Child Migration from Central America to the United States: Policy Opportunities Amid the Politics of Crisis

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The child-migrant crisis of 2014 arose from longstanding, mostly unilateral policies on the part of the United States which have sought to limit or halt the flow of people and illegal drugs northward across the border. An inconsistent but largely restrictive and sometimes punitive policy toward migrants from the south, as well as a misplaced emphasis on fighting illegal drugs at their foreign source, have satisfied political demands in the U.S., while contributing to social disruption and suffering in Latin America.

The U.S. is the largest consumer of illicit drugs in the world.[1] Some scholars point to Calvinist doctrines of the earliest European settlers, who prized a spiritual purity through physical restraint, as shaping the American political psyche in regard to mind-altering drugs. Studies conducted by psychologist Eric Luis Uhlmann reveal that Americans are, on average, motivated to work harder when primed with salvation-related words; they also condemn bodily pleasures, and show "marked prejudice against racial minorities and the poor."[2] And Alexis de Toqueville, as early as early as the 1830s, noted a capitalistic culture of consumerism and individualism.[3] Americans' yearning both for a Puritan-influenced system of law and order and for freedom to consume may have helped foster a society in which high demand for illegal drugs elicits punitive policies both at home and abroad.

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[1] "Supply and Demand." *Drug Policy Alliance*. Web.

[2] Hutson, Matthew. "Still Puritan After All These Years." *The New York Times*. The New York Times, 04 Aug. 2012. Web.

[3] Tocqueville, Alexis De. *Democracy in America*. Ed. Henry Reeve. London: Saunders and Otley, 1835. Print.

U.S. political culture is similarly divided in regard to immigrant labor. Business — in particular, agriculture and hospitality — depends on the cheap labor of undocumented immigrants. According to the Pew Research Center Hispanic Trends Project, undocumented immigrants comprise 5.2% of the U.S. labor force. Specifically, the U.S. Department of Agriculture reports that roughly half of the workers hired in U.S. agriculture are undocumented.[4] Yet immigrants are often portrayed in the media and in political speech as working in rightfully American jobs.[5]

At the fringes of American political debate, and in the broader culture, fear of illegal migrants and of illegal drugs sometimes merge, as newcomers are blamed for the spread of drugs and for luring youth to try drugs. As explained by Douglas Kinder, "advocates for drug control had little success until they encouraged an anti-drug hysteria with fear-provoking accounts of ethnic minorities misusing narcotics."[6] This allowed them to assert that the drug problem was "foreign — in both use as well as source" and tap "into deep nativistic undercurrents of the nation's tradition [that] justified punitive legislation."[7]

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[4] Goodman, H. A. "Illegal Immigrants Benefit the U.S. Economy." *The Hill*. The Hill, 23 Apr. 2014. Web.

[5] In an essay for *The Atlantic,* David Frum argues that *all* of the job growth since the 2008 recession has benefitted immigrants rather than native-born U.S. citizens. [Frum, David. "Does Immigration Harm Working Americans?" *The Atlantic.* The Atlantic, 5 Jan. 2015. Web.] Donald Trump has made statements to the American Conservative Union, warning them against amnesty and that immigrants take American jobs. [Blake, Aaron. "Trump Warns GOP on Immigration: 'They're Taking Your Jobs'." *Washington Post.* The Washington Post, 6 Mar. 2014. Web.] The Federation for American Immigration Reform has published a table outlining the estimated number of jobs "taken" or "encumbered" by undocumented immigrants in each state. ["Illegal Aliens Taking U.S. Jobs." *Federation for American Immigration Reform.* Federation for American Immigration Reform, Mar. 2013. Web.]

[6] Kinder, Douglas Clark. *Nativism, Cultural Conflict, Drug Control: United States and Latin American Antinarcotics Diplomacy through 1965*. From *The Latin American Narcotics Trade and U.S. National Security.* ed. Donald J. Mabry. Greenwood Press Publishers. 1989. p. 12.

[7] Kinder, Douglas Clark. *Nativism, Cultural Conflict, Drug Control: United States and Latin American Antinarcotics Diplomacy through 1965*. p. 12.

The U.S. has insufficiently faced the consequences of its policies regarding both immigration and what came to be known, in 1969, as the Drug War. Instead of funding programs that might have succeeded in decreasing U.S. demand both for cheap labor and for illicit drugs, many American politicians have focused on controlling supply.[8] America's aggressive, largely unilateral response to regional issues of labor migration and illicit drugs has roots in the Cold War following World War II. Some of the same weapons that help destabilize Central America arrived during the Cold War from the United States. These arms are durable goods. Along with guns, the administrations of Ronald Reagan and George H.W. Bush sent 300,000 hand grenades to friendly regimes in Central America to fight leftist groups. It is now those same grenades that are being used by transnational gangs in the region and in Mexico.[9] Just as the threat of Communists once justified U.S. intervention, drug smugglers and migrants have come to justify more recent armed responses, whether at the border or farther south.

In a lecture in 1963, Richard Hofstadter traced the "Paranoid Style in American Politics"[10] to a sense of right-wing dispossession arising from the era of President Franklin Delano Roosevelt's massive New Deal programs. That sense of dispossession, Hofstadter

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[8] In 2012, the members of the U.S. Senate Caucus on International Narcotics Control, Chairwoman Dianne Feinstein, Co-Chairman Charles Grassley, Charles Schumer, Tom Udall, Sheldon Whitehouse, James Risch, and John Cornyn, released a report finding that offenders who completed programs through drug courts — problem solving courts that operate under a specialized model in which the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service, and treatment communities work together to help non-violent offenders find restoration in recovery and become productive citizens — were 12% to 58% less likely to be re-arrested. [Government Accountability Office, "Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts," December 2011. and Feinstein, Dianne, Charles Grassley, Charles Schumer, Tom Udall, Sheldon Whitehouse, James E. Risch, and John Cornyn. *Reducing the U.S. Demand for Illegal Drugs.* Rep. Washington, DC: One Hundred Twelfth Congress Second Session, 2012. Print. United States Senate Caucus on International Narcotics Control.]

[9] Miroff, Nick, and William Booth. "Mexican Drug Cartels' Newest Weapon: Cold War-Era Grenades Made in the U.S." *The Washington Post.* The Washington Post, 17 Jan. 2010. Web.

[10] Hofstadter's lecture was published as an essay in Harper's Magazine in November of 1964.

argued, meshed with fears of Soviet Communist strength in the wake of World War II. An apocalyptic worldview led to an all-or-nothing approach to the "enemy," who must be "totally eliminated…at least from the theater of operations to which the paranoid directs his attention."[11] Hofstadter likewise flagged ethnic conflict in the American experience as a "major factor" fueling "militant and suspicious minds…."[12] As the Cold War faded, foreign drug smugglers and migrants took on some of the stigmas that Communists had once carried.

As a weak, poor, and chaotic region, Central America has provided the U.S. with illicit drugs, cheap labor, and a foreign enemy in its near abroad. The region also provides a cautionary tale, an example of what the U.S. could lose if standards of law and order slipped. And as a supplier or a conduit of drugs, Central America has elicited continuing U.S. military intervention. The vast majority of child immigrants to the U.S. in the summer of 2014 were from Central America. This paper will focus largely on that region, although U.S. drug and immigration policies have had a significant effect on all of the countries between the Rio Grande and the Equator. For purposes of context, I will to some extent, include U.S. relations with Colombia and Mexico.

Debates on immigration and drugs in the U.S. engender a particular strain of identity politics. Citizenship not only affords benefits and demands responsibilities, it also delineates those who are full-fledged members of a society and those who are excluded. Illegal immigrants live in a netherworld, needed — even appreciated — at work, but often feared or despised outside the workplace. Associating those who are already outsiders — immigrants, and in

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[11] Hofstadter, Richard. "The Paranoid Style in American Politics." *Harpers Magazine.* Harpers Magazine, Nov. 1964. Web. p. 8.

[12] Hofstadter, Richard. "The Paranoid Style in American Politics." p. 11.

particular, illegal immigrants — with a culture of illegal drugs has deepened the stigma. In 2006, CNN anchor Lou Dobbs commented that "Not only are millions of illegal aliens entering the United States each year across that border, but so are illegal drugs. More cocaine, heroin, methamphetamine, and marijuana flood across the Mexican border than from any other place, more than three decades into the war on drugs… If it is necessary to send 20,000 to 30,000 National Guard troops to the border with Mexico to preserve our national sovereignty and protect the American people from rampant drug trafficking, illegal immigration and the threat of terrorists, then I cannot imagine why this president and this Congress would hesitate to do so."[13] And in 2010, Jan Brewer, the former governor of Arizona, asserted that most illegal immigrants were "drug mules."[14] (T.J. Bonner of the National Border Patrol Council quickly responded that this was "clearly not the case,"[15] but Brewer's notion reflected a fairly common sentiment in some communities. When asked about immigration in a 2009 Rasmussen poll of 1,000 likely voters, 79% said that the military should be used along the US-Mexico border to protect Americans from drug-related violence and 82% were concerned that Mexican drug violence would spread to the US.[16]) Furthermore, news coverage was twice as likely, in 2005, to stress the *costs* of immigration as it was ten years earlier.[17]

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[13] Rumbaut, Ruben G., Roberto G. Gonzales, Golnaz Komaie, and Charlie V. Morgan. "Debunking the Myth of Immigrant Criminality: Imprisonment Among First- and Second-Generation Young Men." *Migration Policy Institute*. Migration Policy Institute, 1 Jan. 2006. Web.

[14] "Arizona's Brewer: Most Illegal Immigrants Are 'Drug Mules'" *CNN*. Cable News Network, 27 June 2010. Web.

[15] "Arizona's Brewer: Most Illegal Immigrants Are 'Drug Mules'" *CNN*.

[16] "Public Opinion Polls on Immigration." *Federation for American Immigration Reform.* Federation for American Immigration Reform, Web.

[17] Pande, Kamla. "The Effect of September 11, 2001 on Media Discourse and Public Opinion toward Immigration." Senior honors thesis, University of Michigan. 2006. Web.

A hydraulic metaphor created by anti-immigration activists has made its way into mainstream discourse. Even "objective" news organizations refer to the *flow* of immigration, and increasing *waves* of individuals coming across the border. In 2009, NBC published a slideshow entitled "Narco Culture Permeates Mexico, Leaks Across Border."[18] Politicians have likewise pointed to *leaks* at the border. In a commentary published on WorldNetDaily, Former Colorado Representative Tom Tancredo equated addressing the U.S. immigration situation to fixing a "leaking faucet, first turn off the water."[19] Whether or not such mechanical language is intended to dehumanize, it deflects focus from individuals whose stories might raise humanitarian concerns.

Political scientists describe *intermestic* issues as ones that intersect the international and domestic domains. U.S. policies on illegal drugs and on immigration, while inherently intermestic, have been driven more by domestic political imperatives or strategies than by international cooperation. The U.S. tends to legislate unilaterally where illegal drugs and immigration are concerned. The government of Mexico, for example, has never been invited to the table to discuss a viable, comprehensive policy either on immigration or drug trafficking, even though Mexico has historically been the largest source of undocumented immigrants arriving in the United States and remains the main route for illegal substance smuggling. In the early years of George W. Bush's presidency, he routinely met with Mexican President Vicente Fox. In each of their first few months in office, they met three times, and Fox was Bush's first

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[18] "Narco Culture Permeates Mexico, Leaks Across Border." *NBC News.* NBC News, Web.

[19] Tancredo, Tom. "Will GOP Blow It Again on Immigration Reform?" *WND*. WND, 7 Nov. 2014. Web.

state dinner guest.[20] But after the terrorist attacks on September 11, 2001, Bush rejected Fox's push for comprehensive immigration reform, citing instead a need for increased border security.[21] Domestic fears of outsiders — even though the 9-11 attackers were of another region of the world and another religion — took precedence.

During the summer of 2014, a crisis at the border focused attention suddenly on the human consequences of problematic policies and neglected regional needs. More than 68,000 unaccompanied minors from El Salvador, Guatemala, and Honduras appeared at the southern U.S. border, fleeing violence. The White House announced that President Barrack Obama would delay any executive action on immigration, pending resolution of the children's immediate need for housing, food, legal aid, travel support, and, by summer's end, schooling. But the crisis emboldened both sides of the immigration debate, encouraging advocates for comprehensive reform, as well as those for new restrictions, to rally their supporters. The consequences of regional policies regarding illegal drugs and immigration, I will argue, had come home to U.S. soil. But whether the executive branch, Congress, and the Courts, will interpret the crisis in that light and move legislation and case law away from fear and toward a humane and rational approach to labor migration, refugees, and illegal drugs, remains to be seen.

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[20] Corchado, Alfredo. "Once Solid, the George W. Bush - Vicente Fox Partnership Faded after 9/11." *Dallas News*. Mexico Bureau, 26 Apr. 2013. Web. Immigration affairs point person for the Dallas Morning News, Juan Hernandez, described Bush and Fox as dancing the closest thing to a Texas two-step.

[21] Corchado, Alfredo. "Once Solid, the George W. Bush - Vicente Fox Partnership Faded after 9/11."

Before this summer, Mexicans came to the U.S. in greater numbers than any other nationality. Early laws regarding both immigration and drug smuggling focused on them. The 1910 Mexican revolution displaced many people, and they came to the U.S. seeking jobs or safe haven. Vast portions of the American populace feared immigrants and associated them with drugs. Less than twenty years later, as America sank into the Great Depression, immigrants were blamed, at least in part, for massive unemployment. As the economy shrank, in any case, their labor was not in demand. Between 1929 and 1935, U.S. authorities deported roughly half a million Latin American immigrants.[22]

At the same time, a flurry of research linked brown immigrants to marijuana use, violent crime, and socially deviant behavior. By 1931, 29 states in the U.S. had outlawed marijuana. The ban became federal with the Marijuana Tax Act of 1937, which criminalized possession of the "evil weed."[23] Hearings during the passage of the Act took aim specifically at Mexicans, whose presence, largely as agricultural workers, had probably helped spread recreational marijuana use in some parts of the United States.[24] Reinforcing an assumed connection of illicit drugs with Latin America, the US, in the Act and in various other official documents, used the Spanish term 'marijuana' instead of the Latin term 'cannabis.'[25] Curtis Marez traces "the criminalization of [Latin American] workers as marijuana smugglers and users" to the Depression era. That

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[22] Hurd, Mary G. "Great Depression." *Immigration in America.* Immigration in America, 19 Dec. 2011. Web.

[23] "Marijuana Timeline." *Frontline*. PBS. Web. 11 Feb. 2015.

[24] Bonnie, Richard J., and Charles H. Whitebread. *Marijuana Conviction: A History of Marijuana Prohibition in the United States.* New York: Lindesmith Center, 1999. Print.

[25] Marez, Curtis. *Drug Wars: The Political Economy of Narcotics*. Minneapolis: U of Minnesota, 2004. Print. p. 131.

devastating economic slump, he argues, provoked “interrelated wars on marijuana and immigrant labor that continue to inform the contemporary War on Drugs.”[26]Anti-drug campaigners during the Depression created the threat of the “Marijuana Menace” and associated Mexican immigrants with drug use. They attributed an array of crimes to those Mexicans who used the drug, asserting that said immigrants became blood thirsty and insusceptible to pain while high.[27]

For a long time after the Depression, U.S. immigration enforcement conformed to the state of the economy. In good times, when the U.S. needed workers, immigration policy was lax. In hard times, the border closed. Regardless of the vagaries of policy, poverty south of the border continued to provide a nearly limitless supply of willing laborers. Latin Americans called the waxing and waning of U.S. enforcement the ‘Flower Petal Policy’ (she loves me, she loves me not). For example, during World War II, when many U.S. males were fighting overseas, Latin Americans — mainly Mexicans — filled the demand for labor. The Bracero Program, initiated at this time, recruited 4.6 million workers — called *braceros* — between 1942 and 1964 to work predominantly in U.S. agriculture.[28] These guest workers helped to make the agricultural fields of the U.S. the most productive on the planet.[29] The Bracero Program continued on a year-to-year basis, buoyed by demands from Texas and California Congressional delegations who were worried about labor shortages and hoped to keep wages low. It was finally codified into law in

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[26] Marez, Curtis. *Drug Wars: The Political Economy of Narcotics.* p. 107.

[27] Tate, Katherine, James Lance Taylor, and Mark Q. Sawyer. Something's in the Air: Race, Crime, and the Legalization of Marijuana. New York: Routledge, 2013. Print. p. 117.

[28] Roy Rosenzweig Center for History and New Media, George Mason University, Smithsonian National Museum of American History, Brown University, and The Institute of Oral History. "Bracero History Archive." *National Endowment for the Humanities*, 2015. Web.

[29] "The Bracero Program." *Farm Workers.* Farm Workers, Web.

1951, with the passage of Public Law 78 - Extension of the Bracero Program.[30] While Bracero made it easier for Mexicans to work legally in the United States, a federal provision, the "Texas Proviso," explicitly prohibited the prosecution of employers who hired undocumented workers.[31] While this was good for filling a labor shortage, sanctioning, in one way or another, both legal and illegal immigrants, it was hardly fair, and it encouraged the notion of the immigrant as criminal. While employers were indemnified for hiring illegals, nobody indemnified the illegals they hired. Only the immigrant was breaking the law.

An economic slump after the Korean War turned a labor deficit into a labor surplus. Farmers still needed workers to pick crops at low wages, but prevailing sentiment favored restrictionist practices. The McCarthy anti-communist hearings increased fear of and agitation around those not native-born. Lax immigration enforcement gave way to Operation Wetback, an offensively-named[32] federal policy that militarized the U.S. southern border and instituted mass roundups of undocumented immigrants for deportation.[33] Still, the yearly intake of immigrant workers through the continuing Bracero Program fluctuated between 400,000 and 450,000 between 1955 and 1960. The demand for inexpensive agricultural labor persisted.

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[30] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. New York: Russel Sage Foundation, 2002. Print. p. 36

[31] Teitelbaum, Michael S. "Intersections: Immigration and Demographic Change and Their Impact on the United States." *World Populations and U.S. Policy: The Choices Ahead.* edited by Jane A. Menken. New York: Norton. 1986.

[32] Wetback became a derogatory term for Mexicans who were assumed to have swum the Rio Grande River to arrive in the U.S. illegally.

[33] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors.* p. 37.

In the 1950s and 1960s, when it was relatively easy to migrate for work, men[34] would cross the border during the season that corresponded with their labor and return south once their work was done. (In later decades, the closing and militarization of the border would create problems of immobilized labor, as migrants, knowing that they would risk never being able to return to the U.S. after visits home, started to bring their families north with them.)

In 1964, the Johnson administration sought a new means to satisfy the U.S. corporate demand for inexpensive production and simultaneously to avoid xenophobic responses to the use of immigrant labor. Through what was called the *maquiladora* system, products that were made in factories south of the US-Mexico border received tariff exemptions. Through in-bond policies, these factories imported raw materials from U.S. companies and assembled the goods in Mexico with local labor. The final product was then exported. The U.S. was both the primary source for inputs and the market for the finished good.[35] The program, an expansion of the 1961 National Border Industrialization Program, was intended to benefit Mexico, too, by increasing foreign investment and stimulating internal markets. Many U.S. companies moved south, across the border, to reap the gains from a less expensive labor force. Mexicans, meanwhile, migrated to the north of their country to meet the demand for labor. While both countries expected to benefit economically, the *maquiladora* program had unintended consequences. *Maquiladoras* preferred to employ young women, considering them more reliable, less likely to join labor unions, and less likely to strike. The men who came with the women hired by *maquiladoras* found

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[34] During this time, migrant workers were overwhelmingly male. Before passage of the Immigration Reform and Control Act of 1986, women comprised 25.7% of the migrating population. Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors.* p. 134.

[35] Hanson, Gordon H. "The Role of Maquiladoras in Mexico's Export Boom." University of California, San Diego, July 2002. Web.

themselves supported by their wives and sisters. Having grown up in a culture that prized masculinity, they often found such dependence difficult. Many set off to work in the U.S., hoping to gain higher wages than those offered in Mexico — and thus to regain their sense of self-worth.[36] In the parlance of plumbing, the southern U.S. border got *leakier*.

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The U.S. has acted forcefully to protect and advance its interests in Latin America at least since the era of American construction of the Panama Canal shortly after the turn of the 20th century.[37] During the Cold War after World War II, perceiving the socialist government of Jacobo Arbenz in Guatemala as a threat to U.S. interests, President Harry Truman first authorized a Central Intelligence Agency (CIA) operation to overthrow his administration. President Dwight Eisenhower continued the operation, authorizing $2.7 million to carry out "psychological warfare and political action" and "subversion."[38] Up until Arbenz's resignation in 1954, the CIA reportedly continued to consider assassination.[39] The U.S. supported a string of military dictatorships following Arbenz that perpetuated the long and bloody Guatemalan Civil War — one of the most destructive civil wars ever in the Western Hemisphere. Central America became

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[36] Lindau, Jaun. "Migration." Class: Intervention, the Drug War, and Human Migration. Colorado College, Colorado Springs. 15 Oct. 2014. Lecture.

[37] The U.S. helped organize the rebellion that broke off Panama from Colombia. cite: The Path Between Seas by David McCullough

[38] "CIA and Assassinations: The Guatemala 1954 Documents." *The National Security Archive*. Ed. Kate Doyle and Peter Kornbluh. The George Washington University, Web.

[39] "CIA and Assassinations: The Guatemala 1954 Documents." *The National Security Archive*.

a proxy war zone in the struggle between the Capitalist West and the Communist East, and the U.S. subordinated issues of human rights and democracy to that struggle. Carlos Castillo Armas, who replaced Arbenz, outlawed political parties, institutionalized the death penalty for strikers, and undid Arbenz's land reform initiatives.[40] Yet when Richard Nixon visited Guatemala in 1955 as Vice President of the U.S., he commented that, "This is the first instance in history where a Communist government has been replaced by a free one."[41] Death squads *disappeared* thousands of individuals, and Castillo's regime's acts against the Guatemalan Mayan population were consistent with genocide as defined by Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide.[42] During a thirty-six year period, more than 200,000 Guatemalans would be killed or forcibly disappeared and an additional 1.5 million would be displaced.[43] A background of conflict and poverty, in Guatemala and elsewhere, would set the stage for migration northward for decades to come, yet U.S. immigration policy would march onward largely divorced from the political, social, and economic realities that its interventions helped to foster in these countries.

In 1965, within the context of the Civil Rights movement, Congress passed the Immigration and Nationality Act (INA), also known as the Hart-Cellar Act. This legislation abolished the use of the national origins quota system that had been in effect since the 1920s. In its place, it instituted a preference system that prioritized immigrants' skills and relationships

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[40] Rosenfelder, Mark. "U.S. Interventions in Latin America." University of Colorado, 1996. Web.

[41] Kyvig, David E. *Reagan and the World.* New York: Greenwood, 1990. Print. p. 116.

[42] Schabas, William A. "Convention on the Prevention and Punishment of the Crime of Genocide." *Audiovisual Library of International Law.* The United Nations, 2013. Web.

[43] "Genocide in Guatemala." *Holocaust Museum Houston*. Web.

with family members who were citizens or legal residents of the U.S.[44] It also established an annual maximum of 300,000 visas. And while it limited the number of immigrants from each country of the Eastern Hemisphere to 20,000, it extended no limitations for individual nations in the Western Hemisphere.[45] Ending quotas actually led to a slight bias in favor of Latin Americans and Asians. The emphasis on family reunification benefitted these groups, who tended both to have large families and to have family members already in the U.S.

In the late 1960s, the U.S., divided by the war in Vietnam and traumatized by assassinations and urban riots, elected Richard Nixon on a "Law and Order" platform. For reasons of domestic politics, and as a response to the counter culture movement, Nixon launched a war on drugs. In the 1968 campaign, he found it politically expedient to associate various groups of his political enemies — including anti-war protestors and ethnic minorities — with various illegal drugs.[46] Once Nixon was elected, his administration found that the federal government had little control over drug enforcement. In order to change that, they had to elevate the issue to the federal level. Through an executive order in July, 1973, Nixon created the Drug Enforcement Administration (DEA) "in order to establish a single unified command to combat

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[44] "U.S. Immigration Legislation: 1965 Immigration and Nationality Act (Hart-Cellar Act)." *U.S. Immigration Legislation Online*. Web.

[45] "Three Decades of Mass Immigration: The Legacy of the 1965 Immigration Act." *Center for Immigration Studies*. Center for Immigration Studies, Sept. 1995. Web.

[46] Baum, Dan. *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. Boston: Little, Brown, 1996. Print. p. 15 and Baum, Dan. "Legalize." *Harper's Magazine*, Nov. 2015 Web. In an interview with journalist Dan Baum, Nixon advisor John Ehrlichman revealed that the administration saw its true political enemies as Vietnam protestors and African Americans.These two groups opposed many of the measures the administration was taking in regard to law and order. So the War on Drugs was never solely about substance abuse. It was about societal groupings and social identification. It was a way for the Nixon administration to target its opponents without having to confront the issues that they were raising. Egil Krogh, Deputy Domestic Policy Advisor to Nixon (serving under Ehrlichman), had no criminal prosecution background, yet, he was charged with working with Republican Senator Roman Hruska of Nebraska and Attorney General John Mitchell to identify a problem that would allow the Administration to create a response that would show its commitment to the rule of law. The problem they came up with was that of illegal drugs.

an all-out global war on the drug menace."[47] By publicizing drug busts, the administration could show that Nixon was acting as he had promised.

Part of Nixon's argument in claiming a federal purview was that drugs were imported. His focus on importation brought immigration under scrutiny, as well. Drugs could not immigrate by themselves. They needed smugglers — often foreigners[48] — to carry them. It was easy to believe that the same people who were crossing the border in search of work, many of them illegally, were carrying illegal drugs that would help boost their income in the U.S.

Massive incarceration was the only domestic policy that received enough governmental funding to address the demand side of drug use. High penalties for drug sales and possession caused prices to skyrocket, and the producers and distributors of illegal drugs ironically benefitted. Whereas the price of an ounce of cocaine is several thousand dollars, the cost of producing that amount is less than $20. The difference is the profit for producers and dealers.[49] Studies have found that for both growers and traffickers, cocaine has been one of the best poverty reduction strategies in Latin America. Many illicit organizations gross a bigger annual profit than legal transnational companies.[50] As growing, processing, and transportation became more dangerous during the late 1960s — and as prices climbed — illegal drug use in the U.S. decreased slightly for a short while, before rebounding in the 1970s.[51] And the high penalties did

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[47] "DEA History." *DEA.gov*. United States Drug Enforcement Administration, Web.

[48] "Drug Trafficking in the United States." *Almanac of Policy Issues*. U.S. Drug Enforcement Agency, May 2004. Web.

[49] "The War on Drugs: Is It a War Worth Fighting?" The United States War on Drugs. Stanford University, Web.

[50] Aguilera-Reza, Genaro. "The Story of Drug Trafficking in Latin America." *Borderland Beat.* Borderland Beat, 11 Jan. 2014. Web.

[51] "U.S. Drug Use in Decline, Drug Chief Says." *UPI*. UPI, 9 Mar. 2012. Web.

not reduce the worst social problems associated with abuse, because the administration generally neglected social programs aimed at helping addicts get off drugs. To feed their increasingly expensive habit, addicts were driven to commit secondary crimes. The growing stigma attached to drug users during this period cut them off from society, forcing them to turn to illegal means not only to afford their next dose but to sustain themselves. U.S. policy was not getting at the root of the demand problem, and U.S. communities, particularly poor, urban communities of ethnic minorities were becoming the victims of policies that were supposed to protect them.[52] Attempting — but failing — to control the supply of illegal drugs kept funding flowing for the Drug War— and for a short time, at least, helped Nixon politically — while externalizing the problem. The Drug War may have done nothing for addicts and their communities, but for a while, it helped both anti-drug enforcers and foreign suppliers.

In response to the flow of illegal drugs north across the border, along with legal commerce and both legal and illegal immigration, the Nixon administration, in 1969, instigated Operation Intercept, essentially a closure of the border. The White House believed that the Mexican government was not doing its part to clamp down on the drug trade, and it instigated harsh, unilateral measures at the border with only last-minute and vague warnings to Mexican President Gustavo Díaz Ordaz.[53] The operation lasted only 20 days. The economies on both sides of the border stagnated. The operation began to backfire on the administration. Public pressure to reopen the border grew. Vehicles crossing the border were vigorously inspected for the first ten days, but much less so during the second ten. By the end of Operation Intercept, the

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[52] Lindau, Juan. "The Drug War." Class: Intervention, the Drug War, and Human Migration. Colorado College, Colorado Springs. 13 Oct. 2014. Lecture.

[53] "CIA and Assassinations: The Guatemala 1954 Documents." *The National Security Archive*.

administration had pumped more than $27 million dollars into the border closure, and apparently to no avail as inspectors seized only 4 pounds of marijuana.[54] Fruitful commerce had been severely curtailed,[55] while petty drug traffickers and immigrants looking for work simply had to delay their trips north for a couple of weeks.

Nixon's get-tough, law-and-order stance, in Operation Intercept, may have seemed like a good idea in the planning stages, as domestic interdiction measures were in their infancy.[56] But it had little to do with the push factors sending immigrants to the U.S. — the lack of opportunities, other than the drug trade, in countries to the south. In the 1970s, Central America saw the rise of guerrilla forces that challenged traditional systems of government and threatened old oligarchies. Just as Truman and Eisenhower, during the Cold War, had perceived Arbenz's nationalistic economic and social reforms as a threat, the U.S. government again perceived Central American instability — and left-leaning movements — as a threat to its own interests. Although the administration of President Jimmy Carter would curtail aid to the Guatemalan military (and Carter would ratify an agreement to return the canal to Panama in 1999), the subsequent administration of President Ronald Reagan would return to intervening in support of friendly, capitalist regimes and against left-leaning opposition movements.

In Nicaragua, in 1979, the Sandinista National Liberation Front rose up to overthrow the Somoza regime. Fearing its Communist ties, the Reagan administration in the early 1980s granted asylum to Somoza loyalists and trained them to fight in what was to become the Contra

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[54] Lindau, Juan. "The Drug War." Class: Intervention, the Drug War, and Human Migration. Colorado College, Colorado Springs. 10 Oct. 2014. Lecture.

[55] "CIA and Assassinations: The Guatemala 1954 Documents." *The National Security Archive*.

[56] "CIA and Assassinations: The Guatemala 1954 Documents." *The National Security Archive*.

War of 1981 to 1990. Also in 1979, the *Frente Farabundo Martí de Liberación Nacional (FMLN)* in El Salvador challenged the oligarchy. The U.S. soon began funding and setting up training camps for both Nicaraguan loyalists and Salvadoran government forces. The camps were established in Honduras, pulling that country indirectly into the conflicts. (The Inter-American Court of Human Rights would later determine, in 1988, that between 1981 and 1984, the Honduran government was guilty of mass "disappearances" of citizens whom the administration suspected of being in opposition to the regime.[57]) The U.S. would spend $1 billion on its efforts against the revolutionary government in Nicaragua and $4 billion on economic and military aid to the Salvadoran oligarchy during the civil war there (which lasted until 1992).[58] The *Frente Farabundo Martí* in El Salvador would eventually fail. In Guatemala, the *Unidad Revolucionaria Nacional Guatemalteca,* likewise, ultimately failed. But instead of leading to the pacification of El Salvador and Guatemala, these political failures of revolutionary movements would lead to continued and escalating violence.[59]

Many of the pressures pushing individuals to leave Central America were the result of policies and actions by successive repressive governments that the U.S. had propped up through interventions and massive arms sales.[60] Authoritarian, military leaders who were predictable and

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[57] "Timeline: Honduras." *BBC News*. BBC, 16 Aug. 2012. Web.

[58] Sullivan, Kevin, and Mary Jordan. "In Central America, Reagan Remains A Polarizing Figure." Washington Post. The Washington Post, 10 June 2004. Web.

[59] Imbusch, Peter, Michel Misse, and Fernando Carrión. "Violence Research in Latin America and the Caribbean: A Literature Review." International Journal of Conflict and Violence 5.1 (2011): 87-154. International Journal of Conflict and Violence. Web.

[60] "Firearms within Central America." *Transnational Organized Crime in Central America and the Caribbean.* United Nations. Web.

loyal to the U.S. had hardly been responsive to the wishes of their domestic populations. In supporting such leaders, the U.S. had helped enable the mass crimes that they perpetrated.

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Back in the U.S., meanwhile, Congress amended the INA in 1976, tightening restrictions on neighboring countries. The amendment extended the 20,000-per-country cap, previously only applicable to the Eastern Hemisphere, to countries in the Western Hemisphere. The 1976 restrictions came at time of rapid population growth in Latin America, accompanied by economic decline. As a result, despite the new cap, immigration to the U.S. increased, and the U.S. nativists, whose concerns Congress was at least partly trying to address by passing the amendment, were not mollified. Now, the new cap forced those looking to immigrate to do so illegally.[61] Congress passed further amendments to the INA in 1978, dropping the annual world-wide quota for immigrants to 290,000 and rescinding the clause allowing children born in the U.S. to petition, until they reached the age of 21, for the legal entry of their parents.[62]

A wave of patriotism accompanied Ronald Reagan to the White House. The U.S. had recently suffered a humiliating loss in Vietnam, and Reagan felt the American people needed a reason to believe that the U.S. was still the greatest nation in the world. For the Reagan Administration, Central America became an arena in which the U.S. could bolster its self-image and show off its strength, primarily through military intervention. At the same time as Reagan

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[61] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 44.

[62] "Public Law 95-417." 95th U.S. Congress, 5 Oct. 1978. Web.

was declaring "morning in America,"[63] he was launching punitive new immigration policies. In 1981, Attorney General William French Smith created a system of U.S. immigration prisons. While undocumented individuals underwent their applications for asylum under the 1980 Refugee Act, they would be detained in these prisons. As the numbers of those seeking asylum rose, the judicial system was overwhelmed, and asylum seekers were squeezed into the overcrowded prison facilities. Immigration lawyers had little hope of winning political asylum for their clients; they could only delay deportation. The Border Patrol and the Immigration and Naturalization Services (INS) began systematically denying the right to counsel for many of the detained.[64] There were accounts of beatings, sexual abuse, threats, and druggings, all with the aim of getting an immigrant to sign an I-274 form — a request for voluntary repatriation to Central America.[65] The detention and denial of due process exported problems to Central America. Returning meant certain death for many: José Humberto Santacruz Elias disappeared upon his deportation to El Salvador on January 15, 1981.[66] The tortured, beheaded body of Santana Chirino Amaya, 24, was found next to the body of his fourteen-year-old cousin, after the two had been deported on June 10, 1981.[67] For others, deportation after imprisonment led to a

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[63] "Morning in America" was the common catch-phrase associated with a political ad for Ronald Reagan's 1984 presidential campaign. The formal name was "Prouder, Stronger, Better."

[64] "Administration Presses Policy of Incarcerating Illegal Aliens," *Congressional Quarterly,* February 16, 1985. p. 325.

[65] Crewdson, John. "US Returns Illegal Immigrants Who Are Fleeing Salvador War," *New York Times.* March 2, 1981.

[66] ACLU, "Salvadorans in the United States," *El Diario de Hoy.* 9 December 1981.

[67] ACLU, "Salvadorans in the United States," *El Diario de Hoy.* 10 June 1981.

life of crime, since they lacked any opportunities for gainful employment in their countries of origin — countries devastated by war.

With the tightening of U.S. deportation policies, transnational gangs spread to Central America. The two major *maras* (gangs) that arose in El Salvador, Guatemala, and Honduras, the region known as the Northern Triangle, were the *Mara Salvatrucha* (MS-13) and *Mara 18* (M-18, coming from *Calle 18* or *Barrio 18*). Both originated in Los Angeles, California. MS-13 was created by Salvadorans who fled their country during the civil war of the 1980s. The "13" allegedly refers to 'M' as the thirteenth letter of the alphabet and the gang's allegiance to the Mexican Mafia.[68] M-18 was formed in Los Angeles by Mexican youths who had not been allowed to join existing gangs. One of the first multiracial gangs, it grew to be one of the biggest.[69] In rundown and violent neighborhoods — or in jails, prisons, and immigrant detention centers in the U.S. — young people in search of community found gangs. Many Central Americans had fled to the U.S. as victims of violence in the first place.

Nicaraguans fleeing to the U.S. predominantly went to Miami, where they were often welcomed by a receptive Cuban-American community as fellow political refugees escaping a Communist regime. Salvadorans and Guatemalans, on the other hand, who predominantly ended up in Los Angeles, often faced discrimination and contempt. They were not refugees from Communist governments, and they were often seen merely as criminals or usurpers of jobs.[70] As

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[68] Ribando, Clare M. United States. Congressional Research Service. Gangs in Central America. 110 Cong. Cong. Rept. Washington, DC: Library of Congress, 2007. Print.

[69] Ribando, Clare M. United States. Congressional Research Service. Gangs in Central America.

[70] Manz, Beatriz. "Central America (Guatemala, El Salvador, Honduras, Nicaragua) Patterns of Human Rights Violations." *Writenet* (2008) *United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS)*. Web.

drug trafficking and gang violence increased in Central America, the immigrant population in Los Angeles continued to expand. The *maras* began to spread from Los Angeles, reaching the District of Columbia, Tennessee, Houston, and New York City. As deportations of immigrants increased, the *maras,* well organized and predisposed to violence, built international networks in Mexico and the Northern Triangle.[71] The U.S. was, at least in part, both architect and agent in these networks. As Robert Lopez put it, "these gangs are a part of the cultural fabric of the U.S., not Central America. [The U.S. deports] them [to Central America], and they're bigger and badder than any gangs there, and they dominate."[72] Exported to Latin America, they metastasized — into powerful illicit firms and sometimes shadow local governments. They were situated perfectly to take up the lucrative drug trade.

The Reagan administration's aggressive regional stance accompanied a renewal of Nixon's Drug War. As in the early 1970s, anti-drug programs emphasized international programs — the eradication of illegal drugs at their source — rather than the extension of prevention and rehabilitation programs for drug abusers in the U.S. This perpetuated what Mark Kleiman has called the "illusion that the drug problem was caused by drugs — which can be seized and destroyed — rather than by the desires for those drugs and the industry that arises to meet that desire."[73] In 1982, the Reagan administration pushed through Congress an amendment to the 1876 Posse Comitatus Act that permitted military involvement in state and local law enforcement

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[71] Arana, Ana. "How the Street Gangs Took Central America." Foreign Affairs 84.3 (2005): 98-110. May-June 2005. Web. p.102.

[72] Lopez, Robert J. Rich Connell and Chris Kraul, "MS-13: An International Franchise: Gang Uses Deportation to its Advantage to Flourish in U.S.," *Los Angeles Times*, 30 October 2005.

[73] Kleiman, Mark, Jonathan P. Caulkins, and Angela Hawken. *Drugs and Drug Policy: What Everyone Needs to Know*. New York: Oxford UP, 2011. Print. p. 160.

— for training, intelligence, and investigations — during drug cases.[74] The military interdiction budget for these purposes that year was $4.9 million.[75]

Much of the intensification of immigration enforcement was justified in the name of the War on Drugs.[76] In a news conference in 1984, Reagan remarked that "the simple truth is that we've lost control of our own borders, and no nation can do that and survive."[77] Media and politicians stressed the criminal-alien problem, and public opinion followed: starting in the 1980s, the nation experienced an escalation in the perception that immigrant criminal involvement was rampant and that it posed a significant threat to societal well-being.[78]

Reagan assigned Vice President George H. W. Bush to head the South Florida Task Force that he created in 1982 to shut down the Caribbean routes used by the Medellín and Cali Drug Cartels to smuggle drugs from Colombia into the U.S. through the port of Miami. "I'm afraid they're going to close the front door and leave the back door open, and we're the back door," a Tennessee District Attorney said.[79] And indeed, success in closing off the Miami route pushed

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[74] The Posse Comitatus Act of 1876 stipulated that federal military power could not be used in local and state law enforcement except where specified by the Constitution or Congress.

[75] Nevins, Joseph. "Ronald Reagan and Comprehensive Immigration Reform." *North American Congress on Latin America*. 14 Nov. 2012. Web.

[76] Nevins, Joseph. "Ronald Reagan and Comprehensive Immigration Reform."

[77] "Ronald Reagan: The President's News Conference." *The American Presidency Project*. University of California, Santa Barbara, Web.

[78] Yates, Jeff; Todd A. Collins; Gabriel J. Chin. "A War on Drugs of a War on Immigrants? Expanding the Definition of 'Drug Trafficking' in Determining Aggravated Felon Status for Non-citizens." *Maryland Law Review.* 64.3. Web.

[79] Baum, Dan. *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. p. 169.

traffic along other routes, specifically through Central America and into other U.S. states.[80] An undiminished demand for drugs kept the market lucrative.

Police forces traditionally view an increase in illegal drug prices as a good sign, likely to dissuade users or prevent access. Oddly, following the creation of the South Florida Task Force, prices dropped. Between May and August of 1986, drug agency officials reported that the price of cocaine fell by 30 percent.[81] Bush's chief of staff claimed that falling prices, in this case, demonstrated success: the Task Force was ruining the market for cocaine and thereby driving down prices.[82] Vice President Bush agreed. "We are not suggesting that we have solved the problem," he said, but the Task Force "has made a remarkable impact."[83] The truth was more in line with the worries of the Tennessee DA: drug production and trafficking continued, only now, rather than entering through Miami, cartels were traveling north along the "Western Pipeline"[84] — through Central America and Mexico to the southwest of the U.S., spreading violence as they went. In 1989, the U.S. State Department reported four tons of cocaine seized in Guatemala; in the following year, that rose to 15.5 tons.[85] Traffickers were paid to assure the safe transport of drugs, along with other forms of contraband: undocumented immigrants were among their

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[80] Political analogy had dubbed this the "balloon effect," referencing the shifting of air inside a latex ballon when it is squeezed. This imagery is often used by critics of the War on Drugs to illustrate the process by which drug production is displaced across national borders in order to evade eradication and interdiction efforts.

[81] Brinkley, Joel. "4-Year Fight in Florida 'Just Can't Stop Drugs'" *The New York Times*. The New York Times, 4 Nov. 1986. Web.

[82] Baum, Dan. *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. p. 169.

[83] Brinkley, Joel. "4-Year Fight in Florida 'Just Can't Stop Drugs.'"

[84] Scott, David C. "US Drug War Picks Up in Central America." *The Christian Science Monitor.* The Christian Science Monitor, 14 May 1991. Web.

[85] Scott, David C. "US Drug War Picks Up in Central America."

cargo.[86] As the Central American route became more popular, gangs dealing in illegal substances gained increasing control over the area.

At the same time as the balloon effect pushed trafficking to the border along Texas, the immigrant and refugee prisons that Attorney General Smith had created along the U.S. southern border were becoming overcrowded, and abuses continued at troubling rates. Two major class action lawsuits succeeded in gaining injunctions from U.S. District Courts to stop the abuses at immigration prisons. In the 1982 case, *Nuñez v. Boldin*[87], four Salvadorans and a Guatemalan held at the INS detention facility in Los Fresnos, Texas, filed a complaint accusing the INS District Director, Hal Boldin, of presiding over the intentional denial to immigrants of access to legal material and pens and paper, the seizing of legal documents and personal papers, failure to notify attorneys of their clients' hearings, and failure to notify plaintiffs of their right to remain silent or to seek political asylum after after their initial detention.[88] A similar, case, *Orantes-Hernandez v. Smith*[89]*,* was filed in 1982 on behalf of all Salvadorans detained without a warrant and tried from 1985 through 1987. Because the INS did not segregate prisoners by nationality, the victories in this case helped all prisoners. Among other things, standard visitation access to counselors and paralegals from 9:00 a.m. to 9:30 p.m. was established. Detainees were allowed

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[86] "A History of Violence: Gangs, Drugs, and 'Mano Dura' in Central America." Worldcrunch., 14 Apr. 2014. Web. 26 July 2014.

[87] Nunez v. Boldin. United States District Court, S. D. Texas, Brownsville Division. 6 Apr. 1982. Print.

[88] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. Boulder, CO: Westview, 1996. Print. pp. 17-18.

[89] Joaquin, Linton. "Court Upholds Nationwide Injunction of Immigration Detention and Removal Processing Abuses." *National Immigration Law Center.* Immigrants' Rights Update, 5 Oct. 2007. Web.

to receive and possess legal materials explaining U.S. immigration law. And a ratio of at least one phone to every 25 detainees was set.[90]

As early as 1982, the Reagan administration was pushing for legislation that would allow the president to declare "immigration emergencies" of up to 120 days. Such "emergencies" would use military force to close the border and would allow the rounding up — and detention without a warrant — of individual immigrant aliens who were declared to be threats to national security.[91] In justifying such an expansion of executive authority, Reagan declared that "terrorists and subversives are just two days' drive time from [the border crossing at] Harlingen, Texas."[92] Border closure had proven ineffective and economically harmful when Nixon tried Operation Intercept, but Reagan wanted to have the option, it seemed, to try again. Once again, a short-term, emergency approach to federal policy failed to address regional problems — including, perhaps above all, the conditions that immigrants were fleeing, conditions that the U.S. had helped to create.

In the 1980s, it was the Judicial Branch of the U.S. government that was most often able to confront the complexities — and humanitarian issues — associated with regional migration. In 1982, the U.S. Supreme Court case, *Plyler v. Doe,* held that children of undocumented workers had a right to public education.[93] The decision found that the "sheer incapability or lax enforcement of the laws barring entry into [the U.S.], coupled with the failure to establish an

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[90] Joaquin, Linton. "Court Upholds Nationwide Injunction of Immigration Detention and Removal Processing Abuses."

[91] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 87.

[92] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 87.

[93] Plyler v. Doe. Supreme Court of the United States. 15 June 1982. Print.

effective bar to the employment of undocumented aliens" had created a "shadow population" within the U.S. Such a situation created the "specter of a permanent caste of undocumented resident aliens," the decision found, which "presents most difficult problems for a nation that prides itself on adherence to principles of equality under the law."[94] The Supreme Court thus recognized the paradoxical manner in which the U.S. was confronting labor migration: U.S. markets benefited from inexpensive labor that a shadow population provided. In a 1980s survey, 76% of economists polled believed that illegal immigration had a positive effect on the economy.[95] Yet a public opinion poll starting in 1984 and lasting until 1997 found that 60% of Americans believed that immigrants wound up on welfare, raised taxes, and overall, caused problems.[96] As professor Bill Ong Hing, executive director of the Immigrant Legal Resource Center, put it, "in this nation of immigrants, our egalitarian individualism and our xenophobia are strange bedfellows. . . ."[97]

In the 1980s, the demand for drugs — and specifically cocaine — expanded, reaching its highest level, and President Reagan passed a slew of anti-drug laws. The Comprehensive Crime Control Act of 1984[98] increased federal criminal sanctions for drug offenses, including the trafficking of large amounts of controlled substances. The Act also gave Attorney General Smith

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[94] Plyler v. Doe. U.S. Supreme Court.

[95] Simon, Julian L. *The Economic Consequences of Immigration.* Oxford: Basil Blackwell, 1989.

[96] Gonzales, David-James. "Public Opinion and Federal Immigration Policy." *Prospect*. Journal of International Affairs at UCSD, 24 Nov. 2010. Web.

[97] Hing, Bill Ong. "Don't Give me Your Tired, Your Poor: Conflicted Immigrant Stories and Welfare Reform. *Harvard Law Review*, 159, 161. 1998. Ong attributed an ineffective and inconsistent policy on immigration to those conflicting American traits of individualism and xenophobia, which, he wrote, cause "considerable slippage between the things that we say we are doing and the things that we do."

[98] "Summaries for the Comprehensive Crime Control Act of 1984." *GovTrack.us*. Library of Congress, Web.

(and would continue to give his successor, in 1985, Edwin Meese), authority to put previously uncontrolled substances under temporary control and institute criminal penalties for their possession.[99]

At the same time, conditions continued to worsen in Central America. In the early 1980s, violence reached its peak. A region in turmoil — and governments that were not responsive to the needs of their citizens — pushed out record numbers of refugees and economic migrants. The State Department estimated that in 1984, 500,000 Salvadorans — or 10% of the Salvadoran population — entered the U.S. illegally.[100]

Also at this time, the Reagan administration was supporting the Anti-Sandinista, *Contra,* rebel forces in Nicaragua. Initially, Congress supported funding for the rebels, but in 1984, it blocked aid. The Reagan administration continued to fund the uprising by organizing support from third party countries, such as Panama and Iran, and private sources. Between 1984 and 1986, through the Reagan administration's efforts, the anti-government guerrilla forces in Nicaragua received $36.7 million.[101]

The Reagan administration, simultaneously, indirectly supported corrupt governments in Honduras and Panama. In the 1980s, *The New York Times* reported that the Honduran military had links to drug trafficking. Fellow officers from the School of the Americas, a combat training

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[99] "Summaries for the Comprehensive Crime Control Act of 1984." *GovTrack*.

[100] General Accounting Office, *Central American Refugees: Regional Conditions and Prospects and Potential Impact on the United States.* Publication NSIAD-84-106. 20 July 1984. p. 3.

[101] International Court of Justice (IV) (1986) "Case concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States Of America), Vol. IV – pleadings, oral arguments, documents". International Court of Justice. Retrieved 2 June 2011.*Hamilton, Lee H. et al. (1987) "Report of the Congressional Committees Investigating the Iran/Contra Affair." p.4

school for Latin American soldiers located at Fort Benning, Georgia, accused General Humberto Regalado, the former chief of the Honduran armed forces, of participating in trafficking activities and misappropriating millions of dollars in U.S. military aid.[102] The U.S. Federal Bureau of Investigation accused Honduran General José Bueso Rosa of involvement in drug trafficking and, in 1984, an assassination plot against Honduran President Roberto Suarez Cordoba.[103] After eight months under house arrest in Chile while the U.S. tried to extradite him, Rosa, in 1986, pleaded guilty to two accounts of traveling in furtherance of a conspiracy to plan an assassination. However, Oliver North, a deputy-director of the National Security Council under Reagan,[104] urged State and Justice Department officials to be lenient in their sentencing. The administration hoped to help Rosa avoid prison time. But he was eventually sentenced to five years in a minimum-security Federal prison at Eglin Air Force Base in Florida.[105] Two years later, North met with Panamanian military dictator and drug lord President Manuel Noriega. They discussed sabotage measures aimed at the Nicaraguan Sandinistas, including targeting an airport, an oil refinery, and electric and telephone systems.[106]

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[102] Imerman, Vicky, and Heather Dean. "Notorious Honduran School of the Americas Graduates." *Derechos*. Web.

[103] Nordheimer, Jon. "Papers Show Drug Link to Suspect in Alleged Plot Against Honduran." *The New York Times*. The New York Times, 3 Nov. 1984. Web.

[104] North was forced to resign in 1986, after he was implicated in the Irangate scandal — supplying arms to the Iranians in exchange for hostages — and Operation Secret Slush Fund that aided Contra guerrilla forces in Nicaragua. ["Oliver North." Bio. A&E Television Networks, 2015. Web.]

[105] Rasky, Susan F. "North Urged Leniency for Honduran Linked to Assassination Plot." *The New York Times*. The New York Times, 23 Feb. 1987. Web.

[106] "The Contras, Cocaine, and Covert Operations." *The National Security Archive*. The George Washington University, Web.

Congress, meanwhile, passed the 1986 Anti-Drug Abuse Act[107] in the wake of public anger and dismay regarding the fatal overdose of basketball star Len Bias. After the Republican party had successfully branded the Democrats soft on crime in the 1984 elections that returned Reagan to the White House, Democratic political leader and Speaker of the House, "Tip" O'Neill realized how powerful an anti-drug campaign could be.[108] (The vote was enacted "by Voice," so there is no record of individual votes. But the bill passed with an overwhelming majority.[109]) While the Act mandated harsh prison sentences for distribution of illicit substances, it also provided a small — and short-lived — amount of funding for prevention of drug abuse and the treatment of addicts.[110] The majority of the funding enabled by the Act strengthened policies aimed at the restriction of supply. And the Act made conviction on any drug offense grounds for inadmissibility to or deportation from the US, so the consequences for immigrants were substantial.[111]

In 1986, Reagan linked the idea of border control to that of national security and to the threat of foreign terrorism. Reagan's 1986 Alien Border Control Committee (ABCC), created by executive order, developed contingency plans for border closure and immigrant arrests. The committee was tasked with keeping out immigrants who were suspected of posing terrorist

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[107] "Summaries for the Anti-Drug Abuse Act of 1986." *GovTrack.us*. Library of Congress, Web.

[108] Sterling, Eric E. "Drug Laws and Snitching: A Primer." *PBS*. PBS Frontline, Web.

[109] "Summaries for the Anti-Drug Abuse Act of 1986." GovTrack.us.

[110] Harrison, Lanna D., Michael Backenheimer, and James A. Inciardi. "History of Drug Legislation." Centrum Voor Drugsonderzoek., 1996. Web. 10 Nov. 2014.

[111] Ira J. Kurzban, "Democracy and Immigration," in David C. Brotherton and Philip Kretsedemas, eds., *Keeping Out the Other: A Critical Introduction to Immigration Enforcement Today.* New York: Columbia University Press, 2008. p. 64.

threats. In addition, the Department of Defense and the Federal Emergency Management Agency trained jointly in exercises in the round-up of undesirable aliens.[112] Reagan's cabinet-level Task Force on Terrorism warned that extremist groups could be expected to "feed on the anger and frustration of recent Central and South American immigrants who [had] not [realized] their own version of the American Dream."[113]

The Immigration Reform and Control Act[114] of 1986 (IRCA), which passed when Republicans controlled the Senate and Democrats controlled the House of Representatives, was a compromise intended both to normalize the status of some immigrants already in the U.S. and to deter future illegal entry. It authorized legal status for those immigrants who could prove that they had continuously resided in the U.S. since January 1, 1982. It addressed the contradiction that it was illegal to be an undocumented worker but not to hire an undocumented worker. Penalties were instituted for employers who knowingly hired those without papers. And special legalization passed as part of the Act included a newly amended guest worker program, reminiscent of the Bracero Program and referred to as H-2A, which regularized the hiring of seasonal agricultural laborers.[115]

But the Act also expanded resources for the Border Patrol. In so doing, it placed immigrants, still desperate to work, even more at the mercy of *coyotes* — smugglers — and I-9

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[112] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors* p. 87

[113] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 87.

[114] "Immigration Reform and Control Act of 1986." Sponsor: Alan K. Simpson. *Library of Congress*, 11 June 1986. Web.

[115] "H-2A Agricultural Guest Work Program." *Federation for American Immigration Reform*. Federation for American Immigration Reform, Web.

Employment Eligibility Verification Form forgers.[116] Employers were enjoined from *knowingly* hiring undocumented workers. They were not required to determine if their employee was in the country legally. Therefore, a "cottage industry in forged documents" arose.[117] Living and working conditions in Central America continued to worsen, as the War on Drugs, civil wars (often amplified by U.S. funding or arms sales), and U.S. deportation of gang members, escalated. And immigrants were still able to find work in the US.

Finally, the Act gave Reagan the power that he had long sought to declare an "immigration emergency" if "mass" numbers — an undefined quantity — of undocumented immigrants were to cross into the U.S.[118] In total, $400 million went to hiring additional Border Patrol officers between 1987 and 1988, and $35 million was set aside for funding costs associated with the new presidential power to declare an "immigration emergency."[119] Despite the amnesty for 2.7 million immigrants[120] that the Act provided, Stephen Legomsky argues that, as a whole, immigration legislation during the 1980s reflected "a selective, asymmetric… importation…of the criminal justice model into the domain of immigration law."[121] It

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[116] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 120.

[117] Gans, Judith. "We are Better than a Fence." Udall Center for Studies in Public Policy, Jan. 2006. Web.

[118] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors.* p. 90.

[119] Bean, Frank D. Georges Vernez, and Charles B. Keely. *Opening and Closing of the Doors: Evaluating Immigration Reform and Control.* Washington, DC: Urban Institute. 1989.

[120] Orrenius, Pia M., and Madeline Zavodny. *Do Amnesty Programs Encourage Illegal Immigration? Evidence from the Immigration Reform Act (IRCA)*. Working paper no. 2001-19. Atlanta: Federal Reserve Bank of Atlanta, 2001. Print. Working Paper Ser.

[121] Legomsky, Stephen H. "New Path of Immigration Law: Asymmetric Incorporation of Criminal Justice Norms," Washington & Lee Law Review, vol. 469, 2007. p. 472.

emphasized the idea of the criminal alien, he argues, and "connected the regulation of immigration with the regulation of crime."[122]

The revelation of the Iran-Contra scandal on July 7, 1987[123] — the news that the Reagan administration was funding the Nicaraguan Contras through arms sales to Iran — forced the administration to shift its stance on Nicaraguan refugees. Attorney General Edwin Meese ordered the INS to stop deporting Nicaraguans and to grant them political asylum and work permits.[124] In response to what they considered an arbitrary distinction among Central Americans, all of whom had been affected by U.S. military campaigns in the region, refugee defense groups began preparing to sue the Reagan administration. Granting asylum to Nicaraguans but not other Central Americans, they argued, was discriminatory. The Department of Justice, sensing that it would lose these cases, granted asylum, in September of 1988 — shortly before the national elections — to Salvadorans and Guatemalans.[125] Applications for political asylum were accepted for more than two months, until December 5, 1988. Then, less than a month after George H. W. Bush was elected president, INS Deputy Commissioner James Buch rescinded Attorney General

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[122] Paige, Sarah. "Deportation, Due Process and Deference: Recent Developments in Immigration Law." Thesis. Princeton University, 2011. *Journal of Politics and Society*: 149-97. Print.

[123] Four of the firms that the U.S. State Department had contracted to deliver the $27 million in Contra aid were found to have been operated by gun traffickers. The guns that the U.S. sent into Central America during the Cold War are functional, to this day: guns are highly durable goods. It is estimated that in El Salvador, alone, 360,000 military-style weapons remained in circulation after the civil war. Military and law enforcement stockpiles of weapons in Honduras, El Salvador, and Guatemala are thought to be one of the largest sources of illegal weapons in Central America. Only loosely guarded, the possibility of their theft and diffusion among criminal groups was, and remains, high. ["Firearms within Central America." *Transnational Organized Crime in Central America and the Caribbean.*]

[124] Associated Press Dispatch of July 8, "Immigration Rules are Erased or Nicaraguan Exiles in the US," *New York Times.* 9 July 1987.

[125] Stipulated Settlement Agreement, *American Baptist Church, et al. v. Richard L. Thornburgh, Gene McNary, and James A. Baker III,* Civil Case no. C-85-3255 PFP, U.S. District Court, Northern District of California. This case served as precedent for successfully arguing the illegality of discriminatory enforcement of law based upon the country of origin of a political asylum applicant.

Meese's 1987 order. Under Bush, on February 21, 1989, a new era of detention policy began when 633 Central Americans, believing that the political asylum policy was still in force, lined up to apply for it at the Port Isabel Immigration Prison in Texas. Virtually all of them were denied or incarcerated. Two days later, only ten individuals presented themselves. Instead of crossing into the U.S. at the usual points of entry and requesting asylum, immigrants were pushed into the desert. In the desolated area surrounding McAllen, Texas, in February of 1989, Border Patrol Agents arrested 6,474 undocumented immigrants. A month later, that number had risen to 10,838.[126]

Overall, throughout the 1980s, 97% of Salvadorans and 99% of Guatemalans who applied for asylum in the U.S. were denied.[127] To receive asylum in the U.S., an immigrant normally had to establish a certainty of persecution or a fear of persecution in the home country before an immigration judge. But due to what scholars have called "wrongful practices and unfair asylum denials by the U.S. government," the vast majority of these cases were not categorized as reaching the credible fear standard.[128]

Under President Bush's detention policy, allegations of the mistreatment of incarcerated immigrants continued. Individuals were "beaten and drugged by guards; refugee children were strip-searched and sexually propositioned by guards; refugees were put into solitary confinement for as long as 77 days with no leaving and no explanation of the charges against them, or simply

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[126] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. p. 13.

[127] Bishop, Katherine. "US Adopts New Policy for Hearings on Political Asylum for some Aliens." *New York Times.* 20 December 1990. p. B18.

[128] "Mexican and Central American Asylum and Credible Fear Claims: Background and Context." *Immigration Policy Center*. American Immigration Council, 21 May 2014. Web.

with no charges against them."[129] Detainees reported that the only way to avoid being strip-searched was not to meet with a lawyer. Judges also mistranslated statements that led to the wrongful "voluntary" deportation of many individuals.[130]

While allegations of abuses continued in an overcrowded immigrant detention system, funding for the Drug War grew. Between fiscal year 1981 and fiscal year 1988, authorized federal spending on drug control more than tripled, rising from $1.2 billion to $3.9 billion. In fiscal 1987 alone, $1.37 billion dollars went specifically to anti-smuggling efforts.

The Anti-Drug Abuse Act of 1988[131] authorized the Secretary of Heath and Human Services, "with respect to funds available for substance abuse programs, to permit States to use the amounts for construction of substance abuse facilities"[132] — but treatment concerns were secondary. The Act directed a majority of funding towards eradication, crop substitution, law enforcement, and interdiction efforts. It also cemented federal jurisdiction over drug policy, with the establishment of the Office of National Drug Policy in the Executive Office of the President. Just as for Nixon, continuing consolidation of federal, executive-branch control over illegal drugs gave Reagan a powerful political tool.

The Anti-Drug Abuse Act of 1988 also amended the Immigration and Naturalization Act to create a new category of felony specifically for immigrants. Undocumented immigrants convicted of certain drug offenses were labeled aggravated felons and sentenced as harshly as an

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[129] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. p. 14.

[130] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. p. 15.

[131] "Summaries for the Anti-Drug Abuse Act of 1988." *GovTrack.us.* Library of Congress, Web.

[132] "Summaries for the Anti-Drug Abuse Act of 1988." *GovTrack.us.*

individual convicted of murder. The Act thus imposed immigration-based penalties, including deportation, on non-citizens convicted of drug offenses.[133] This caused migrants or suspected transnational gang members caught with a volume of drugs lower than that typically seen in a federal case to be investigated and charged, often, by the full force of the U.S. government. Federal intervention was justified, under the Act, because individuals were suspected of having broken immigration laws or federal firearms laws and therefore of posing a threat to local communities.[134]

The 1988 Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances helped further consolidate federal power by requiring signatory nations to fortify all aspects of their domestic drug control apparatus — search and seizure operations, laws concerning financial reporting, and extradition.[135] These internationally mandated laws and programs emphasized control and prosecution rather than prevention and treatment. The treaty augmented many aspects of enforcement and prosecution, but it did not help the signatories distinguish and respond to the dangers that various drugs might present to users, including addicts.[136]

The Defense Authorization Act for 1989 continued the dismantling of the Posse Comitatus Act of 1876 (which had prohibited the use of federal military power in local and state

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[133] *Anti-Drug Abuse Act of 1988.* Sections 7342-7344, 102.

[134] "Report on Cocaine and Federal Sentencing Policy: The National Legislative and Law Enforcement Response to Cocaine." *United States Sentencing Commission*. Web.

[135] McAllister, William B. *The International Nexus: Where Worlds Collide, Reported: Drug Trafficking in the Americas.* University of Miami Press: Miami, FL. 1994. p. 524.

[136]McAllister, William B. "The International Nexus: Where Worlds Collide." p 521.

law enforcement). It authorized further federal involvement in state enforcement, stipulated that Tyndall Air Force Base in Florida be used for interdiction matters, and required that the Secretary of the Department of Defense (DOD) submit a plan for drug-law enforcement activities to Congress.[137] The DOD was made the lead agency for detecting and monitoring aerial and maritime transit of drugs — authorized, in those activities, to transport civilian law enforcement outside of U.S. territories. The Act also provided the DOD with an additional $210 million for drug interdiction activities.[138]

Likewise, while the Foreign Assistance Appropriations Act for 1989, under Title V, provided economic incentives abroad for education and awareness programs about illicit drugs, it also provided $16.5 million in military assistance funds for control programs.[139] Equally important, it waived an existing statutory provision that foreign assistance funding for international narcotics control could not be made available for the procurement of weapons or ammunition for Latin America.[140] During the Drug War of the late 1980s, the U.S. continually emphasized the international threat — and militarized its response.

These were also the final years of the Cold War, and a U.S. government, which had spent billions of dollars on armed conflicts in Central America, was nearly absent from the peace process and from the reconstruction of the post-conflict societies. In Nicaragua, in 1988, in the

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[137] "Summaries for the National Defense Authorization Act for Fiscal Years 1988 and 1989." *GovTrack.us* Library of Congress. Web.

[138] Guizado, Alvaro C. "Drug Trafficking and Society in Colombia." Drug Trafficking in the Americas. Ed. Bruce M. Bagley and William O. Walker III. Miami: U of Miami, North-South Center, 1994. 97-117. Print. p. 100.

[139] Guizado, Alvaro C. "Drug Trafficking and Society in Colombia." p. 101.

[140] For text of restriction see: Foreign Assistance Act of 1961, P.L.87-195 as amended, sec. 482(b).

context of a war-ravaged state, Sandinista President Daniel Ortega agreed to a first round of talks with the Contra leaders, and they reached a temporary truce. Then, in 1990, Ortega was voted out of office in favor of a center-right candidate, Violeta Chamorro.[141] In El Salvador, on January 16, 1992, the FMLN and President Alfredo Cristiani signed the Chapultepec Peace Accords, an agreement brokered by the United Nations. And finally, as peace spread though El Salvador and Nicaragua, a changing regional dynamic and effort at cooperation pressured the Guatemalan army into signing the "Accord for a Firm and Lasting Peace." (The Accord consists of eleven agreements that outline a commitment to observe and support human and indigenous rights, socio-economic reforms, and the restoration of democracy. But after a devastating civil war and with little to no help[142] from the U.S. in the years since the accord, Guatemala has been unable to achieve a fully democratic and egalitarian society.)[143]

It was becoming apparent, meanwhile, that interdiction programs and heightened law enforcement were not halting the production and movement of drugs through Central America. The U.S. Drug Enforcement Agency (DEA) estimated that, by 1990, 48 tons of cocaine were making their way through Guatemala annually.[144] But with drug control efforts still focused on the Caribbean and south Florida, it was hard for the DEA to assign agents to Guatemala.

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[141] "Timeline: Nicaragua." Stanford University, Web.

[142] U.S. funding flowing to Central America dropped steeply as the conflicts ebbed. Between between 1980 and 2010,it dropped from billions in military assistance to an average of $117 million a year to El Salvador, $103 million a year to Honduras, and $79 million a year to Guatemala—mostly for non-military projects. ["Guatemala's Crippled Peace Process: A Look Back on the 1996 Peace Accords." *Council on Hemispheric Affairs*. Council on Hemispheric Affairs, 10 May 2011. Web.]

[143] "Guatemala's Crippled Peace Process: A Look Back on the 1996 Peace Accords." *Council on Hemispheric Affairs*.

[144] *The New York Times.* 16 December 1991, A6. Oddly, the estimate for Mexico, a much bigger nation, was 45 tons.

Interdiction in Guatemala depended on human intelligence and word of mouth; even such low-tech aids as radar were not available for detecting smugglers' airplanes, trucks, or boats.[145] Similarly, in 1990, 343 pounds of cocaine were seized in El Salvador. The country ranked third in the world for storage and transfer of drugs. But the first DEA agent was not sent to El Salvador until 1992.[146]

The Crime Control Act of 1990 focused almost solely on supply reduction and domestic law enforcement. It doubled funding to law enforcement drug control programs and strengthened forfeiture and seizure statutes.[147] Fifty percent of federal anti-drug funding for the 1990 fiscal year — amounting to $9.3773 billion — was to be earmarked for demand-side control. But the George H. W. Bush administration funneled seventy percent of that fifty percent into domestic interdiction and law enforcement, leaving only fifteen percent of the total budget allotted for the War on Drugs to fund prevention, education, and treatment.[148] The vast majority of the funding went to expand prisons and to other costs associated with raising penalties for marijuana possession, cultivation, and trafficking, and to punishing conspiracies and other attempts at drug trafficking as severely as completed acts.[149]

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[145] Robinson, Linda. "Central America and Drug Trafficking." in Bagley, Bruce M., and William O. Walker (eds.) *Drug Trafficking in the Americas,* Transaction Publishers: New Brunswick. 1994. p. 450.

[146] Robinson, Linda. "Central America and Drug Trafficking." p. 451.

[147] Harrison, Lanna D., Michael Backenheimer, and James A. Inciardi. "History of Drug Legislation."

[148] Bagley, Michael. "After San Antonio." Drug Trafficking in the Americas. Ed. Bruce M. Bagley and William O. Walker III. Miami: U of Miami, North-South Center, 1994. 61-73. Print. pp. 62-63.

[149] Harrison, Lanna D., Michael Backenheimer, and James A. Inciardi. "History of Drug Legislation."

A continued reluctance to authorize funding for the prevention and treatment of drug abuse, the ballon effect of renewed enforcement in Florida, and the exportation of gangs to the Northern Triangle encouraged the spread of violence and contributed to the creation of unlivable conditions for the citizens of those countries. Corruption had long been an issue in Central America and shared blame for the region's poverty and lack of development. Underfunded institutions, including local security forces, failed to fully implement post-conflict reform, making police and judicial systems increasingly susceptible to corruption.[150] It was understandable, then, that the Honduran government would drag its feet on anti-drug cooperation, as the U.S. State Department Bureau of International Narcotics Matters alleged in a 1990 report.[151]

But the increasing involvement of the U.S. military in Central American drug interdiction was prompted, as well, by institutional dynamics. Institutions formerly occupied with military conflict sought survival by looking for another *raison d'etre*. In the early 1990s, as a former Reagan official put it, everybody was "looking around to say, 'Hey, how can we justify these forces [in Central America]?'"[152] The answer they were "coming up with," he said, was "drugs."[153] A two-star General commented that "with peace breaking out all over, [involvement

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[150] Mayer, Peter J., and Claire R. Seelke. *Central America Regional Security Initiative: Background and Policy Issues for Congress*. Rep. no. R41731. Washington, DC: Congressional Research Service, 2014. Print. p. 7.

[151] Robinson, Linda. "Central America and Drug Trafficking." p. 448.

[152] Lawrence Korb, Assistant Secretary of Defense, quoted in "Faced with Peace, Pentagon Wants to Enlist in Drug War," *The State.* Columbia, South Carolina, 17 December 1989.

[153] Lawrence Korb, Assistant Secretary of Defense, quoted in "Faced with Peace, Pentagon Wants to Enlist in Drug War," *The State.*

in the War on Drugs] might give us something to do."[154] With the defeat of Communism, drug and immigration policies were moving towards center stage. Some at the Pentagon questioned the DOD's involvement in the Drug War and border enforcement, as they worried it would dilute the military's traditional mission. They also saw no way to declare victory in the War on Drugs. However, Pentagon Inspector General Eleanor Hill felt that cooperation in the Drug War could win the DOD support for funding in other areas. Participation in drug control, she said, could become "an opportunity to subsidize some non-counternarcotics efforts struggling for funding approval."[155]

When the Cold War ended in 1991, documents proving that Washington had known about continuing massacres in El Salvador were declassified. Funding for the Salvadoran regime had continued despite White House and Congressional knowledge of the atrocities. The U.S. had even, apparently, participated in the regime's brutal practices.[156] Cesar Vielman Joya Martinez, the only Salvadoran death squad deserter to speak in the U.S. under his real name, revealed, in an interview with CBS Evening News,[157] that he had been a member of "Department 2" — the intelligence section of the Salvadoran Army's First Infantry Brigade — and that he, personally, had killed and/or tortured at least 8 Salvadorans — all under the supervision of U.S. military

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[154] Lawrence Korb, Assistant Secretary of Defense, quoted in "Faced with Peace, Pentagon Wants to Enlist in Drug War." *The State.*

[155] Morrison, David C. "Police Action," *National Journal 24,* no. 5, 1992. pp 267-270.

[156] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. p. 33

[157] "U.S. Allegedly Funded Salvador Death Squads." *Los Angeles Times*. Los Angeles Times, 27 Oct. 1989. Web.

advisors.[158] El Salvador, like other Central American nations, continues to suffer in the violent aftermath to such atrocities. But the revelation of U.S. involvement in the excesses of Central American governments during the Cold War did not prevent U.S. involvement in an increasingly militarized, regional Drug War.

The North American Aerospace Defense Command, originally created to track incoming Soviet bombers and missiles, redirected fifty percent of its time to targeting smugglers. The U.S. Southern Command (SOUTHCOM), which was "prepared to conduct joint and combined full-spectrum military operations within the Area of Responsibility, in order to support U.S. national security objectives and interagency efforts that promote regional security cooperation,"[159] reorganized to fight the Drug War.[160] "The Latin American Drug War is the only war we've got," explained General Maxwell Thurman of SOUTHCOM,[161] and the DOD's figures[162] demonstrate the escalation: Navy ship days devoted to anti-drug activity in the Caribbean increased by 80% and flight hours by 220% between 1989 and 1990. Drug-dedicated days in the Pacific increased by 150% and flight hours by 25%. SOUTHCOM wasn't the only sector involved. In 1989, the airplanes of the U.S. Atlantic Command flew 5,400 hours on drug missions; in 1991, flight-time

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[158] Joya Martinez dictated a nine-page, single spaced statement to the Mexican Academy of Human Rights in El Salvador on August 29th, 1989, Mexico City. U.S. news reports drawing on his declaration include Robert Kahn, "Salvadoran Death Squad Member Describes Operations," *Brownsville Herald.* 23 January 1990; Joe Feuerhead, "Trained to Kill in El Salvador," *National Catholic Reporter.* 10 November 1989; and Larry Bensky, "A Soldier's Story: Unanswered Questions About the Jesuit Killings," *Texas Observer.* 9 November 1990.

[159] "Missions Main." United States Southern Command Partnership for the Americas. Web. 10 Nov. 2014.

[160] Bertram, Eva, Morris Blachman, Kenneth Sharpe, and Peter Andreas. *Drug War Politics: The Price of Denial*. Berkeley: U of California, 1996. Print. pp 67-87.

[161] Baum, Dan. *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. p. 167. Thurman would later go on to lead the attack on Panama's Manuel Noriega.

[162] Lane, Charles. "The Newest War," *Newsweek,* 6 January 1992. p. 19.

increased to more than 37,000 hours. Overall, military flight hours devoted to drug interdiction efforts increased by 700% between 1990 and 1992.[163] Domestically, the National Guard was involved in eradication campaigns, cargo searches, and aerial surveillance in all 54 U.S. states and territories.[164] Admiral William Crowe, Chairman of the Joint Chiefs of Staff under Reagan and Bush, had predicted, "if there are resources tied to it, why, you'll see the services compete for those, and probably vigorously."[165] Thus it was that a funding shift at the close of the Cold War drew the military into a new mission in Central America: eradication of the supply of illicit substances.

The militarization of international drug-law enforcement, some scholars have argued, largely did away with the legal distinction between rules of war and rules of law.[166] Fighting a clandestine enemy called for methods injurious to civil rights.[167] It even undermined specific US-funded programs to strengthen democracy and the rule of law in Central America. When so-called rule-of-law (ROL) programs were "carried out in conjunction with US-backed drug control efforts…the results [were] often deeply problematic, undermining the very human rights

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[163] Balman Jr., Sid. "An Electronic Picket Faces Smugglers," *Air Force Times.* 18 June 1990.

[164] Bertram, Eva, Morris Blachman, Kenneth Sharpe, and Peter Andreas. *Drug War Politics: The Price of Denial*. p. 128.

[165] Baum, Dan. *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. p. 167.

[166] Marez, Curtis. *Drug Wars: The Political Economy of Narcotics*. p. 249.

[167] Lindau, Juan. "The Drug War's Impact on Executive Power, Judicial Reform, and Federalism in Mexico." Political Science Quarterly 126.2 (2011): 177-99. Web. p. 178

and due process guarantees that the ROL program [was] designed to protect."[168] Failure to establish legal order in Central America only pushed more individuals to leave.

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In the early 1990s, under President Clinton (demonstrating a bipartisan responsibility for these policies) Operations Blockade, Hold the Line, and Gatekeeper — each efforts by the U.S. government to close the border to undocumented immigrants at the usual entry points — pushed illegal immigrants to cross into the U.S. along increasingly dangerous routes. Walls were erected and floodlights installed, forcing immigrants away from known, often urban or suburban, routes of entry and into the wilds of the desert. Their numbers did not decrease,[169] but instead of crossing at designated check points such as the Juarez-El Paso corridor, they hired human smugglers to walk them through such heat-blasted, mountainous terrain as La Rumorosa, along the California border. Death rates due to suffocation, drowning, heat exhaustion, and exposure increased threefold, to roughly 6 deaths per 100,000 crossings.[170] North of the border, the South Texas Detention Project — the culmination of the Reagan- and Bush-era immigration policies — swept migrant workers and refugees off the streets and into immigration prisons. In December of 1991, a federal judge found that U.S. policies of deportation — and the maintenance of such

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[168] Neild, Rachel. "US Police Assistance and Drug Control Policies." in *Drugs and Democracy in Latin America: The Impact of U.S. Policy*. Ed. Coletta A. Youngers and Eileen Rosin. Boulder: Lynne Rienner, 2005. 61-97. Print. p. 85.

[169] The undocumented immigrant population in the U.S. grew at an average of 350,000 persons a year, which represented about 75,000 more per year than reported in earlier INS estimates. [Cosgrove-Mather, Bootie. "Huge Increase In Illegal Immigrants." *CBSNews*. CBS Interactive, 10 Mar. 2003. Web.]

[170] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors*. p. 113

overcrowded immigration prisons as Port Isabel — "so grossly abused the human and legal rights of refugees that they violated the Geneva Convention."[171] (The ruling was, in part, a response to deportations of asylum seekers during the years of conflict. Under Article 44 of the Geneva Convention, "refugees may not be forcibly repatriated until after the cessation of hostilities" in their home countries.[172]Asylum seekers, the judge found, had been denied due process. Protocol Additional 1, Article 85.5 of the Convention states that such breaches of the Geneva Convention are to be considered war crimes.)[173]

Alarmist media — and Border Patrol stunts — contributed to a climate of fear. In 1992, as immigrants were returning to San Diego from visits south of the border for the holidays, Border Patrol Chief Gustavo de la Viña constructed an outlandish theatrical border-crossing stage. He erected new fences, deployed extra agents, and expanded detection equipment along various entry points. Immigrants, unprepared for the heightened security, jumped the barricades or were forced to dart across highways. Viña and a camera crew were waiting. They released the staged spectacle as a public relations video titled "Border Under Siege."[174]

During the Cold War, the U.S. had routinely granted legal stay to many escapees of hostile, especially Communist, nations. But accepting immigrants from countries with regimes loyal to the U.S. was problematic, a potential embarrassment. In the 1990s, that diplomatic

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[171] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. p. 13.

[172] Kahn, Robert S. *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. pp. 239-240.

[173] Parker, Karen. "Geneva Convention Protections of Salvadoran Refugees." 1984 legal argument submitted to immigration judge Michael Horn.

[174] Rotella, Sebastian. *Twilight on the Line: Underworlds and Politics at the US-Mexico Border.* New York: Norton. 1998.

paradox was reflected in the U.S. response to Central American refugees. In 1992, although the left-leaning Sandinistas had recently left office and the 1980 Refugee Act had specifically done away with any references to Communism in the US's definition of a refugee,[175] a policy crafted during the Contra rebel era still seemed to be somewhat entrenched in the U.S. system: 16.4% of 2,075 Nicaraguan asylum requests were granted. Conversely, only 1.6% of 6,781 Salvadoran requests and 1.8% of 43,915 Guatemalan requests gained approval.[176]

To the south, US-backed Drug War battles were dismantling the major cartels. The death of Pablo Escobar in 1993 brought down the Medellín Cartel. Likewise, the Cali Cartel was succumbing, in the 1990s, to a combination of bargaining and raids.[177] However, in place of the major cartels rose *cartelitos* — small operations of the leftwing *Fuerzas Armadas Revolucionarias de Colombia* (FARC) and the rightwing *Autodefensas Unidas de Colombia* (AUC). These competing guerrilla and paramilitary groups significantly increased the violence associated with the growing, processing, and transport of cocaine and other illegal substances.[178] Colombian president Andrés Pastrana, elected in 1998, ran on a platform that promised control of the drug trade and negotiations with the FARC and that de-emphasized military aid and activitives. Pastrana advocated "a policy for investment for social development, reduction of

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[175] "Refugee Policies - Refugees and the Cold War." *Encyclopedia of the New American Nation*. 2015. Web.

[176] McBride, Michael J. "The Evolution of U.S. Immigration and Refugee Policy: Public Opinion, Domestic Politics, and UNHCR." *Center for Documentation and Research* 3rd ser. (1999): New Issues in Refugee Research. Web.

[177] Dudley, Steven. *Walking Ghosts: Murder and Guerrilla Politics in Colombia.* New York: Routledge. 2004. pp. 195-198.

[178] Bagley, Bruce. "La Conexión Colombia-México-Estados Unidos." pp 28-29.

violence and the construction of peace"[179] and hoped that the international community, especially the U.S., would contribute to the effort. In response, the U.S. Congress stipulated that 75% of its aid to Colombia — $642.3 million — would go to armed forces —[180] hardly an encouragement to Pastrana's development efforts.[181]

Central America, meanwhile, got less attention, as civil wars — and U.S. military involvement — waned. Drug trafficking in the region had a chance to flourish. As late as the mid-1990s, Central American countries not only had weak professional law enforcement units, they still lacked such basic equipment as radar. Their political institutions, too, were young, weak, and easy to corrupt. Drug dealers and offshoots of *cartelitos,* pushed out of other regions, were able to make vast inroads into Central America.[182]

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[179] Observatorio para la Paz, "Plan Colombia: Juego de Máscaras," in *Cultivos Ilícitos, Narcotráfico, y Agenda de Paz,* Darío Posso, ed. Bogotá: Mandato Ciudadano por la Paz, la Vida y la Libertad, 2000. p. 167.

[180] See Center for International Policy, "The Colombia Aid Package By the Numbers," 5 July 2002.

[181] At the end of the 20th century, the U.S. often used strong-arm policies as it acted like the hegemon of the region. Eradication programs — ones that sprayed toxic chemicals onto viable crops in hope of killing marijuana plants — were not executed with the full support of the Colombian people — some of whom had to run for shelter when they saw the U.S. dusting planes flying low. Indigenous peoples were most affected by the spraying in Colombia. This disproportionate impact led to the creation of the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) — a legal action group backed by the Colombian government's Human Rights Ombudsman's Office. The group filed a claim in the Bogotá courts requesting a stay to U.S. aerial spraying, arguing that the chemical used, glyphosate, had toxic effects on the population, food crops, water sources, and local flora and fauna. [García, M.I. *Agro-Chemicals at the Eye of the Anti-Drug Storm*. Tierramérica.] The claim was filed under the Colombian constitutional mandate that indigenous peoples have the right to participate in governmental affairs affecting their survival. On July 23, 2001, a Bogotá judge ruled in favor of OPIAC and ordered that the spraying be stopped. However, under pressure from the US, within a week, the judge clarified his ruling to pertain only to indigenous reserves. Spraying was therefore allowed to continue through the rest of Colombia. [Forero, J. *Judge in Colombia Halts Spraying of Drug Crops*. The New York Times. July 30, 2001.] Following this decision, the International Labor Rights Fund filed a suit in U.S. Federal Court on behalf of Ecuadoran peasant farmers living in the Amazon. The case argued that DynCorp, a U.S. corporation contracted for the eradication campaigns, broke the U.S. Torture Victim Protection Act. The case made its way to the U.S. Supreme Court, where the plaintiffs lost. [Walcott, Judith. "Spraying Crops, Eradicating People." Cultural Survival. Web.]

[182] Robinson, Linda. "Central America and Drug Trafficking." p. 446.

Many Central American states were seeing their nonmilitary institutions weakened by years of internationally imposed austerity measures. For example, in 1990, El Salvador began implementing an economic reform and stabilization program with the International Monetary Fund (IMF). Millions of dollars of credit were approved for the country to reduce inflation. This was to be accomplished by decreasing government spending by 1.5% of gross domestic product (GDP). The cost of the social safety net was to be born by municipalities and nongovernmental organizations.[183] Neoliberal reforms in Honduras in conjunction with the IMF also started in 1990. The strategy was very similar to that in El Salvador and focused on fiscal consolidation, rather than expansionary policies. Social policies remained largely funded from abroad.[184] However, funding for USAID — the organization through which the U.S. provided its limited economic development aid — was dropping during this period. USAID was, as Jeffery Sachs put it, stripped of its "thinkers, strategists, and development economists," so that it lost its capacity as "a strategic agency that analyzes complex development challenges and helps lead a suitable U.S. foreign policy response," and became no more than a "service delivery agency."[185] The U.S. was not focusing on development projects that would push Central American countries beyond drug trafficking and control by international gangs, projects that might have presented an avenue out of poverty and illegal drug production.

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[183] "Press Release: IMF Approves Stand-by Credit for El Salvador." *International Monetary Fund*. International Monetary Fund, 21 July 1995. Web.

[184] "Press Release: IMF Approves Second Annual Loan for Honduras Under the ESAF." *International Monetary Fund*. International Monetary Fund, 31 Jan. 1995. Web.

[185] Sachs, Jeffery. "Call It Our Bolivian Policy of Not-So-Begnin Neglect." *Washington Post.* 26 October 2003.

In the US, after the 1992 Rodney King Riots in Los Angeles, prosecutors began to charge and try youth gang members as adults. In metro Los Angeles alone, in 1992, hundreds of Latin youths went to prison for petty crimes and drug offenses.[186] Then, in 1994, the California electorate passed Proposition 184,[187] commonly known as the *Three Strikes and You're Out* sentencing measure, which significantly increased jail time for repeat offenders.[188]

In prison, those not previously associated with a gang found protection with one of the groups, and those already a part were further indoctrinated. Prisons helped solidify the identity of gangs and their members. John Sullivan, a gang specialist with the Los Angeles Sheriff's Department, has written that prisons are a sort of "school house" for gangs — a place where recruits can refine their skills, meet new associates, and build social networks. Prisons can also provide a stable refuge. Prison officials can sometimes be co-opted into shielding gang activities.[189] From such a safe haven, therefore, inmates can extend their reach beyond the prison walls, ordering operations, including murders.[190]

While the War on Drugs continued to stigmatize immigrants and, through incarceration, unintentionally foster gangs, three other events of the mid-1990s furthered an atmosphere hostile

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[186] Arana, Ana. "How the Street Gangs Took Central America."

[187] Brown, Brian, and Greg Jolivette. "A Primer: Three Strikes - The Impact After More Than a Decade." *Legislative's Analyst's Office*. Legislative's Analyst's Office, Oct. 2005. Web.

[188] "The Three Strikes and You're Out Law." Legislative Analyst's Office, 22 Feb. 1995. Web. 09 Nov. 2014.

[189] Sullivan, John P. "Transnational Gangs." Air and Space Power Journal., 1 July 2008. Web. 10 Nov. 2014.

[190] Sullivan, John P. "Transnational Gangs."

to immigrants— the 1993 World Trade Center bombing,[191] the 1994 California Proposition 187 (which denied services to undocumented immigrants and was initially tremendously popular),[192] and the 1995 Oklahoma City bombing.[193] On April 19, 1995, Timothy McVeigh and Terry Nichols carried out the domestic terrorist attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City. The initial blame, before McVeigh and Nichols were suspected, was placed on immigrants, though the attackers turned out to be U.S. citizens.[194] In the wake of the attack, Congress passed, and President William Clinton signed, the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), as well as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The first piece of legislation made it easier to detain suspected terrorists and limited a federal judge's ability to grant relief due to contextual circumstances. While civil rights activists decried the erosion of *habeas corpus*, in general, the legislation specifically broadened judicial powers to deport aliens. Section 436 of AEDPA amended section 241 (a) (2) (A) (i) (II) of the INA to extend "deportation to aliens convicted of a

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[191] The 1993 World Trade Center bombing was carried out by an organization directed by Ramzi Yousef. He claimed to be avenging the sufferings of the Palestinian people due to the US-Israel relationship. John Dillon, "Surge in Immigration to U.S. Raises Public Anxiety, Spurs A Showdown in Congress," *Christian Science Monitor*, December 17, 1993; Anthony Lewis, "Abroad at Home: Warning, Hysteria Ahead," The New York Times, October 25, 1993; Robert McFadden, "Immigration Hurts City, New Yorkers Say in Poll," The New York Times, October 18, 1993; William Schneider, "Americans Turn against Immigration," The National Journal, July 24, 1993; Michael Tackett and Nicholas Horrock, "Terrorism Prompting Immigration Review," Chicago Tribune, July 13, 1993.

[192] California Proposition 187 was passed as a referendum in 1994. It established a state-run citizenship screening system by which undocumented immigrants would be denied health care, public education, and other social services. However, a federal court found the law unconstitutional, and in 1999 California Governor Gray Davis terminated all state appeals. Human Rights Watch telephone interview with University of Virginia Professor David Martin, former general counsel of U.S. Immigration and Naturalization Service from 1995-98, Charlottesville, Virginia, December 1, 2006.

[193] "Deportation Law Based on Criminal Convictions After 1996." *Human Rights Watch*. Human Rights Watch, July 2007. Web.

[194] Menjívar, Cecilia, and Dan Kanstroom, eds. *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses.* New York: Cambridge UP, 2014. Print. p. 14.

crime of moral turpitude within five years of their date of entry, for which a sentence of one of more years is statutorily permitted."[195] But IIRIRA was more punitive. It marked a break from the era of the 'Flower Petal Policy,' during which immigration laws were often enforced selectively, depending on the strength of the economy. IIRIRA passed soon after Republicans gained control of both chambers of Congress (for the first time since the 1950s), but also during a period of economic growth, and President Clinton, a Democrat (traditionally the party associated with inclusive policies toward immigrants), puzzled immigrant-rights activists by signing it into law.[196] Among many other harsh measures, the Act stipulated that non-citizens sentenced to a year or more in prison would be deported. It accomplished this by expanding the definition of an aggravated felony to include any felony or misdemeanor in which the sentence was at least a year in prison, whether the time was served or suspended, and making any immigrant convicted of an aggravated felony subject to mandatory deportation without judicial review. This came during a decade when more than a third of felony marijuana convictions, for example, resulted in prison terms of more than a year.[197] It made stealing baby clothes, in some jurisdictions, a deportable offense. Immigrants accused of these offenses retained no right to ask

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[195] Martin, Sara A. "Postcards From the Border," Boston College: World Law Journal 19, 1998–1999. p. 694.

[196] President Clinton voiced concern about the reforms regarding immigration in both AEDPA and IIRIRA. And after signing IIRIRA, he strongly supported the 1997 Nicaraguan Adjustment and Central American Relief Act, whose section 203 grants asylum to certain individuals from Guatemala and El Salvador "who entered the United States and applied for asylum by specified dates or registered for benefits under the settlement agreement in the class action lawsuit American Baptist Churches v. Thornburgh, 760 F. Supp. 796 (N.D. Cal. 1991)." ["NACARA 203 - Nicaraguan Adjustment and Central American Relief Act." *U.S. Citizenship and Immigration Services*. U.S. Citizenship and Immigration Services, 7 Apr. 2011. Web.] He also advocated for the 2000 Restoration of Fairness in Immigration Law Act of 2000. However, this law was never passed by Congress. ["Restoration of Fairness in Immigration Law Act of 2000." *GovTrack.us*. Library of Congress, Web.]

[197] King, Ryan S. and Marc Mauer "The War on Marijuana: The Transformation of the War on Drugs in the 1990s." *The Sentencing Project.* May, 2005.

for judicial discretion. Judges could not consider mitigating circumstances or take into account a defendant's family ties or contribution to society.[198]

Changes in the definition of — and in the judicial consequences of — an aggravated felony applied only to foreign-born individuals. An infraction carrying a sentence of a year or more, which, if committed by a citizen might have been classified as a misdemeanor, thus became an automatic detention and deportation route for an immigrant.

Naturalized citizens, under IIRIRA, would also be stripped of their citizenship and expelled once they had served their time on a sentence of at least a year.[199] Likewise, legal Permanent Residents (LPRs) were to be treated as immigrants. After IIRIRA passed, LPRs were often deported to countries they barely knew, to areas where they had no family. And IIRIRA made it a crime knowingly to make a "false claim of U.S. citizenship" or to fail to "cooperate in the execution of one's removal order." Both, in themselves, were deportable offenses.[200]

IIRIRA was also retroactive, making many non-citizens who had already served their sentences for minor crimes, suddenly, deportable.[201] Article 1, Section 9, of the U.S. Constitution prohibits the U.S. Congress from passing retroactive laws, and Article 1, Section 10, prohibits the states from doing so. But IIRIRA adhered to case law that excepted immigration offenses

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[198] Menjívar, Cecilia, and Dan Kanstroom, eds. *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses.* p. 206.

[199] Arana, Ana. "How the Street Gangs Took Central America."

[200] Legomsky, Stephen H. "New Path of Immigration Law: Asymmetric Incorporation of Criminal Justice Norms," p. 477.

[201] Moore, Andrew "Criminal Deportation, Post-Conviction Relief and the Lost Cause of Uniformity," Georgetown Immigration Law Journal, vol. 22, 2007–2008. pp. 667–668.

because they were considered civil, rather than criminal.[202] In upholding such e*x post facto* laws, the U.S. has more than once departed from the consensus of the international community. Article 11, Paragraph 2 of the Universal Declaration of Human Rights, to which the U.S. is a signatory, reads: "No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed."[203] Other *ex post facto* laws in the U.S. predominantly govern the registry of sex offenders[204] or the ownership of firearms by those convicted of misdemeanor domestic violence offenses or under restraining orders. IIRIRA gave immigrants unsavory company.

IIRIRA also chipped away at *Plyler v. Doe,* the 1982 Supreme Court decision holding that children of undocumented workers had a right to public education. IIRIRA limited educational benefits for those without papers, even if they had paid taxes that supported public schools. Likewise, IIRIRA made undocumented immigrants ineligible for Social Security benefits, even if they had paid the requisite taxes. Finally, IIRIRA raised the income threshold for a legal resident to sponsor a family member to immigrate legally, which decreased family reunification among poor immigrants.[205]

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[202] Justice Samuel Chase created this exception in the 1798 U.S. Supreme Court case *Calder v. Bull*.

[203] "The Universal Declaration of Human Rights." *UN News Center*. UN, Web.

[204] One such law is the Adam Walsh Child Protection and Safety Act of 2006.

[205] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors.* p. 95.

These restrictions under IIRIRA reflected a newly punitive view of migrants. Rather than a flexible army of laborers augmenting the workforce in times of economic growth or performing jobs rejected by citizens, immigrants were often portrayed in the media and in political speech[206] as a drain on U.S. society, as breakers of the U.S. welfare-system bank. Reinforcing the criminal sanctions of IIRIRA, the Personal Responsibility and Work Opportunity Act of 1996 barred undocumented individuals from most federal, state, and local public benefits. It also affected immigrants with legal status, prohibiting them from means-tested programs — such as food stamps or Supplemental Security Income — for five years after their admission.[207]

In California, IIRIRA and *Three Strikes and You're Out* combined to foster not only a punitive approach to immigrants and illegal drugs but, incidentally, a potent prison culture that spread gang mentality and actions throughout the California judicial system and down to Central America.

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John Sullivan's work on "third generation" gangs is useful in understanding the violence of *maras* in the Northern Triangle countries of Central America. He describes growing levels of sophistication and reach with each generation, the first consisting of neighborhood-oriented "turf" gangs, the second evolving into market-oriented drug gangs that reach beyond the

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[206] For example, in 1996, part of the Republican platform included support for a constitutional amendment that would deny automatic citizenship to children who were born in the U.S. but whose parents were undocumented immigrants. [Bruni, Frank. "Dole Rejects a Party Plank." *The New York Times*. The New York Times, 23 Aug. 1996. Web.]

[207] Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors.* p. 96.

neighborhood, and the third combining political and mercenary aims with global reach and sophistication.[208] Forged by crime and war, the *maras* in the post-millennial era, as described by Sullivan, "cross over borders and grow based on the power that comes from narcotrafficking… and have links to organized crime, death squads, and narcoterrorists."[209] They are, he argues, "a byproduct of significant changes in societal organization that result from the confluence of globalization and technological advances that alter the nature of conflict and crime, favor small, agile groups and fuel the privatization of violence."[210]

In Central America, *maras* have grown to control entire housing projects, schools, and blocks. They rule at least 15 municipalities in El Salvador.[211] Between MS-13 and M-18, there are roughly 20,000 to 22,000 gang members in El Salvador, 12,000 in Honduras, and 19,000 to 22,000 in Guatemala.[212] They conduct overt political activity and seek to infiltrate and corrupt local police and security forces.[213] On a day-to-day basis, they rape, torture, and kill those in their way and those who refuse to join their ranks. They kill at random, too, to show their power and assert their control over the government and citizens of many areas. In 2004, MS-13

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[208] Sullivan, John P. "Transnational Gangs."

[209] Mittrany, Carola. "Maras go South," *Comunidad Segura*, 27 February 2008.

[210] John P. Sullivan, "Gangs, Hooligans, and Anarchists—The Vanguard of Netwar," in the Streets." See also Chapter Four in John Arquilla and David Ronfeldt (Eds.), Networks and Netwars: The Future of Terror, Crime, and Militancy, Santa Monica, CA: RAND, 2001, p. 99-126, for a discussion of factors that influence the current shift in the nature of crime and conflict to favor gangs. A detailed discussion of the privatization of violence, and the roles gangs play in that respect, is also found at John P. Sullivan, "Terrorism, Crime and Private Armies," Low Intensity Conflict & Law Enforcement, Vol. 11. No. 2/3. Winter 2002. pp. 239-253. See also Robert J. Bunker, ed., Networks, Terrorism and Global Insurgency, New York: Routledge, 2005. pp. 69-83.

[211] Ana Arana, "How the Street Gangs Took Central America," p. 98.

[212] *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment.* Rep. New York: United Nations Office on Drugs and Crime, 2012. Print. pp. 27-28.

[213] Sullivan, John P. "Transnational Gangs."

members surrounded a bus driving through Chamalecon, Honduras, and opened fire with AK-47s. They killed 28 passengers. Their victims were chosen at random to warn against government crackdowns.[214] And in January of 2005, 49% of murders in El Salvador were attributed to gang violence.[215]

The *maras* strain governmental capacity by overwhelming police forces through violence, audacity, and shear numbers. They bring into question the legitimacy of state institutions, especially where democracy is already challenged by corruption and where citizens' frustrations are reinforced by the inability of the state to provide schools and services. They portray themselves as a surrogate or alternative to the government. For example, in areas of El Salvador and Guatemala where the governments have accepted defeat, *maras* have begun collecting taxes on individuals and businesses. They also dominate the informal economic sector. By bringing violence into the economy, they are able to rule over their law-abiding rivals. By infiltrating police forces and nongovernmental organizations, they both further their market goals and advance their political objectives.[216]

The deportation of *maras* from the U.S. to Central America during the 1980s and 1990s, when the states of the Northern Triangle were transitioning from authoritarian rule to more open forms of democratic governance, gave them an advantage that has allowed them to consolidate power in the post-millennial period. During transitional stages, nations are especially vulnerable

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[214] Ana Arana, "How the Street Gangs Took Central America."

[215] Thomas C. Bruneau, "The Maras and National Security in Central America," Strategic Insights, Vol. IV, Issue 5, May 2005.

[216] Thomas C. Bruneau, "The Maras and National Security in Central America."

to highly organized and disciplined gangs, as old systems crumble.[217] Whatever potential existed for progressive Central American leaders to construct strong, new democratic institutions at the national or local level, the gangs strangled it. They hit at the wrong moment — thousands of members deported from prisons — and began to reconstruct in Central America the worlds they had known in Los Angeles. The *maras* accumulated power and standing, filling the vacuum of receding authoritarian regimes. Continuing deportations in the post-millennial era only strengthened the gangs. Between 2000 and 2004, it is estimated that 20,000 young Central Americans whose families had settled in Los Angeles during the 1980s were deported to countries they had never known.[218] Arriving there, they looked for belonging and found it in reasserting their gang connections. They created surrogate families in the *maras.*

Efforts within Central America to rehabilitate gang members in prisons have not run smoothly. There are roughly 1,800 MS-13 members incarcerated in El Salvador, about sixty percent of them deported from the US.[219] Officials in Salvadoran prisons have started the practice of separating the *maras* from each other to avoid inter-*mara* violence. But this division has sometimes backfired,[220] heightening *mara* loyalty as the prisons become power blocks from which *mara* members can still order hits on the outside.[221] Federico Brevé, the former Minister

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[217] Bagley, Bruce. "Drug Trafficking and Organized Crime in the Americas: Major Trends in the Twenty First Century." in *Drug Trafficking in the Americas*. Ed. Bruce M. Bagley and William O. Walker III. Miami: U of Miami, North-South Center, 1994. Print.

[218] Arana, Ana. "How the Street Gangs Took Central America."

[219] Lopez, Robert J. Rich Connell and Chris Kraul, "MS-13: An International Franchise: Gang Uses Deportation to its Advantage to Flourish in U.S."

[220] Lopez, Robert J. Rich Connell and Chris Kraul, "MS-13: An International Franchise: Gang Uses Deportation to its Advantage to Flourish in U.S."

[221] Quirk, Matthew. "How to Grow a Gang," The Atlantic Monthly, Vol. 301, No. 4, May 2008. p. 24-25.

of Defense of Honduras, believes that the *maras* are both symptom and cause of a climate of insecurity in the region. With the help of the Mexican Mafia, "barrio cliques" have become *mara* outposts, operating in the poorest areas of the largest cities, where state authority hardly penetrates.[222]

But efforts to control violence and establish rule of law in Central America have not been abandoned. Ricardo Maduro, President of Honduras from January 27, 2002, to January 27, 2006, led the charge against the *maras* under what he called the Strong Hand Policy, which allowed arrests on suspicion of gang involvement — for example if people had tattoos. Such suspects could be jailed for up to 12 years. Arrests under the Strong Hand Policy swelled to well beyond prison capacity, and the judicial system was overwhelmed:[223] 10,000 of the 14,000 youth arrested in Honduras purely on suspicion were released because there was not enough evidence to hold them.[224] Between the power blocks in prisons and the overwhelmed judicial system, simply incarcerating gang members was an unworkable strategy.[225] Furthermore, the *maras* retaliated. In response to the repressive techniques of Strong Hand, they became more violent.

Many scholars have suggested that, to keep youths out of gangs, tough enforcement policies have to be accompanied by social programs,[226] including the strengthening of schools

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[222] Brevé, Federico. "The Maras: A Menace to the Americas," Military Review (English Edition), July-August 2007.

[223] Arana, Ana. "How the Street Gangs Took Central America."

[224] "Most of 14,000 Gang Members Arrested in El Salvador Were Released," *EFE News Services,* 27 December 2005.

[225] "The Center for Democracy in the Americas Report on El Salvador's Presidential Election." *Center for Democracy in the Americas.* 15 March 2009. Web.

[226] Arana, Ana. "How the Street Gangs Took Central America."

and the creation of jobs. Poverty, social exclusion, and lack of education and job opportunities have long combined to make the youths of Central America easy targets for gang recruitment.[227] Moreover, demography matters. For example, in Honduras, thirty percent of the population, in the last census, was between 15 and 24 years of age.[228] Sixty-five percent was living on no more than $2 a day. And in 2005, the unemployment rate was twenty-five percent. Compounding the problem of gang recruitment, longstanding stigmas make re-entering society after being part of a gang almost impossible in much of Central America. A 2007 State Department report found that individuals who have tattoos — as well as deportees from the U.S. who are often native English speakers — have the most difficulty in finding employment.[229] With few strong programs to give youths alternatives to gangs before they join or after they leave, governments face a steep challenge in wrestling power from the *maras*.

The results, for Central America, are dire: Since the 1980s, murder rates in the region have increased by 50%, and the majority of victims are between the ages of 15 and 25.[230] Honduras has the world's highest murder rate.[231] El Salvador follows not far behind with the world's second highest rate, and Guatemala ranks seventh. Overall, Central America went from a

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[227] "The Center for Democracy in the Americas Report on El Salvador's Presidential Election." *Center for Democracy in the Americas.*

[228] Ribando, Clare M. United States. Congressional Research Service. Gangs in Central America.

[229] Ribando, Clare M. United States. Congressional Research Service. Gangs in Central America.

[230] Imbusch, Peter, Michel Misse, and Fernando Carrión. "Violence Research in Latin America and the Caribbean: A Literature Review."

[231] Shoichet, Catherine E., and Danny Guerra. "Which Countries Have the World's Highest Murder Rates? Honduras Tops the List." CNN. Cable News Network, 11 Apr. 2014. Web. 26 July 2014.

homicide rate of 27 per 100,000 inhabitants in 2000 to 43 per 100,000 inhabitants in 2010.[232] Central American children, in the post-millennial era, often have no choice but to flee gang violence, desolate poverty, and increased drug trafficking.

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On December 1, 2006, Mexican President Felipe Calderón announced an unprecedented act of cooperation between Mexico and the U.S. to combat drug trafficking and organized crime. The Mérida Initiative escalated the militarization of the War on Drugs in Mexico. Starting in fiscal year 2008, the U.S. allocated $1.5 billion to Mexico over a two-year period, with military and police expenditures increasing by nearly 10-fold from the previous year. Yet continued high demand for drugs in the U.S. kept trafficking lucrative;[233] and the Initiative did not address treatment or rehabilitation. What the escalated Drug War did accomplish was to push violence and cartels from Mexico southward into Central America, and specifically into the Northern Triangle.[234] By the first decade of the new millennium, 90% of the cocaine shipped from the Andes was flowing through Central America.[235]

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[232] Villalobos, Joaquin. “Rethinking the War on Drugs through the U.S.-Mexico Prism.” Yale Center for the Study of Globalization. Web.

[233] "FACT SHEET: The Mérida Initiative/Plan Mexico." *Witness for Peace* (2011): Witness for Peace. Web.

[234] Bagley, Bruce. "Drug Trafficking and Organized Crime in the Americas: Major Trends in the Twenty First Century."

[235] Crime and Development in Central America: Caught in the Crossfire. UNODC. May 2007.

Likewise, U.S. efforts to end the shipment of guns to Mexican and Central American cartels and *cartelitos* have, so far, failed. A broad series of investigations called *Project Gunrunner,* spanning both the George W. Bush and Barack Obama administrations — *Operation Wide Receiver* (2006-2007) and *Operation Fast and Furious* (2009-2011) — and run by the Phoenix, Arizona, branch of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (the ATF), encouraged licensed gun manufacturers to sell arms to known criminals. The hope was that registered weapons could be traced, once they had made their way into the hands of the cartels. Gun sellers estimated that under *Operation Fast and Furious,* they sold a total of 2,000 weapons to so-called straw buyers — buyers who purchase on behalf of someone else to circumvent the law. The ATF lost track of roughly 1,700 of them.[236] Similar disasters occurred under *Operation Wide Receiver.*[237] The supposedly traceable arms were lost as they made their way south, through Mexican cartels and the Mexican Mafia and often onward to the Central American *maras*.

During the year before the 2008 presidential elections, President George W. Bush tried to pass comprehensive immigration reform. His Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 would have provided a path to citizenship for immigrants who sent in applications and paid a fine, and who had been physically present in the U.S. since April 2006. It would have expanded the guest worker program and increased the protection of its participants so that they could satisfy the U.S. demand for labor, but also return home to visit their families in Latin America. And the bill was indeed comprehensive: to satisfy those

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[236] DeLuca, Matthew. "What Is Operation Fast and Furious?" The Daily Beast. N.p., 21 June 2012. Web. 13 Nov. 2014.

[237] Barrett, Paul M. "The Guns That Got Away." *Bloomberg.com*. Bloomberg, 17 Nov. 2011. Web.

concerned with breaches of border security, it would have increased law enforcement funding and heightened border security measures.[238] But after proceeding through multiple versions in the Senate, it failed.

In 2008, the U.S. Congress managed to take smaller steps to try to address increased human trafficking, as conditions in Central America worsened. Families in the Northern Triangle were, by now, sending their children north, often unaccompanied, hoping that they would reunite with family members who were already in the US. C*oyotes* — human smugglers — spread false rumors that changes in immigration law, or even Congressional debate of immigration reform, meant that a child who made it to the U.S. could legally remain.[239] Those who sent young children felt that, with or without papers, they would have a better chance of living into adulthood if they were far from the *maras* who pursued them at home. Many teenagers, too, concluded that their only escape from the gangs lay in fleeing the country. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, signed by President Bush, stipulated that, to combat human trafficking, unaccompanied child immigrants from non-contiguous countries had to be treated differently from other migrants. They were to be put under the care of the Director of Health and Human Services (HHS), pending removal proceedings as dictated by section 240 of the 1965 INA (8 U.S.C. 1229a). However, they were also eligible for legal status under section 240B INA, at no charge to the child, and they would be provided with

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[238] "Comprehensive Immigration Reform Act of 2007." *OpenCongress*, Web.

[239] The U.S. would later dispel such false rumors through massive media buys in Central America. [Meyer, Maureen, Clay Boggs, and Rodolfo Cordova. "New Developments along Mexico's Southern Border." *Washington Office on Latin America*. Washington Office on Latin America, Web.]

access to counsel.[240] When the Wilberforce Act passed, some 7,000 unaccompanied minors were crossing the border every year. In 2008, the 110th Congress did not foresee that number jumping to over 68,000.

The Central America Regional Security Initiative (CARSI) was also launched in 2008, as a regional attempt to address, in part, the problem of child refugees. CARSI is an agreed-upon framework for regional cooperation, operating alongside and supplementing the actions of Central American governments. Supported internationally by states outside the region, financial institutions, the private sector, civil society, and the Central American Integration System, CARSI asserted five goals: safe streets for the citizens of the region; disruption of "criminals and contraband" within and between the region's nations; development of "strong, capable, and accountable" Central American governments; rebuilding of capable state "presence, services, and security" in at-risk communities; and "enhanced coordination between the nations of the region, other international partners, and donors" to fight regional security threats.[241] The social-development and assistance aspects of CARSI, however, were doomed to be overshadowed and undermined by the imperatives of the War on Drugs.

The compassion of the William Wilberforce Trafficking Victims Protection Reauthorization Act was never fortified by broader immigration policy, which remained concerned more with deportation than incorporation. HHS did not have the facilities to house thousands of migrants humanely, nor did the government retain enough immigration lawyers and

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[240] "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008." *U.S. Department of State.* U.S. Department of State, 01 Jan. 2008. Web.

[241] "The Central America Regional Security Initiative: A Shared Partnership." (2014): United States Department of State. Bureau of Western Hemisphere Affairs, 5 Mar. 2014. Web.

judges to advise and rule adequately on mass influxes of migrants. And while Wilberforce enhanced due process for unaccompanied children, new programs created by the Department of Homeland Security (DHS) in 2008 were more concerned with streamlining deportation. Under the Secure Communities program, Immigration and Customs Enforcement (ICE) agents would take fingerprints from undocumented suspects during the booking process and send them through the ICE database. The presence of ICE in local jails eroded the trust of immigrants, who feared the conflation of local law enforcement with immigration enforcement. And while Secure Communities was presented as a program that would target for deportation criminals who were threats to public safety, DHS statistics proved it to be less specific than anticipated. In fiscal year 2011, 26% of those deported had no criminal background.[242] A woman in Los Angeles, for example, was placed into deportation proceedings after she called the police to report an episode of domestic violence.[243] Secure Communities made immigrants with uncertain legal status become less likely to report crimes to law enforcement, for fear that they would be deported.[244]

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What happened in the summer of 2014 had roots in deep cultural, social, and political stresses arising in Central America. But what was to become a devastating humanitarian crisis at the U.S. border also belonged to a broader stretch of North America. Decades of U.S. policies,

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[242] "Secure Communities: A Fact Sheet." Immigration Policy Center, 29 Nov. 2011. Web.

[243] Linthicum, Kate. "Obama Ends Secure Communities as Part of Immigration Action." *Los Angeles Times*. Los Angeles Times, 21 Nov. 2014. Web.

[244] Linthicum, Kate. "Obama Ends Secure Communities as Part of Immigration Action."

generally piecemeal, regarding immigration, illegal substances, and Central American conflicts, surely contributed to the arrival of unprecedented thousands of unaccompanied minors fleeing the Northern Triangle, hoping to reunite with their parents or other family members.

On June 5, 2014, a story that Hispanic media had been covering for a week entered the mainstream news cycle when Breitbart News Network ran the headline, "Leaked Images Reveal Children Warehoused In Crowded U.S. Cells, Border Patrol Overwhelmed."[245] During the 2014 fiscal year, more than 68,000 unaccompanied child immigrants — double the number from fiscal year 2013[246] — would cross the United States southwestern border illegally. Both the numbers and the ages surprised the news-watching public. Specifically, apprehensions of children 13 to 17 years old increased by 12%, according to statistics obtained by the Pew Research Center through a Freedom of Information act request, while those of children 6 to 11 years old increased by 111%, and those of children five and under increased by 177%.[247]

The Obama Administration and the 114th U.S. Congress were slow to act on the 2014 humanitarian crisis. Already entangled in an immigration debate, the administration hoped for Congressional approval of a comprehensive policy.[248] The Senate had already, in 2013, approved the Border Security, Economic Opportunity, and Immigration Modernization Act, which would have accomplished many of the president's goals, and which proposed anew many of the policies

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[245] Darby, Brandon. "Leaked Images Reveal Children Warehoused in Crowded U.S. Cells, Border Patrol Overwhelmed." Breitbart News Network. N.p., 5 June 2014. Web. 24 July 2014.

[246] "Southwest Border Unaccompanied Alien Children." *U.S. Customs and Border Protection*. Web. 10 Nov. 2014.

[247] Hennessey-Fiske, Molly. "Report: 117% Increase in Children 12 and Younger Crossing Border Alone." Los Angeles Times. N.p., 25 July 2014. Web. 26 July 2014.

[248] Although comprehensive reform would help immigrants who have been in the U.S. for several years, it would not address the plight of the children recently arrived, nor, of course, the regional conditions that forced them northward.

that President George Bush had supported in his comprehensive bill. But the Republican House of Representatives refused to discuss it. Now, in 2014, politicians from both sides of the aisle visited the border, taking pictures with unaccompanied minors and using the children's stories as props for their political ambitions, but they were unable to respond legislatively.

Stories of the horrendous conditions in the Northern Triangle — and of the perilous journey of the immigrants traveling north through Mexico — persisted for months in mainstream newspapers and broadcasts: stories of young boys afraid to leave their houses for fear of being shot on-site for having refused to join a gang; stories of young girls raped and forced to become gang members' "girlfriends;" stories of kidnapping, torture, and vengeance on family members that sometimes got strung together in breathless, run-on paragraphs:

> A detainee in Artesia, New Mexico named Sofia explained that a gang murdered her brother, shot her husband and then kidnapped and raped her 14-year-old stepdaughter. A Guatemalan woman named Kira said that she fled when a gang targeted her family over their involvement in a nonviolence movement at church; when Kira's husband went into hiding, the gang subjected her to repeated sexual assaults and threatened to cut her unborn baby from her womb. An inmate named Marisol said she crossed the U.S. border in June after a gang in Honduras murdered the father of her 3-year-old twins, then turned its attention to her.[249]

The stories awoke the United States, for a time, to the desolate poverty, rampant violence, and lawless mayhem of the Northern Triangle. Citizens of those countries were swayed to travel north by any glimmer of hope. The most popular route required hopping cars on a train that came to be known as *la bestia* — the beast — riding on the roofs for days, through rain and heat. They feared that if they got off the train in search of food or water, it would leave them stranded in Mexico. Some fell asleep, with the rocking of the train, and fell off or were thrown off balance

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[249] Hylton, Wil S. "The Shame of America's Family Detention Camps." *The New York Times*, 4 Feb. 2015. Web.

by the changes in speed.[250] Mexican hospitals filled with such children, some whose legs were cut off when they fell under the wheels. Some were run over and died. If weather, hunger, or the train itself did not defeat them, Mexican gangs that controlled the area surrounding the train often did. Gang members made them pay for safe passage or kidnapped them and forced them to join.[251]

President Obama promised White House action several times during the summer, and on November 14, 2014, he announced a pilot, in-country, refugee-parole program in El Salvador, Guatemala, and Honduras for minors who had parents lawfully present in the U.S. The program aimed to establish whether children from the Northern Triangle were eligible for refuge, before they left Central American and risked their lives traveling north across Mexico and the deserts along the border. Children whose parents were in the U.S. illegally were not eligible for the pilot program. Parents who were residing legally in the U.S. could initiate the application process from their end by filing a U.S. Department of State DS-7699 form, requesting resettlement for unmarried children under the age of 21. Then, the International Organization for Migration, which manages the U.S. Resettlement Support Center in Latin America, would assist the children through the process, in-country.

Children in the pilot program must be cleared medically and undergo interviews with DHS, and DNA testing, to verify their biological relationship to the sponsoring parent already in the U.S. If a child is found to be ineligible for refuge, the case may be considered for parole — a

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[250] Villegas, Rodrigo D. "Central American Migrants and “La Bestia”: The Route, Dangers, and Government Responses." *Migration Policy Institute*. Migration Policy Institute, 10 Sept. 2014. Web.

[251] Villegas, Rodrigo D. "Central American Migrants and “La Bestia”: The Route, Dangers, and Government Responses."

status that admits the child to the U.S. for urgent humanitarian reasons. For either status, authorities must find that a child is "at risk of harm" and clears all background vetting. They must find "no serious derogatory information," about the child. And they must find that "someone has committed" to support the child financially in the United States."[252]

The process for refugee admission to the U.S. is lengthy, and the pilot program is relatively new, so results have yet to be gauged. The U.S. embassy in Honduras anticipates that few children will be allowed into the U.S. in the 2015 fiscal year. Any child admitted under the pilot program will be included in the Latin America-Caribbean regional allocation, which is capped at 4,000 for the 2015 fiscal year.[253] While some flexibility is built into that number, it would hardly accommodate a spike like that during the summer of 2014, which amounted to almost twenty times the designated limit. Furthermore, individuals like Bill Frelick at Human Rights Watch have voiced their opposition to the program even before it gets off the ground. (The first applications were accepted on December 1, 2014.) Frelick points to the failures of in-country processing from Vietnam and Haiti in the 1980s and 90s. These programs showed to be a way of blocking access to asylum for those who needed it immediately, he argues. A "refugee" is by definition someone who is already outside his or her country and is unable or unwilling to return. Many of the children from Central America have already left their homes. Therefore, Frelick asks: will they forced to return to Central America to apply for asylum? These children

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[252] "Fact Sheet: In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States." *Embassy of the United States Tegucigalpa, Honduras.* Speeches and Statements, 14 Nov. 2014. Web.

[253] "Fact Sheet: In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States." *Embassy of the United States Tegucigalpa, Honduras.*

have shown that they need to leave their countries immediately.[254] Meanwhile, the focus of the media — even the Hispanic media — has turned elsewhere. *La Opinion* did away with a section called *La Crisis Humanitaria,* and the majority of articles are now focused on general immigration reform.

Still, President Obama managed, in November 2014, to announce an executive order that both increased resources for border security personnel and focused deportation efforts on felons, criminals, and gang members.[255] To help undocumented workers, the President's executive order provided an expansion to his Deferred Action for Childhood Arrivals[256] program (DACA) so that if a parent of a child covered under DACA had been in the U.S. for at least five years, registered, paid a fine, and had a clean record, that parent could get legal temporary status.[257]

In attempting to address the push factor in Central America — the social conditions driving out-migration — the U.S. has thus far contributed $642 million to CARSI. The funding has gone to "increase drug interdiction efforts; to strengthen the capacity of law enforcement institutions, including police and prosecutors, to fight crime; and, to engage in community-level crime prevention efforts to assist at-risk youth."[258] Some scholars have criticized the U.S. imposition of D.A.R.E. anti-drug programing through CARSI, along with many of CARSI's

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[254] Frelick, Bill. "Are Central American Kids the New Boat People?" *Human Rights Watch.* 14 August. 2014. Web.

[255] This reference to gang members came with little to no explanation from the President or DHS as to the origins of these gangs and certainly no acknowledgement of any U.S. responsibility for their creation.

[256] Deferred Action for Childhood Arrivals provides legal status for individuals who were brought to the U.S. by their parents as children. ["Consideration of Deferred Action for Childhood Arrivals (DACA)." *U.S. Citizenship and Immigration Services*. U.S. Citizenship and Immigration Services, Web.]

[257] It is important to note that only Congress can grant a pathway to full citizenship. However the executive action did end Secure Communities. ["Executive Actions on Immigration." *U.S. Citizenship and Immigration Services*. U.S. Citizenship and Immigration Services, Web.]

[258] "Examining the Central America Regional Security Initiative." *The Wilson Center*, Web.

efforts and methods, including lack of evaluation and ineffective measures for heroin poppy eradication and precinct-specific policing programs, which have enjoyed little success because local governments have not been sufficiently dedicated to the model.[259] In evaluating CARSI's record in Honduras, Aaron Korthuis concluded that the creation of multiple task-force units within law enforcement agencies weakened rather than strengthened the capacity of the police and prosecutors, creating redundancies and a divisive effect. Such CARSI policies were not so different from what the U.S. funded during the Drug War of the 1990s, Korthuis found. CARSI was most successful, he found, in the limited funding it provided to prevention programs for at-risk youth in violent communities.[260] Providing youth with alternatives to gangs will be fundamental, he argued, in building stable and transparent governments that can prosecute criminal activity.[261]

On March 2 and 3 of 2015, Presidents Salvador Sánchez Cerén, of El Salvador, Otto Pérez Molina of Guatemala, and Juan Orlando Hernández of Honduras, as well as U.S. Vice President Joseph Biden and Luis Alberto Moreno, who is president of the Inter-American Development Bank, met in Guatemala City to discuss each country's continued commitment to the The Plan for the Alliance for Prosperity of the Northern Triangle, a strategic plan initiated in 2014 to address conditions in the Northern Triangle. Aims of the plan include economic stimulation of productive sectors and development of job opportunities, improvement of public safety and access to the legal system, and strengthening of state institutions to increase people's

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[259] Phillips, Nicholas. "CARSI in Guatemala: Progress, Failure, and Uncertainty." *The Wilson Center*, Sept. 2014. Web.

[260] Korthuis, Aaron. "The Central America Regional Security Initiative in Honduras." *The Wilson Center*, Sept. 2014. Web.

[261] Korthuis, Aaron. "The Central America Regional Security Initiative in Honduras."

trust.[262] Each country reported progress toward the goals. El Salvador had passed a sweeping Development and Social Protection Law, creating a legal framework to support "development, citizen protections, and social inclusion."[263] Guatemala had reached an agreement with 33 communities to provide reparations for human rights violated by corrupt government practices during the building of the Chixoy dam.[264] And, with a new commitment to transparency, the government of Honduras had signed an agreement with a non-profit, Transparency International, that included plans to make human resources and government procurement information publicly available.[265] Vice President Biden lauded the governments' efforts thus far and said that continued focus on security, good governance and economic development might prove a remedy to the violence and poverty afflicting Central America.[266] Participants agreed to continuing, open dialog — intended to involve relevant authorities and the private sector — on security and social issues and on trade and investment issues.[267] President Obama, meanwhile, has requested $1

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[262] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras, Sept. 2014. Web.

[263] "Joint Statement by the Presidents of El Salvador, Guatemala, and Honduras, and the Vice President of the United States of America Regarding: The Plan for the Alliance for Prosperity of the Northern Triangle." *U.S. Department of State*. U.S. Department of State, 03 Mar. 2015. Web.

[264] "Joint Statement by the Presidents of El Salvador, Guatemala, and Honduras, and the Vice President of the United States of America Regarding: The Plan for the Alliance for Prosperity of the Northern Triangle." *U.S. Department of State*.

[265] "Joint Statement by the Presidents of El Salvador, Guatemala, and Honduras, and the Vice President of the United States of America Regarding: The Plan for the Alliance for Prosperity of the Northern Triangle." *U.S. Department of State*.

[266] Biden, Joseph R. "Joe Biden: A Plan for Central America." *The New York Times*. The New York Times, 29 Jan. 2015. Web.

[267] "Joint Statement by the Presidents of El Salvador, Guatemala, and Honduras, and the Vice President of the United States of America Regarding: The Plan for the Alliance for Prosperity of the Northern Triangle." *U.S. Department of State*.

billion from Congress for development work in the Northern Triangle to help curb migration to the US.[268]

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A Neoclassical interpretation of migration might champion the idea that individuals use their lifetime to maximize their expected income. But new theoretical reasoning posits that within communities, people act collectively, as well as individually, to overcome failures in capital, credit, and insurance markets.[269] Rather than consciously maximizing their potential, immigrants are often *fleeing* a range of conditions. In Central America, governments that were in many ways dependent on an outside power — the US — were unable, in the second half of the past century, to create domestic stability and prosperity. Violence in these countries weakened the rule of law and curtailed the development of markets. Many immigrants migrate because of economic necessity, and given the current global wealth gap, this seems likely to continue for the foreseeable future.[270] But research by Elizabeth Kennedy, a Fulbright Scholar in El Salvador, found that violence was the primary cause for departure among the children who arrived at the U.S. border during the summer of 2014.[271]

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[268] Caldwell, Alicia A. "Obama Wants $1 Billion to Curb Central American Immigration." *AP*. AP, 2 Feb. 2015. Web.

[269] Stark, Oded. *The Migration of Labor.* Cambridge, U.K.: Basil Blackwell. 1991.

[270] A 2015 Oxfam, an international confederation of 17 organizations working in approximately 94 countries to find solutions to poverty, found that half of the global wealth is held by 1% of the population. [Hardoon, Deborah. *Wealth: Having It All and Wanting More.* Rep. Oxfam International, 2015. Print.]

[271] "Children in Danger: A Guide to the Humanitarian Challenge at the Border." *Migration Policy Institute*. Migration Policy Institute, 10 July 2014. Web.

On the receiving end, no single political party has been to blame for the lack of a comprehensive and rational immigration policy. Most recently, it was Republican House Majority Leader John Boehner who blocked a vote on comprehensive reform, refusing to bring the Border Security, Economic Opportunity, and Immigration Modernization Act,[272] passed by the Senate in 2013 and commonly known as S.744, to a vote on the floor of the House. But one of the most broadly punitive reforms, the Illegal Immigration Reform and Immigrant Responsibilities Act was signed into law by a Democrat, President Clinton, while President George Bush attempted to pass his Border Security, Economic Opportunity, and Immigration Modernization Act of 2007, a compromise including a pathway to citizenship as well as increased border control. The breakdown of the U.S. immigration system has often been useful for politicians on both the left and the right, allowing conservatives to promote security and show their patriotism and liberals to promise open-door legislation that wins hispanic votes but cannot pass. Former Colorado Representative Tom Tancredo has warned that undocumented immigrants are "coming here to kill you and to kill me and our families,"[273] Senator Tom Cotton of Arkansas has conflated immigration and terrorism, alleging that such groups as the Islamic State of Iraq and Syria collaborate with drug traffickers in Latin America,[274] and Representative Steve King of Iowa, perhaps the most vocal critic of comprehensive immigration reform in Congress, has joked that the so-called DREAMers, children brought to the U.S. at a young age, "come from the other

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[272] "Border Security, Economic Opportunity, and Immigration Modernization Act." *Congress.gov*. 113th Congress (2013-2014), Web.

[273] Israel, Josh. "The Eight Most Xenophobic Stances Of Tom Tancredo, Candidate For Colorado Governor." *ThinkProgress*. ThinkProgress, 23 May 2013. Web.

[274] Fuller, Jaime. "Senator-elect Tom Cotton Agrees with Candidate Tom Cotton on Immigration and Terrorism." *The Washington Post*. The Washington Post, 30 Nov. 2014. Web.

planet."[275] Yet the Hispanic population in the U.S. has increased nearly sixfold since 1970,[276] and this changing demography may alter the political landscape in key states. President Obama received 71% of the Latino vote — a number that many say was crucial to his 2012 re-election. And in the wake of the 2012 election, prominent conservatives, including pundit Sean Hannity, Senators Rand Paul and John McCain, House Speaker John Boehner, and House Majority Leader Eric Cantor, "evolved" on issues of immigration. As Senator Marco Rubio put it, "It's really hard to get people to listen to you on economic growth, on tax rates, on health care, if they think you want to deport their grandmother."[277] By the 2016 elections, projections show almost 28 million eligible Latino voters — a 17% increase since 2012.[278] As the hispanic population grows, those opposed to immigration reform may come to feel threatened. As Hofstader noted, their very defensiveness may make their rhetoric and aims ever harsher. But demographics may eventually tilt the playing field against them.

In the Northern Triangle, in 2013, 90% of the more than 14,300 homicides were committed in cities and towns that have been linked to increasing levels of drug trafficking and that are the largest sources of emigration.[279] Each development measure outlined in the Plan of the Alliance for Prosperity in the Northern Triangle is aimed to complement efforts at combating

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[275] Topaz, Jonathan. "Steve King Opens Iowa Summit with Attack on DREAMers." *Politico*. Politico, 24 Jan. 2015. Web.

[276] Brown, Anna. "The U.S. Hispanic Population Has Increased Sixfold Since 1970." *Pew Research Center*. Fact Tank: News in the Numbers, 26 Feb. 2014. Web.

[277] Wolgin, Philip E., and Ann Garcia. "Immigration Is Changing the Political Landscape in Key States." *Center For American Progress.* Center For American Progress, 8 Apr. 2013. Web.

[278] Wolgin, Philip E., and Ann Garcia. "Immigration Is Changing the Political Landscape in Key States."

[279] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras. p. 7.

the drug trade by preventing violence, strengthening institutions that fight organized crime, and modernizing the justice system.[280] The plan includes progressive measures such as counseling centers for at-risk youth that would seek to prevent consumption of illegal drugs and that would provide psychological treatment for those already addicted to drugs.[281] At the same time, the governments of these three nations have stated that they will "continue [their] fight" against drug trafficking by enhancing the skills and capacity of their police forces.[282] As the war continues, the international community will help evaluate whether goals such as improving the image of the police and the communities' trust in them[283] will be met.

In the US, while public opinion may be softening on the use of some illegal substances,[284] the War on Drugs — including its foreign component — is hardly ending. President Obama has requested $25.4 billion, an increase of $0.2 billion from the 2014 fiscal year, for the National Drug Control Strategy for the 2015 fiscal year.[285] While projections show that relatively more resources will be funneled towards "Prevention and Treatment," an estimated $5.1 billion will go to interdiction measures and efforts outside the US.[286]

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[280] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras. p. 17

[281] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras. p. 18

[282] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras. p.18

[283] "Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map." Regional Plan Prepared by El Salvador, Guatemala and Honduras. p. 19

[284] In April 2013, Pew Research Center found that for the first time since polling began in 1969, a majority of Americans, 52%, favor the legalization of marijuana. ["Majority Now Supports Legalizing Marijuana." *Pew Research Center*. Pew Research Center: U.S. Politics and Policy, 04 Apr. 2013. Web.]

[285] "National Drug Control Budget." *WhiteHouse.gov.* The White House, Mar. 2014. Web.

[286] "National Drug Control Budget." WhiteHouse.gov.

Both the incentive of inflated profits associated with interdiction efforts and the balloon effect helped create the crisis in Central America.[287] Domestically, the Drug War also helped tarnish the image of immigrants, which hampered comprehensive immigration reform. Policies focused on supply from abroad and the punishment of users helped create what Eva Bertram has called an "inevitable. . . war against the poor and minorities"[288] in urban centers. In contributing to the crisis in Central America, the Drug War helped justify continuing military intervention and dominance there; in failing to provide safety for U.S. communities, it perpetuated the fears that hampered progress on both urban development and immigration reform.

The U.S. is by no means solely responsible for the troubles that push economic migrants and refugees out of the Northern Triangle. But strengthening a regional perspective on matters of immigration, drug interdiction, and social and economic development would help both the immigrant-sending nations of Central American and the biggest immigrant-receiving nation, the U.S. Stephen Macedo framed regional development as a moral question, writing that "relations of exploitation, oppression, or domination give rise to obligations of rectification and redress…If we have exploited or oppressed poorer and weaker societies, or we have allowed our corporations to do so, then we have debts to these other societies that require some sort of recompense."[289] But it is also, as the events of 2014 demonstrated, a matter of lessening what

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[287] Bertram, Eva, Morris Blachman, Kenneth Sharpe, and Peter Andreas. *Drug War Politics: The Price of Denial.* Print. pp. 13-25.

[288] Bertram, Eva, Morris Blachman, Kenneth Sharpe, and Peter Andreas. *Drug War Politics: The Price of Denial*. p. 37.

[289] Macedo, Stephen. "The Moral Dilemma of U.S. Immigration Policy." in *Debating Immigration.* ed. Carol Ms. Swain. Cambridge University Press: Boston. 2007. Print. p. 76.

Chalmers Johnson has called "blowback,"[290] the unintended results of short-sighted or narrowly self-interested policies abroad. U.S. policies regarding immigration, the Drug War, and Central American conflicts helped elicit the "blowback" of the massive child-immigrant crisis. An empathetic, economically astute, and development-oriented approach — toward addicts, migrant laborers, refugees, and Central American nations — would go a long way toward healing the social wounds that sent those children northward.

At the time of this writing, the number of unaccompanied minors arriving at the U.S. southern border has dropped precipitously. This is not proof, however, that the violence in the countries of the Northern Triangle has decreased. Nor is it a consequence of the tiny pilot program intended to bring the children of legal U.S.-immigrant parents north safely. Instead, the Mexican government has increased its efforts at intercepting migrants as they travel north from Central America, a move praised by U.S. Customs and Border Protection Commissioner Gil Kerlikowske. Yet those apprehended in Mexico are not screened for asylum eligibility.[291] They are being sent home into the teeth of gang violence. Without humane, comprehensive, effective regional policies aimed at reducing violence, spurring development, and regularizing migration, they will continue to suffer — and they will quite likely be back again soon, hungry, abused, and desperate.

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[290] Johnson, Chalmers. *Blowback: The Costs and Consequences of American Empire.* New York: Metropolitan, 2000. Print.

[291] Lind, Dara. "The Child Migrant Crisis Seems to Be Over. What Happened?" *Vox*. Vox, 19 Sept. 2014. Web.

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