading to border stations are in poor condition. Fifty-five percent of the municipal roads by which passenger vehicles access border crossings are insufficient for the volume of traffic. Commercial routes also face serious obstacles: 50 percent have excessive traffic, 17 percent have limited road access, and 12 percent have long queues to pass through the port. In regard to pedestrian crossings, there are too few inspection booths at 74 percent of all U.S.–Mexico border crossings and too few U.S. Customs and Border Protection (CBP) inspectors at 80 percent of all ports of entry. Finally, 86 percent of the border-related national transportation system needs to be improved so that export goods can reach their destination in a timely manner.¹⁶ The current infrastructure is simply insufficient to handle the volume of traffic, and the result is long queues, excessive traffic, and increased vehicular pollution.

Accepting K. Jack Riley's argument that the United States has regulated and unregulated land borders,¹⁷ the authors of this paper now turn to the physical infrastructure components designed to allow and thwart the legal and illegal crossings of persons, cargo, and contraband. Figures related to the crossing of persons and cargo are incredibly useful in illustrating the scope of the U.S.–Mexico border issue. With both sides of the border calling for Washington, D.C., and Mexico City to fix its myriad problems, deep contradictions remain. How can free trade

¹⁶ El Colegio de la Frontera Norte, *U.S.–Mexico Ports of Entry: A Capacity Analysis and Recommendations for Increased Efficiency* (Tijuana, BC: December 19, 2007).

¹⁷ K. Jack Riley, "Border Control," in the *McGraw-Hill Homeland Security Handbook*, ed. David Kamien (McGraw Hill: 2006).

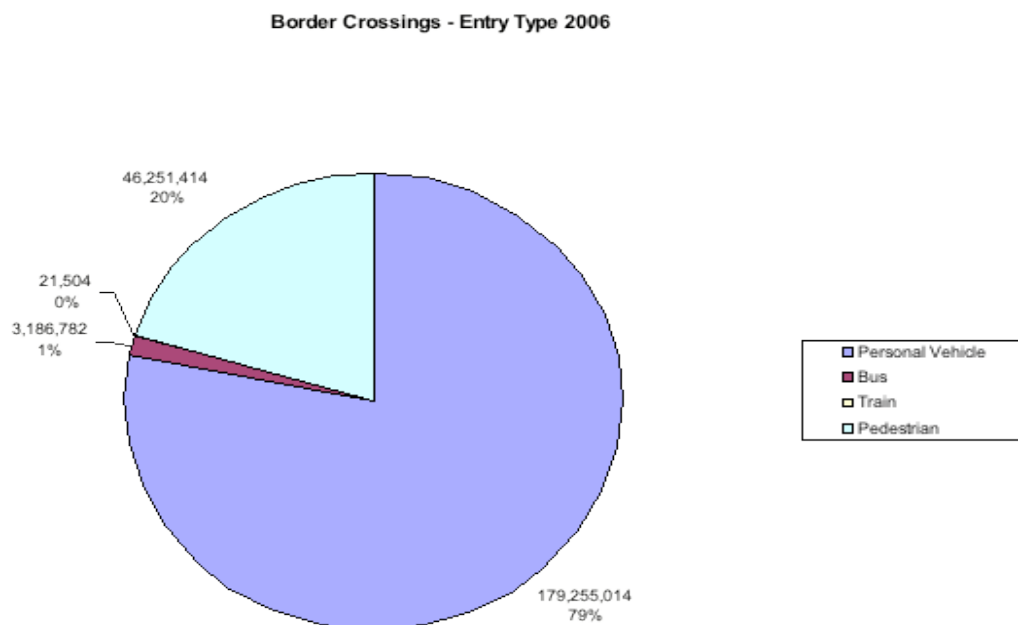
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partners—with increasingly interdependent economies swapping comparative advantages in materials, labor, and markets—cobble together the mechanisms required to secure the countries against the transnational terror and crime organizations now figuring so prominently in the U.S. national security dialogue?

The fences and border crossings of the U.S.–Mexico border are not a manifestation of political ideology in conflict à la Germany’s now-dismantled inner border or Korea’s fortified DMZ. Instead, they are the creations of a policy intended to manage migration, interdict narcotics traffic, and now, adding urgency, snare foreign terrorist operatives. The border is the site of millions of legal crossings every year, and the basis of a two-way partnership that generated \$336 billion in trade in 2007.¹⁸ Yet it also represents the failure to address the realities of the U.S. labor market, a prohibition on substances in great demand, and a defense against an enemy prepared to use the most radical means to strike.

Attempts to “fix” the border should acknowledge all that functions reasonably well, considering the dramatic change in the U.S. security paradigm following September 11.

Figure 6



¹⁸ U.S. Census Bureau, Foreign Trade Statistics, <http://www.census.gov/foreign-trade/balance/c2010.html#2007>

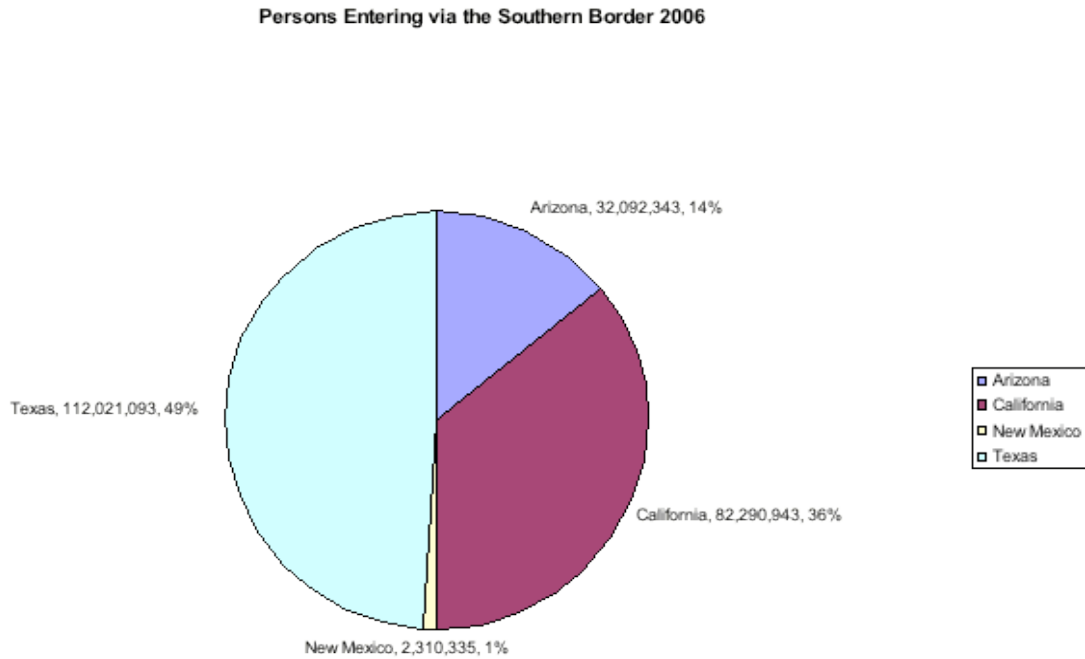
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Traveling by car, bus, train, and on foot, some 228 million individuals—Mexicans, Americans, and many others—entered the United States from Mexico in 2006.¹⁹ They entered via some 31 ports of entry (POEs) running from San Ysidro in southern California to Brownsville on the Gulf Coast of Texas. Each of these border crossing points is different, but generally the larger ones trend toward specialization in one of two activities: management of cargo traffic or human crossers. The POEs in Texas occupy the north end of bridges over the Rio Grande river, with several spans serving large communities, including the paired cities of El Paso–Ciudad Juarez, Laredo–Nuevo Laredo, and Brownsville–Matamoros. On the “dry” border of New Mexico, Arizona, and California, ports are more arbitrary crossing points sited on the international boundary line that was set by the terms of the Treaty of Guadalupe Hidalgo and the Gadsden Purchase. Operated by the Department of Homeland Security’s Bureau of Customs and Border Protection, an amalgamation of inspectors from the former Customs and Immigration and Naturalization Service, the ports regulate the flow of human beings into the United States from Mexico. Unsurprisingly, the largest number of crossings occurs along Texas’ long border with the states of Chihuahua, Coahuila, Nuevo León, and Tamaulipas. However, crossing numbers for California and Arizona are also significant.

¹⁹ U.S. Department of Transportation, Research and Innovative Technology Administration, <http://www.transtats.bts.gov/BorderCrossing.aspx>

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Figure 7



Building or expanding POEs in built-up areas is an urban planner's nightmare. Discussions on design, environmental impact, cost, eminent domain, traffic flow management, and a variety of other issues with representatives from local, state, and federal governments are largely undertaken on an ad hoc basis, with no clear leadership. While the Port Authority of New York and New Jersey was created in 1921 to iron out wrinkles between two states sharing the largest port complex on the East Coast, no such entity exists to develop sovereign land along the U.S.-Mexico border. Meetings on issues related to POEs attract municipal, state, and federal officials from both sides of the border. For discussions regarding San Ysidro or Otay Mesa in California, government is represented by officials from the Federal Highway Administration (FHA), the General Services Administration (GSA), CBP, the Environmental Protection Agency (EPA), the California Department of Transportation (CALTRANS), the City of San Diego, San Diego County, and the San Diego Association of Governments (SANDAG), among others. And that's only the U.S. side.

Mexico, too, has a federal bureaucracy with multiple agencies, with *INAMI* handling immigration, *Aduanas* covering customs, and multiple federal police forces. U.S. funds must be disbursed on the Mexican side of the border for infrastructure projects through the U.S. Embassy

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in Mexico City. Each improvement to the border involves a heavy dose of bureaucratic routing in both Washington, D.C., and Mexico City before any concrete is poured or equipment emplaced. At Washington's request, extensive new security equipment has been or will be deployed to aid in the detection of radiological threats and contraband on both sides of the border. Serving as the liaison for some of this activity has been the Narcotics Affairs Section (NAS) of the U.S. Embassy in Mexico City. Much coordination is handled by the Border Liaison Mechanism, a set of ad hoc or annual meetings on border issues, including ports of entry; it is managed by the considerable number of consulates held by Mexico in U.S. border towns (10) and by the United States in Mexican border towns (five). Work on international POEs is handled in a bilateral manner, with the U.S. Department of State and Mexican *Secretaría de Relaciones Exteriores* pursuing a dialogue on border issues via Washington, D.C., and Mexico City.

Technology

Addressing the problem of illegal migration and, to a degree, the terrorism and narcotics issues on the U.S.–Mexico border has become an important role for leadership at the Department of Homeland Security. While managing the flows of people and cargo through the POEs has fallen on the U.S. “legacy” immigration and customs services (INS & Customs), securing the borderland between the ports has largely fallen on the shoulders of the Border Patrol. In pursuing its mission, the agency has adopted a set of tools, from high technology sensors to barriers not entirely dissimilar from those used to block the beaches of occupied Europe during the Second World War. The programmatic wrapper for efforts to build barriers and install monitoring gear on the border was dubbed the Secure Border Initiative (SBI) in November 2005. While Homeland Security has advocated for fences, the department's critics have decried the erection of a wall that evokes memories of cold war divides and demilitarized zones.

Headed to the U.S.–Mexico border are technologies employed by the U.S. military in its operations against the Taliban and Al Qaeda in the Middle East. Already deployed to Arizona in CBP colors are Predator B Unmanned Aerial Vehicles (UAVs),²⁰ almost identical to Predators used by the Central Intelligence Agency (CIA) and U.S. Air Force to dramatic effect in Pakistan,

²⁰ U.S. Dept. of Homeland Security, “U.S. Customs and Border Protection Selects the ‘Predator B’ as Unmanned Aerial Vehicle Platform to Guard our Nations Borders,” news release, August 30, 2005, http://www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2005_press_releases/082005/08302005.xml

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Afghanistan, Iraq, and Yemen, in dispatching suspected terror group operatives. While CBP drones will not be armed, unlike those in Air Force and CIA, they represent a militarized presence on the U.S. southern border nonetheless. The perception of increased paramilitary activity by U.S. forces on the border understandably makes Mexico wary. Militarization is very much a two-way street on the border. Deployment of Mexican Army troops to border cities—including Ciudad Juarez, Nuevo Laredo, and Tijuana—demonstrate Mexico City’s willingness to place force on the border as well, although their presence was largely to preserve civic order in the face of massive violence unleashed by the major drug cartels.

Absent on the border is military cooperation between the United States and Mexico. Mexico’s troops are alleged to have abetted drug traffickers, with top leadership in the Border Patrol citing numerous incidents in which Mexican military operatives have crossed into the United States.²¹ Following the killing of an 18-year-old Texas goatherd named Esequiel Hernández by U.S. Marines in 1997, the Pentagon got out of the counternarcotics business on the border. Since September 11, the U.S. military, largely through rotations of the National Guard, has returned to the border.²² Although much of the United States’ land warfare component is tied down by other commitments, the authors of this paper continue to observe with interest the tools America’s military may employ to secure the border. Also of interest are the intelligence and surveillance systems that may make their way into Mexican service as a part of the Mérida Initiative’s sweeping security package.

Applying additional surveillance on the border does nothing to change the reality that a Mexican *maquiladora* assembly worker may trade a day’s wage for an hour’s work on the U.S. side of the fence. Perhaps more unsettling is the possibility that SBI and *SBI_{net}*, the Secure Border Initiative Network, will raise the price of narcotics coming into the United States and make the trade all the more lucrative for those able to move their product across the border. With the remote terrain between POEs better watched and patrolled, the narco-traffickers will likely funnel even more narcotics through the ports and fight even more doggedly among one another for control of each

²¹ Brock N. Meeks, “Mexican incursions inflame border situation,” February 2, 2006, <http://www.msnbc.msn.com/id/11226144>

²² Stephen Trimble, “National Guard may stay longer on Mexico border,” *Jane’s Defense Weekly*, November 1, 2006.

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one, with prices likely to rise if demand remains constant. Between the ports, the smuggler employs the remoteness of the terrain as a cloak, but in the POEs the smuggler targets pieces of cross-border infrastructure struggling to keep pace with the enormous traffic. Drug loads can be divided so that losses due to interdiction at the ports are affordable as long as the high profit remains for that quantity that makes it across the border. Similarly, undocumented aliens may take their shot at an illegal crossing with forged or stolen documents rather than attempt a lengthy passage through a remote sector of the frontier. Increased drug and alien trafficking will mean more thorough searches and longer waits at the border, a problem hard to overcome by technical means alone. In any case, leaders on both sides of the boundary should avoid seeing technology as a panacea to manage licit and illicit flows between the United States and Mexico.²³ The United States can deploy the same technologies it has dispatched to the frontier between Afghanistan and Pakistan, but may face many of the same problems in sorting friend from foe or man from beast.²⁴

Staff

Three key problems characterize the movement of goods and services along the U.S.–Mexico border. The first is insufficient U.S. Customs and Border Protection personnel, who have not kept up with economic integration and additional security protocols. The second problem is that U.S. Customs and Border protection personnel lack professional ethics in their treatment of border crossers and are often accused of being arbitrary in their treatment of people. It is not clear, however, whether this is a defect or a tactic to intimidate potential undesirable border crossers. In any event, it appears that the balance between professional and unprofessional treatment of border crossers, or between flexibility and arbitrariness in inspections, has not been struck. To be fair, with the volume of traffic, agents must rely on their instincts and experience, and this may make them appear similar on whom they let go and whom they choose to inspect. There is a lot of pressure on inspectors to process traffic quickly and keep the line moving. The third problem is that some U.S. Customs and Border protection personnel still lack technical

²³ U.S. Department of Homeland Security, “Press briefing by Secretary of Homeland Security,” press release, September 21, 2006, http://www.dhs.gov/xnews/releases/pr_1158875590484.shtm

²⁴ The Houston Chronicle, “The kinks in high-tech borders: A smart fence isn’t panacea for the immigration issue,” August 18, 2007.

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skills, such as a thorough knowledge of document characteristics, procedures and processes, codes and laws, or other specialized skills.

Corruption

In 2006, National Public Radio aired a story about ten or more U.S. agents who, in just a few months, had accepted bribes from Mexican human and drug smuggling cartels and allowed undocumented workers and illegal drugs to cross the border.²⁵ Moreover, the *New York Times* reported that the number of cases brought against U.S. agents for corruption had doubled from 31 in 2003, when the Department of Homeland Security was created, to 72 in 2007. Between October 2003 and April 2008, 125 cases were brought against U.S. agents in California, 157 in Texas, 45 in Arizona, and 14 in New Mexico.²⁶ The temptation for corruption is significant because of the large sums of money involved. An agent can make several times his annual salary in just a few months. The motivations are many. Most of the time, an agent is motivated by money; less often, an agent will do it for spite or even for love (as in being seduced by someone to cooperate). In any event, incidents of corruption are rare when compared to the total number of Customs and Border Protection and Border Patrol agents. Nonetheless, even if there are only a few dozen corrupt agents per year along the entire border and in each law enforcement body, it is a dangerous element, given that a single agent can undermine the work of the entire agency. As U.S. border personnel rapidly increase in number, the danger of greater corruption is quite real.

Case Studies

Case 1: Two Ports, San Ysidro and Laredo

Although Texas POEs account for the largest portion of regulated crossings, the busiest single border port for legal crossings by individuals, on foot or by vehicle, is California's San Ysidro, a massive structure feeding the northbound lanes of Interstate 5. Closed to commercial truck traffic since 1994, the year in which the POE at Otay Mesa adjacent to Tijuana's sprawling *maquiladora* manufacturing district opened, San Ysidro is by some estimates the busiest land

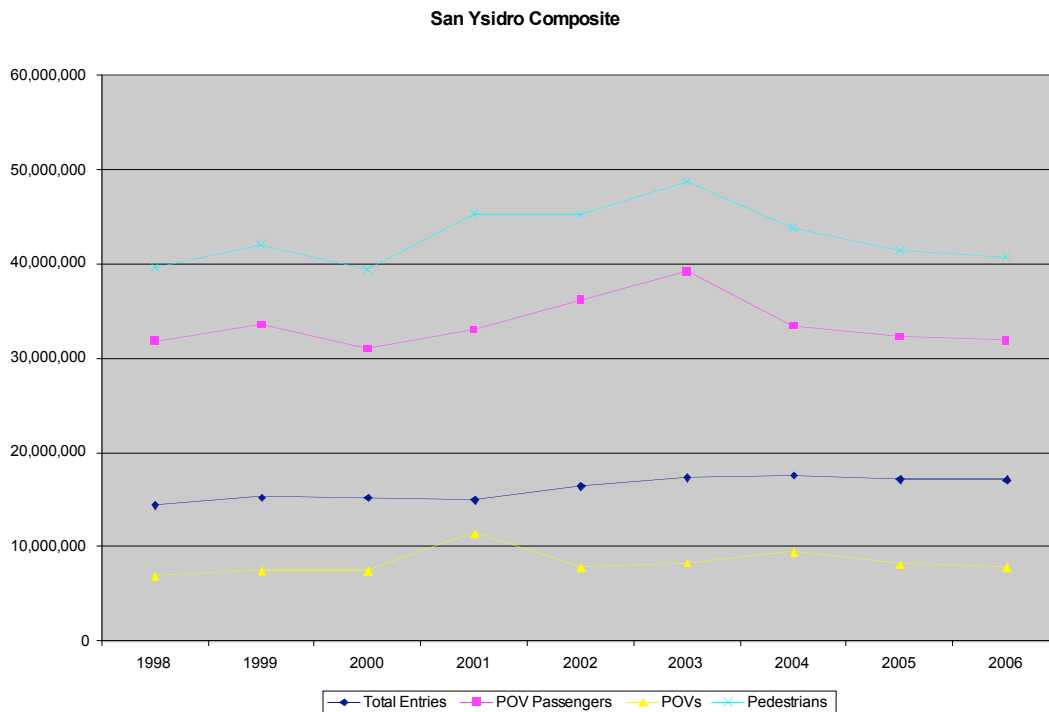
²⁵ National Public Radio, *Morning Edition*, October 11, 2006.

²⁶ Randal C. Archibold and Andrew Becker, "Border Agents, Lured by the Other Side," *New York Times*, May 27, 2008. For another important public media report by Andrew Becker see <http://www.pbs.org/frontlineworld/stories/mexico704/>

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border crossing of its kind in the world. With as many as 24 lanes open to traffic 24 hours a day, including five configured to serve the IT-driven Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) trusted traveler system, POE San Ysidro struggles to keep pace. At peak hours, automobile traffic snakes south from the inspection lanes into the main boulevards of the sprawling Mexican city with a population conservatively estimated at 1.4 million in 2005.²⁷ The city supplies low cost labor, housing, and pharmaceuticals to the metro San Diego region, congesting the port for much of the day while its Mexican counterpart, *Puerta México*, backs up with the evening rush hour traffic.

Figure 8



Traffic through the port has declined somewhat from its peak of nearly forty million persons in 2003. But the stresses of handling enormous traffic under a new security regime in which the terrorist is added to the a list of potential malfeasants including alien smugglers, narco-traffickers and large numbers of intending immigrants, some holding valid non-immigrant border crossing cards, have created the need to dramatically expand in size. Current design specifications call for

²⁷ <http://www.inegi.gob.mx/est/contenidos/espanol/sistemas/conteo2005/localidad/iter/>

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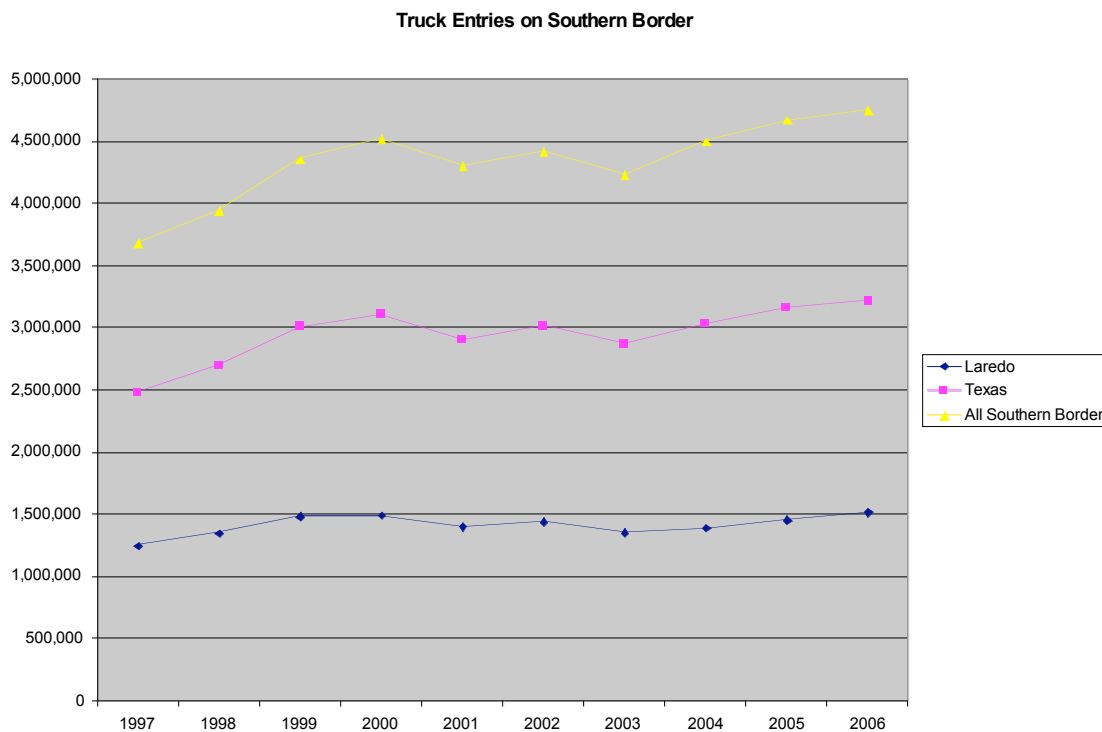
expansion to 30 “double stacked” primary inspection lanes able to service 60 vehicles simultaneously. Initially pegged at \$168 million in 2002, the San Ysidro expansion is now forecast to cost approximately \$577 million, with an estimated completion date in 2014. Also in the planning phase is the proposed Otay Mesa East POE, designed to service the rapidly developing eastern *colonias* of Tijuana, now stretching toward Tecate.

The push for more entry lanes servicing Tijuana-San Diego is driven by the exceptionally high vehicular traffic into the United States from Mexico on this portion of the border. A survey-based report issued by the San Diego Association of Governments (SANDAG) detailed the border crossers’ rising frustration with long wait times. Data from 2006 showed that 713,965 vehicles traveled each lane at San Ysidro that year; this amounts to some 2,000 vehicles per lane per day, some 81 vehicles per hour, transporting 151 persons.²⁸ With this rough arithmetic, each CBP inspector would have no more than 45 seconds to render an entry decision, either admitting the vehicle and its passengers or sending it along to a secondary inspection. Assuming current traffic levels, the 2014 San Ysidro POE would need to push only 33 cars through each lane per hour, easing congestion and providing more time for the inspector to render a decision.

What San Ysidro is to human crossers, Laredo is to cargo. However, this port of entry is actually a series of bridges stretching along the Rio Grande as it runs south and jogs east, before turning south again to serve as the boundary between *los dos Laredos*. Laredo’s bridges carry vehicular traffic, but the POE’s two cargo-only bridges handle the largest volume of trade by value entering the United States from Mexico. In both exports and imports, the Laredo POE handled more than double the volume by value of its next largest competitor, El Paso. Although a significant amount of cargo traffic passes through Laredo and other border ports by rail, the overwhelming majority of trade in goods between the United States and Mexico goes over the border by truck. Only one sea port of entry, Houston, rates significantly for freight traffic between the United States and Mexico. Laredo’s NAFTA trade has largely been truck borne, with columns of tractor-trailers snaking north through the Mexican border cities toward the 16 lanes open from 8:00 a.m. to midnight.

²⁸ U.S. Department of Transportation, Research and Innovative Technology Administration, www.rita.dot.gov

Figure 9



Issues regarding the operation of the cargo facilities at Laredo are newsworthy items. Considered the city’s “bloodline” by one senior CBP official, the POE employs more than 700 people and its director was recently elevated to a federal Senior Executive Service position.²⁹ Despite the importance of the port to Laredo, northbound commercial vehicles “often experience a two-to-three hour wait when crossing the World Trade Bridge,” northwest of downtown Laredo.³⁰ Worse, new e-manifest technology deployed by CBP appears to be compounding delay problems, a typical type of “teething trouble” that often afflicts information systems during the rollout phase.³¹

²⁹ Zachary Franz, “Garza and port lauded for work,” *Laredo Morning Times*, November 10, 2007, <http://madmax.lmtonline.com/textarchives/111007/s5.htm>

³⁰ Balaji Janamanchi, *Reduced Commercial Wait Times at the World Trade Bridge: A Process Reconfiguration Approach*, Texas A&M International University, 2007, pp. 1–2.

³¹ See “Bigger bridge: Feds call for 9 more lanes at World Trade,” at <http://madmax.lmtonline.com/textarchives/051007/s1.htm>

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Case 2: The Secure Border Initiative (SBI)

A key program for the Department of Homeland Security's Customs and Border Protection Bureau, the Secure Border Initiative promises to deliver the technology, infrastructure, and management capacity that will better monitor the U.S.–Mexico border. At core, it is a low-tech barrier-building project coupled with the rollout of a leading-edge technology surveillance system.

The completion of the southern border wall, which is part of SBI, remains a high priority. Advocating for rapid construction, Rio Grande Valley Sector Border Patrol Chief Ronald Vitello argued that, "The installation of fencing has proven to be an effective tool to slow, redirect, and deter illegal entries, especially in certain areas where personnel and technology alone cannot sufficiently secure the border."³² By combining personnel, technology, and physical barriers, the hope is that the United States can more effectively monitor the border, keeping out economic migrants, narco-traffickers and terrorists alike. Homeland Security Secretary Michael Chertoff has rebutted allegations of divisive partition building. He asserts:

"We don't support a wall across the border. A wall across the border would be phenomenally expensive; it wouldn't be particularly effective. We would still need to back it up with a lot of technology and a lot of agents. But there are parts of the border where fencing does make sense. It makes sense in urban areas where the distance between Mexico and an urban area in the United States is very short ... Fencing is useful along the San Diego area, again, where there's a high density of American population. In the desert, fencing doesn't make any sense at all. It's a completely different model. So you could say in some ways we're going to have a virtual fence, because we will use a mix of technology and Border Patrol and infrastructure to create what is, in effect, a barrier to entry. But it's going to be a smart fence, not a stupid fence—a 21st century fence, not a 19th century fence."³³

³² *Walls and Waivers: Expedited Construction of the Southern Border Wall and Collateral Impacts to Communities and the Environment*, Statement of Ronald Vitello, Chief Patrol Agency, on April 28, 2008.

³³ Department of Homeland Security, "Press Conference with Secretary Michael Chertoff," December 1, 2005, http://www.dhs.gov/xnews/releases/press_release_0799.shtm

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Homeland Security’s smart fence represents an effort to combine physical barriers and obstructions with technologies designed to enhance the capacity of the Border Patrol to monitor its area of operation. After several years, the project remains very much a work in progress. It combines low technology infrastructure and extremely modern surveillance equipment in hopes of thwarting or deterring the illegal entrant. Appraisals of the fence infrastructure and outcomes are fairly straightforward, while a complete assessment of the sensor systems being implemented under the SBI as part of the Secure Border Initiative Network (SBI*net*) program is dependent on adoption of new technologies requiring extensive effort for systemic integration.

The Department of Homeland Security has plans to erect 670 miles of fencing: 300 miles of vehicle fence and the balance pedestrian. As of July 2008, some 335 miles of fencing was constructed on the border. Environmental groups are concerned that the fence will disrupt wildlife habitat and adversely impact borderland ecology. While those concerns may be dismissed by some as hypothetical, the human impact of fencing is not. Construction of the fence along the California–Baja California boundary as part of the Clinton administration’s Operation Gatekeeper has driven migrants eastward to unobstructed, but more remote, sections of the border. Illegal immigrants have attempted to cross the open expanses of the Sonoran desert, entering the United States through Arizona rather than California.

Entry through the arid and rough terrain of the Sonoran region has proven to be dangerous. Heat and distance are a deadly combination, and crossers are dying in increasing numbers; 472 border deaths were recorded in 2005, more than double the number reported ten years before. In moving laterally, illegal crossers have become exposed to greater risk. According to the U.S. Government Accountability Office (GAO), “analysis of the NCHS [National Center for Health Statistics] data indicates that, between 1990 and 2003, more than three-fourths of the rise in migrant border-crossing deaths along the southwest border can be attributed to an increase in deaths in the Tucson Sector.”³⁴ The rise in border deaths has not gone unnoticed in Mexico, with crosses tacked onto the fence running along the border near Tijuana’s airport serving as an ersatz memorial to the deceased. A guidance pamphlet from the Mexican government on ways to

³⁴ U.S. Government Accountability Office, *Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated*, GAO-06-770, August 2006, p. 4.

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survive desert crossings—which often require several days on foot in remote areas—was greeted by some in the United States as a “how to” guide for would-be illegal entrants. As the difference in perception colors all discussion of entry barriers, Mexican and other foreign nationals are dying as a direct result of U.S. security efforts.

With steel fences pushing across a large swath of border, the virtual fence is touted as a means to fill the gaps between the steel fences. The Department of Homeland Security will deploy this and other sophisticated new surveillance tools, developed by Boeing and several subcontractors, in the border patrol’s Tucson sector, a remote stretch of terrain known for an increasing number of fatalities. But deploying the *SBI_{net}*, the technology portion of the massive program to secure the U.S.–Mexico border, has proven to be challenging. In assessing the task of placing a comprehensive surveillance system on the border, Secretary Chertoff has argued, “we’re not interested in performing science experiments on the border.”³⁵ Instead, Homeland Security has worked with Boeing, which holds the indefinite delivery, indefinite quantity contract, to deploy the *SBI_{net}*. The hub of recent activity is Project 28, a \$20.6 million pilot in which Boeing has deployed unmanned surveillance towers in Arizona.

It appears that technology has bypassed Project 28. Critiques of Project 28, the first concrete manifestation of the *SBI_{net}*, correctly ask if the Department of Homeland Security is able to effectively manage a project of its size, scope, and complexity. The GAO has cited “software integration problems” as the reason for the delays in fielding the *SBI_{net}*.³⁶ While the initial *SBI_{net}* implementation was relatively small in cost and scope—\$20.6 million for equipment covering 28 miles near Sasebe, Arizona—the overall size of the project is not. “DHS has estimated that the total cost for completing the deployment for the southwest border—the initial focus of *SBI_{net}* deployment—will be \$7.6 billion from fiscal years 2007 through 2011.”³⁷ Reports from DHS that Project 28 is to be considered a “lessons learned” project of sorts are unsettling. In other words, it was an experiment to test whether fixed remote surveillance sensors

³⁵ Mickey McCarter, “Chertoff outlines first SBINET task orders,” *HSToday*, September 17, 2006, <http://www.hstoday.us/content/view/256/149/>

³⁶ U.S. Government Accountability Office, *Secure Border Initiative: Observations on Selected Aspects of SBI_{net} Program Implementation*, GAO-08-131T, October 2007, p. 3.

³⁷ U.S. Government Accountability Office, *Secure Border Initiative: Observations on Selected Aspects of SBI_{net} Program Implementation*, GAO-08-131T, October 2007, p. 7.

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could be employed by CBP to better conduct enforcement operations, a sort of science project—exactly the opposite of the pragmatic solutions Secretary Chertoff favored over “science experiments on the border.”³⁸

Securitization vs. Globalization: Must We Choose?

The end of the cold war broadened the discourse of national security issues to be considered. Barry Buzan, Ole Wæver, and Jan de Wilde, co-founders of the Copenhagen School of International Relations Theory, pointed to the securitization of issues and how it changed the political dynamics of debate through escalatory rhetoric. They argued that “security” takes politics beyond the established rules of the game and frames the issue as a special kind of politics, or above politics altogether. Securitization can thus be seen as a more extreme version of politicization.³⁹ Through this lens, issues are seen as threats requiring urgent response if catastrophe is to be averted. *A Line in the Sand: Confronting the Threat at the Southwest Border*, an October 2006 report released by the majority staff of the House Committee on Homeland Security,⁴⁰ is an example of securitization in the discourse on the U.S.–Mexico border.

Following the September 11 attacks, which were committed by individuals who arrived in the United States in the same types of commercial airliners they would fly into their targets, security on the border was revisited. The 2000-mile U.S.–Mexico border and the 3000-mile boundary shared with Canada, often referred to as the world’s longest undefended border during the Cold War, were suddenly perceived as potential avenues for entry by terrorist cells bent on attacking the United States. That they are perceived to be such great potential vulnerabilities speaks volumes regarding the evolution of the problem under the heading of “national security” in the United States. From 1949, when China fell and the Soviets detonated their first atomic bomb, until 1989, American national security efforts were for the most part restricted to the containment and rollback of communist regimes and averting a nuclear war. America’s first post-

³⁸ Department of Homeland Security, “Press Briefing,” news release, September 21, 2006, http://www.dhs.gov/xnews/releases/pr_1158875590484.shtm

³⁹ Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A New Framework for Analysis*, (Boulder, CO: Lynne Rienner, 1997), 24.

⁴⁰ House Committee on Homeland Security, *Line in the Sand: Confronting the Threat at the Southwest Border*, <http://www.house.gov/mccaul/pdf/Investigaions-Border-Report.pdf>

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cold war military engagement, the invasion of Panama and the deposition of General Manuel Noriega, were predicated on new security concerns, among them combating narcotics trafficking.⁴¹ Throughout the 1990s, debate echoed through the Pentagon on its role in a multi-polar world. Was it the role of the military to interdict narcotics traffic, prevent the spread of AIDS, or rebuild collapsed nations? Based on policy enunciated by the Clinton administration and its actions, the answer was yes.

A Proposal for Change

The overwhelming evidence, both empirical and theoretical, points to the fact that the United States' political and policy agenda in border management is backwards. One example is immigration reform. Immigration reform, which addresses the economic migrant, should precede efforts to secure the border; and efforts to secure the border should account for the inevitability of North American integration, particularly after the North American Free Trade Agreement.⁴² Why? Because the security task will be simplified if the large number of relatively benign job seekers are removed from play in the border security mission. In numbers, this means the following: There are around 400 million legal crossings per annum between Mexico and the United States. At its peak, the Border Patrol reported 1.6 million arrests between ports of entry, and this number has dropped by about 50 percent by now. This means that the number of undocumented job seekers (if everyone is a new undocumented entrant rather than a repeat entrant) is a very small fraction of overall cross-border traffic. A guest worker program, for example, would take care of well over 90 percent of those undocumented entrants. The undocumented migration problem would be drastically minimized, freeing resources to beef up overall border infrastructure and facilitate legal crossings in a way that will save millions of human hours, millions of dollars, produce jobs and better infrastructure, and reduce pollution as drivers spend less time waiting in their autos at border crossings.

⁴¹ Action in Panama was also deemed necessary on the basis of the United States' oldest and most enduring security concern, the protection of its citizens overseas.

⁴² Walter A. Ewing, "Beyond Border Enforcement: Enhancing National Security through Immigration Reform" in *The Georgetown Journal of Law and Public Policy* Vol. 5 No. 2 (March 2007).

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This line of reasoning leads us to recommend that the U.S. government work closely with the government of Mexico to create a common border management regime, taking into consideration the following:

1. Create a Binational Border Authority with a joint budget and a joint staff. That is, form a binational organization, not a bilateral organization,⁴³ to collaborate on a new 21st century border management regime.
 - a. Create geographical divisions of the Binational Border Authority based on the four great regions of the border: California–Baja California; Sonora–Arizona; New Mexico–Chihuahua–West Texas; and South Texas–Coahuila–Nuevo León–Tamaulipas.
 - b. Create bodies similar to the Boundary and Water Commissions, but of a binational nature rather than a bilateral nature, to advise and coordinate policy on the following issues:
 - i. Infrastructure, trade, and economic development
 - ii. Water and environmental issues
 - iii. Immigration and labor integration
 - iv. Law enforcement and security

Each of these divisions would implement measures designed to break down border problems and find effective, binational solutions under a joint border management regime. Some measures handled by these divisions could include: the integration of law enforcement databases as trust builds over time; joint law enforcement and criminal investigations; the creation of a binational infrastructure fund, perhaps based on the North American Development Bank; a labor integration plan for both skilled and unskilled labor; policy coordination on environmental, water, and emergency management; creation of a human security environment to protect those most vulnerable from violence and human rights violations; the development of technologies that can help prevent criminal activity before it occurs.

⁴³ For a good description of the difference between these two types of organizations See “Cross Border Planning on the U.S.–Mexico Border: Bilateral vs. Bilateral Agencies” by Sergio Peña, found at http://www.nobel-ref.org/pdf/Conferences/2001/PANELIV_SPENA.PDF

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Undoubtedly, this would constitute a step toward connecting, rather than separating, sovereignties. However, the costs of not doing so are mounting in both blood and treasure, and working jointly would perhaps save much pain, end antagonistic policies, and create a better binational environment for the 15 million people that now live along the U.S.–Mexico border.