
Introduction

For years, Congress has been debating so-called comprehensive immigration reform proposals. Especially since the September 11 attacks, these proposals are grounded in U.S.-Mexico border security measures that include using walls, technology, and expanded border patrol fleets to exclude undocumented entrants and drug traffickers and to block terrorists who might someday enter through our southern border, along with increased internal enforcement to detect undocumented immigrants within the United States and deport them. Some of the more compassionate proposals address the fate of millions of undocumented immigrants already toiling in U.S. jobs by offering them a chance to legalize their status. Some aim to improve slightly the prospects for future temporary entry by immigrant laborers seeking economic opportunity in the United States in numbers that exceed the current stingy limits on lawful immigration.¹

Comprehensive reform is exceedingly narrow in focus. Ignoring the conditions and history that have long drawn Mexican and other Latin American immigrants to the United States to supply U.S. labor needs, reform proposals emphasize border enforcement and interdiction of laborers. Derogatory characterizations of immigrants and their supposed motives for entry shape these restrictive proposals, as do misleading contentions of their negative economic impact and their reliance on social services as a lure. The United States tends to approach its immigration policies and proposals for reform unilaterally without engaging Mexico (and other feeder countries) in a mutual examination of the powerful economic factors that lure most immigrants north across a border that separates one of the world's richest countries from one wracked with poverty. Historically, we pay scant attention to these nameless migrants who cross our border to supply cut-rate labor and survive in the shadows of prosperity, unless they clamor for their own fair chance at the American dream.

The aim of this study is to suggest a more comprehensive and pragmatic border policy than one shaped only by restrictive immigration

enforcement prerogatives. Instead, proposed below are protocols informed by the extensive history detailed herein and particularly by the motivations and effects, economic and otherwise, of U.S.-Mexico border crossings in both directions over the last century and a half. Viewed through this lens, a strong argument can be made that Mexican migrant laborers headed north, whether documented or not, are the most meritorious of border crossers in either direction and that their crossings should be celebrated for their positive contribution to U.S. labor markets and our economic well-being and for their renewal of the American dream that hard labor brings the hope of prosperity. Many Mexican migrants enter for the most compelling reason in the human experience—survival for themselves and their families. Seen against the other crossings detailed in this book, these immigrant laborer crossings stand out in virtue, as they will in history’s eventual assessment of our current restrictive and oppressive border policies.

Not just the destitute come to the United States from Mexico. As will be examined, raging drug violence in Mexico is prompting wealthy residents fearing kidnapping and extortion to flee with their families to the United States, also in the vital interest of survival. There are other compelling motivations for migration north. Although not necessarily seeking to survive, Mexican family members coming to the United States to reunite with U.S. residents—a strong motive for immigration known as family reunification—pose no threat to our well-being.

At the other end of the spectrum of vice and virtue, certain crossings are harmful to both countries, particularly the trafficking of methamphetamine to supply U.S. users, the trafficking of children (and adults) into the United States for sexual slavery, and the entry of U.S. residents into Mexico as sex tourists to engage in illicit acts with minors. Both countries are also harmed when fugitives cross the border to escape authorities and justice—with the notable exception of the pre-Civil War fugitive slaves who entered Mexico to escape their U.S. owners in Texas. The comprehensive border policy envisioned below articulates a harm reduction agenda that targets those border crossings most damaging to the residents and ideals of the United States and Mexico after stripping away the stereotypes and myths that surround the immigration debate and border policy generally. This discussion urges reform as the product of bilateral negotiation and implementation by treaty and cross-border organizations—reform that honors the shared economic and cultural legacy of the United States and Mexico and the prospects for future integration of these countries.

Policymakers must accept the reality that whatever is needed or desired in one country historically will be supplied by the other, despite government efforts to the contrary. The overwhelming failure of supply-side enforcement measures in the histories of Mexican labor immigration, the illicit drug trade, and even Prohibition-era alcohol trafficking confirms this futility. Rather than blaming Mexico, reform must acknowledge the U.S. role in luring immigrant labor and drug traffickers over the last century, and more generally the insatiable U.S. lusts for narcotics, sex, alcohol, cheap labor, and economic prosperity for its retirees and entrepreneurs. As with the stereotypically unsavory Mexican undocumented immigrant and menacing drug dealer that pervade U.S. media and policy discussions that emphasize the supplier of unlawful goods and services, U.S. residents too might be seen as threats to morality and law and order, given their sustained history of inviting illicit deliveries from Mexico as customers as well as their own southbound crossings with illicit motivations. But the primary aim of this study is not to vilify either party. Rather, it looks broadly at the history of border crossings in both directions for guidance in developing a framework for comprehensive border reform that breaks old stereotypes and moves the Americas forward as a model of cross-border cooperation to address problems between wealthy and poor nations, particularly a wealthy nation addicted to cheap labor and narcotics.

Recognizing the inevitability and the value of our reliance on Mexican labor, this book argues for immigration policies consistent with our ongoing labor needs, primarily by returning to the approach that governed immigration through most of the last 150 years of border crossings where no fixed U.S. immigration limit controlled Mexican entry. For illicit drugs, as another example, the comprehensive framework stated here concentrates on reducing illicit trafficking through selective legalization and reduction of U.S. demand, in contrast to failed interdiction policies that leave Mexico tormented by drug cartel violence. Southbound crossings are relevant too in framing a truly comprehensive border policy, particularly given the consequence of free trade and U.S. agricultural supports that damaged Mexican agricultural markets and led to northbound migrations.

Before supplying its proposed border framework, this book details the history of border passages both north- and southbound by Mexican and U.S. residents. An understanding of history is vital to break from our pattern of impulsive border policy based on biases and prerogatives of the moment that tend to focus and exaggerate blame on entrants. Throughout this history, border crossings can be grouped into motivation-driven categories defined

primarily by economic lures or the desire to elude stricter laws in one jurisdiction. Of course, oftentimes both motivations inspire the border run, as for example when a U.S. business heads south of the border to exploit cheaper labor markets while at the same time circumventing U.S. environmental and labor laws. Likewise, Mexican drug traffickers driven by the potential for enormous profits serving the unceasing demand of U.S. users enjoyed—until the last few years—the near de facto legality of drug production (in the case of opiates and marijuana) and distribution in and through Mexico, given the localized corruption those profits enable. Going well beyond just the few types of border crossings—drug traffickers and migrant laborers—that define U.S. border policy and debate, this study paints a broader picture of the complex push-pull factors that drive border crossings and that overwhelm the mostly interdiction-oriented strategies thus far employed to control them.

This study of border crossings also aims to separate the virtue of immigrant laborers from the murderous drug cartels. Rejecting their current conflation in U.S. media and among U.S. policymakers as a dangerous threat to the United States that justifies our restrictive border policy, this study contends that immigrant laborers and drug cartels warrant independent consideration of their impacts within the United States. Admittedly, it is easy to conflate these two entries since this climate of restrictive border enforcement has prompted drug cartels to operate highly profitable immigrant smuggling operations. Yet the immigrant laborer, once in the United States, is a virtuous entrant who can spark a renaissance of U.S. cities and our economy in ways that deserve separate consideration and credit. At the same time, much of the supposed harm of the Mexican drug smuggler can be attributed to the trappings of the U.S.-initiated war on drugs rather than to the inherent harm of drug use, particularly when measured against the now mostly legal drug of alcohol. While recognizing the linkage between drugs and immigrants because U.S. demand drives both these entries and their consequent inevitability, this study supplies a separate framework to resolve these vexing border issues of our time.

Setting the stage for these controversial proposals, Part I confronts a unique motivation for border crossings that stands in some contrast to the discussion below of economic and legal differences between Mexico and the United States. The flight to Mexico by fugitives to escape justice in the United States inspires the phrase “run for the border” and opens this study of border crossings. Despite the prevailing societal images of treacherous Mexican fugitives, this discussion also details the history of Anglo crossings into Mex-

ico to escape authorities and illustrates the limits of the model for bilateral cross-border cooperation that our extradition treaty with Mexico provides.

Part II surveys the economic motivations for southbound border runs by U.S. residents and companies lured by the promise of cheaper costs of living and of doing business in Mexico. Particularly within the last 30 years, corporate entries into the Mexican borderlands and throughout the interior of Mexico increased dramatically on many fronts, including maquiladora factories, tourist facilities, retail outlets such as Wal-Mart, and residential developments. The latter are meant to draw U.S. retirees, as well as telecommuters and vacation home purchasers, to resort-like settings priced well below comparable resort enclaves in Southern California that share similar views and warm climates. This discussion demonstrates that corporate capital and trade in most goods are freely mobile within North America, particularly capital that moves to labor sources. In contrast, the reverse is not true, as U.S. immigration policy aims to severely restrict the movement of Mexican labor toward jobs in U.S. markets without regard to prevailing labor demand.

Augmenting this history of southbound border runs for economic gain is Part III's examination of vice tourism into Mexico motivated by cross-border differences in laws. Dating back to the early twentieth century, U.S. residents regularly traveled south of the border to partake in activities illicit in the United States but permitted, or at least more readily available, in Mexico. Alcohol has been a lure for U.S. residents both during the Prohibition era and more recently for underage U.S. visitors partying in border town Mexico on weekends and at coastal Mexico resorts over spring break. The seduction of illicit flesh brings U.S. youth across the border to lose their virginity in border town brothels, and the scourge of child prostitution continues to attract U.S. sex tourists to Mexico. Throughout the mid-twentieth century, the ready availability of no-fault divorces in Mexico, in contrast to strict standards then prevailing in many U.S. jurisdictions, drew spouses across the border to obtain a quickie Mexican divorce. Part III details the full range of these illicit lures, also encompassing gambling, pharmaceuticals, and medical procedures.

Part IV examines the core of today's border policy emphasis on the border-crossing Mexican immigrant laborer and the illicit drug trafficker, while establishing the connected but distinct economic motivations of these crossers. In brief, immigrant laborers come north for a mere chance at survival, while drug couriers more often seek the brass ring of riches. Part IV also discusses the history of Prohibition-era rumrunners who funneled liquor across the border to U.S. destinations, earning enormous profits and signal-

ing the futility of supply-side enforcement against economically motivated crossings. Only the legalization of alcohol stymied liquor trafficking routes. This history demonstrates the intoxicating lure of U.S. demand in prompting border crossings north, which routinely overpowers legal policies aimed to restrict these entries.

In constructing a framework for comprehensive border reform, Part V first collects and examines such lessons from the 150 years of border crossings detailed in this study. Particularly, these experiences demonstrate the futility of supply-side enforcement that concentrates on interdiction, as well as illustrate the U.S. history of unilateral policymaking on subjects that spur border crossings and on the crossers themselves. In contrast to interdiction, reducing U.S. demand for cheap labor and illegal drugs may hold more promise for controlling border movement, as the Prohibition experience confirmed when legalization of alcohol mooted the Mexican trafficking market overnight. Further, the supply-side approach of launching economic vitalization in Mexico, in contrast to tactics of interdiction that have dominated the U.S. arsenal, holds promise for easing the migratory pressures that sometimes tear Mexican families apart. This could even alter the climate in which U.S. sexual predators readily find child victims in Mexico in the hubris of economic desperation.

Informed by these histories, Part V tackles the two dominant border issues today—undocumented immigration and the illicit drug trade—and proposes a legalization protocol supplemented by an economic stimulus to Mexico. Legalization is not desirable in some regulatory areas, though, particularly child sex trafficking and trafficking of some drugs that approach alcohol in societal harm, notably methamphetamine. For those areas where enforcement may lag in Mexico despite laws that on their face seem similar to those in the United States, Part V argues for cross-border cooperation in enforcement freed from the distractions of today's policy emphasis on targeting and villainizing meritorious immigrant laborers and chasing marijuana traffickers.

Part V also breaks the mold of our fixation on northbound crossings and suggests a comprehensive framework for Mexican (and U.S.) regulation of southbound entry. Finally, Part V deals more generally with the issue of synchronization—whether and when the laws of the two countries are best aligned in areas that induce border crossings. Today, despite the U.S. emphasis on border security and on enacting and enforcing draconian immigration laws, the United States and Mexico are increasingly interconnected in their economies and cultures. Culture, it seems, knows no boundaries. The com-

pellling policy question for the United States is whether it desires to continue treating Mexican immigrant laborers as against the grain of the ongoing cross-border melding of economies and cultures, or whether we will accept the inevitability of border crossings as history implores. If we embrace our Mexican immigrant entrants, we might finally acknowledge that their virtuous dream of economic survival resonates with our own vision of the American dream. Indeed, we may come to see that their run for the border has enriched our lives as it often has theirs.