Borderline Depravity: The Impact of U.S. Immigration Policy on Human Smuggling at the Mexican Border

Chloe J. Gilroy
Colby College

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BORDERLINE DEPRAVITY: THE IMPACT OF U.S. IMMIGRATION POLICY ON HUMAN SMUGGLING AT THE MEXICAN BORDER

LATIN AMERICAN STUDIES HONORS THESIS

BY

CHLOE J. GILROY

WATERVILLE, MAINE

ADVISOR, FIRST READER: PROFESSOR BEN FALLAW
SECOND READER: PROFESSOR LINDSAY MAYKA
Chloe Gilroy has fulfilled the requirements for Honors in Latin American Studies with the completion of this senior honors thesis.

_____________________________
Ben Fallaw
Thesis Advisor and First Reader

_____________________________
Lindsay Mayka
Second Reader

Latin American Studies Program
Colby College
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PREFACE

When it comes to the debate over illegal immigration, people often lose sight of the fact that those who choose to cross are fellow human beings who are driven from their homelands by insurmountable hardship. They are neither faceless nor invisible. If you go to the border and have the opportunity to immerse yourself in the undocumented community, you soon realize that this is a group of people who are driven by the same desires as you or I. They do what they do to provide themselves with a better standard of living, to protect and feed their families, and to reunite with loved ones. However, unlike you or I, they are forced to break the law and put their lives in danger in order to do so. It took my first case at Annunciation House, an emergency shelter for undocumented immigrants in El Paso, Texas, to realize this myself.

During my first day on the job, the shelter coordinator assigned me to process a fourteen-year old boy from central Mexico who showed up alone at the door with nothing but a torn up backpack. Once we had admitted him, the boy eventually confided in me that he had someone bringing him from El Paso to Los Angeles where he had family with whom he could stay. Originally, when I had asked him what his plans were, in order to figure out how long he would need to stay, he lied to me and told me he was trying to find work in El Paso, but he could not keep his secret for long. The fact that he sat every day for the next week anxiously by the house pay phone was a sure sign that he was waiting on a call from a smuggler who would take him north past border patrol checkpoints that weaved across the Franklin Mountains. He never left the pay phone for more than twenty minutes, because if he did, he might just miss the call that would secure his journey northward.
I could not fathom what it was like for his parents in Mexico, not knowing if their son had been caught by border patrol or if the person they had hired to take him to Los Angeles had abandoned him along the way. The boy left the shelter on one of my days off, and the fear I felt once I found this out was unlike anything I had ever experienced. I would never see him again, and I didn’t know whether he would be able to make it past the checkpoints between El Paso and Los Angeles, whether he would survive the trek through mountain passes that would map his trail northward, or whether he would end up in a juvenile detention facility in New Mexico. The following week I received a call from Los Angeles; he had made it safely and was with his family.

This boy was most certainly not the last person I worked with who was likely using a smuggler to get past the border and go northward. I saw countless guests playing that same waiting game by the house telephone. I saw them time and again put their lives in the hands of a smuggler because there was no other way, but something about this particular boy struck me. For the first time, human smuggling wasn’t just something I read about in a newspaper or in a political science textbook. It was tangible, heart rendering, and scary as hell.
INTRODUCTION

By systematically dehumanizing migrants through the implementation of draconian immigration enforcement measures that encourage human smuggling, the United States has created a human rights and security crisis at the Mexican border that has far-reaching moral implications. Human smuggling occurs when a migrant contracts another person to bring them across the border without legal documentation. Human smuggling tends to be a consensual and involves an agreement between a person and their smuggler, which differentiates the practice from human trafficking. The two often become blurred though, especially when it comes to completing the last leg of a person’s journey north. Oftentimes, if for whatever reason a person fails to pay their smuggler after their journey is completed, they are sold into slavery or forced into labor in order to make up for the costs they incurred.

The second hand knowledge I gained about this process motivated me to look in depth into human smuggling at the border and how it has evolved over time. From the New York Times to the Christian Science Monitor, almost all major news outlets publishing current articles relating to illegal immigration are reporting on some form of cartel activity within the human smuggling market. The nature of the role that cartels are playing is reported in a different light in almost every article, but the fact that they have some degree of influence over the market is undeniable.

This phenomenon immediately caught my attention. Based on past experience, I had surmised that most smugglers either operated on their own and had some kind of connection to the person they were smuggling or worked within a small network bringing

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groups of people northward from Central America and Mexico. Despite the negative image often times associated with the figure of the coyote in American news media, many people see coyotes both as valuable service providers that are crucial to the border economy and as cultural symbols of resilience in the borderland. Not once had I heard someone allude to the cartels being involved in human smuggling. This begs the question of why exactly would Mexican drug cartels enter into human smuggling, a trade with which they have never historically been associated? What part has immigration policy had in incentivizing organized criminal groups like Mexico’s cartels to enter into human smuggling? How have these groups been able to successfully enter into this market? When did their involvement begin? Answering these questions is vital to our understanding of human smuggling and is of the utmost importance in accessing the viability of current immigration policy reforms if they in some way involve further incentivizing smuggling.

I argue that by sharply increasing both the cost as well as the demand for coyotes at the southwest border, U.S. immigration policy has inadvertently drawn Mexican drug cartels into the market for human smuggling. Current immigration policy centered on the militarization of enforcement at and around the border has made it harder for migrants to cross and move north into the interior on their own, thereby encouraging the widespread use of human smugglers. At the same time, new enforcement measures have made it more costly for smugglers to operate. Consequently, these measures have also created heightened barriers to entry into the market, thereby pushing out small family run operations in favor of larger organized criminal groups that can effectively absorb those costs. Accordingly, increased demand within the market as well as increased costs and
barriers to entry have simultaneously worked to make the practice lucrative than ever and to incentivize cartel involvement in human smuggling.

If the United States’ militarized approach towards immigration enforcement continues at its current pace, the reach of the cartels within the market will only grow. This presents a massive threat to American as well as Mexican national security. In order to contextualize and prove the theoretical link between human smuggling and militarization that I make in this thesis, I will give a brief historical overview of militarization at the border and will follow that with a scholarly literature review that explores the ways in which human smuggling is viewed in light of the phenomena. Then, I explain the methodology I have used to prove this thesis’s central claim that the United States’ current approach to immigration has unintentionally drawn criminal cartels into human smuggling at the border with Mexico.

The Importance of the Study

By researching and writing a thesis that shows how the country’s current approach to dealing with illegal immigration has created a demand for high-risk human smuggling, I seek to highlight the drawbacks of policy approaches at the heart of current reforms that reinforce militarization. This study will also help broaden the discussion surrounding the consequences of border militarization by showing how it directly impacts the safety of migrants.

That the degree of human suffering our current immigration policy causes is continually sidestepped within the current debate over immigration reform is clear for all to see. These reforms stipulate a steep increase in enforcement as well as the expansion of
“zero tolerance” enforcement zones, a buildup in border surveillance in the form of drones formerly used in Afghanistan, and a visible increase in the number of deportations that must first be achieved before allowing any undocumented immigrant a pathway to citizenship. Congress is attempting to pass a series of bi-partisan reforms that stipulate endangering the lives of migrants who choose to cross at the border before giving those immigrants who already reside in the country a chance at citizenship. There is no humanity in a policy that forces the sacrifice of one person’s life in order to ensure opportunity for another, and this is exactly what proposed reforms will be doing. This presents not just a major security crisis, but also a moral and ethical crisis that needs to be addressed and brought to light.

If Mexico’s cartels are in fact involved in the human smuggling industry to the degree to which this thesis asserts, then the research put forward here in this study will constitute a meaningful contribution to the field of border studies. It will also provide further insight into the dynamic between policy implementation and its reciprocal effect on incentivizing organized crime involvement in illegal businesses. As a relatively new phenomenon, any works about the nature of cartel involvement will be a much-needed addition to the small amount of scholarly literature that has been published on the topic.

**Historical Overview of Militarization at the Border**

President Barack Obama’s policy approach at U.S./Mexico border can be seen an amalgamation of those attempts made by successive administrations from the Clinton era
onwards to address the sheer volume of undocumented migrants that have been entering into the United States. According to the Migration Policy Institute, the most recent estimate given by the Department of Homeland Security of the number of undocumented immigrants currently residing in the United States is hovering around 11.6 million, which is down from its peak in 2008 around 12 million.\(^2\) This current period stands out from all others in terms of enforcement not because it grossly deviates from the cyclical patterns that have traditionally defined the country’s approach to immigration policy, but because of the unparalleled level of militarization in the approach taken during this period. The tactic that each subsequent administration has taken since the incorporation of the southwestern territory to address concerns relating to illegal immigration has varied greatly over time depending on the strength of the economy and of prevailing public opinion surrounding immigration. This variable approach has given rise to cyclical patterns in immigration policy implementation, resulting either in widened legal avenues for those seeking to enter the United States or in restrictions that have increased physical and legal barriers to entry. The following chapter will address why, given that these cyclical patterns still hold true, the Obama administration has chosen now of all times to bring both enforcement and militarization to such new heights.

The militarization of enforcement at the border first took off during the Clinton administration following the implementation of Operation Blockade in 1993, which would go on to serve as the template for Border Patrol operations during the ensuing

decade. Operation Blockade, which was later re-named Operation Hold-the-Line, was a federally funded program implemented in the city of El Paso, Texas centered on the idea of prevention through deterrence. The underlying logic behind prevention by deterrence, which entails the gradual militarization of border enforcement through increased legal penalties, personnel, technology and infrastructure, is that deterring migrants before they even step foot in the United States is the only viable way to discourage people from entering the country without papers.

Instead of trying to apprehend migrants as they cross, which had been Border Patrol’s traditional enforcement role, Immigration and Naturalization Service (INS), the federal agency in charge of all matters related to immigration policy enforcement, placed massive amounts of law enforcement agents and related services at the most popular points of entry within the city in an attempt to intimidate and deter migrants from crossing. The chief of the El Paso Border Patrol had 400 of its 650 agents placed directly at the border, and had them on a “twenty-four-hour, seven-days-a-week sentry duty in their vehicles within sight of one another overlooking the river [the Rio Grande].” This approach was also supposed to force migrants into having to cross at remote land passes as opposed to more traditional points of entry. The increased danger associated with entering through remote areas coupled with the visible buildup of security forces on the

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5 David Spener, *Clandestine Crossings*, 44.
border was supposed to dissuade migrants from crossing in the first place, eliminating the need for traditional apprehension techniques.\textsuperscript{6}

From the outset, Operation Blockade was considered a success. The program created a dramatic drop in apprehension rates within the first two weeks of its inception.\textsuperscript{7} The INS was so pleased with Operation Blockade that they charged Border Patrol with replicating the program the following year in San Diego, which lead to the implementation of Operation Safeguard in 1994. Apprehension rates along the El Paso border continued to decline following the program’s start, but as political scientists have shown, this was not necessarily the result of its implementation. Rates also dropped during this period because migrants that did not find themselves deterred by changing policy adapted new more advanced strategies in order to work around the concentration of agents at the border.\textsuperscript{8} Furthermore, rates dropped because migrants who made it past the border successfully were much less likely to be apprehended as they moved to the interior of the United States due to the large re-concentration of agents at the Rio Grande.\textsuperscript{9} The program was also unable to account for the large number of migrants who simply “shifted their crossings to other stretches of the border where the Operation Blockade model had not yet been implemented.”\textsuperscript{10}

Instead of effectively cutting off unauthorized immigration along major cities in the border region, militarized enforcement merely re-oriented routes used to enter the

\textsuperscript{8} David Spener, \textit{Clandestine Crossings}, 45.
\textsuperscript{9} Ibid., 45.
\textsuperscript{10} David Spener, \textit{Clandestine Crossings}, 45.
country by migrants towards more rural and remote areas. Consequently, following the implementation of Operation Blockade in 1993, apprehension rates grew exponentially along the western border in New Mexico and Arizona. The same trend appeared but in South Texas after Operation Gatekeeper, a carbon copy of these militarized programs, was put into place.  

The expanding geographic scope of routes into areas previously left untouched by migrants following the introduction of Operation Blockade and Gatekeeper in turn helped justify the development of new and more militarized border enforcement programs. In 1995, Operation Safeguard, which assumed the Blockade model, was introduced in Nogales, Arizona. Two years later, Operation Rio Grande, which called for the installment of new portable floodlights, miles of new fence, 20-foot watchtowers, low-light video cameras, night vision scoped and infrared detectors, was introduced in Brownsville, Texas.

Additionally, the ratification of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996 had a major effect on the formation of immigration policy that bolstered the militarization of enforcement at the U.S/Mexico border. This piece of legislation called for an additional five thousand Border Patrol agents to be stationed at the border, for the increase of the border fence, for the development of new documents that were harder to replicate and forge, for harsher legal consequences aimed at curbing human smuggling, and by for new electronic surveillance techniques to ward

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off human smuggling. The act helped pave the way for technologies that previously had only been used by the U.S. military to be re-tooled for the purposes of border enforcement.

Despite the relatively recent decline in the number of undocumented crossing, the United States Congress is currently pushing for even more radical security and enforcement measures to be put into place as part of the Border Security, Economic Opportunity, and Immigration Modernization Act. These measures include, but are not limited to, adding another 700 miles to the border fence, doubling the number of Border Patrol agents on the ground, and increasing the use of surveillance drones.

Furthermore, Congress has stipulated that these measures must be implemented as well as show positive returns in order to secure a pathway to citizenship for the estimated 11 million undocumented immigrants currently residing in the United States. So far, the act has been passed in the Senate, and now the House is deciding how it will proceed. The act is highly contested, and there is widespread speculation over whether House Republicans would ever agree to any immigration reform bill that includes a pathway to citizenship.

Human smuggling, which Immigration and Customs Enforcement (ICE) defines as the “importation of people into the United States involving deliberate evasion of immigration laws”, re-emerged within this context on a much larger scale as a way for migrants looking to cross en-masse without papers to circumvent those measures taken to

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prevent illegal immigration. Only after the 1990s did the scale and magnitude of human smuggling start to reflect some of the major changes in this bourgeoning market, a market that in of itself had existed to some extent or another since the incorporation of the Southwest Territory in 1848.

LITERATURE REVIEW

The practice of human smuggling in light of increased border militarization can be viewed from a variety of theoretical frames. Border scholars universally agree that militarization has had an impact on human smuggling, but there is no clear consensus over how that impact should be interpreted. Some scholars see human smuggling as the natural consequence of the strong persistent pull of economic motivators and familial ties. Political scientist Wayne A. Cornelius demonstrates this viewpoint through his seminal work with the Mexican Migrant Project, which involved compiling intensive survey data on motivators for migration within both sending and receiving communities along the border.

In his work, Cornelius outlines several factors he believes contribute to a migrant’s decision to enter the country without authorization: “relative wages, social network contacts, the probability of successful entry, the risk of physical harm, and

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coyote fees”. Of those factors, he found that the comparative strength of the labor market within the United States and the pull of family ties were enough to outweigh the deterrent effect that militarization supposedly created, proving that the increased risks created by militarization can be entirely void of any deterrent effect given a migrant’s willingness to cross. Research that Cornelius did within migrant communities along the Mexican side of the border also affirmed that among those migrants who had already crossed, nine out of ten had employed a coyote. Although Cornelius provides a comprehensive analysis of how enforcement effects an individuals’ decision to cross as well as how enforcement encourages people to hire coyotes even as their rates escalate, he failed to touch on how smugglers were affected by increased enforcement. Although he accounts for how migrants negotiate risk factors associated with increased militarization, Cornelius in no way addresses the risks that smugglers might face as well as how smugglers choose to negotiate those risks. This begs the question of what keeps smugglers from exiting the market if the risks and costs associated with unauthorized immigration are heightened?

Political scientist Peter Andreas, in his work entitled “The Transformation of Migrant Smuggling Across the U.S.-Mexico Border”, builds upon the claims made by Cornelius by explaining how militarization, which causes profits within the market to skyrocket, has induced smugglers to assume added risks. The price of hiring a coyote has undeniably increased over the past twenty years due to increased risks that have made

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17 Ibid., 6.
18 Ibid., 11.
smuggling more costly and exhaustive on the part of the coyote. Coyotes now have to contend with and navigate unparalleled levels of border security, and naturally, as the risks they assumed increases, so does their asking price. The now-inflated price of hiring a coyote has increased the power and wealth of smuggling groups to the extent that smugglers are willing to assume the added legal and physical risks now associated with the practice.\(^{19}\) Andreas asserts that heightened costs created by militarization have also pushed out independent smaller-scale coyote operations that have traditionally run the human smuggling market due to their lack of access to the advanced transportation, communication, and technological networks needed to successfully evade border enforcement.\(^{20}\) Consequently, they have been “replaced by better organized and more skilled smuggling organizations”.\(^{21}\) This has caused human smuggling at the border to turn away from its roots as an independently run homegrown trade within Mexico and to move towards becoming a burgeoning industry.

This leaves one questioning why the United States would move forward with this policy given that it both increases the demand for human smuggling while simultaneously making it more profitable. Andreas holds that increased profitability and increased demand are the unintended feedback effect of state policy geared more towards image projection then actual deterrence.\(^ {22} \) According to this line of reasoning, “signaling a commitment to the idea of deterrence and projecting an image of progress toward that goal has been more politically consequential for state actors than actually achieving

\(^{19}\) Peter Andreas, *Global Human Smuggling*, 149.
\(^{20}\) Peter Andreas, *Global Human Smuggling*, 149-150.
\(^{21}\) Ibid., 150.
\(^{22}\) Peter Andreas, *Border Games*, 12.
deterrence”. If the state has a vested interest in projecting the idea that its borders are under control, then increased enforcement is the most visible way of projecting that image. Andreas supports this idea by posing the border as a political stage based as much “on the expressive role of law enforcement (reaffirming moral boundaries) as it is on the instrumental goal of law enforcement (effective defense of physical boundaries)”.

Accordingly, “even as the enforcement performance has failed to deter illegal border crossings significantly, it has nevertheless succeeded in reaffirming the importance of the border”. The state and the smugglers they try to deter therefore exist in a symbiotic relationship whereby the state’s strong image is dependent on having something to control, and the demand for smugglers is dependent on the state’s willingness to carry on projecting that image. This dynamic makes the relative effectiveness of the state’s efforts to contain smuggling irrelevant and feeds the professionalization and institutionalization of the market for human smuggling.

Andreas does an excellent job of accounting for some of the factors that Cornelius A. Wayne fails to recognize, but ultimately stops short of actually showing what it means for the smuggling market to be run by more organized and skilled smuggling organizations. He fails to explain exactly how these organized groups gained access to advanced capabilities in the first place and who is taking part in them. Failing to do so allows Andreas to go on to make the assertion that cartel involvement within the market

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24 Ibid., 11.
25 Ibid., 11.
is an inflated claim with little sound proof without actually providing any counter factual evidence to support his claim.\textsuperscript{26}

The way in which Andreas frames the consequences of the Unites States’ immigration enforcement policy contrasts sharply from other scholars who see increased profitability within the market as the byproduct of a distinctly rational policy making process. Where Andreas describes a system in which policy feedback is unintended and therefore irrational, sociologists David Kyle and John Dale see the increased professionalization/profitability of the market as the fully intended consequence of the United States’ attempt to move human smuggling out of the hands of small operators.\textsuperscript{27} Kyle and Dale highlight the importance of this effort given the country’s current security objectives:

Professional law enforcement techniques rely heavily on infiltration and disruption of stable and quite large criminal organizations rather than small-scale opportunists; in a nutshell, an ongoing professional criminal syndicate presents a much larger and weaker target that two cousins and an uncle moonlighting as migrant smugglers.\textsuperscript{28}

Given this logic, it would be easier for the United States to contend with syndicated crime groups, which they have been traditionally equipped to deal with, than to try wading through the “chaos of small-scale mom-and-pop smuggling operations”.\textsuperscript{29} Although a seemingly logical explanation, one could argue that professionalization within the market could have just as easily been brought on by factors entirely outside the control of the state, thus making Kyle and Dale’s line of reasoning appear rather convenient.

\textsuperscript{26} Peter Andreas, \textit{Global Human Smuggling}, 150.
\textsuperscript{28} Ibid., 35.
\textsuperscript{29} Ibid., 35.
Human smuggling, like many other services, is contained within a market. Technological change over the past thirty years has globalized markets and the market for human smuggling is in no way an exception to this trend.30 The fact of the matter, asserted by policy expert and political scientist Ray Koslowski, is that human smuggling in and of itself is a form of organized crime. Entering into this particular area would allow other pre-existing organized criminal groups the opportunity to expand their illegal transnational enterprise and incorporate a new lucrative market into their arsenal.31 Therefore, human smuggling in light of militarization can also be viewed as the natural consequence of the globalization of markets and the expansion of organized criminal networks.

Although the connection between human smuggling and crime may at times be exaggerated, the links exists nonetheless. Koslowski offers a solid critique of fellow migration scholars, like Andreas, who intentionally back away from linking organized criminal groups in any way to human smuggling. Koslowski holds that the “exaggeration of immigrant criminality and the propensity of politicians to allow immigrants to become scapegoats in the heat of election campaigns” has caused scholars to move away from discussing the increasing possibility that organized criminal groups, such as Mexico’s cartels, have become involved in the smuggling of migrants.32 This is troubling for two main reasons. First, although many scholars have backed away from researching cartel involvement does not mean that politicians will also back away from forming policy that

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31 Ibid., 63-65.
32 Ibid, 63.
it based on the assumption that they do.\textsuperscript{33} Either way, this could lead to the creation of further misguided policy aimed at securing the border. Second, it shows a major logical gap in the way scholars are choosing to approach studying human smuggling.

My research on Mexican cartel involvement in human smuggling at the U.S./Mexico border will therefore account for the type of information not included in the research done by scholars like Peter Andreas. Similar to Koslowski, I believe that a comprehensive study of how the market is evolving must entertain the possibility that organized criminal groups are entering into the human smuggling market. Mexico’s cartels maintain control over the same resources that scholars now believe are needed by smugglers in order to successfully operate. Mexico’s cartels are not known to share resources peacefully even amongst themselves, making it very unlikely that they would be willing do the same for industry outsiders. I believe that to assume otherwise and maintain that human smuggling is still controlled by players that have traditionally operated within the market would be a huge oversight.

**METHODOLOGY**

The qualitative methodology I used to facilitate my research consisted of analyzing secondary sources, policy measures, and running records from U.S. Customs and Border Protection in order to develop the theoretical model that I would then empirically test after having completed four weeks worth of fieldwork in the city of El Paso, TX.

\textsuperscript{33} Ray Koslowski, *Global Human Smuggling*, 60.
The theoretical analysis carried out prior to completing my fieldwork allowed me to identify the risk premiums associated with human smuggling as well as those factors currently driving the cost and demand for coyotes. By examining reports from the U.S. Office on Government Accountability and the Migration Policy Institute aimed at assessing the country’s current efforts to curb smuggling, I was able to determine the supposed nature as well as scale of cartel activity within the market for human smuggling. These reports were also helpful in gaining insight into what the government believes is encouraging cartel involvement. Running records from Border Patrol on apprehension rates also helped me determine what border flows have been like over time in relation to the implementation of certain policies, which was crucial in understanding how policy is likely affecting the smuggling market in terms of the overall number of people crossing at any given point. I also looked at the data set compiled by the Mexican Migration Project that catalogues the “characteristics and behavior of documented and undocumented Mexican migrants to the United States” based on survey data and semi-structured interviews carried out in migrant communities on both sides of the U.S/Mexico border. I also analyzed local and national news articles in conjunction with those I just mentioned in order to assess how those reporting on the ground viewed the same issues highlighted in government field hearing and reports. This helped me ascertain if there were are any discrepancies between government rhetoric and what was actually being reported at the border that might show up down the line in my fieldwork.

I also analyzed a number of secondary sources, including anthropological and sociological works on the practice of *coyotaje* in addition to these running records and reports in order to paint a clearer picture of the conditions under which migrants hire smugglers to cross the border. These sources were invaluable in determining what motivates migrants to cross given increased risks and increased costs associated with smuggling because they included first hand accounts and interviews with undocumented migrants who had made the journey. These are people that I would not be able to interview myself while conducting fieldwork because of necessary limitations imposed by the Colby IRB board.

This analysis helped me to develop the theoretical model used throughout this thesis to trace the causal pathway between militarization and cartel involvement in the market for human smuggling (Fig. 1.1).

![Figure 1. Causal Pathway between Border Policy and Cartel Involvement in Human Smuggling by Author](image-url)
This model specifies the causal factors among the many that are said to influence border flows that leads to this thesis’s outcome of interest: the development of a cartel oligopoly within the market for human smuggling. First, I link U.S. immigration policy that has led to increased militarization and increased enforcement measures to harder crossing for migrants trying to make the journey north. I point to the shift in migration routes through more treacherous terrains and the increased number of interior checkpoints spanning north within a 100 mile radius of the border, both of which have been brought on by relatively recent policy measures, as the motivating factors behind the increase in demand for human smugglers. As I will later go on to argue, smugglers help migrants to overcome these newfound hardships in crossing and in moving into the interior of the United States. In order to show that the level of demand for human smuggling has gone up, I will look to the Mexican Migrant Project’s findings that point to reported number of migrants who claimed to have used a smuggler over the past ten years in order to cross into the United States.

Second, I link U.S. immigration policy to the two factors which I believe have made it harder for traditional small-scale smuggling groups to continue operating within the market and to service increase demand. Increased barriers to entry and added risks brought on by the level of militarized enforcement at the border work together to demand a higher level of technological innovation as well as the execution of higher risk crossing from smugglers. This has inevitably pushed small scale operators who cannot meet those demands out of the market and has prevent other small scale operators from entering into the market to service the increased number of migrants who need coyotes to make the journey north. I argue that the narrowing of competitive field within the market along
with the increase in demand brought on by militarization has incentivized cartel involvement in human smuggling by making the market incredibly lucrative. To demonstrate that the market has become increasingly lucrative, I will look to the current running rate for coyotes servicing the border to see whether they have increased their rates. This, I believe, has worked to create a cartel oligopoly within the market for human smuggling. The chapters to come are dedicated to discussing the different elements of this theoretical model and how they interact.

**Field Work Research Design:**

In order to test my theoretical model and to further explore how recent changes within the market for human smuggling at the border relate to Mexico’s cartels, I carried out a series of semi-structured interviews in the city of El Paso, TX. El Paso is a major hub of migration, both legal and illegal, and also just so happens to be the only major border city in the state of Texas where I have contacts. Although I completed the bulk of my research in the city of El Paso, I also went to the city of Las Cruces, NM to carry out a small number of interviews. Although Las Cruces falls outside of the Texas border region, which was the geographic focus of my fieldwork, both El Paso and Las Cruces fall within the same border patrol sector. Thus, in terms of resource appropriation and the allocation of border patrol agents, these two tracts of the border are virtually the same. For the purpose of my study, expanding my research to the city of Las Cruces, NM allowed me to access a larger network of advocates and border scholars without necessarily straying beyond the purview of Texas border region.
In completing my fieldwork, I chose to use a single case study design that explores human smuggling exclusively at the Texas border to help better focus my research.\(^{35}\) I would therefore use the empirical evidence I collected in the city of El Paso to try to understand this larger phenomena and to trace the process by which cartels become involved in human smuggling across the region. My motivation behind choosing this particular research design came from the relative advantages it would give me considering the logistical constraints I had in completing said research. Trying to create an empirical study of human smuggling across the entirety of border region would have been a logistical nightmare. I only had four weeks to collect the data and empirical evidence I needed to support this thesis’s claim. The fact that I had such a short period of time to collect and compile that evidence made this type of focused single case study ideal.

To carry out the necessary fieldwork involved with this case study, I decided to approach my research through a series of in-depth, semi-structured interviews with people from the El Paso community who dealt with issues of migration related to human smuggling. In order to make sure that I was pulling from a knowledgeable and diverse pool from both sides of the political and legal spectrum of immigration enforcement, I used a snowball sampling technique to recruit the majority of my interviewees.\(^{36}\) My first interviewee, Alfredo Corchado, a well known investigative journalist and author who has worked extensively along the border, helped me identify a wide range people that I could interview and put me in touch with a number of prominent journalists.


\(^{36}\) Johnson and Reynolds, *Political Science Research Methods*, 240. See glossary for definition.
working in El Paso and Las Cruces. This was particularly helpful given that most to all of my established contacts in El Paso were exclusively involved in accompaniment work with undocumented immigrants at Annunciation House. Outside of Annunciation House’s director, Ruben Garcia, I really had no other sources to tap in terms of reputable interviewees. Alfredo’s recommendations were invaluable and guided me to a number of my most important interviews with advocates and academics alike. Using this method, I was able to gain interviews with community members spanning from professors based out of the University of Texas El Paso that specialized in smuggling, to the deputy director of policy at the Border Network for Human Rights, one of the leading immigration reform and human rights advocacy organizations in the United States, to the outreach coordinator at the ACLU’s Regional Center for Border Right based out of Las Cruces, NM. This pool was an ideal sample of members within the community whose work gave them specialized knowledge in human smuggling without having been involved with immigration enforcement in any capacity.

This same snowballing technique did not work as well when it came to finding interviewees involved with immigration enforcement and explains in part why I was not able to get as many interviewees from this demographic as I wanted. Although apparently better than in some border cities, the relationship between enforcement agents and advocates within the city of El Paso is rather strained. Accordingly, finding good recommendations for people to interview within the various enforcement agencies based out of El Paso from the people I started off my sample with was rather difficult.

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Instead of using a snowball technique, I went ahead and cold-called every enforcement agency in El Paso from Immigration and Customs Enforcement (ICE), to Customs and Border Protection (CBP), to the Drug Enforcement Administration (DEA), to the Federal Prosecutors Office that, based on reports from the U.S. Government Accountability Office, interfaced with human smuggling. From this technique, I was able to get three interviews: one with a Customs and Border Protection Agents and two with employees from the Federal Prosecutors Office. To date, I am still waiting for a call from the DEA and unfortunately ICE has a strict policy of refusing interviews with anyone involved with academia.

These interviews were invaluable in gathering the data and empirical evidence used within the next two chapters to support this thesis’ argument. The following chapters will delve into the changes that occurred within the market following the terrorist attacks on 9/11 and how those changes resulted in cartel involvement in human smuggling.
Chapter 2
Militarization and Human Smuggling in the Post 9/11 Era

The following chapter builds off of the historical assessment provided in the previous chapter and examines some of the most prominent changes in border enforcement that occurred following the terrorist attacks on 9/11. How those changes affect the market given their magnitude is the fundamental question this chapter grapples with. To answer this question, I will look to the specifics of the United States’ post 9/11 security paradigm to see how and why its implementation has impacted the market. This chapter argues that increased militarization has created a spike in the demand for coyotes operating at and around the U.S./Mexico border, which in turn has also caused a series of major shifts within the working dynamics of the market itself.

The Post 9/11 Border Security Paradigm Shift

The terrorist attacks on September 11th not only cemented the rapid buildup of border security that started with the Clinton administration during the early 1990s, but also marked a seminal change in the discourse surrounding immigration and border enforcement in the United States. Gone was an era of border history defined by a circle of migration between the United States and Mexico that brought families and communities in constant contact with each other. Alfredo Corchado, a prominent author...
and journalist who has family on both sides describes the kind of changes that 9/11 brought about:

Previously, during the Clinton era you had a circle of migration, you had people going back and forth, that really came to a standstill right after 9/11. You had communities, we even had sort of informal crossings, and there was a lot of informality. In places in West Texas there were communities that would build their own wooden bridges to cross, but after 9/11 all of that was gone, and suddenly there was talk, movement, action, and aim at building fences and having more border patrol agents.

The changes brought to light by Corchado in this text manifested in 2003 with the collapse of Immigration and Naturalization Services (INS) and the creation of the Department of Homeland Security (DHS), which was set to take on a number of the now defunct agency’s programs. The Department of Homeland Security, which was created with a new mission yet tasked with the same mandate as INS, reshaped the dynamics of border enforcement. This dynamic was reshaped, according to Susan Ginsburg from the Migration Policy Institute, by formally conflating “immigration policy and border security with homeland security”. Prior to its incorporation into the Department of Homeland Security, the INS was in charge of inspecting all persons upon arrival into the United States, preventing illegal entry, and adjudicating immigration matters related to naturalization. By re-tasking an agency focused on combating domestic terrorism with the former role played by this federal agency, the U.S. government created a new border security-immigration enforcement paradigm that provided the ideological justification for

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39 Ibid., 21.
40 Ibid., 21.
the convergence of three distinct wars: the war on drugs, the war on terror, and the war on illegal immigration.  

The post 9/11 border security-immigration enforcement paradigm, as defined below by the Migration Policy Institute, called for the following:

- Tightening of terrorism laws and expansion of investigative authorities
- Toughening of the visa, admission, and travel screening procedures
- Reinforcement of border security through expansion of the Border Patrol
- Substantial technology infrastructure innovation and investment in biometrics and databases like watch lists, surveillance systems, and physical border barriers
- Expanded domestic and international information and intelligence collection relating to mobility (Migration Policy Institute Report: 2010)

The new policies brought on by the creation of DHS constituted a paradigm shift rather than a routinized change in policymaking because of the radical departure it signified from the overarching goals that had previously guided the field. Political scientist Peter A. Hall helps conceptualize this difference by explaining the components of the policy making process as involving “three central variables: the overarching goals that guide policy in a particular field, the techniques or policy instruments used to attain those goals, and the precise setting of these instruments”. Hall contends that changes to policy techniques or instruments as well as their settings, which he defines as first and second order changes, routinely happened within any given paradigm following new experiences and knowledge, but that radical changes to a policy’s overarching goals in

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conjunction with these other smaller changes, which he defines as third order, constitute an irrevocable ‘paradigm shift’.\textsuperscript{43} Using Hall’s conceptualization of policy paradigms, we can see how the changes brought on by the creation of DHS constituted this type of irrevocable shift. Although investments made in new types of security technologies and the expansion of border control are smaller first and second order changes that fall within the scope of normal policymaking, the objective changes that DHS assumed following 9/11 that called for the prevention of terrorism through immigration enforcement clearly signifies the type of third order change that, according to Hall, would constitute a radical paradigm shift.

The enforcement paradigm supported by the former INS was centered primarily on the concept introduced in the previous chapter of prevention by deterrence. The agency’s system, explains Peter Andreas, “was built to police large numbers of economically motivated, unauthorized migrant workers rather than to detect and deter a small number of determined individuals intending to commit politically motivated violent acts.”\textsuperscript{44} Within this original context, Customs and Border Protection maintained its traditional role of preventing illegal entry into the United States.\textsuperscript{45} Although Customs and Border Protection may have retained that same role following their incorporation into the Department of Homeland Security, their primary objective in the carrying out that role changed entirely in the post-9/11 context. Their priority had shifted “to establishing substantial probability of apprehending terrorists and their weapons as they attempt to

\textsuperscript{43} Peter A. Hall, “Policy Paradigms, Social Learning, and the State”, 279.
\textsuperscript{44} Peter Andreas, \textit{Global Human Smuggling}, 153.
enter illegally between ports of entry”. 46 Thus, we see a paradigm shift within border security and immigration enforcement occurring after the terrorist attacks on 9/11.

The implementation of this paradigm has facilitated the near complete militarization of enforcement at the U.S./Mexico border. If one looks to the program specifics of DHS’s Secure Border Initiative (SBI), which was folded in 2011, it is clear just how militarized the border has become in terms of fencing alone. The centerpiece of SBI, according to a report by the American Immigration Council, was “increased investment in ‘tactical infrastructure’ along the border (fences and vehicle barriers), together with the development and deployment of new, ‘smarter’ technologies such as

thermal imaging, ground radar, and Unmanned Aerial Vehicles”. Major military contractors, including Lockheed Martin, Raytheon, and Northrop Grumman, were recruited in order to complete this new tactical goal along the border. In Arizona, for example, many of the satellite Predator-B spy drones used as part of their border surveillance initiative were modeled directly after those used during the course of the country’s military campaign in the Middle East.

The expansion of Customs and Border Protection (CBP) is another highly visible form that this militarized enforcement paradigm has taken. According to CBP’s 2012 Fiscal Year Statistics, staffing at the border is at “an all-time high” with double its size.

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48 Walter Ewing, “Looking for a quick fix: The rise and fall of the secure border initiative’s high-tech solution to unauthorized immigration”, (Immigration Policy Center, American Immigration Council, April 15, 2010), 2.
49 Peter Andreas, Global Human Smuggling, 154.
50 Ibid., 154.
since 2004 at 21,300 active agents.\footnote{Customs and Border Protection, “2012 CPB Fiscal Year in Review,” last modified 2013, accessed February 28, 2014. http://www.cbp.gov/newsroom/media-resources/stats.} This is shockingly high considering that as of 1992, there were only 3,555 agents stationed at the entire southwest border.\footnote{Adam Isacson and Maureen Meyer, “Beyond the Border Build Up”, 16} Furthermore, Border Patrol’s budget from 1992 to the present has increased from $326,234 to $3,466,880.\footnote{Customs and Border Protection, “Enacted Border Patrol Program Budget by Fiscal Year, 2013,” last modified 2013, accessed February 28, 2014. http://www.cbp.gov/newsroom/media-resources/stats.} Ramiro Cordero, CBP’s acting assistant chief patrol agent in the El Paso Sector, explained that their operations on the ground have materialized in a distinctly militaristic way. Upon being interviewed, Agent Cordero described how the agency now uses a military strategic model centered on gaining, maintaining, and expanding control over large tracts of land through increased infrastructure and coordination.\footnote{Ramiro Cordero, interview with author, tape recording, El Paso, January 9, 2014.}

Additionally, Agent Cordero explained how the adoption of this strategic model has lead Border Patrol to adopt a threat-based approach to enforcement, whereby the agency coordinates with its members working in Mexico City as well as with embassies in Central America to help track patterns of migration so they can predict where they will be “hit the hardest” so that they can focus their resources accordingly.\footnote{Ramiro Cordero, interview with author, tape recording, El Paso, January 9, 2014.}

Ruben Garcia, the founder of Annunciation House, an emergency shelter for undocumented immigrants that has been operating in El Paso, TX for over forty years, describes how the creation of this new paradigm has been a boon to the anti-immigrant agenda in the Unites States. First, it moved the discourse away from whether or not policy makers were actually in support of immigration to the duty that they had to protect the country from terrorist threats created by open immigration. This change in discourse,
brought on by third order changes that were part of this larger paradigm shift, allowed for a new anti-immigrant policy creating mantra focused on the potential threat of terrorism at the southern border rather than on the migrants who were actually making the crossing.

Although terrorism linked to increased human mobility is an undeniably legitimate fear following the terrorist attacks on 9/11, in the context of the southern border, this threat has been skewed beyond reason given that there have been no reported cases to date involving terrorists crossing or being smuggled into the United States through its border with Mexico.56

The buildup of militarized enforcement in furtherance of the new post 9/11 border security-immigration enforcement paradigm has made waves in the market for human smuggling. Not only has militarization greatly increased the demand for coyotes, it has

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56 Susan Ginsburg, *Securing Human Mobility in the Age of Risk*, 64.
also triggered a major shift within the working dynamics of the market itself by increasing the price and the risks associated with smuggling.

**Militarization and the Market for Human Smuggling**

Militarization has made hiring a coyote an unavoidable part of a migrant’s journey. According to the findings of the Mexican Migrant Project, between 1993 and 2003, 90% of the migrants interviewed as part of their survey sample reported having used a coyote. This is startling when is compared to the 78% of respondents who reported having used a coyote prior to 1993. Wayne A. Cornelius elaborates on the findings of the project:

To evade apprehension by the Border Patrol and to reduce the risks posed by natural hazards, nine out of ten unauthorized migrants from our research communities had hires a coyote to assist them on their most recent trip to the United States.

Hiring a smuggler, as Cornelius demonstrates, has become extraordinarily crucial due both to the heightened number of agents and advanced tactical infrastructure in place at the border and to the increased number of interior checkpoints leading north from the border.

Migrants, due to the increased number of agents being stationed at the most populated areas of the border, can no longer easily use traditional points of entry undetected; instead they have to rely on newer more remote routes if they want to cross into the United States. This pushes migrants to cross in extremely hazardous areas of the

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border, through either un-inhabited desert plains or through mountainous passes that have no fence because they are considered to be natural land barriers.\textsuperscript{59} This explains in part why the Valley of Texas, which is largely uninhabited and has a relatively low amount of tactical infrastructure, is now considered to be the epicenter of migration into the United States.\textsuperscript{60}

The effect of this shift in routes on migrants has been two-part. First, it has led to an increased number of fatalities along some of the most treacherous parts of the border, mostly due to either dehydration or hypothermia.\textsuperscript{61} Not only do migrants have to contend with extreme weather conditions, they also have to navigate through treacherous terrains with little access to food, shelter, or water. In the year 2013 alone, the remains of 445 bodies were found on the U.S. side of the border, and nearly all of their deaths have been attributed to dehydration and or sun exposure.\textsuperscript{62} This number, according to the Washington Office on Latin America, is the fourth largest recorded total in the past 16 years.

The added risks associated with having to cross in more remote areas leads in to the second effect this has had on migrants: increased demand among those who choose to make the journey for the services of coyotes versed in how to traverse these areas undetected. For a migrant from southern Mexico or Central America, hiring a coyote who is familiar with border region is the only way to mitigate the risks of crossing. According

\textsuperscript{59} Wayne A. Cornelius, \textit{Impacts of Border Enforcement on Mexican Migration}, 3.
\textsuperscript{61} Ibid.,3.
\textsuperscript{62} Ibid.,1.
to Wayne A. Cornelius, militarization therefore has “by nature of forcing riskier crossing, increased crossings assisted by human smugglers”.

In addition, migrants also have to contend with increased interior checkpoints along all major roads within a 100-mile radius of the border. Crossing the border seems relatively easy compared to this particular step of a migrant’s journey, which involves getting past checkpoints manned by Border Patrol checkpoints that were created with the sole purpose of preventing “aliens” from moving into the interior of the United States. This is where the help of a coyote who knows where the checkpoints are and knows how to avoid them comes particularly in handy. The demand for coyotes with this type of skillset is relatively novel when one looks to larger historical trends within border crossings over the past thirty years. Ruben Garcia explains why this is so:

You have to remember that this is in contrast to the years when people would cross the river, and then they could buy a bus ticket, and there were no checkpoints, or they could buy a plane ticket, and this was prior to 9/11, and you didn’t need a photo ID, just a ticket and you could be on your way. So now it is very difficult, so they [migrants] hire or they certainly look for smugglers to get them further in.

By making it harder to travel through to the interior by implementing border patrol checkpoints, DHS has funneled migrants into the hands of smugglers. This reality is something that I came face to face with while working in El Paso, TX.

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64 David Spender, *Clandestine Crossings*, 68.
Map. 1.1 Routes away from the border and immigration checkpoints in South Texas, 2005. David Spender, Clandestine Crossings

Shifting routes and increasing in the number of agents being stationed north of the border amplifies the traditional role of coyotes as service providers by prompting migrants to look for less risky ways to cross. Militarization is at the root of this amplification and over time has created vibrant market place for human smugglers at the southwest border and beyond. Juan Manuel Escobedo, the deputy director of policy the Border Network for Human Rights, details how he saw this market emerge while growing up along the Texas/Mexico border:

Before I remember being on the [border] bridge and looking down at people with their makeshift rafts and you would pay a peso to get on. There would be someone pulling you with a rope and that would be the extent of smuggling. People wanted a shortcut to get to work or to visit family. So that, I think is probably my first understanding of smuggling, but whenever we
started making it impossible for that to happen is probably when we created a market for more complicated ways to smuggle people… The more and more we have invested in a militaristic approach to securing the border; the more and more we have contributed to a marketplace for smuggling.66

Juan Manuel’s account was mirrored by that of many members of the El Paso community who saw the “revolving door of migration” shut after 9/11.67 But as the saying goes, when one door shuts another opens. That new open door was a revitalized market for human smugglers at the Mexican border. This revitalization though, has come at high price for the small-scale smuggling groups that have traditionally served the market.

**The New Working Dynamics of the Market**

Militarization, while increasing the demand within the market for migrant smuggling, has also exacted certain demands on coyotes. These demands, which will be examined mostly in financial terms, have shifted control over the market from small family-run operations to larger more organized groups. This in turn has worked to eliminate the foundation of trust, grounded both in social and cultural ties, which has acted as the bedrock of the practice since its inception.

Migrant smuggling at the U.S./Mexico border has customarily been characterized as a cottage industry.68 Susan Ginsburg, in her 2010 report for The Migration Policy Institute, describes the overall shape of the smuggling groups as follows:

> The architecture of HSOs [human smuggling organizations] is very different from the hierarchy historically associated with the Mafia and

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other transnational organized crime. HSOs are generally not centralized monoliths and do not take the form of corporate franchises. Instead they are decentralized, usually consisting of networks formed in concentric circles around a small core group. The ringleaders draw on smaller enterprises and individuals linked, in turn, with other service providers. Complementary service providers do business at nexus points along pathways where there is demand for illegal travel.69

The architecture of these small core groups and networks depart from that of other organized criminal groups for a reason: their distinctly social and familial roots. Alfredo Corchado, in describing what smuggling was like before the advent of militarization, gives insight how these core groups and networks operate:

When I was a kid growing up in California, our family would have constant contact with smugglers because friends and relatives would come up from Durango, so we always knew them by name and we knew that they were the son of so and so. I mean they were people who brought your relative or friend, and the community held them accountable.70

Groups like those mentioned by Corchado that either have social ties to the people they contract out to or have a solid community wide reputation dominated the market for human smuggling before this advent of militarization. This was because of the added level of trust they are associated with and the cultural significance they had developed within Mexico.

The only way to mitigate the inherent risks involved with human smuggling is to hire a coyote who can be trusted. The potential risks associated with hiring a coyote, even before the advent of border militarization, cannot be understated due to the numerous vulnerabilities associated with making the journey north. Sociologist David Spener chronicles some of vulnerabilities observed migrants faced while making the journey:

69 Susan Ginsburg, Securing Human Mobility in an Age of Risk, 65.
Migrants, whether they were being led by friends, kin, or coyotes, often did not know exactly where they were, where they were headed, or why exactly things went well or badly for them. Much of the trip could be made under the cover of darkness…Rides that were supposed to show up to pick migrants up by a certain fence line along a certain road might never show up, and the group might have to walk further through terrain unknown to any of them. Exhaustion and dehydration dull the senses.71

The journey that migrants embark on can be made even more precarious if they cannot trust the person who is supposed to guide them because, as evidenced by the quote above, migrants often have no sense of where they are or where they are going at any given point in the journey. Migrants are also routinely asked to hand over any form of identification they have before they begin their journey north, and contact can be limited to non-existent along the way, leaving them at the complete mercy of their handler.72 This is where small-decentralized groups that are bound to migrants by social and familial ties or are dependent on their good reputation for continued business come into play. They have dominated the market for so long for the very reason that they provide the foundation of trust that sustains the practice itself.

Militarization, which has created significant barriers to entry within the market, has begun to eat away at the core of these groups. This in turn jeopardizes the interpersonal trust that has been the bedrock of the market, thereby heightening the human risk associated with smuggling. These smaller groups are being put to the test by

71 Peter Andreas, *Clandestine Crossings*, 169

: “People have no appreciation of the immense risk that is involved with trying to connect with a coyote on your own and no references, literally the risk that you are taking is enormous because many smugglers, the first they say is give me identification and your cell phone and come with me. That smuggler can kill you there and no one in the world will find out.”
increased militarization, which has interrupted and or blocked their traditional smuggling routes. In order to fill the increased demand for smugglers caused by militarization and to stay in the market, they would have to find a way to overcome the challenges created by that same process. Any group seeking to successfully remain within the market would need unfettered access to new resources, both material and strategic, in order to evade border security, financial capital to acquire those resources, and finally, connections within the United States so that they could move people northward past advanced interior checkpoints.

Howard Campbell, an anthropologist and professor at the University of El Paso, contends that militarization, by exerting these new demands, has brought on a more professionalized form of smuggling. He holds that “the more things become militarized, the more professionalized people it takes to get people smuggled in, which leads to more monopolization and more organized smuggling.”

In the same vein, Alfredo Corchado, while recounting how militarization has affected smugglers, recounted having witnessed this same phenomena:

That [home grown smuggling rings] evolved into more of a practice than an industry; it was no longer the mom and pop guy from your town. Suddenly it became the regional guys, where if you were going from Durango to Salia or Guanajuato, you meet the bug guy who was part of a big organization.

Militarization makes it harder for the small-scale operators who have traditionally served the market to stay in business, thereby opening the door to new players who can adapt to the changing needs of the practice. This doesn’t mean that small-scale operators have ceased to exist; it has just made it more advantageous for those who have ready access to

the capital needed to adapt to a more militarized approach to border enforcement. Peter Andreas gives a clear picture of how this dynamic works to displace small operators from the market:

Although many of the local freelance entrepreneurs who once dominated migrant smuggling along the border were being squeezed out by the border enforcement campaign, they were being replaced by better organized and more skilled smuggling organizations.  

To stay operational smuggling groups need to be able to “develop more creative and more expensive methods to get their clients across a more heavily enforced border”. Not only that, according to Wayne A. Cornelius, coyotes need to have “established relationships with officials at key points of entry that enable them to cross migrants more safely and effectively but at an additional cost”.

Bigger, more centralized smuggling groups that can tap into an expansive network of secondary actors have a comparative advantage over traditional groups in terms reach and access to resources. Andreas details what successful smuggling groups need within a given recourse networks to stay competitive:

Those smuggling operations that had the greatest transportation and communication capabilities were the ones most capable of evading arrest, which left small-time smugglers at a competitive disadvantage.

These larger groups can absorb the growing cost of staying in the market in a way that smaller groups simply cannot, which is why the smaller operators’ positions within that market are slowly being supplanted. The following chapter will address the question of

75 Peter Andreas, Global Human Smuggling, 150.
76 Wayne A. Cornelius, Impacts of Border Enforcement on Mexican Migration, 69
77 Ibid., 69.
78 Peter Andreas, Global Human Smuggling, 148.
who now makes up these larger groups and why they have decided to enter into the market at this particular point in time.

This shifting dynamic, which works to eliminate the safety net maintained and established by small-scale operators for decades, comes at an immense risk. Larger groups cannot possibly maintain the same kind of oversight as local family based groups. This lack of oversight is reflective of some of the more gruesome stories of violence related human smuggling. Juan Manuel Escobedo describes what the fallout of this safety net looks like:

Where a friend of a friend helps you get across and you are being a lot more secure. Once we started putting in the walls and surveillance, that forced people to go to the outskirts. It made it so that a person now has that double risk of going with a person that you don’t know and don’t have confidence with, that can be abusive. I have spoken with people who have had family members disappear. The last he [unnamed friend] heard of his wife was when she was just about to cross. Hearing people talk about other women in their group who were violated and raped and weren’t able to get it, its messed up. How can we not do better?

Instead of relying on tight-knit social and familial connections that in years past could have put them in touch with a reliable group of smugglers, migrants are now largely forced to use word of mouth alone in order to determine whether they should hire a particular coyote.⁷⁹ Clementina Campos Reyes, an anthropologist from the state of Chihuahua, recounts the inherent vulnerability of having to rely on word of mouth in order to find a coyote:

Pero muchas veces no sabes, puede ser gente que nomás va y te vende con otras gentes... Es fundamental saber muy bien con quien se va a ir unos, quién es el coyote. Conseguimos el contacto con otras gentes que se iban con coyotes que se habían pasado. Así que yo tenía un poquito más la confianza de que sí iba a pasar. Pero muchas veces

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The dangerous position this puts migrants in results directly from the escalation of border militarization. Small groups that operate on a foundation of trust and mutual obligation are being pushed out by increased enforcement, but rather then have the market collapse; larger more organized groups are taking their place.

**Conclusion**

The post 9/11 paradigm shift that occurred within border security has greatly altered the way in which this country approaches controlling its southern border. By melding the war on terror with the country’s efforts to contain illegal immigration, U.S. policy makers have facilitated the near complete militarization of the southern border with Mexico. In effect, militarization increases the demand for human smuggling in two ways. First, by making crossings at traditional ports of entry more difficult, it encourages migrants to hire coyotes in order to traverse more remote areas of the border that were not as heavily manned. Second, by increasing the number of interior checkpoints, it encourages migrants to hire coyotes with the knowledge of how to get around said checkpoints.

On the same token, militarization also exacts a price upon the smugglers who are supposed to cater to increased demand within the market. These demands have come in the form of harder, riskier crossing that call for a more professional form of human

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smuggling. The professionalization of the practice pushes many small family-run operations out of business. This process is troublesome in and of itself because it eliminates the level of trust that once was between a coyote and a migrant, and exposes migrants to increased risks due to lack of oversight and accountability. It also opens the door for larger more monolithic smuggling groups to take the place of family run operators within the market.
Chapter 3

Cartel Involvement in Migrant Smuggling

O sea que cruzar la frontera es peligrosísimo. No más hay que ver las notas rojas de Juárez, Tamaulipas, Ojinaga, Tijuana, Mexicali: son nota roja. Y ahora más, si antes eran, ahora con el narco……

-Carmen Grajeda y Alejandra López in Parado en Medio de la Nada

The following chapter is dedicated to examining the larger more organized groups that have become involved in human smuggling because of the mounting risks and barriers associated with entering into the market in light of border militarization. I argue that Mexican drug cartels have become the newest players in the market for human smuggling, but provide two different competing explanations as to why they have chosen to enter at this particular moment. The first of those explanations, that cartels have been drawn into the market by their economic advantage, is based on of the causal model provided in this thesis’s first chapter and is centered on rational choice theory. The second explanation, which implies that cartels have become involved in human smuggling in order to maintain a monopoly on all illegal business, takes more of an anthropological and historical approach to breaking down their involvement. This explanation competes with my theoretical model because it presupposes that the profitability of the market is almost immaterial to whether or not the cartels will decide to enter it. What is more important is that they alone have control over all illegal enterprises within a given area, whether they are profitable or not. Accordingly, cartel involvement in human smuggling would be more of a strategic play of hand than a rationally based economic decision on their part. The rest of this chapter is dedicated to explaining the
how, why, and who of cartel involvement in human smuggling at the Texas/Mexico border.

**Why have they become involved?**

Militarization has escalated to the point where drug cartels find it in their best interest to enter into the market for human smuggling and to overtake both small-scale operators as well as the larger more organized groups that began to assume their place. The decision to enter into the market would be the rational choice for those cartels that stand to maximize profits given the financial benefits they can accrue due to increased demand and increased barriers to entry. Cartels have the prerequisite resources to take full advantage of increased demand without being hampered by the financial or logistical constraints that other smaller operators face due to the unrivalled size of the cartel network. Accordingly, cartels have entered into the market for human smuggling because they stand to maximize their profit as militarization increases.

Cartels have almost always benefited from human smuggling rings operating around the border in some way. Even before they were directly involved in the market, cartels collected fixed rents along the most popular smuggling routes running north to the border. Fixed rent refers to “the income, from the use of an asset, over and above that which would flow from the next best use of that asset.”

81 In this way, cartels would collect rent from smugglers operating within their territory at and around the border to make a cut off the profit instead of directly intervening in the market as operators in their

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own right. CBP agent Ramiro Cordero gives insight into the early relationship they had with the market:

Say you are the Sinaloa Cartel, and you operate in the Valle de Juarez; you own the Valle de Juarez. If you come through my area, guess what, you are going to have to pay. And it has always worked that way, even before the cartels started coming in. Point A to point B was owned and operated by alien smuggling rings XYZ, and if you wanted to operate in the area you were going to have to pay.82

The nature of that relationship intensified once it became clear that human smuggling could reap major financial benefits in the wake of increased militarization. The market became more profitable because of the increased level of demand driven by heightened dangers associated with crossing, thereby enhancing “the wealth and power of smuggling groups”.83 Increased barriers to entry that limit who can meet that demand cause the market to become more lucrative and in turn have made it harder for small groups to continue operating. Alfredo Corchado notes the kind of financial opportunity that these dangers have provided smugglers along the border:

I mean, when you make things more difficult, you will make them more lucrative. I know a smuggler who always said the border was the place to do business. Americans always have this tendency to make things illegal and make things more dangerous. The more dangerous things are, the more lucrative it becomes.84

The increased profitability of human smuggling mentioned in the above quote is reflective of the now soaring costs associated with hiring a coyote. The increased

82 Ramiro Cordero, interview with author, tape recording, El Paso, January 9, 2014.
83 Peter Andreas, Border Games, 148.
profitably of smuggling brought on by “law enforcement pressure has in turn assured that there would be smugglers willing to accept the occupational hazards.”

Included below is a table that gives an estimate of the going rate for smuggling into the interior of the United States from the predominant sending areas:

<table>
<thead>
<tr>
<th>To Chicago from:</th>
<th>Average Price:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>$2,500-5,000</td>
</tr>
<tr>
<td>Central America</td>
<td>$5,000-10,000</td>
</tr>
<tr>
<td>China/Middle East</td>
<td>$25,000-30,000</td>
</tr>
</tbody>
</table>

Figure 3.1 Table of going smuggling rates based on estimates given by CBP agent Ramiro Cordero

According to the Office of Immigration Statistics, the typical rate for a Mexican national during 1993, for example, was as low as $700. According to the estimates given by Border Patrol agent Ramiro Cordero in Figure 3.1, that would amount to a price increase of anywhere between $1800 to $4,300 over the span of twenty odd years. Although it is not entirely clear how much of the fees listed above go to cover increased overhead costs associated with the buildup of enforcement, as various interviewees put it, these smugglers are opportunistic businessmen. They would not increase going rates without making sure they have enough to turn a profit.

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85 Peter Andreas, *Border Games*, 149.


87 Throughout my research, I have yet to come across a definitive estimate in terms of the profits that human smugglers are making. Even more elusive is an estimate of the types of profit that cartels involved in human smuggling would be making. When I asked
Corchado gives further insight into why militarization has increased the profitability of human smuggling over the past twenty years:

I think any time you have any kind of movement on the border, the impact is immediate. Smugglers will charge more and become that much more important, and it becomes more of a lucrative business for them. I remember back in the 1990s, and even now, we have specific places that are big magnets between certain regions in Northern Mexico and Texas. So you kind of know where to go to kind of see what workers are thinking and trends and attitudes are. There are bars in Guanajuato and San Luis Potosí where you go in and talk to smugglers and negotiate prices. For example back in the early 1990s the price to get someone from say Juarez to El Paso or Laredo to Dallas was about a thousand bucks. I think that price today is about $5,000, and that is tied into militarization. The harder the United States makes it for immigrants to come work in the U.S., the more lucrative it becomes for smugglers. In the end these men are businessmen.88

Corchado highlights how militarization has allowed coyotes to charge more and to take advantage of the increased risks associated with crossing by boosting profits, thereby turning human smuggling into a lucrative market of the like that would attract cartel involvement. Ruben Garcia, when asked to talk about the causal relationship between militarized enforcement and the possibility of cartel involvement in human smuggling stated:

Are the cartels and or gangs involved? Clearly they are. What has been one of the greatest contributing factors is enforcement on the U.S. side. Enforcement has just been one of the biggest boons to smuggling.89

The reason why enforcement has become such is boon is that it has allowed coyotes to increase their rates based on perceived risk level, which allows them to turn a much larger profit when those risks fail to manifest either in fatalities or in apprehension by border security agents on either side.

A prime example of this can be seen in how coyotes adjust their rates according to the nationality of a given migrant. Nationality has become one of the biggest risk factors due to increased enforcement. It is now standard practice, according to Susan Ginsburg from the Migration Policy Institute, for human smuggling groups to “charge a higher price for non-Mexicans who blend less easily, are more likely to draw attention, and are therefore more risky to move”.90 Even if two migrants, one from Cuernavaca, Mexico and the other from San Pedro Sula, Honduras are starting their journey with a coyote from the exact same place, the two will pay very different prices. If they both make the journey successfully, a coyote stands to make twice the profit for the same amount of input. Given the sheer amount of Central Americans that are making the journey north, the profit that coyotes stand to make off of this niche within the market is enormous.

According to the Washington Office on Latin America, the 14% growth in apprehensions that occurred in 2013 can be entirely attributed to Central American crossings, which between 2011 and 2013 grew upwards of 150%.91 They categorize this as a mass exodus of Central Americans to the United States, demonstrating one way in which increased risks can pay off with increased rewards if a coyote can make the journey north successfully.

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Cartels can benefit from recent changes to the market in ways that other groups simply cannot. They operate like rational actors by taking advantage of the conditions created by the confluence of border policy aimed at militarization, increased demand for human smuggling, and increased costs associated with smuggling.

In particular, cartels are involved in the market for human smuggling because of the logistical advantage they have over small-scale operators that both enable them to overcome some of the barriers created by militarization and to yield profits from an increasingly lucrative business venture. Cartels can easily maintain a place in the market where other cannot because of their near unlimited technological, organizational, and financial capabilities. Howard Campbell illustrates the benefits and advantages that cartels have within the market for human smuggling:

Ultimately it is a cost benefit analysis to see if it is worth the effort to stay in the market, but they [the cartels] are able to build these tunnels that take months to construct and cost millions of dollars. They do stuff like constructing flatbeds to drive over fences or fly ultra-light planes using radar and all types of high tech equipment.\(^92\)

Cartels have been manning and fortifying drug plazas for close to forty years now, and it is these plazas along with the drug money they gain from them that have allowed them to acquire the logistical advantages mentioned by Campbell.

A plaza, which originally referred to areas that fell within the jurisdiction of the Mexican police, was a term coined by members of the organized crime underworld to describe a given area in which a drug trafficker had the necessary “concession to run the

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\(^{92}\) Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
narcotics racket”. When a trafficker held a certain plaza, it meant that he was able to bribe authorities so that local and federal police and the military would not disturb their trafficking routes. It also meant that the trafficker who ran the plaza was obligated “to generate money for his patrons, and to lend his intelligence-gathering abilities by fingerling the independent operators-those drug traffickers and drug growers who tried to avoid paying the necessary tribute”, meaning that trafficker and the drug capos that controlled them were asked to work as informants for the police to make sure that everyone was operating within the system. This would ensure that the police could go after anyone who was not paying his dues and that enough money was being made so that profits could make it all the way up the chain of command to those responsible for running the scheme. Having these plazas already deeply entrenched along the U.S./Mexico border inherently gives cartels the logistical networks and technological resources they need to overcome the mounting challenges to human smuggling created by militarization.

Furthermore, there is an added economic advantage that the cartels gain over other operators by entering into the market for human smuggling in certain areas. Unlike a load of cocaine being smuggled across the border that, when lost, cannot be recouped, a person who fails crossing the first time may hire the same coyote multiple times in order to complete the journey successfully. In his interviews completed with returned migrants as part of the Mexican Migrant Project, Cornelius A. Wayne found that 92% of migrants “eventually succeeded on the same trip to the border, without returning to their place of

94 Terrence E. Poppa, Druglord, 40.
95 Ibid., 40.
origin. So even when a first time crossing proves to be unsuccessful, smugglers still stand to make a future profit if the migrants they failed to bring over decide to make the trip again. Agent Ramiro Cordero goes into why, in certain areas of the border region, human smuggling has an economic and legal advantage over other activities that traditionally lie within cartel domain:

> It is the cargo that you carry really. We have to backtrack a little here. Years back I caught you coming across, slap you on the hand, process you, and send you back. I never really lose you. You keep on trying and trying. I guarantee you three tries, you pay me and you never lose me. If I catch a load of dope, they lost it. They aren’t going to make anything out of it. It is a little more lucrative, in some areas, to do migrant smuggling than narcotic smuggling. It also is less penalized. Alien smuggling, a couple of years, but drug smuggling that’s five to ten years. It [alien smuggling] is a little bit more profitable maybe, a little more difficult though.

This comparative advantage is just one of the benefits that cartels had upon deciding to enter into the market as service providers as opposed to just toll collectors.

**How have the cartels become involved?**

Now that this chapter has discussed why the cartels have become involved in human smuggling, it will address the specifics of how they have involved themselves in the market. I argue that cartels have inserted themselves into the market in three ways: as rent collectors, as operators, and as bandits stealing human cargo from independent operators who attempt to carry on business outside of their domain.

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The first role taken on by the cartels is fixed rent collectors. Cartels have moved beyond just gathering tolls from those that choose to operate within their plazas to dictating the terms by which they smuggle. Agent Ramiro Cordero elaborates on the dynamics of this role:

Well of course, the cartels have a lot more power than the alien smugglers, so they come and they control. They will actually tell them that, hey, if you want to operate in my section, you will have to pay me. You can only operate between the hours of 8am and 8pm, and this is the only thing you can bring through. I don’t want you pushing a lot of traffic here because we have been very successful pushing narcotics through this section, and we don’t want to call attention to ourselves. So it’s a business. You have to look at these criminal organizations like a business because they are looking for money. 98

Becoming rent collectors in low density crossing areas allows cartels to make a profit when entering into the market as operators in their own right would not be in their economic interest. This heightened role has also come at a steep price for coyotes. *Insight Crime* reporter Steven Dudley, in his 2012 investigative report published in conjunction with the Migration Policy Institute, details how the dynamic between rent-collector and coyote plays out as well as how much this transaction is costing coyotes:

According to one source who is familiar with this type of arrangement, coyotes pay $30,000 weekly to the Zetas who assure safe passage for a specific number of migrants that cross through their territory during that week. Another coyote told one investigator that he paid $500 per head as soon as he had arrived in a determined zone (in this case, the city of Monterrey, Nuevo León) where he knew large criminal groups had control. 99

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This role, as evidenced by the investigate work done by Steven Dudley, is a major contributor to the increased price associated with smuggling. As this role expands, especially in areas where there has been an uptake in crossings such as the Valley of Texas, cartels stand to make a massive amount of money from the market for human smuggling.

Their second role, as operators in their own right, is highly contentious. The controversy surrounding this role stems from whether or not experts truly believe that cartels stand to profit from entering into the market as operators. When they become operators in their own right, cartels must not only assume the additional overhead costs associated with human smuggling, but also assume the legal and financial risks that were formerly assumed by the smuggling rings from which they collected rent. Anthropologist Howard Campbell helps to counter this idea by highlighting how the scale of smuggling in a particular area can effect whether the cartels decide to become involved as operators:

There are places like Altar, Sonora or Palomas, Chihuahua and places along the Gulf where there are staging sites where hundreds of thousands of people go on the path of the immigrant trail up from southern Mexico and Central America. Everyone would be channeled through those towns. Juarez was one of them, and there is enough of a critical mass of undocumented people that it would be worth an investment. But, if you are talking about helter-skelter five people today, three people tomorrow, is it...

dólares Americanos semanalmente a los Zetas, quienes aseguran un paso seguro por un número específico de migrantes que Cruzan su territorio durante una semana. Otro coyote dijo a un investigador que pagó 500 dólares Americanos por cabeza, una vez que había llegado a una zona determinada (en este caso, la ciudad de Monterrey, Nuevo León) donde él sabía que grandes grupos criminales tenían el control.”
really worth it as opposed to drug smuggling which is more predictable?\textsuperscript{100}

Campbell acknowledges the idea put forward by border scholars that contest their involvement. He agrees that these cartels have no interest in the kind of small-scale unorganized human smuggling because simply put, drug smuggling would be far more lucrative for them. But he also recognizes that large-scale smuggling does in fact provide enough of an incentive for cartels to become involved in the market. Ruben Garcia is among those who agree that their involvement is grounded in the financial viability of the market. He holds that they “have become involved because there is just so much money in smuggling, they become in involved as operators in their own right, but also they have become involved in stealing of the cargo”.\textsuperscript{101} Ruben not only reaffirms that the market presents enough of an economic opportunity to draw in the cartels, but also highlights the third role that cartels play in human smuggling.

This third role, which involves hijacking and ransoming large groups of migrants, either along the way or when they reach their stash houses, then bringing them north once their families have paid that ransom, has serious implications for the safety of migrants. It is in this role that cartel involvement becomes deadly and quickly blurs the line between within the market between human smuggling and human trafficking.\textsuperscript{102} Their involvement in this capacity has already led to a number of gruesome fatalities, particularly in the state of Tamaulipas where there has been ongoing conflict between the Zetas and the Gulf Cartel since their separation in 2010. In August of that same year, the Zetas were responsible for massacring 72 migrants who refused to pay their extortion fee.

\textsuperscript{100} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
\textsuperscript{101} Ruben Garcia, interview with author, tape recording, El Paso, January 13, 2014.
\textsuperscript{102} Ray Koslowski, \textit{Global Human Smuggling}, 75.
while they were imprisoned on a ranch in Tamaulipas, only about 100-miles south of the United States border.\textsuperscript{103} This dimension of their involvement makes it even harder for independent operators to carry on within the market, since it not only jeopardizes the safety of the migrants but also the operators that have chosen to take them. Ruben Garcia gives a vivid second hand account of how exactly cartels inject themselves into the market when they assume this role:

There is a woman at Casa Vides right now from Honduras. She met a Salvadoreña on the way, and they came up together. It was a long ride and they were doing this on their own. They made it to Mexicali, and there in Mexicali they met a woman who has a small candy factory that also made piñatas. She gave them work, treated them well, and paid them. They were working for several months and renting an apartment, sending money home to their families, and of course hoping that at some point they could take the next step and cross over. Knowing how dangerous and difficult it is, they decided to work and send money home in the meantime… so eventually they figured out how to take the next step. Except that one-day, these hooded men came with a vehicle and kidnapped her and took her to this house in Mexicali. They asked for her family’s number and for a ransom. She says her family has no money. Three months in a room and continually raped, she got pregnant. One day, because someone heard her crying, this elderly woman gets a wooden lintel and puts it from the ally to the window where this woman was and tells her what happened. The old woman gets a hammer and opens the window. The woman gets out and flees to a church and the priest helps her. You have to imagine the risk that this elderly woman took. The priest helps her get back to the candy factory and tells the women what happened. They said they thought she had crossed over because one day she just disappeared. So she went back to working and did so for x number of months till she saw one of the guys. Then she just crossed. She got picked up by border patrol, had the baby, and so she is with us. So that is the reality of smuggling. That phase of smuggling is not the phase of ‘I’ll pick you up in southern Mexico and bring you up.’ This is the phase where people say, ‘I found you

and I will steal you’, and will inject themselves into this dimension of the smuggling phenomena.\textsuperscript{104}

This woman’s story gives light to the human impact of cartel involvement in an industry that was once built on a foundation of trust and mutual respect. It is stories like this that call into question the moral implications of militarization and show the dangers of continually enabling cartel involvement in human smuggling.

Another dimension of their involvement that this chapter has yet to discuss is how cartels have managed to maintain their place in the market without having the foundation of trust that has traditionally underpinned both the practice and the market. I argue that cartel involvement is sustained, in part, by pure desperation on the part of migrants who seek to cross into the United States. Many border scholars have pointed to the historical importance of trust to the practice as a way to discount cartel involvement. They hold that once trust has been eliminated from the equation, migrants will no longer seek to cross with the aid of a coyote because it will be viewed as too risky. Accordingly, as soon as small-scale operators start being closed out, the market will likely bottom out rather than fall into the hands of the cartels. Migrants hire coyotes under the presumption that they will make the journey north safer and quicker, and they put a lot of stake in the reputation that a smuggler has within the community.\textsuperscript{105} Cartel operators presumably would not have the same kind of established reputation on a community-wide level, both because they are new to the market and because of the rather violent reputation they have gained over the past fifteen years. So not only would migrants not hire coyotes that operated within the nexus of the cartels, but the cartels themselves would never be able to gain a

\textsuperscript{104} Ruben Garcia, interview with author, tape recording, El Paso, January 13, 2014.

\textsuperscript{105} Peter Andreas, \textit{Global Human Smuggling}, 150.
foothold in the market. On the surface, this explanation makes quite a lot of sense to an outside observer. It would explain the record drop of in the number of people attempting to cross, especially among Mexicans, and would tend to show that increased enforcement is in fact having its intended effect.

The rational decision for many migrants, according to this logic, would be to just stay in their home country rather than attempt to cross with a coyote that they may not entirely trust. However, to assume on these grounds that migrants have the luxury to stay within their own country, given rising rates of inequality and violence, particularly in Central America, is shortsighted. Furthermore, this logic rarely works out as neatly as experts might think when it comes time to make the decision to cross. I will never forget the response a Honduran man staying at Annunciation House gave when asked why he decided to risk hiring a coyote and entering without papers in order to get to Los Angeles. To this he responded that there was nothing he wouldn’t do to put food on his children’s table back in Honduras. It didn’t matter if being caught meant he would have to serve out prison time for an outstanding robbery charge. It didn’t matter because his children were starving. This man’s decision, like hundreds before him, was not driven by rationality. Instead, it was driven by blind faith and desperation brought on by a mix of extreme economic deprivation, familial estrangement, and violence. Ironically enough, this man only made it to the nearby city of Las Cruces, New Mexico before being caught with his coyote. Now he faces jail time in a federal prison in Los Angeles for a robbery he committed as a teenager and will be unable to provide for his wife and children.
This story reflects a larger trend in decision-making among migrants studied by anthropologist Wayne A. Cornelius. Cornelius, during the course of his research with the Mexican Migrant Project, he found that:

In theory, potential migrants should be deterred by the additional costs and risks created by the U.S. enforcement strategy, but with expected earnings in the United States often eight to ten times higher than in Mexico, labor market forces and family ties to the United States could offset the heightened risks and costs of clandestine border crossings.\(^{106}\)

Cornelius highlights how other factors such as economic opportunity and familial ties can offset the kind of risks presented by the elimination of trust-based networks surrounding small-scale operators, thus, further undermining the idea that increased risks associated with the disappearance of trust between a coyote and their smuggler would cause the market to collapse.

This logic also falls apart when you take into account the nuanced role that many smugglers play when they take part in a network controlled by cartels. In some cases, smugglers from older generations may seem one and the same with smugglers involved with cartels. Anthropologist Howard Campbell explains this dynamic in the context of social and familial networks having already disappeared:

Well, people still need to cross in Juarez. At that point you have spent thousands already to get to Juarez or Tijuana or wherever. You start asking around and they say you need to talk to El Flaco or Jorge or whomever. You go talk to Jorge who is a twenty year old with a baseball cap on. Jorge is maybe a member of cartel or is dominated by a cartel or has to pay a quota to a gang or something, but the person on the surface doesn’t look any different from the old coyote you used before. So El Flaco and Jorge are part of this network and they are

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pretty much controlled. This network gives coyotes this opportunity to steal migrants’ money and abandon them or kill them.\textsuperscript{107}

For many migrants that choose to use a smuggler, the veneer of trustworthiness may still appear to be there for all intents and purposes because the old and the new coyote don’t look all that different. When it comes down to it, Campbell explains that:

It is ultimately a problem of definition. How do you decide whether someone is a gang member versus a cartel member versus just a drug smuggler or just a coyote when they work in a territory controlled by someone else? A coyote might not consider himself to be a member of a cartel but they can’t operate without the approval of El Flaco or Jorge.\textsuperscript{108}

Although trust is an element of the trade, this is slowly being eliminated. The fact that there is now a serious lack of trust doesn’t necessarily jeopardize the vitality of the market. This is because migrants at times are forced into crossing, regardless of the possible risks, out of dire need or are never really able to discern from the outset whether their coyote is a person they innately shouldn’t trust. Accordingly, the lack of trust makes the crossing riskier, both for migrants and coyote, thereby increasing transactional costs, but rather than having the market collapse, it is made to run less efficiently than before.

\textbf{Who is involved in human smuggling?}

Now that I have addressed the how and the why of cartel involvement, this chapter will tackle the question of who, among Mexico’s many cartels, are the newest

\textsuperscript{107} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.

\textsuperscript{108} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
players in the market for human smuggling. I submit that the Zetas are currently the biggest force in the human smuggling market, though their power is slipping to the likes of the Sinaloa and Juárez Cartels. They control the major routes in Texas used to move both migrants and drugs north into the interior of the United States. The Zetas have spectacular technological know-how as well as unparalleled access to the necessary resources needed to cross a militarized border. This is due to their unique origins as well as to their large network of secondary actors e.g. borders officials and agents that work at their beck and call on both sides of the border.

The Zetas, who originated as a splinter group of the Gulf Cartel, drew their ranks from former members of Mexico’s military elite forces as well as from corrupt law enforcement officials and civilians alike. They primarily act as enforcers, “collecting intelligence, managing logistics, and conducting operations, including transshipment and recruitment”. Former Air Force colonel and counterterrorism expert, Jennifer L. Hesterman, gives insight into what makes the Zetas, above all others, the most technologically advanced cartel operating at the border:

They have specialized training in navigation and operating in all terrains; they have river swimmers, divers, jungle experts, and training in urban warfare. Money from their drug trade and other nefarious activity enables the Zetas to buy top of the line equipment; they have tanks, surface-to-air missiles, PRG’s, night vision equipment, boats, helicopters, and aircraft. They often operate in small-fire teams and use snipers and counter snipers. The Zetas degree of technological advancement and knowledge gained from their military background have made them the driving force in the market for human


\[110\] Ibid., 67-68.

smuggling. They have the pre-requisite skills and capital that will allow them to easily overcome the barriers to the market that have wiped out small-scale independent operators. As it is, the Zetas control almost all routes moving up through Texas. They currently have domain over the most coveted smuggling highway, which runs north to Dallas and through a number of major cities, Interstate 35. The Zetas now charge a 10% commission for all smugglers that use I-35 along their plazas and pipelines.

The magnitude and impact of their involvement in the market cannot be understated. Alfredo Corchado notes how Zeta involvement has impacted the dynamic of the market and explains what factors of their involvement makes their behavior so unprecedented:

> Brutality, I mean their brutality. The Zetas really changed the whole dynamic along the border. The other cartels didn’t really care; they had their own industry. But the Zetas didn’t have ties to Colombia for drugs, so they had to do other things and branch out, whether that was human smuggling, kidnapping, extortions, or stealing from pipelines.

The Zetas strategically use violence as a way to both assert their newfound control over the most lucrative and highly contested plazas along the border and to project an image of ruthlessness with the intent of demoralizing all those who potentially stand in their way. Accordingly, the Zetas take the same violent approach to maintaining control over the market for human smuggling as they would with any other enterprise. They control the highest traffic smuggling corridors in Tamaulipas that run from Central America to the United States. Accordingly their involvement has been the root cause of all violent

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113 Ibid., 145.
atrocities, like those mentioned earlier in the chapter, committed against migrants in the area.\textsuperscript{115} These atrocities will continue to occur as long as operators that treat migrants like cargo as opposed to human beings maintain control over the market. Some U.S. law enforcement officials though contend that the power of the Zetas is slipping, both due to “the group’s own divisions and possible inroads from the larger Sinaloa cartel.”\textsuperscript{116} This loss of control is almost more disquieting in terms of overall levels of violence at the border and within the market for human smuggling. It is power vacuums like these that provoke the kind of intense internecine conflict between cartels that lead to an outpouring of violence like that seen in Ciudad Juárez beginning in 2008.

**Problems with the Causal Model**

The model, though seemingly complete in terms of its ability to explain the how and the who of cartel involvement, cannot fully explain why cartel involvement has grown when the number of migrants attempting to cross has turned into a slow trickle. As of 2012, there has been a zero net migration rate at the southern border, so if cartels were rational actors they would leave the market because their potential returns are diminishing.\textsuperscript{117} This reasoning is the primary rationale used by border scholars that believe claims of cartel involvement are inflated and overblown, and the causal chain I have provided can only partially discredit that reasoning. Although I can account for the fact that migrants will continue to sustain the market for human smuggling even when

\textsuperscript{115} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
\textsuperscript{117} Jeffrey S. Passel, D’Vera Cohn, and Ana Gonzalez-Barrera, “Net Migration From Mexico Falls to Zero-and Perhaps Less,” (Pew Hispanic Center, 2012), 1.
cartels become involved, I cannot explain why cartels choose to stay when the overall number of people of people deciding to cross has declined to the point where there is a zero net immigration rate. Based on the logic introduced by this chapter’s theoretical model, cartels, when faced with such a poor showing of migrants, would decide to exit the market as it would fail to be in their best interest to stay. There continued involvement in this case would be irrational. This is where my second alternate explanation comes into play to discredit the idea that cartel presence in the market is irrational. This explanation shows that their involvement is rational, given that their primary goal in entering into the market could very well be to create a monopoly of illegal business in a specific territory or plaza. Accordingly, the rest of this chapter will delve into an alternate explanation in order to dispel the notion that cartels are decidedly not involved in the market as operators in their own right.

**Human Smuggling and Cartel Monopolies**

The same fundamental shifts in border enforcement that greatly affected the dynamics of human smuggling were occurring at the same time as major shifts within Mexico’s drug cartel federation. These shifts would create the optimal conditions for cartel involvement in human smuggling. A rupture within Mexico’s cartel federation created intense internecine conflict over territorial control between its various members.

The federation, which was established by Miguel Angel Felix Gallardo in the early 1980s, contained violence between Mexico’s various cartels by highly regulating territorial competition over the country’s most lucrative drug plazas. Felix Gallardo, who was the reigning drug capo in Mexico from 1978 onwards, partitioned out his territory so
that each of his most loyal followers was granted supreme authority within a given plaza that lay in his domain. In practice, Félix Gallardo was running a holdings company “comprised of small corporations and regional commands that controlled trafficking and had institutional protection”. This horizontal approach to conducting business, predicated on the division of territorial control over trafficking routs, gave capos more mobility and allowed them to depart from the old cacique-governor model whereby smugglers were more tightly controlled by local political elite.

Félix Gallardo’s business model helped give rise to “a cartel federation of sort-the only that has existed in Mexico-that allowed him to run the trade, without major difficulty, during various decades”. The federation though would soon fall apart after Felix Gallardo’s arrest in 1989. Those that were set to take over the reins of the federation instead choose to use its collapse as a way to grab power from their rivals, creating conflict between the country’s various cartels. That conflict provided fertile ground for a new generation of cartels, cartels which would later need to diversify in order to compete with older members from the former federation. Accordingly, it is in this generation that we see cartel involvement in human smuggling.

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119 Ricardo Ravelo, *Los Capos*, 87-88: “Félix Gallardo creó a su alrededor pequeños corporativos y liderazgos regionales que controlaban el tráfico y tenían protección institucional.”
120 Ibid., 88 translation by author: “...era fácilmente vulnerable al derribarse las murallas protectoras.”
121 Ibid.,87 translation by author: “una especie de federación de narcotraficantes-la única que ha existido en México- que le permitió operar el negocio, sin mayores sobresaltos, durante varios lustros.”
While the federation was still fully functional, cartels did not need to involve themselves in human smuggling because the market for illegal drugs was so lucrative. During the height of the cocaine boom during 1980s, the going price for a single gram was upwards of $150.\textsuperscript{123} The sale of cocaine alone during this time funneled an astronomical amount of money into the hands of Mexico’s cartels. Furthermore, relatively low levels of violence characterized the old guard era of the cartels because competing trafficking groups were all working under the same overarching cartel federation controlled by Félix Gallardo. If one cartel needed to ship their product through the territory of another competing cartel, they would only need to pay off the capo that controlled the particular area rather than resort to armed conflict.\textsuperscript{124} In fact, while he still controlled the majority of the illegal drug trade in Mexico, Félix Gallardo generally discouraged the use of violence except as a last resort in extraordinary circumstances.\textsuperscript{125}

The dynamic between cartels and human smugglers was similar to that between cartels and independently operated drug traffickers during the height of the cocaine boom. Anthropologist Howard Campbell recounts how this dynamic played out:

You had cartels back then, but they didn’t monopolize every bit of drug trafficking in their area. They would run their business, and if you messed with their business, they would be violent with you. But they would let independent operators work because they made tons of money anyway.\textsuperscript{126}

This dynamic would disappear when the order provided by the constraints of the federation, which allowed them to co-exist and operate in relative peace, disintegrated.

\textsuperscript{123} Ibid., 62.
\textsuperscript{125} Ricardo Ravelo, Los Capos, 91.
\textsuperscript{126} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
Nowhere, explains Campbell, was that disappearance felt harder then in Ciudad Juárez, which became the epicenter of the ensuing drug war that broke out during this time:

What happened was that order broke down completely in Juarez. There was this vicious war between these two cartels, and there were fights within the police for control of these illegal businesses. These groups moved essentially from being strictly trafficking groups…into all manner of illegal business. Extortion, robbery, kidnapping, and human smuggling. So I think there is this attempt to say, hey, we control the Valle de Juarez, almost like a government occupying a part of Sudan or Somalia as an illegal non-state authority. This is practically what you have today in the Valle de Juarez.\textsuperscript{127}

Once the order that allowed them to co-exist and operate in relative peace disintegrated, Mexico’s drug cartels needed to find a way to reassert their power and maintain control over the most lucrative drug plazas. This is where of a cartel monopoly of all illegal business comes into play. For the cartels, gaining control over any type of business that has a modicum of profitability, from hamburger stands to human smuggling rings, acts as a way to maintain and assert a monopoly on power and, in turn, force within their territory. This is the only way they could hope to survive and expand in such a fractured and competitive environment. Campbell once again gives insight into how this new dynamic has evolved in Ciudad Juárez:

I think there has been this tendency towards monopoly control of illegal businesses with the advent of the cartel wars and the breakdown of Mexican governmental control and official networks of corruption.\textsuperscript{128}

Here, Campbell speaks to the fact that the decision to enter into migrant smuggling was neither spontaneous nor based on economic rational choice. Cartels were set on maintaining control over all facets of business, both legal and illegal, as a way to

\textsuperscript{127} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
\textsuperscript{128} Howard Campbell, interview with author, tape recording, El Paso, January 28, 2014.
demonstrate their power and assert their territorial control after the collapse of the cartel federation. Thus, we see the creation of a cartel monopoly of illegal business. This power grabbing process inevitably included gaining a foothold over the market for human smuggling, but this was not a deliberate act on the part of the cartels. Howard Campbell describes why this is so:

It is not that they are deliberately going after human smuggling. They want to take over banks or whatever is there that is an economic resource…and they have done it…It wasn’t necessarily that they just woke up one day and said they wanted to take over immigrant smuggling. They were in this war over control of the drug trade and this control over a particular neighborhood and this control over a particular city or this part of the country. Once people gain control of it, they can do whatever they want.129

The fact that this proved to be a lucrative market may certainly have encouraged its incorporation into the fold, but ultimately it was the breakdown of order within the federation that spurred the cartels to enter into human smuggling.

The idea that cartels entered into the market as a way to maintain a monopoly over all forms of illegal business helps to fill some of the gaps left by this paper’s causal model. Using this logic, it would not matter whether, at any given point in time, there is only a trickle of people making the journey north. What would matter is that the cartels are the ones controlling that trickle. Human smuggling isn’t their endgame, rather for the cartels, it is a means to an end. Accordingly, this alternate explanation gives light to why, in times where it wouldn't make sense for the cartels to remain in the market based on the model supported by this thesis, they continued to expand and intensify their presence.

Conclusion

Mexico’s cartels are without a doubt the newest players in the market for human smuggling at the southwest border. Militarization has incentivized their involvement by creating a lucrative niche within the market the demands the type of tactical skills and resource networks that only the cartels have. It has also greatly detracted from the level of trust that was once present between a migrant and his coyote by forcing the migrant to hire a smuggler on word-of-mouth alone. Cartel involvement within this context is therefore sustained, despite the complete lack of trust that it denotes, because of the severe economic deprivation and instability that many migrants face within their home countries. Accordingly, the cartels have become rent collectors, hijackers, and operators in their own right. Their involvement is fraught with human rights and security issues, especially given the violent nature of the current cartel group that maintains steadfast control over the market. Cartel involvement can also be explained through different means. Some see their involvement as the result of internecine war between Mexico’s cartels. This war forces their hand in creating a monopoly of all illegal business in order to assert their territorial control. Human smuggling, according to this explanation, would therefore naturally be incorporated into the fold of the cartels. Although both explanations may differ in the “why” of cartel involvement, they both lead to the same frightening outcome: cartel involvement in the market for human smuggling.
CONCLUSION

What will become of the market for human smuggling if immigration reforms that stipulate increased militarization at the southern border are passed? More importantly, what will happen to the migrants that still choose to make the journey north? As shown in this thesis, the market will continue to grow and migrants will be forced into the hands of coyotes that operate under the guise of Mexico’s most powerful drug cartels. As long as the United States insists on pursuing increased enforcement as a way to stem the flow of illegal immigration while simultaneously failing to address both the structural inadequacies in its current immigration system and the domestic demand for undocumented labor, migrants will continue to enter into the country with the aid of smugglers. This is the reality of life along the U.S./Mexico border. Furthermore, the demand for smugglers only stands to grow given the current mass exodus of Central Americans to the United States.

Increased enforcement has never truly stopped migrants from entering into the country, yet the United States continues to pursue this ill-fated and futile policy approach to “gain control over our borders”. The federal government increase the number of agents stationed at ports of entry, uses drones to survey crossings, and augments the border fence to keep migrants out, but never really stops to think of what this is doing to the communities on both sides of the border. What message is our country sending by allowing migrants to die on U.S. soil? What image are we projecting by promoting a policy of deterrence that forces migrants into the hands of smugglers?

Some may say that a migrant’s decision to use a coyote is beyond our country’s control, and that the dangers of crossing are inherently assumed a migrant when he or she
decides to enter the country illegally. Although entering into the United States without papers may in fact be a crime, there is a larger moral question at stake when discussing our country’s growing part in this phenomenon than simply whether illegal immigration is right or wrong. All of the 72 migrants massacred in Tamaulipas during August of 2012 were headed to the United States. They neither had the documents nor the means to enter into the United States legally when they started their journey, which made them prime targets for the Zetas. When they refused to comply with this cartel, they were massacred and their bodies were mutilated.

How much responsibility does our country hold for the atrocities committed in the state of Tamaulipas, and how much responsibility does it hold for the countless more that have occurred since? This thesis demonstrates that the United States is very much liable for the violence that has been manifesting itself within the market for human smuggling because its enforcement strategy centered on increased militarization has inadvertently shifted control over the majority of large scale smuggling operations to Mexico’s cartels. In light of this, it is paramount that this country re-thinks its current immigration enforcement-border security strategy to prevent further atrocities from occurring. The human cost of our current policy has become too high to do otherwise.
APPENDIX

A. Interview Questions Enforcement Agents, Border Advocates, and Legal Specialists

Interview Question Set for an CBP Officer:

-Could you explain the work you do for CBP?
-How long have you worked for CBP?
-Where do you fall within CBP’s chain of command?
-What, if any, work did you do prior to becoming in CBP officer?
 -How, if at all, have you been influenced by that experience?
-How long have you worked at the U.S.-Mexico border?
 -Are you very familiar with the city of El Paso?
 -Are you familiar with any other regions are along the border?
-What does a typical day look like for you?
-Has the nature of your job ever changed?
 -How exactly has it changed and why?
-How, if at all, have you seen CBP’s approach to enforcement shift over time?
 -What do you believe has motivated those shifts?
-How effective is CBP’s current approach towards enforcement?
-What are some of the benefits you have seen of its current approach? What are some drawbacks?
-Has the issue of human smuggling been discussed at all during your time as an CBP officer?
 -In what context has it come up?
 -How often is human smuggling detected in your line of work?
-What do you know about the human smuggling industry?
 -What do you know about how it works?
 -Who do you believe runs the industry?
 -Has this group always run the industry?
 -What kind of difference has this made in terms of border security?
-What is CBP currently doing to stem the flow of human smuggling?
-What, if any, signs of cartel involvement have you seen within the industry?
 -Which cartels?
 -What can explain this phenomenon?
-What risks does their involvement present to national security, both in the United States and Mexico?
-How, if at all, do you see that risk evolving?
Interview Question Set for Border Advocates:

- Could you explain the nature of your work?
- Could you tell me more about your organization?
- What brought you to the organization?
- How long have you worked for the organization?
- What motivates your work for the organization?
- Could you tell me about your background in the field of advocacy?
- Did you grow up in El Paso?
- How, if at all, do you interact with the undocumented community within the organization?
  - What is the nature of those interactions?
  - Are they direct or indirect?
  - What, if any, legal implications arise from those interactions?
  - Do you actively avoid those implications, or do you embrace them?
  - Do you interact with the undocumented community in your capacity as an advocate outside of work?
- What, if any, knowledge do you have of human smuggling?
- Has your organization come up with the topic of human smuggling?
  - If so, in what ways?
- How has your organization approached this topic?
- How pressing is this topic among the issues that your organization deals with?
- What do you see as the root of human smuggling?
  - What, if any, factors do you believe play into the human smuggling industry?
- What role do human smugglers play within the migrant community?
  - Has that role changed at all over the course of the last ten years?
- What risks do coyotes and migrants assume by taking part in the smuggling industry?
  - How have those risks evolved over time?
- What do you believe motivates a migrant’s choice to hire a coyote?
  - Which migrants are hiring coyotes?
  - What, if any, benefits are there to hiring a coyote?
- Do you know what the going price for a coyote currently is?
  - What factors into that price?
- What do you believe motivates a coyote’s choice to enter into the human smuggling industry?
- Who decides to become a coyote?
- Who controls the coyotes?
  - How are coyote rings structured?
- What, if any, role do cartels play within the human smuggling industry?
  - Which cartels are taking part in the industry?
Interview Question Set for Legal Specialists:

- Could you tell me about your legal background?
- What experience do you have in immigration law?
- Have you always worked in the border region?
- What is your area of expertise within the field of immigration?
- How do you view the work you do within the field?
  - Do you see yourself as an advocate?
- What are the legal consequences of crossing without papers?
  - How, if at all, have these consequences evolved over time?
- What are the legal consequences of being caught twice without papers?
- Do these consequences vary in different regions along the border?
- How affective are they as a legal deterrent?
- What are the legal consequences associated with human smuggling?
  - Does this differ at all from human trafficking?
  - How, if at all, have those consequences evolved?
- Do these consequences vary in different regions along the border?
- How affective are they as a legal deterrent?
- How does legislation on the federal level affect your practice?
  - How does it affect sentencing?
  - What, if any, programs have had the largest impact on sentencing?
- How, if at all, have these programs affected the field of immigration law?
- Who controls the coyotes?
  - How are coyote rings structured?
- What, if any, role do cartels play within the human smuggling industry?
  - Which cartels are taking part in the industry?
  - How much of the industry do they control?
- What are the possible ramifications of their involvement in the industry from a human rights perspective?
  - How much of the industry do they control?
  - What are the possible ramifications of their involvement in the industry from a human rights perspective?
GLOSSARY


Cartel. Technical term used to describe organized drug trafficking groups. Traditionally, cartels are defined as highly organized groups within an industry that partake in price fixing.

Cottage Industry. Commonly used term for a small scale, loosely organized industry usually run from home.

Coyote. Term used in Mexico to describe a human smuggler hired by a migrant to take them across the border.

Department of Homeland Security (DHS). Department created in 2003 tasked with preventing and responding to domestic emergencies. Within the Department of Homeland Security, Immigration and Customs Enforcement (ICE) and Citizenship and Immigration Services (USCIS) are responsible for matters previously under the domain of Immigration and Naturalization Services (INS).

Fixed Rent. Payment for a tenancy in a fixed amount over a period of time.

Immigration Naturalization Services (INS). Federal agency that was in charge of inspecting all persons upon arrival into the United States, preventing illegal entry, and adjudicating immigration matters related to naturalization up until 2003 when it was folded into the Department of Homeland Security (DHS).

Running Records. Data records that are constantly updated, cover an extended period of time, and, in this case, can be publicly accessed. An example of a running record is the data records compiled and released every year since the 1923 by Border Patrol on their apprehension rates.

Snowball Sampling Technique. Interview technique whereby interviewees recommend other qualified interviewees for the purpose of the study.

“Zero tolerance” enforcement zone. Areas along the border where unauthorized immigrants apprehended by Border Patrol will without fail be prosecuted in federal court. Historically, enforcement officers have been given the option to immediately deport first time crossers or have them go through the civil immigration court system. Zero tolerance zones take away these kinds of discretionary enforcement powers.
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