“Border Control” Before “Border Security”

By Tom Barry
April 2011

Following the September 11 terrorist attacks, the Border Patrol adapted its rhetoric to reflect its newly acquired homeland security mission. In the past, the Border Patrol only occasionally referred to its mission as “securing the border.”

The use of the term “border security” has gained prevalence over the past decade and now commonly substitutes for “border control.” References to border security – and border insecurity – shape current discourse not only about the border but also about immigration, drug policy, U.S.-Mexico relations, and homeland security.

Border control operations and Border Patrol strategy prior to 9/11 facilitated the transition to the new border security framework, while also presaging the failures of this new paradigm of border management.

The Border Patrol has long been a backwater agency – one with little prestige or influence and populated by ex-military with little professional or academic training. It is an agency drawn to a plethora of military-like “operations” and less inclined to embrace intelligence operations, strategic thinking, and inter-agency collaboration.

With its military-style management, the Border Patrol comes to the border security challenge with brawn and bluster but with little strategic focus. The Border Patrol carries a chip on its shoulder with respect to other, more prestigious, DHS and DOJ agencies, particularly with ICE.

Tension between the Greens and the Blues (referring to the green-uniformed Border Patrol and the blue-outfitted ICE agents) is palpable along the border. Evaluation and self-criticism are rare, while tradition and routine are favored over strategy, intelligence and policy analysis.

Origin as Labor Patrol

The Border Patrol, formed as a Labor Department agency in 1924, was preceded by irregular squads based in El Paso and by Texas Rangers who were routinely contracted by the National Immigration Service. The apprehension of Chinese laborers who were in violation of the Chinese Exclusion Act occupied these patrols.¹

Since its official founding at the start of the Prohibition Era (1919-1933), the Border Patrol has been tasked to prevent the entry of illegal alcohol and drugs across the southwest border.

Yet, given the immensity of the border, the federal government never expected that the Border Patrol would seal the border against the routine flow of unauthorized immigrant workers and prohibited substances. In tacit agreements with ranchers, farmers, and agribusiness, the Border Patrol did not enforce immigration laws against their immigrant workforces.

For most of the last century the Border Patrol often fumbled along without a clear mandate or strategy. In 1940 the Border Patrol, following the agency’s transfer to the Justice Department (along with the entire immigration and customs service), became more clearly defined as a federal law-enforcement agency. The U.S. wartime government was concerned less about unauthorized immigration from Mexico than about the possible penetration of the border by enemy agents.

The Immigration Reform and Control Act of 1986 created a path to legalization and citizenship for 2.6 million unauthorized immigrants then living in the country, while also authorizing major increases in the
Border Patrol staffing and the enforcement of sanctions against employers who hired immigrants without proper papers.

Yet this immigration reform legislation – despite the authorization for an additional 2,000 Border Patrol officers – failed to stem the flow of illegal immigrants, while the stipulated employer sanctions were not enforced.

Liberal immigration reformers had lent their support for employer sanctions as part of the amnesty deal. But once amnesty became law they didn’t support the enforcement of these sanctions – thereby further angering immigration restrictionists and hardening their resolve to oppose any future immigration-reform compromise.

What is more, the amnesty precipitated new illegal and legal immigration flows, as millions of relatives and neighbors in the past couple decades sought to join the newly legalized residents. An exodus from Central America – roiled by escalating repression, counterinsurgency wars, and U.S. intervention – created a new northbound stream of immigrants.

By the late 1980s, the local and national backlash forces against immigration began to gather new strength and national resonance.

**Birth of “Prevention Through Deterrence” Strategy**

In the political context of the early 1990s, the Border Patrol felt compelled – for the first time in its 70 years – to formulate a strategy of border control. As the outcry about illegal immigration intensified, Border Patrol sector chiefs, particularly those in large urban areas like El Paso and San Diego, began to overhaul traditional enforcement practices – ones that were widely acknowledged as being half-hearted, ineffective, and nonstrategic.

Despite Border Patrol sloganeering, “Hold the Line” has never been agency practice. Instead, the common practice was to attempt to apprehend illegal border crossers once inside the country, usually near roads that immigrants would cross or travel on their way north or within neighborhoods adjacent to the border. This type of border patrolling didn’t catch all the illegal traffic between the ports-of-entry, nor was it intended to.

But the Border Patrol’s presence – while not resulting in border control or border security – did nonetheless serve various objectives, including:

- Forestalling a massive influx of illegal immigrants,
- Keeping illegal immigrant workers vulnerable to apprehension by the government and exploitation of their wage levels and working conditions by business, and
- Providing a useful display of government authority and a commitment to national sovereignty.

As immigration flows increased, particularly through well-traveled “corridors,” such as those that passed through El Paso and the San Diego area, the Border Patrol in the early 1990s faced intensifying pressure to alter its traditional, patently ineffective border management.

In 1994 the Border Patrol issued a national strategy to control illegal border crossing. That strategy, called “Prevention through Deterrence,” drew on the direct experiences in 1993-94 of Operation Hold the Line (initially called Operation Blockade) in El Paso and of Operation Gatekeeper in the San Diego sector. This deterrence strategy – which aimed to achieve greatly stepped-up patrol deployment and barrier construction on the most frequently crossed stretches of the border line – remains core to Border Patrol strategy today, although now set in a national security context.

Any evaluation of current border security policy must consider the lasting consequences of *The Border Patrol Strategic Plan: 1994 and Beyond* (August 1994) and its “Prevention through Deterrence” strategy.
OutsideContributors

The Border Patrol’s 1994 strategy was not wholly an agency formulation.

In January 1989 the Federation for American Immigration Reform (FAIR), an immigration restrictionist policy institute, published a white paper titled “Ten Steps to Securing America’s Borders.” The FAIR paper advocated vastly increased border control infrastructure, including barriers and fences, enhanced electronic surveillance and highway checkpoints, as well as an expanded Border Patrol presence directly on the line.

Most influential, though, in influencing Border Patrol strategy was the January 1993 release of a Sandia Laboratories report that the White House’s Office on National Drug Control Policy (ONDCP) had commissioned in 1991.

The ONDCP report, titled “Systematic Analysis of the Southwest Border,” recommended the urgent adoption of a “prevention strategy” for border control and called for major increases in funding for multiple-layered fences, highway checkpoints and intense border surveillance.\(^2\)

While the FAIR’s recommendations for a fortified border was the product of its concerns about rising illegal immigration flows, the Sandia/ONDCP report was the product of ONDCP’s deepening concern about the cocaine smuggling corridor through Mexico, which had opened up as a result of increasingly effective interdiction efforts in the Caribbean Basin region, including in Florida.

Also noteworthy was the undifferentiated character of the prevention strategies outlined in the early 1990s in both the Border Patrol strategy statement and the two outside reports. Little distinction is made, or prioritization given, between the two illegal border flows, immigrants and drugs. The strategies to stop immigrants and drugs were the same.

Today’s border security strategy is similarly undifferentiated with respect to terrorists, criminal aliens, drug smugglers, or immigrants crossing to seek work and reunite with their families – even though the policies that respond to these different pressures on the border must be different. In the name of securing the homeland and deterring immigrants, the federal government has merged the criminal justice and immigration regulation systems with tragic results, as illegal immigrants are routinely shackled and imprisoned before being deported.\(^3\)

DHS conveniently – but hardly strategically – lumps together illegal immigrants, violent immigrant criminals, and drug lords into its category of “dangerous people.” Less convenient but more constructive would be homeland security programs that focus on real security threats, drug programs that aim to disassociate criminality and drug use, criminal policies that target those who endanger public safety, and immigration policies that are just, pragmatic and enforceable.

In retrospect, it is also worth noting that in those less politically charged times the Border Patrol referred to immigration flows less as threat and more as a product of social and economic forces. As its 1994 strategy statement observed:

The forces that cause legal and illegal migration are powerful. Without positive, long-term changes in the root causes that prompt illegal migration such as improvements in the Mexican economy, NAFTA, effective employer sanctions restrictions, or closing the loopholes that allow illegal aliens to gain equities in the United States, the ‘push’ and ‘pull’ factors will remain strong.

BorderPolicyCan’tStandAlone

Whether framed as “border control” or as “border security,” U.S. border policy can’t stand alone.

If other U.S. policies are creating the constant pressure on the integrity of our border, then those policies should be reconsidered.
Border policy, for example, would likely be effective and more highly regarded if U.S. policymakers were more mindful of the adverse consequences of other nonborder policies. U.S. trade, drug, and foreign policies contribute to crossborder smuggling and to emigration pressures in the major sending countries of Central America and Mexico.


Endnotes

