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# US-Mexico Border Policy in the Age of Terrorism

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2001-2016

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US-Mexico border policy shifted from an issue of economic policy to an issue of homeland security after the September 11 terrorist attacks. Immigration policy adopted a mission of border enforcement with increased security through the reorganization of federal agencies and the creation of the Department of Homeland Security. The US-Mexico border became militarized through increased patrols, including coordinated military troops, and a physical border wall. The US government adopted border enforcement as immigration policy at the cost of human lives on the US-Mexico border.

## **HISTORICAL BACKGROUND: FROM PEARL HARBOR TO THE BRACERO PROGRAM**

In the winter of 1941, President Franklin D. Roosevelt called a joint session of Congress. Radio transmitted his address across the nation. President Roosevelt said, “Yesterday, December 7, 1941—a day which we will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.”<sup>1</sup> The attack on Pearl Harbor killed 2,403 people.<sup>2</sup> They compelled President Roosevelt and Congress to enter World War II, which impacted the United States economy and US-Mexico border policy.

In response to the war abroad, Congress passed the Selective Service Act of 1940, well before Pearl Harbor. The military drafted nearly 10 million men,<sup>3</sup> leaving a labor gap in the workforce. Others left farms to enter the defense industries. But the demand for human capital on farms persisted. In 1941, Southwestern farmers lobbied Congress to import workers from Mexico. They asked the United States Immigration Service to forgo the literacy test, head tax, and contract labor provisions that limited Mexican immigration.<sup>4</sup> As men continued to leave the fields for war after Pearl Harbor, farm labor shortages entered into the federal government’s concerns. Congress moved its pen on immigration policy.

The governments of the United States and Mexico signed the Mexican Farm Labor Agreement on August 4, 1942. The agreement codified immigration policy with Mexico as a predominantly economic policy in the United States, open to the forces of supply and demand from this period.<sup>5</sup> It brought the Spanish word *bracero*, meaning arm, into the American English lexicon as Mexican laborer. For more than two decades, *braceros* migrated to the country as temporary farm laborers. Between the agreement’s beginning in 1942 and end in 1964, the *bracero* program brought 4.6 million documented migrants into the United States to work.<sup>6</sup>

As labor shortages ceased after World War II and into the 1950s, Mexican laborers in the United States received a new name, *wetbacks*, a descriptive of Mexicans crossing into the country in

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<sup>1</sup> “Educator Resources – A Day Which Will Live in Infamy - The First Typed Draft of Franklin D. Roosevelt’s War Address,” *National Archives*, accessed March 17, 2017, <https://www.archives.gov/education/lessons/day-of-infamy>.

<sup>2</sup> “Remember Pearl Harbor – A Pearl Harbor Fact Sheet,” *The National WWII Museum New Orleans*, accessed March 17, 2017, <http://www.nationalww2museum.org/assets/pdfs/pearl-harbor-fact-sheet-1.pdf>.

<sup>3</sup> Christina D. Romer, “The Hope that Flows from History,” *New York Times*, August 13, 2011, accessed March 17, 2017, <http://www.nytimes.com/2011/08/14/business/economy/from-world-war-ii-economic-lessons-for-today.html>.

<sup>4</sup> Otey M. Scruggs, “Evolution of the Mexican Farm Labor Agreement of 1942,” *Agricultural History*, 34 (1960): 141, accessed December 2, 2016, <http://www.jstor.org/stable/3740146>.

<sup>5</sup> Jorge I. Domínguez and Rafael Fernández de Castro, *The United States and Mexico: Between Partnership and Conflict*, (New York: Routledge, 2009), 153.

<sup>6</sup> Philip L. Martin, *Promise Unfulfilled: Unions, Immigration and the Farm Workers* (Ithaca: Cornell University Press, 2003).

the waters of the Rio Grande. The ethnic slur first appeared in 'The New York Times' in 1920.<sup>7</sup> The article storied an 'invasion' of more than 500,000 Mexicans into Southwestern states to farm. The slur highlighted protectionist and prejudicial elements embedded in United States immigration policy more broadly. While US-Mexico immigration policy adopted the language of economics during World War II, prejudice based on national origin, race, and ethnicity has underlined immigration policy since the nation's founding.<sup>8</sup>

United States immigration policy towards Mexico maneuvered to serve new economic interests from WWII. The program ended as "wetback" replaced "bracero." Unauthorized crossings into the United States during the 1950s also contributed to the end of the program with mass deportations of undocumented Mexicans.<sup>9</sup> After the program ended in 1964, economic interests continued to dominate US-Mexico immigration policy in the 1980s, during the Reagan administration.<sup>10</sup> In the 1990s, during the Clinton administration, interests began to shift towards enforcement.<sup>11</sup> But a security crisis in 2001 changed US immigration policy. Like Pearl Harbor, the crisis introduced new ideas about the border between the United States and Mexico.

## HOMELAND SECURITY ACT 2002

The terrorist attacks on the morning of Tuesday, September 11, 2001 by the Islamic terrorist group al-Qaeda killed 2,996 people<sup>12</sup> and transformed immigration policy from largely an issue of economic policy to an issue of "homeland security."<sup>13</sup> The Homeland Security Act marked this shift in policy. Congress enacted the bill<sup>14</sup> with unprecedented bipartisan support.<sup>15</sup> In his 2002 State of the Union address, President George W. Bush lauded congressional unity in the fight against terrorism. He said, "September 11 brought out the best in America, and the best in this Congress, and I join the American people in applauding your unity and resolve."<sup>16</sup> President Bush signed the bill into law on November 25, 2002. The bill's passage caused the biggest federal government transformation since World War II<sup>17</sup> with the creation of the Department of Homeland Security.<sup>18</sup>

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<sup>7</sup> Gerald B. Breitigam, "Welcomed Mexican Invasion – Thousands of Families Crossing the Border to Till the Soil and Otherwise Build Up the Southwest," *New York Times*, June 20, 1920, accessed March 17, 2017, <https://timesmachine.nytimes.com/timesmachine/1920/06/20/118331082.html?pageNumber=109>.

<sup>8</sup> There is a pattern of prejudice rooted in nativism in US immigration policy from the hallmark 1882 Chinese Exclusion Act to the Immigration Act of 1924 that established a quota system. For more information, see Michael C. LeMay's *From Open Door to Dutch Door: An Analysis of U.S. Immigration Policy Since 1820*, (New York: Praeger, 1987), 29-30, 82.

<sup>9</sup> Juan Ramon Garcia, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport: Greenwood Press, 1980).

<sup>10</sup> Robert Pear, "President Signs Landmark Bill on Immigration," *New York Times*, November 7, 1986, accessed March 17, 2017, <http://www.nytimes.com/1986/11/07/us/president-signs-landmark-bill-on-immigration.html>.

<sup>11</sup> Eric Schmitt, "Milestones and Missteps on Immigration," *New York Times*, October 26, 1996, accessed March 17, 2017, <http://www.nytimes.com/1996/10/26/us/milestones-and-missteps-on-immigration.html>.

<sup>12</sup> Brad Plumer, "Nine Facts About Terrorism in the United States since 9/11," *Washington Post*, September 11, 2013, accessed December 2, 2016, [https://www.washingtonpost.com/news/wonk/wp/2013/09/11/nine-facts-about-terrorism-in-the-united-states-since-911/?utm\\_term=.641643e9ce1f](https://www.washingtonpost.com/news/wonk/wp/2013/09/11/nine-facts-about-terrorism-in-the-united-states-since-911/?utm_term=.641643e9ce1f).

<sup>13</sup> The US government does not have a single definition of homeland security. It is a broad term that encompasses law enforcement, disaster, immigration, and terrorism issues. Homeland security is a combination of law enforcement, disaster, immigration, and terrorism issues. For a discussion of the term, see Shawn Reese, "Defining Homeland Security: Analysis and Congressional Considerations," *Congressional Research Service*, January 8, 2013, accessed March 17, 2017, <https://www.hsdl.org/?view&did=728387>.

<sup>14</sup> During the 107<sup>th</sup> United States Congress, the Homeland Security Act (H.R. 5005) passed in the House of Representatives with a vote of 295-132, with 6 not voting. In the Senate, the bill gathered more support and passed with a vote of 90-9, with 1 not voting.

<sup>15</sup> For historical comparison, the 107<sup>th</sup> United States Congress enacted the No Child Left Behind Act in 2001 with passage in the House of Representatives 384-45, with 1 not voting, and in the Senate 91-8, with 1 not voting. The Bipartisan Campaign Reform Act of 2002 passed by the same 107<sup>th</sup> United States Congress with 240-189, with 6 not voting, and in the Senate 60-40.

<sup>16</sup> George W. Bush, "The State of the Union; President Bush's State of the Union Address to Congress and the Nation," *New York Times*, January 30, 2002, accessed December 2, 2016, <http://www.nytimes.com/2002/01/30/us/state-union-president-bush-s-state-union-address-congress-nation.html>.

<sup>17</sup> David Firestone, "Threats and Responses: Legislation; Senate Votes, 90-9. To Set Up a Homeland Security Dept. Geared to Fight Terrorism," *New York Times*, November 20, 2002, accessed December 2, 2016, <http://www.nytimes.com/2002/11/20/us/threats-responses-legislation-senate-votes-90-9-set-up-homeland-security-dept.html>.

<sup>18</sup> The Truman administration transformed the military apparatus in 1947 with the purpose to fight the cold war. The National Security Act of 1947 restructured the military and intelligence agencies by creating the United States National Security Council, the Joint Chiefs of Staff, the Central Intelligence Agency, and the Department of Defense.

## GOVERNMENT REORGANIZATION

The new Department of Homeland Security (DHS) absorbed key functions of the federal government, including immigration and border protection. In order to make room for the new department, Congress dissolved the United States Customs Service, one of the country's oldest agencies,<sup>19</sup> and created DHS in its place to assume the agency's duties. The Customs Service collected revenue<sup>20</sup> and combated the smuggling of illegal goods at the border, like unreported money, narcotics, and weapons. This remained a primary activity until the September 11 attacks. With roughly 1.3 million people and 350,000 cars, buses, and trucks traveling each day, the 2,000-mile border with Mexico became a front line of the United States' defense against terrorism.

The new US Customs and Border Protection (CBP) agency formed under DHS. It became one of the largest federal law enforcement agencies by merging the US Customs Service, US Immigration and Naturalization Service, and US Border Patrol. Through increased security at airports and expanded border patrol, CBP adopted antiterrorism as its first immigration policy objective. In less than ten years, the size of the border patrol doubled from 10,717 agents in 2003 to 21,394 agents in 2012 with a budget increase of \$1.4 billion to \$3.5 billion.<sup>21</sup>

## US-MEXICO BORDER MILITARIZATION

The United States and Mexican governments coordinated military efforts to patrol the border in early 2003. In an unprecedented order by the Mexican government to defend the US border, Mexico sent 18,000 soldiers to secure airports, seaports, bridges, and border posts- with half of sentries serving in the desert within miles of the border. In 2003, Mexican Interior Minister Santiago Creel said, "Mexico is not going to be used as a transit point for any terrorist or anyone who wishes to harm the United States."<sup>22</sup> The United States deployed Special Forces, Army Rangers and Marines to monitor the border using night patrols, electronic sensors, and drone aircraft- first used in the US war in Afghanistan. During the border patrol agent recruitment and training process in 2006, President Bush deployed around 6,000 National Guard troops to the US-Mexico border. The troops monitored surveillance cameras, built roads, and erected fencing along the border to support border patrol agents in executing the CBP's law enforcement mission.<sup>23</sup> The coordinated efforts on both sides resulted in a militarization of the US-Mexico border.

President Bush further increased border militarization with the creation of a physical border-wall through the Secure Fence Act of 2006. In support of the measure, he said, "[t]his bill will help protect the American people. This bill will make our borders more secure. It is an important step toward immigration reform."<sup>24</sup> Through border enforcement, President Bush framed the Secure

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<sup>19</sup> Established by the First Congress and President George Washington on July 31, 1789, the agency provided the primary funding for the federal government for its first 100 years through the Tariff Act of 1789. "Celebrating 227 Years of the US Customs Service," *Department of Homeland Security*, August 1, 2016, accessed December 2, 2016, <https://www.dhs.gov/blog/2016/08/01/celebrating-227-years-us-customs-service>.

<sup>20</sup> Tim Weiner, "Trace of Terror: Immigration Security; Border Customs Agents Are Pushed to the Limit," *New York Times*, July 25, 2002, accessed December 4, 2016, [http://www.nytimes.com/2002/07/25/us/traces-terror-immigration-security-border-customs-agents-are-pushed-limit.html?ref=collection/byline/tim-weiner&action=click&contentCollection=undefined@ion=stream&module=stream\\_unit&version=latest&contentPlacement=312&pgtype=collection](http://www.nytimes.com/2002/07/25/us/traces-terror-immigration-security-border-customs-agents-are-pushed-limit.html?ref=collection/byline/tim-weiner&action=click&contentCollection=undefined@ion=stream&module=stream_unit&version=latest&contentPlacement=312&pgtype=collection).

<sup>21</sup> Lourdes Medrano, "Is US-Mexico Border Secure Enough? Immigration Reform Could Hinge on Answer," *Christian Science Monitor*, March 6, 2013, accessed December 2, 2016, <http://www.csmonitor.com/USA/Politics/2013/0306/Is-US-Mexico-border-secure-enough-Immigration-reform-could-hinge-on-answer>.

<sup>22</sup> Tim Weiner, "A Nation at War: The Mexican Border; U.S. and Mexico Coordinate Military Efforts for Mutual Protection Against Terror," *New York Times*, March 23, 2003, accessed December 2, 2016, <http://www.nytimes.com/2003/03/23/world/nation-war-mexican-border-us-mexico-coordinate-military-efforts-for-mutual.html>.

<sup>23</sup> Randal C. Archibold, "Guard Troops Set to Begin Mission on Mexican Border," *New York Times*, June 18, 2006, accessed December 2, 2016, <http://www.nytimes.com/2006/06/18/us/18guard.html>.

<sup>24</sup> "Fact Sheet: The Secure Fence Act of 2006," *White House Office of the Press Secretary*, October 26, 2006, accessed December 2, 2016, <https://georgewbush-whitehouse.archives.gov/news/releases/2006/10/20061026-1.html>.

Fence Act as part of his administration's four-point plan for immigration reform.<sup>25</sup> Congress passed the bill with bipartisan support.<sup>26</sup> President Bush signed the bill into law on October 26, 2006.

The Secure Fence Act of 2006 aimed to secure the border by building 700 miles of physical barriers. By 2008, the Department of Homeland Security erected 309 miles of fencing and pushed to complete 670 miles total by the end of the year. However, opponents of the wall questioned the construction cost and the wall's efficacy in deterring immigration along the border. According to the Government Accountability Office, the average cost per mile varied from \$1 million to \$3.9 million.<sup>27</sup> The Secretary of Homeland Security, Michael Chertoff, acknowledged the concerns. He said, "I don't believe the fence is a cure-all. Nor do I believe it is a waste. Yes, you can get over it; yes, you can get under it. But it is a useful tool that makes it more difficult for people to cross."<sup>28</sup> In 2006, the Congressional Research Service reported a strong indication that crossers found new routes.<sup>29</sup> By 2009, 613 miles of physical barriers were built as a result of the Secure Fence Act of 2006. However, the wall was met with further opposition from President Barack Obama's administration and Congress.<sup>30</sup> Between 2008 and 2010, members of Congress introduced bills to extend the fence, but the bills died before a vote.<sup>31</sup> In 2015, the Republican presidential candidate, Donald J. Trump, renewed the call for a US-Mexico border-wall, bringing border enforcement as immigration policy into the center of domestic politics.<sup>32</sup>

## HUMAN COST

The US government adopted border enforcement as immigration policy to combat terrorism at the cost of human lives. The human toll at the US-Mexico border has been well documented.<sup>33</sup> Some have gone as far to call the US-Mexico border a "war zone"<sup>34</sup> because of the policies enacted in the name of antiterrorism. According to a 2016 US Border Patrol report, the death toll along the US Southwest border totaled 6,571 lives between 1998 and 2015. Figure 01 below charts the death toll with a valley of 249 deaths in 1999 and a peak of 492 deaths in 2005. Since the September 11 attacks, the least deadly year on record is 2015 with 240 deaths on the US-Mexico border. Deaths increased again in 2016 to 322. The data shows an overall increase of reported deaths since the September 11 attacks and the US government's adoption of border enforcement as immigration policy.

The Department of Homeland Security refuted claims that Islamic terrorists in Mexico were currently poised to enter along the US-Mexico border. A DHS spokesperson said, "There is no

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<sup>25</sup> President Bush's four-point plan for immigration reform included: 1) enforcing immigration laws inside the United States 2) reducing pressure on the border by creating a lawful path for temporary workers to enter the country 3) finding a middle-ground between amnesty and deportation for undocumented immigrants 4) acknowledging the tradition of the American melting pot.

<sup>26</sup> During the 109<sup>th</sup> United States Congress, the Secure Fence Act of 2006 (H.R. 6061) passed in the House of Representatives with a vote of 283-137, 10 not voting and 1 present. In the Senate, the bill gathered more support and passed with a vote of 80-19, with 1 not voting.

<sup>27</sup> Stephanie Simon, "Border-Fence Project Hits a Snag," *Wall Street Journal*, February 5, 2009, accessed December 2, 2016, <http://www.wsj.com/articles/SB123370523066745559>.

<sup>28</sup> Randal C. Archibold and Julia Preston, "Homeland Security Stands by Its Fence," *New York Times*, May 21, 2008, accessed December 2, 2016, <http://www.nytimes.com/2008/05/21/washington/21fence.html>.

<sup>29</sup> Chad C. Haddal, Yule Kim, and Michael John Garcia, "Border Security: Barriers Along the U.S. International Border" *Congressional Research Service*, March 16, 2009, accessed December 2, 2016, <https://fas.org/sgp/crs/homsec/RL33659.pdf>.

<sup>30</sup> April Reese, "U.S.-Mexico Fence Building Continues Despite Obama's Promise to Review Effects," *New York Times*, April 16, 2009, accessed December 2, 2016, <http://www.nytimes.com/gwire/2009/04/16/16greenwire-usmexico-fence-building-continues-despite-obam-10570.html>.

<sup>31</sup> In 2008 during the 110<sup>th</sup> Congress, Representative for California's 52nd congressional district Republican, Duncan Hunter, introduced Reinstatement of the Secure Fence Act (H.R. 5124) to construct at least 700 miles of fencing along the US-Mexico border. In 2009 and 2010, Senator Jim DeMitt, Republican of South Carolina, unsuccessfully introduced provisions to a DHS appropriation bill to extend the wall.

<sup>32</sup> Alexander Burns, "Donald Trump, Pushing Someone Rich, Offers Himself," *New York Times*, June 16, 2015, accessed December 2, 2016, <http://www.nytimes.com/2015/06/17/us/politics/donald-trump-runs-for-president-this-time-for-real-he-says.html>.

<sup>33</sup> Luis Alberto Urrea, *The Devil's Highway: A True Story* (New York: Black Bay, 2004).

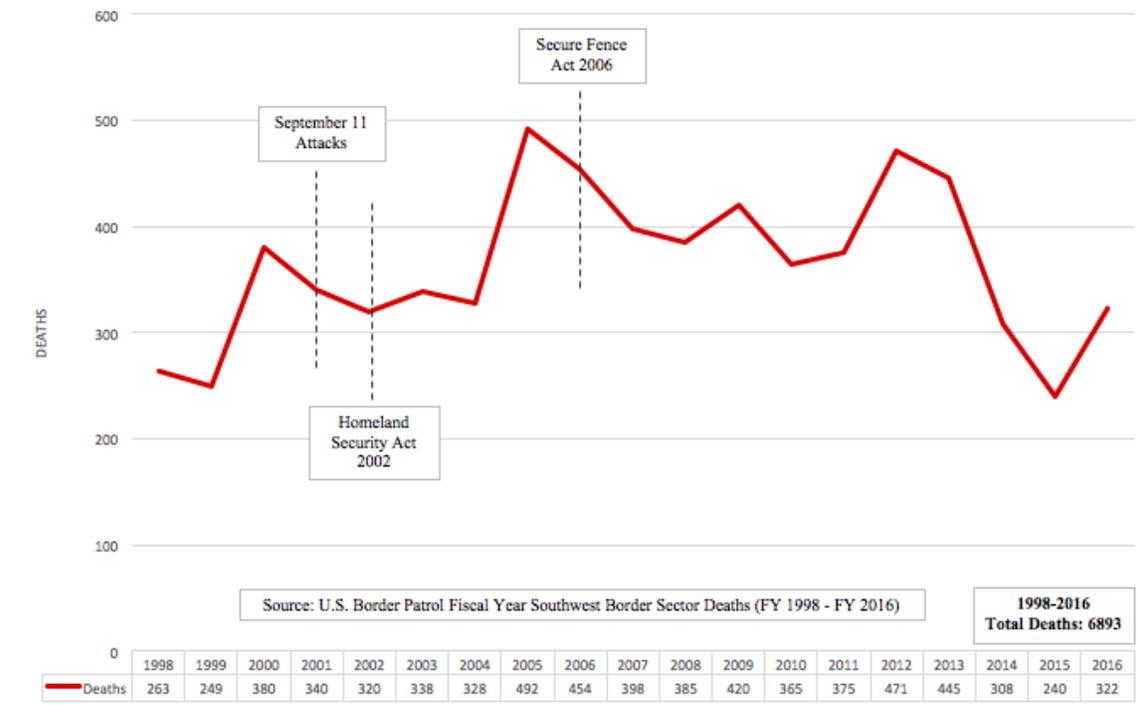
<sup>34</sup> Todd Miller, *Border Patrol Nation: Dispatches from the Front Lines of Homeland Security* (San Francisco: City of Lights Media 2014).

credible intelligence to suggest that there is an active plot by ISIS to attempt to cross the southern border.”<sup>35</sup> There have been no reported captures or arrests of international terrorists at the border to date.

## CONCLUSION

The September 11 terror attacks changed US immigration policy. It is difficult to divorce US-Mexico border policy from homeland security after September 11 in the age of terrorism. Therefore, analyzing post-September 11 immigration policy as a reaction to terrorism is important. US-Mexico border policy shifted from largely an issue of economics to one of homeland security. Law enforcement, through border patrol and border militarization, characterized US-Mexico border policy. The Executive branch shifted policy in coordination with bipartisan Congressional support. The hallmark of their cooperation was the creation of the Department of Homeland Security in 2002, the biggest federal government reorganization since World War II. The human cost of enforcement has been well-documented with 5,661 recorded deaths between 2002 and 2016 on the US-Mexico border. However, the efficacy of the trade-off between human lives and border enforcement to ensure homeland security remains undetermined.

US Southwest Border Deaths, 1998-2016<sup>36</sup>



<sup>35</sup> Michael S. Schmidt, "U.S. Pushes Back Against Warnings that ISIS Plans to Enter from Mexico," *New York Times*, September 15, 2014, accessed December 2, 2016, <http://www.nytimes.com/2014/09/16/us/us-pushes-back-against-warnings-that-isis-plans-to-enter-from-mexico.html>.

<sup>36</sup> "U.S. Border Patrol Fiscal Year Southwest Border Sector Deaths (FY 1998 – FY 2016)," *U.S. Customs and Border Protection*, accessed April 10, 2017, <https://www.cbp.gov/document/stats/us-border-patrol-fiscal-year-southwest-border-sector-deaths-fy-1998-fy-2016>.