

U.S. Security and Border Protection Policy before and after 9/11: A Policy Impact Assessment

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This study utilizes key analytical concepts from complex interdependence theory to examine the impact of U.S. security and border protection policy on the U.S.–Mexico land border before and after 9/11. It seeks to answer whether post-9/11 U.S. security and border protection policy responses make any difference to the protection of the U.S.–Mexican land border. The results of the analysis demonstrate that, other things being equal, post-9/11 U.S. security and border protection policy responses have had only marginal effects on the protection of the U.S.–Mexican land border compared to the pre-9/11 period. In other words, those policy responses make little difference when their performance is compared before and after 9/11. I conclude that the U.S.–Mexico land border is more secure, but is not completely safe in the aftermath of 9/11.

Este estudio utiliza conceptos analíticos claves de la teoría de interdependencia compleja para examinar el impacto de la seguridad estadounidense y la política de protección de la frontera en la tierra límite de E.U.–México antes y después del 11/9. Busca responder si las respuestas de seguridad estadounidense y políticas de protección posteriores hicieron alguna diferencia en la protección de la frontera de E.U.–México. Los resultados del análisis demuestran que, ceteris paribus, la seguridad estadounidense y las respuestas de protección fronteriza posteriores han tenido sólo efectos marginales en la protección de la misma comparados con el periodo anterior. En otras palabras, estas políticas de respuesta hicieron poca diferencia después del 11/9 en comparación con las condiciones que prevalecían antes de 11/9. Concluyo que la frontera E.U.–México es más segura, pero no completamente en el contexto que dejó el 11/9.

The levels of security that the United States has pursued after 9/11 may be associated with the migratory phenomenon that takes place along the U.S.–Mexican land border. In this regard, it has been argued that U.S. security

vulnerabilities might increase because of the territorial proximity of Mexico and the Mexican undocumented immigration phenomenon. This article analyzes the case of the U.S. security and border protection policy and the migratory phenomenon in the U.S.–Mexico land border, both before and after 9/11, as a case of complex interdependence (Keohane and Nye [1977] 2001) between Mexico and the United States. It seeks to answer if post-9/11 U.S. security and border protection policy responses make any difference to the protection of the U.S.–Mexican land border.

This article first reviews Keohane and Nye's ([1977] 2001) suggestions of "complex interdependence," before providing a preliminary assessment of U.S. security and border protection policy before 9/11 concerning the U.S.–Mexico border. It then gives an account of the U.S. security policy responses to protect the homeland against international terrorism in the aftermath of 9/11. The next section assesses U.S. security and border protection policy before and after 9/11. This article concludes by highlighting the determinants of U.S. security and border protection policy against undocumented migration (before 9/11) and terrorists (after 9/11).

Theoretical Framework

This study uses elements from complex interdependence, the rational choice, and bureaucratic politics theories to establish the framework for assessing the U.S. security and border protection policy on the U.S.–Mexico border. There are very few theoretical approaches for the analysis of bilateral relations with territorial proximity as a feature and a determinant of issues in the bilateral agenda (as it is the case of the U.S.–Mexico bilateral relation). This is important to recognize because the level of economic development between both countries is marked, and such proximity has influenced the bilateral political, economic, and the homeland/border security agendas after 9/11. For this reason, the present study requires a theoretical framework that supplies the kinds of tools that can analyze the Mexico–U.S. migration phenomenon in conditions of mutual social, political, and economic integration during a period of U.S. homeland security and border enforcement priorities. The theory of Complex Interdependence provides these tools to a large extent, and is therefore the central theoretical model underpinning this article.

Complex Interdependence

The main concern of this study is to assess the impact (effective/ineffective) of U.S. security and border protection policy changes both before and after 9/11. Within this framework, the complex interdependence approach is useful to the extent that U.S. security and border protection policy changes, before and after 9/11, can be shown to conform to Keohane and Nye's "Vulnerability" and "Sensitivity" dimensions.

Keohane and Nye ([1977] 2001, 9) offer a framework for the political analysis of “interdependence” (a state of mutual dependence) where “interdependence relationships will always involve costs.” Yet, for these authors, it cannot be determined *a priori* whether the benefits of a bilateral relationship would exceed the costs (9). For this reason, the dimensions of “Sensitivity” and “Vulnerability” need to be considered in a coherent analysis of interdependent relations. On one hand, the point of reference is “sensitivity as degrees of responsiveness within a policy framework, in other words, how quickly changes in one country bring costly changes, how great are the costly effects?” (12). Sensitivity assumes that a given policy frame remains unchanged and the policies remain constant. This frame reflects the difficulty of formulating new policies in a relatively short period of time; so, the time taken to change policies is crucial to reduce a country’s sensitivity (12).

On the other hand, “Vulnerability” refers to an actor’s liability to suffer costs imposed by external events even after policies have been altered. It is based on the belief that “vulnerability rests on the relative availability and costliness of the alternatives that various actors face” (Keohane and Nye [1977] 2001, 13). Vulnerability dependence can be measured by the costliness of making *effective adjustments* to change environment over a period of time. So, effective policies reduce vulnerability (13). However, effective policy making could take a long time, which may increase sensitivity. So the longer it takes to change policies, the higher the costs will be.

In addition to the centrality of complex interdependence, two other theoretical approaches are used in developing the argument that follows. A key part of this study considers the issue of bureaucratic reorganization after 9/11, because that particular issue emerged as a central aspect of the implementation of U.S. government post-9/11 security policy framework. Given this, it is useful to bring in elements of both rational choice and bureaucratic politics theories to help interpret, broadly, the origins of the post-9/11 reorganization of the U.S. security bureaucracies. Since the literature on both approaches is vast, the following overviews pick out briefly the central theoretical elements that will be drawn from later.

Rational Choice

The study of political decision making from this perspective is built on assumptions, such as utility maximization; a consistent structure of preferences, full information, and individual decision making is central to explain collective outcomes (Green and Shapiro 1994, 13). In this framework, for Anthony Downs (1957), a rational agent should comply with the following characteristics: (1) always make a decision when confronted with a range of alternatives; (2) rank all the alternatives facing him in order of his preference in such a way that each is either preferred to, indifferent to, or inferior to each other; (3) transitive preferences; (4) always choose from among the possible alternatives that which ranks highest in a preference ordering; and (5) always

make the same decision each time when confronted with the same alternatives (Downs 1957, 6; see also Ward 2002). Other theoretical bodies argue that decision making is the result of groups or organizations' behavior to pursue certain objectives. The models of organizational and bureaucratic politics fall into this category.

Organizational and Bureaucratic Process Models

In contrast to the unitary approach of Rational Choice, in explaining government behavior and policy making, Graham Allison (1971, 67) constructed the *organizational model* to highlight the centrality of government organizations. In Allison's model, government leaders do not drive the behavior of these organizations. Instead, standard operating procedures are used to coordinate the behavior of the members of a given organization, since "coordination requires standard operating procedures: rules according to which things are done" (68). Allison's model serves as the basis for a further analysis of government behavior and decision-making processes. Thus, he transited from analyzing organizations' standard routines to investigating the heads of those organizations (144). This base line allowed Allison to found the bureaucratic politics model in which "government behavior can thus be understood . . . not as organizational outputs but as results of these bargaining games" (144).

U.S. Policy toward Mexico before 9/11: The Path to Border Enforcement

This section examines U.S. policy toward Mexico before 9/11 in order to establish security policy patterns that may explain the issue of undocumented immigration through the U.S.–Mexico land border before the U.S. war on terror was initiated.

It has been recognized that the Latino population, and particularly that proportion of it that is of Mexican origin, started to grow rapidly in the United States in the last decade of the twentieth century ("Global Data Center" 2009; Zúñiga and Hernandez-León 2005). Not surprisingly, such a growth has been fed by current and steadily rising waves of immigration as well as by high birth rates in the Latino communities already living in the United States. As a result, U.S. policy toward Mexico has been pragmatic and erratic concerning questions of economics and the politics of border protection, especially after 9/11. Thus, most academic studies on the analysis of U.S. immigration policies (e.g., Martin *et al.* 1997; Mitchell 1997) recognize that economic, societal, or foreign policy interests have influenced the U.S. immigration policy-making process as they have higher political priority than the issue-area of Mexican immigration (Mitchell 1997, 59).

From Trade to Border Enforcement

Some authors agree that for migrants—and Mexican migrants in particular—economic concerns are the main reason to migrate to the United States (Bennett 1989; Glade *et al.* 1989; Hufbauer and Schott 1993; Montes

de Oca 1993; Orme 1996; Weintraub 1990). Clearly, this is because the U.S. economy can offer more jobs and higher wages than the Mexican economy (Mitchell 1997, 40). If that is the case, there are several economic policy instruments that the U.S. could use to affect immigration levels and reduce migration-pushing factors. According to Martin (1997, 231) three instruments are the most feasible in the American foreign policy perspective: (1) international trade; (2) foreign investment; and (3) international aid. The 1994 North American Free Trade Agreement (NAFTA) fits well into the first category, and has been the instrument preferred by the U.S. government to deal with its southern neighbor (see Cornelius 2002; Glade *et al.* 1989; Krugman 1993; Ortmayer 1997).

NAFTA formalized the strong U.S.–Mexico economic integration and the opening of the Mexican economy to the world market. The promotion of investment and trade between its members, and not the issue of undocumented Mexican “economic” migration, was the main reason for creating NAFTA. However, Mexican trade representatives put the issue of undocumented “economic” migration from Mexico on the table for discussion. The expectations to include undocumented migration as part of the Agreement disappeared, however, when U.S. trade representatives attempted to use Mexico’s oil industry as a bargaining issue in the discussion of undocumented migration (see Russell 1994). In the end, both issues were left out of the negotiations as sensitive issue-areas that could adversely affect public opinion toward NAFTA in both countries.

The point to be made here is that the linkage between NAFTA and undocumented economic migration was based on political concerns. NAFTA promoters in Mexico and the United States utilized the issue of undocumented “economic” migration to “sell” the agreement and gain political approval on the basis that NAFTA could reduce undocumented migration. It was in this context that President Bill Clinton stated in 1993 that

if NAFTA passes, you won’t have what you have now, which is everybody runs up to the *maquiladora* line [U.S.–Mexico border], gets a job in a factory, and then runs across the line to get a better job. Instead there will be more uniform growth in investment across [Mexico], and people will be able to work at home with their families . . . we will dramatically reduce pressures on illegal immigration from Mexico to the United States. (Cited in Cornelius 2002, 290)

At the same time, the then-President of Mexico, Carlos Salinas de Gortari, was promoting a pro-NAFTA campaign under the television slogan of *exporting goods but not people* (cited in Cornelius 2002, 290).

Sealing-off the Divide: U.S. Border Protection Policy in the 1990s

From the Mexican point of view, U.S. immigration policy has seemed to be a combination of many restrictionist measures. This has been evident since the

1980s, when the Mexican economy started a restructuring process to open to the world economy and a deeper integration to the U.S. economy occurred (Martin *et al.* 1997; Suárez-Orozco 1998, 92). Considering the short-term effects of trade liberalization on Mexican undocumented migration flows to the United States,¹ American policy makers were aware that NAFTA by itself was not enough to guarantee either a substantial reduction in Mexican migration flows or the security of its southern border. This concern was reinforced when undocumented migration flows during the late 1980s and 1990s increased enormously at a stable pace. Consequently, the most visible effort of the U.S. government response to irregular migration was started as an initiative led by Silvestre Reyes, Chief Patrol Officer of the Border Patrol in El Paso, Texas. Officer Reyes proposed “an experiment of *visible deterrence*: repositioning of available personnel visibly at the border and within sight of one another, so that any would-be illegal crosser could be able to see a Border Patrol Officer looking at him or her” (Teitelbaum and Weiner 1995, 24).

As part of the U.S. National Strategic Plan,² the U.S. Border Patrol was instructed to implement a plan, based on Officer Silvestre’s proposal, along the U.S.–Mexico land border area. Visible deterrence was meant to be a “prevention through deterrence” tactic, which implied that the risk of apprehension had to be elevated to such a high level that probable undocumented entrants would not consider attempting to get across the U.S.–Mexico land border illegally (Williams 2004, 120). “Prevention through deterrence” was believed to have a more effective meaning since many potential migrants would reconsider migrating from Mexico to the United States even before they left their hometowns in any area of Mexico. The strategy was to be implemented by the U.S. Border Patrol office³ in the form of security operations in San Diego–Tijuana and El Centro, California; Yuma–San Luis, Arizona as Operation Gatekeeper (1994); El Paso–Ciudad Juarez as Operation Hold the Line (late 1993); and McAllen–Reynosa as Operation Rio Grande (1997).

¹ Peter Smith (1997, 265) summarizes any kind of debate and discussion over NAFTA expectations and effects in four related hypotheses, as follows: H₁: Implementation of NAFTA would lead to a steady reduction in the flow of undocumented workers from Mexico to the United States. H₂: Implementation of NAFTA would lead to acceleration in the flow of undocumented workers (and peasants) from Mexico to the United States. H₃: Implementation of NAFTA would have no observable effect on the flow of undocumented workers from Mexico to the United States, which would either (1) continue at current levels; or (2) increase at a gradual rate. H₄: Implementation of NAFTA would have a curvilinear effect on the flow of undocumented workers from Mexico to the United States—increasing the flow in the short to medium term, thereafter reducing the flow.

² The USNSP-1993 plan was established by U.S. policy makers to respond to increasing concerns of huge numbers of illegal immigrants and illegal drugs in the U.S. southwest border with Mexico.

³ Before 9/11, the U.S. Border Patrol is a program of the U.S. Department of Justice to enforce immigration laws between U.S. land ports of entry.

Table 1. Immigration and Naturalization Service (INS) Budget 1994-2001

Year	Million U.S. Dollars	Annual Change 1994 = 100%
1994	1,575	100
1995	2,148	136
1996	2,590	164
1997	3,123	198
1998	3,678	233
1999	3,824	242
2000	4,255	270
2001	4,886	310

Source: U.S. INS, U.S. Department of Justice (2008).

Table 2. U.S. Border Patrol Agents, 1994-2001

Year	Border Patrol Agents	Annual Change 1994 = 100%
1994	4,226	100
1995	4,881	115
1996	5,878	139
1997	6,859	162
1998	7,982	189
1999	8,351	198
2000	9,181	217
2001	9,859	233

Source: "U.S. Border Patrol—Immigration and Naturalization Service" (U.S. Department of Homeland Security 2009c).

Table 1 shows the increase in resources used to implement a border enforcement strategy on the U.S.–Mexican land border. The appropriated budget to the U.S. Immigration and Naturalization Service (INS) in 1994 was roughly 1.5 billion U.S. dollars (USD). That amount more than doubles in 1999 when 3.8 billion dollars were appropriated, and peaks in 2001 with 4.8 billion dollars to protect the U.S.–Mexican border against undocumented immigration flows; from 1994 to 2001, the INS budget increased more than 200 percent.

The border enforcement strategy of INS would fundamentally encompass deployment of more border patrol agents and personnel, equipment, and technology to deter would-be undocumented migrants from getting across the border. Table 2 shows that the deployment of border patrol personnel on the U.S. southern land border steadily increased, with a total increase of 133 percent from 1994 to 2001. In this regard, it might be suggested that before 2001, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 also impacted on the number of U.S. border patrol agents deployed on the U.S.–Mexican border, because one provision of the Act authorized the U.S. Attorney General to hire at least 1,000 border patrol agents and more personnel each year for the period 1997-2001.

In fact, on September 30, 1996, President Clinton and the Congress passed the last immigration legislation of the twentieth century; the content of that legislation represented the last formal effort in that period to control undocumented immigration, gain operational control of the U.S.–Mexico land border, and tighten legal immigration laws. The bipartisan Illegal Immigration Reform and Immigrants Responsibility Act of 1996 did not change the U.S. immigration laws dramatically, but slightly reformed earlier laws. The Act of 1996 was created to strengthen U.S. land borders, begin reimbursing states and

public hospitals, curb the production and use of fraudulent documents, and stop employers from hiring undocumented workers.⁴

The INS strategy aimed to accomplish two objectives. First, the INS Border Patrol had to get urban areas along the border under their control. Second, and as a consequence, the traffic of undocumented migration would shift to remote areas where the increase in Border Patrol personnel, the construction of border fencing on urban areas, and the installation of high-tech surveillance would permit more easy detection and apprehension of aliens attempting to enter the country illegally. At this point, the question turns on whether this strategy was entirely framed to stop illegal immigration flows and, if so, what type of policy changes should we expect to control the U.S.–Mexico border in the aftermath of 9/11? This is the concern of the following section dedicated to analyzing the post-9/11 policy responses of the U.S. government.

U.S. Homeland Security Policy Responses after 9/11

As a result of the terrorist attacks on September 11, 2001, both U.S. homeland security and border protection became sensitive and prioritized issues in the American policy-making agenda. The old and daily debates about the long-standing undocumented migration flows from Mexico through the U.S.–Mexican land border became well and truly revived. Mexican undocumented migration, drug trafficking, and border crime became fundamental issues informing part of the U.S. national security policy in the post-9/11 era (Waslin 2003).

Importantly, as Bailey (2004, 250-1) notes, “prior to September 11, undocumented migration was most usefully analyzed in an economic framework of supply and demand: the United States and Canada need cheap labor; Mexico needs employment. The terrorist attacks, however, significantly altered this perspective. Economic forces remain important, but the security imperative takes precedence.” Therefore, under the new conditions posed by 9/11, U.S. policy makers quickly reacted to frame a counter-terrorist response to protect the U.S. homeland against terrorism, and an international “war on terror” was initiated. On October 26, 2001, 45 days after the attacks, the USA Patriot Act was the first and most rapidly enacted legislation to frame a counter-terrorist strategy.⁵ Along the same lines, Congress enacted the U.S. Homeland Security Act of 2002 and the U.S. Intelligence Reform and Terrorism Prevention of 2004. This section gives a broad account of these three pieces of legislation and their implications for the protection of the U.S.–Mexico land border.

⁴For further details about this legislation see http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_public_laws&docid=f:publ208.104.pdf (Accessed on March 3, 2009).

⁵The 107th U.S. Congress passed the USA Patriot Act in the shortest period of time in contemporary American policy-making history.

The USA Patriot Act of 2001

In general, the USA Patriot Act⁶ “allows the government to obtain warrants to monitor and search suspects without meeting previous standards of probable cause, in any criminal investigation, whether related to terrorism or not. The Act also allows greater information sharing between police and counter-terrorism officials” (Mialon and Rubin 2005, 3). Evidently, a crucial aspect of the USA Patriot Act is its aim of improving information sharing, since information collection is well developed by U.S. security agencies. A general principle frames the USA Patriot Act of 2001 in the rule that “any information lawfully gathered during a foreign or domestic counterintelligence investigation or during domestic law enforcement investigation should be capable of being shared with other federal agencies” (Rosenzweig, Kochems, and Carafano 2004, 30; see “USA Patriot Act” 2001, Titles I and II). This principle helps the U.S. government agencies to “connect the dots”—collection, sharing, and enforcement—of U.S. intelligence and law enforcement that were unconnected before 9/11 and facilitated the perpetration of the attacks in New York City.

At the same time as the Patriot Act had provisions to improve information sharing for law enforcement, it also contained important provisions to enhance the protection of the U.S. border by providing security in U.S. ports of entry. In this respect, two sections of Subtitle B, in Title IV of the Act have been essential. First, those provisions mandate the immediate establishment of an Entry-Exit secure data system for airport, seaport, and land U.S. ports of entry to ensure that every U.S. visa used by visitors to the United States is genuine and visitors are monitored before entering the U.S., while they enter, and leave the country. Furthermore, this Act allows the Office of Homeland Security⁷ to participate in the Entry-Exit task force (see “USA Patriot Act” 2001, Sections 414 and 415). Section 416 of the USA Patriot Act mandates to create a “Foreign Student Monitoring Program.” This section includes all foreign students registered in all

⁶ The legislation entitled: “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism of 2001” (“USA Patriot Act” 2001) was created to “deter and punish terrorist acts in the United States and around the world, to enhance law enforcement and investigatory tools, and for other purposes.” The USA Patriot Act of 2001 (H.R. 3162) was the result of merging provisions of various pieces of legislation. It incorporated provisions of two other antiterrorism bills: the H.R. 2975 passed by the U.S. House of Representatives on October 12, 2001, the S. 1510 passed by the U.S. Senate on October 11, 2001; and provisions of H.R. 3004 were integrated in Title III of the Act dedicated to “Combat the Financing of Terrorism and other Financial Crimes” (see “U.S. Library of Congress: Databases of U.S. Legislations” 2009).

⁷ The U.S. Office of Homeland Security is the origin of the Department of Homeland Security (DHS) after a bureaucratic restructuring took effect in January 2003 when the provisions of the U.S. Homeland Security of 2002 were implemented. The U.S. Homeland Security Act of 2002 mandated the creation of the U.S. DHS to merge all the functions of the agencies in charge of protecting the U.S. homeland before 9/11 under the umbrella of only one federal agency. A further discussion of this act is carried out in the next subsection.

educational institutions of the United States. The main objective is to watch students who could be keen on supporting terrorist groups inside or outside the United States.

The U.S. Homeland Security Act of 2002

The most important policy goal achieved by the Homeland Security Act of 2002 was the creation of the Department of Homeland Security (DHS) as part of a strategy to restructure the U.S. security and border protection bureaucracies that failed to prevent the 9/11 attacks. 9/11 showed that there were organizational failures and a lack of coordination between intelligence collection agencies and law enforcement agencies in preventing the attacks. Therefore, it is reasonable to argue that the U.S. government responded with policies focused on organizational restructuring and other reforms of government security agencies because “a principal dimension of blaming and responding to the terrorist attacks has been organizational, this is because the FBI and the CIA have been characterized as excessively bureaucratic, with internal cultures that suppressed information sharing and discussion” (Peters 2004, 235).

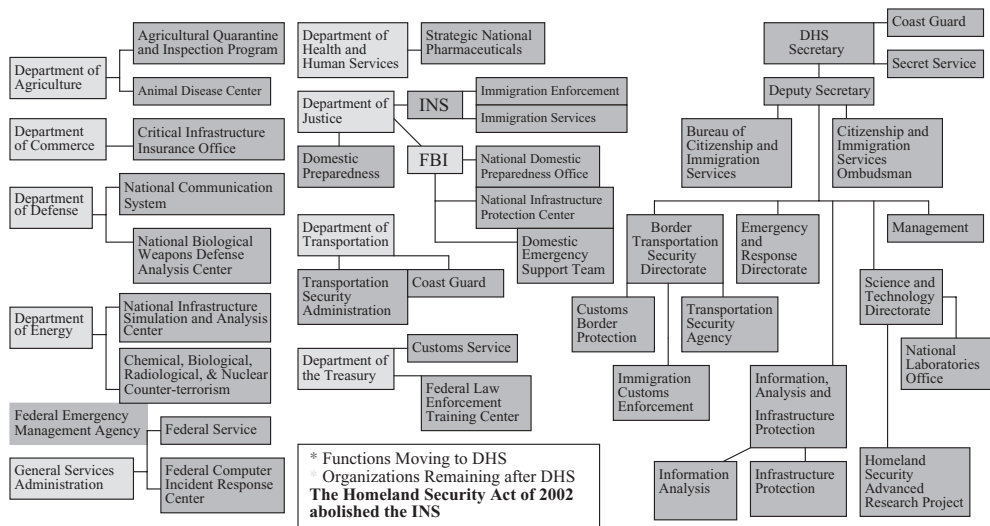
Theories of bureaucratic politics such as those based on Allison’s (1971) organizational model indicate that this situation of organizational ineffectiveness can emerge because of the routines or standard procedures that drive the behavior of organizations; in this particular case, organizational routines reduced the flow of information between intelligence collectors and law enforcers in charge of protecting U.S. borders.

In September 2001, President George W. Bush created the Office of Homeland Security as an Executive Order. Later, in 2002, after an intense political debate in both Houses of Congress (some months before the midterm Congressional elections), the Office of Homeland Security was transformed into the U.S. DHS. On November 25, 2002, U.S. President Bush signed into law the “Homeland Security Act of 2002,” which mandated to reorganize the whole U.S. homeland security apparatus within only one agency.

As a result of the U.S. Homeland Security Act (2002), the DHS took the status of an executive department of the U.S. government. This was the physical representation of a crucial political victory of President Bush and his administration in constructing a solid strategy for U.S. homeland security in the aftermath of 9/11. The DHS also became one of the 16 agencies that form the U.S. intelligence community.⁸ The primary missions of the new DHS are to prevent terrorist attacks within the United States, reduce the vulnerability of the United States against terrorism, and minimize the damage and assist recovery in the event of terrorist attacks that occur within the U.S. homeland. The

⁸ See the U.S. Intelligence Community available online at <http://www.intelligence.gov/index.shtml> (Accessed on March 3, 2009).

Figure 1.
Before Department of Homeland Security (DHS) . . . after DHS . . . *



Source: Adapted version from DHS and DHS FY2004 Budget Report (U.S. Department of Homeland Security 2009b,d).

implementation of the DHS' functions implied to transfer the functions of more than a hundred government entities that were in charge of securing the U.S. homeland before 9/11.⁹ The organizational structure of the DHS prioritized border protection to secure the U.S. homeland. In addition to making all agencies work efficiently under one coordinating roof, a major organizational challenge of the DHS included dismantling and then merging into the DHS the functions of those agencies that used to manage air and ground transport, border surveillance (in and between U.S. ports of entry), immigration services, and preparedness and response in case of a disaster.

From March 1, 2003, the structure of the DHS was organized into four major directorates: (1) Border and Transportation Security; (2) Emergency Preparedness and Response; (3) Science and Technology; and (4) Information Analysis and Infrastructure Protection. Figure 1 shows a comparative diagram of the agencies and functions that were transferred into the new U.S. homeland security apparatus before and after the DHS was created. The dark gray boxes in Figure 1 show the functions of the agencies and departments that are moved

⁹See the U.S. White House Office of the Press Secretary available online at <http://www.whitehouse.gov/news/releases/2002/11/20021125-6.html> (Accessed on March 3, 2009).

to the DHS, and the light gray boxes show the organizations or departments that will remain intact after DHS.

Figure 1 makes clear that the major transfer of functions to the DHS is from the Departments of Agriculture, Commerce, Energy, Health and Human Services, Transportation, and the U.S. Department of the Treasury. However, in terms of immigration and border protection policy, and particularly the U.S. policy approach to undocumented migration along the U.S.–Mexico land border, the most notable and crucial organizational change resulted from the elimination of the U.S. INS, which used to be part of the U.S. Department of Justice. The U.S. INS was in charge of administering immigration and naturalization adjudications, U.S. immigration policies, and U.S. border protection programs, such as the U.S. Border Patrol.

The elimination of the INS was partly justified because, before 9/11, the INS organizational structure did not fulfill the requirements of efficiently enforcing U.S. immigration policies to secure the U.S. homeland against terrorism. A clear example was that “the visa notification for two of the terrorists, which arrived a full six months after the attacks, is undeniable evidence of the agency’s habitual inefficiency” and a sufficient reason for restructuring and dismantling the INS (Spalding 2002, 1). At first glance, the fact that the DHS was in charge of dealing with undocumented “economic” migrants from Mexico on the U.S.–Mexican land border showed that undocumented migration had become a national security issue in the post-9/11 era. Yet the issues of migration and terrorism should not be fused because they represent two different analytical categories. To provide higher standards of security against terrorism to the American people is the big challenge of the DHS (Falkenrath 2005, 9). In this context, the U.S. Congress enacted the U.S. Intelligence Reform and Terrorism Prevention Act of 2004 to complement the post-9/11 security policy framework.

U.S. Intelligence Reform and Terrorism Prevention Act of 2004

The political debates in Capitol Hill to modify the structure of the U.S. intelligence community so that the intelligence apparatus could be more efficient led to the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004. President G. W. Bush signed this into law in December 2004 to cope with and change the old routines, structures, and cultures inside the intelligence community that made it inefficient against terrorism. Again, the main concerns of U.S. security policy makers after 9/11 are the issue of information sharing and make the U.S. security bureaucracies more efficient. In this context, and recalling Allison’s (1971) elaborations on bureaucratic politics, the post-9/11 security policy framework can be seen more as the outcome of the behavior of organizations and their leaders than the result of one rational actor, the state. In this way, the Patriot Act, the Homeland Security Act, and the Intelligence Reform and Terrorism Prevention Act became fundamental pieces of legislation in composing the U.S. security and border protection policy approach in the

aftermath of 9/11. Though it took longer for the U.S. government to change the intelligence community, all of these policies were made and implemented in record times to address terrorism on the domestic and overseas fronts. The creation of the position of Director of National Intelligence (DNI) and a National Counter-Terrorism Center represent “core innovations” of the Intelligence Reform of 2004 to deal with the new issues (Fessenden 2005, 106). To some extent, the Intelligence Reform of 2004 is strongly related to the 9/11 Commission Report released during the summer of 2004, which took the reshaping of American intelligence into a new territory.

Recommendations primarily to reshape the organization of U.S. intelligence as well as to change the way the Intelligence Community does its “business” came out of the 9/11 Commission Report of 2004 (“9/11 Commission Report” 2004; Treverton 2005, 3). The 9/11 Commission was dedicated to investigating the facts of the perpetration of the 9/11 attacks and made the following major recommendations:

- unify strategic intelligence and operational planning against Islamist terrorists across the foreign-domestic divide with a National Counter Terrorism Center;
- unify the Intelligence Community with a new National Intelligence Director;
- unify the many participants in the counter terrorism effort and their knowledge in a network-based information sharing system that transcends traditional governmental boundaries (“9/11 Commission Report” 2004, 399-428).

Clearly, the Intelligence Reform and Terrorism Prevention Act of 2004 retained two of the main recommendations given by the 9/11 Commission and that represented a real reshaping of the U.S. counter-terrorist organization. On one hand, the Act created the position of DNI,¹⁰ and put it in charge of the 15 U.S. intelligence agencies. On the other, it “reshaped how U.S. intelligence [was] organized” (Treverton 2005, vii). The Act grants the DNI significant, but not absolute, powers over money and people. The legislation grants the DNI the “authority on paper to develop and execute around 80 percent of intelligence spending. It means that once Congress has written the checks, the DNI can direct money to those programs he thinks need the money the soonest” (Fessenden 2005, 107). The following section assesses the impacts that these policy changes have brought about.

¹⁰ The DNI serves as the head of the Intelligence Community. The DNI also acts as the principal advisor to the president, the National Security Council, and the Homeland Security Council for intelligence matters related to the U.S. national security; and oversees and directs the implementation of the National Intelligence Program. See the Office of the Director of National Security available online at <http://www.dni.gov/index.htm> (Accessed on March 3, 2009).

Security and Border Protection Policy on the U.S.–Mexico Land Border: A Policy Assessment before and after 9/11

The Impact of “Prevention through Deterrence” before and after 9/11

Every year more than a million people attempt to cross the U.S.–Mexico land border illegally.¹¹ For Deborah Meyers (2005),¹² the U.S. government argument on protecting the U.S.–Mexico land border against terrorist infiltrations is a “legitimate concern,” given the out of control undocumented migration flows from Mexico. Therefore, it is reasonable to suggest that the INS transfer into the DHS made the U.S.–Mexico undocumented migration issue a national security concern.

For U.S. security policy makers, illegal crossings between U.S.–Mexico land ports of entry have not only broken U.S. immigration laws, but they play an important role in increasing the vulnerability of the U.S. border protection in the aftermath of 9/11. After these attacks, “it was apparent that smugglers’ methods, routes, and modes of transportation [were perceived as] potential vulnerabilities that can be exploited by terrorists and result in terrorist weapons illegally entering the United States” (“National U.S. Border Patrol Strategy, September” 2004, 4). Traditionally, the U.S. Border Patrol has been at the forefront in dealing with the massive flows of Mexican undocumented “economic migrants” that every year repeatedly attempt to enter the United States. After 9/11, as some have suggested, “the new reality [is] that the border and migration are to be viewed first and foremost as issues of national security” (Waslin 2003, 6).

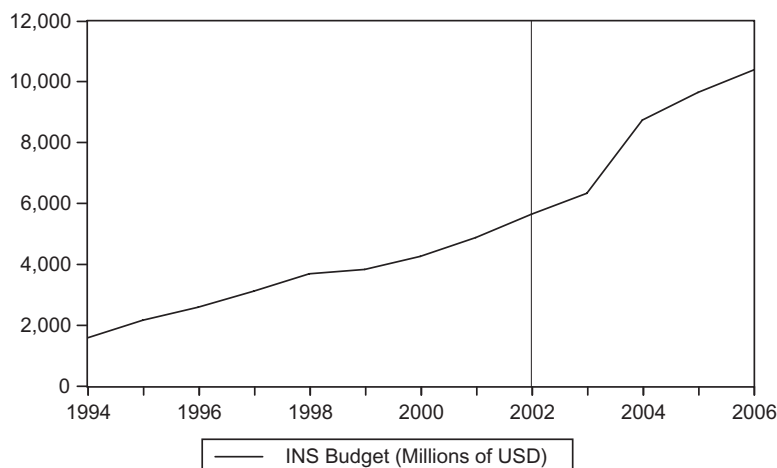
As discussed earlier, in consequence of the drastic bureaucratic restructuring after 9/11, the U.S. Border Patrol included as part of its tactical goals the task of “preventing terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States.”¹³ In September 2004, the Customs and Border Protection (CBP) Border Patrol released its “National Strategy” to gain operational control of the U.S.–Mexico land border. The core element of the CBP Border Patrol “National Strategy” after 9/11 is to implement a tactical border enforcement strategy based on the same foundations of the “Operation Gatekeeper” (California—1994) and “Operation Hold the Line” (Texas—1993) that were created and implemented by INS Commissioner Doris Meissner during the 1990s. Fundamentally, the U.S.

¹¹ See U.S. Border Patrol Statistics at Customs and Border Protection Commission of the U.S. Department of Homeland Security (DHS) available online at <http://www.dhs.gov/ximgtn/statistics/> (Accessed on May 10, 2007).

¹² A Senior Policy Analyst of the Migration Policy Institute (MPI). MPI is an independent, nonpartisan, nonprofit organization dedicated to the study of U.S. immigration policy and migration worldwide.

¹³ See U.S. Border Patrol available online at http://cbp.gov/xp/cgov/border_security/border_patrol/ (Accessed on March 3, 2009).

Figure 2.
Immigration and Naturalization Service (INS) Budget before and after 9/11
(1994-2006)



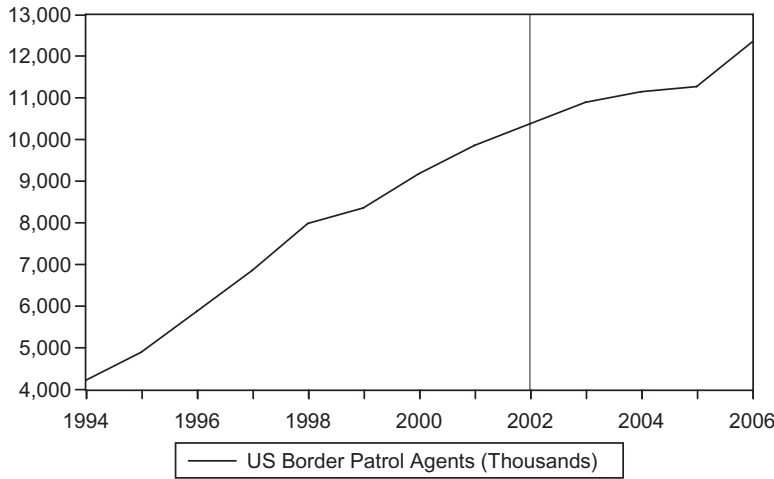
Source: INS (U.S. Department of Justice 2008) and U.S. Department of Homeland Security (2009b).

Border Patrol strategy after 9/11 seeks to go beyond the deterrence effect of the pre-9/11 period by providing antiterrorist infrastructure to CBP Border Patrol Agents.

The financial resources to carry out the CBP Border Patrol strategy dramatically increased before and after 9/11; the U.S. Congress “has more than tripled spending for border enforcement activities since 1993, despite evidence that this unprecedented border build-up has failed to deter significant numbers of unauthorized migrants from attempting entry” (Cornelius 2004a, 1). As a result of intense political debates about the need to secure the U.S. homeland while fighting a war against terrorism in Iraq after 9/11, the Bush administration and Congress have increased the yearly budget appropriated for border protection in the DHS. For example, during the implementation of the border enforcement strategy in the 1990s, the budget increased from 1,575 million USD in 1994 to 4,886 million USD in 2001. Figure 2 shows the before and after 2001 (vertical line) U.S. budget dedicated to border protection from 1994 to 2006.¹⁴ In 1994, the INS employed more than 1,500 million USD to implement the

¹⁴ On March 1, 2003, all the functions of the INS were transferred into the DHS. As a result, from Fiscal Year 2004, the DHS was appropriated its own budget; the INS budget from 2004 to 2006 is based on estimates made by aggregating the budget dedicated by the DHS to develop each function that the INS did before the restructuring. The vertical line that interrupts the 1994-2006 series in Figures 2 and 3 is located in 2002 for one reason: this is that 9/11 occurred at the end of

Figure 3.
U.S. Border Patrol Agents before and after 9/11 (1994-2006)



Source: Immigration and Naturalization Service (U.S. Department of Justice 2008) and Customs and Border Protection—Department of Homeland Security (U.S. Department of Homeland Security 2009a).

border strategy. That amount has increased to more than 4,800 million USD in 2001, and it almost doubled to 8,754 million in 2004. The border protection budget peaked at 10,400 million USD in 2006.

Figure 2 makes clear the effect of the post-9/11 security policy on the border protection budget to secure the U.S. borders against terrorist infiltrations and undocumented migration flows along the U.S.–Mexican land border. From 2001 to 2006, the border protection budget grew about 112 percent. The number of U.S. Border Patrol Agents follows a similar growth pattern before and after 9/11. Figure 3 shows the number of Border Patrol Agents from 1994 to 2006.

The effect of post-9/11 security and border protection policy is not restricted to budget, but is also related to the increasing number of Border Patrol Agents in the post-9/11 period. The number of agents goes up from 9,859 in 2001 to 12,349 in 2006. As I mentioned earlier, the post-9/11 border strategy is basically the same as before 9/11 because it uses the tactics of the pre-9/11 period, which gave priority to the deployment of more agents to accomplish visible deterrence of illegal crossings. Since the implementation of “Operation

the 2001 U.S. Fiscal Year, so any budget change and any possible effect of the budget on other variables takes effect until 2002, when the post-9/11 legislation was created and its implementation began.

Gatekeeper” and “Operation Hold the Line” in 1994, the number of agents has steadily increased from 4,226 to more than 12,349 in 2006. Furthermore, former U.S. President George Bush stated that he was going to increase the number of Border Patrol Agents to more than 15,000 by 2008 before leaving the White House.¹⁵

So far, the analysis of the main elements that drive the post-9/11 border protection policy on the U.S.–Mexican land border has established that the border protection strategy is virtually unchanged in comparison with the 1990s border enforcement strategy. It seems apparent that the changes have more to do with the context posed by 9/11 and the political responses to deal with it, rather than with significant changes in policy performance on the ground of the U.S.–Mexico land border. The post-9/11 strategy is essentially based on “Prevention through Deterrence,” which is supposed to be accomplished by implementing a modified version of the “Gatekeeper” and “Hold the Line” tactical operations implemented in the 1990s. Therefore, it is realistic to suggest that though the new CBP Border Patrol’s mission is to detect and prevent terrorist and terrorist weapons from entering the United States, the traditional task of apprehending economic migrants takes precedent. So the traditional U.S. Border Patrol “catch and release” tasks remain unchanged by seeking to affect the levels of “Prevention through Deterrence” through: (1) the increase of the probability of apprehension; and (2) the shift of the traditional undocumented migration corridors.

(1) Affecting the Probability of Apprehension to such a High Level that Illegal Crossers would Reconsider crossing the Border. In this regard, the probability of apprehension from 1993 to 2001 (see also Reyes, Johnson, and Van Swearingen 2002) increased, as expected by policy makers, because in terms of policy efficiency, “the initial phases of these operations typically result in an increase in apprehensions, reflecting the deployment of more agents and technology. However, as the deterrent effect takes hold, the number of apprehensions declines as the operation gains control over the area” (INS 1999; see Table 3).

Table 3 shows the Mexican undocumented migrant apprehensions made by the U.S. Border Patrol on the U.S.–Mexico land border from 1993 to 2005. The table is organized considering apprehensions both in actual numbers and as a percentage of the total, and by Border Patrol Sector (the U.S. Border Patrol has nine sectors along the U.S.–Mexico land border¹⁶). From 1993 to 2001, apprehensions increased, with considerable variations from year to year.

¹⁵ See U.S. President Bush’s remarks on the Secure Fence Act of 2006 that has provisions to increase border protection budget and the number of border patrol agents deployed along the U.S.–Mexican land border available online at <http://fdsys.gpo.gov/fdsys/pkg/WCPD-2006-10-30/pdf/WCPD-2006-10-30-Pg1891.pdf> (Accessed April 9, 2009).

¹⁶ For a complete list of the U.S. Border Patrol Sectors see U.S. Customs and Border Protection, DHS, available online at http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/ (Accessed on March 3, 2009).

Table 3. U.S. Border Patrol Apprehensions Statistics on the U.S.–Mexico Land Border, 1993–2005

Actual Numbers and Percentages as of the Total Apprehensions		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Border Patrol Sector														
Total Southwest		1,212,886	979,101	1,271,390	1,507,020	1,368,707	1,516,680	1,537,000	1,643,679	1,235,717	929,809	905,065	1,138,282	1,171,428
San Diego, CA		531,689	450,152	524,231	483,815	283,889	248,092	182,267	151,681	110,075	100,681	111,515	138,608	126,909
El Centro, CA		30,058	27,654	37,317	66,873	146,210	226,695	225,279	238,126	172,852	108,273	92,099	74,467	55,726
Yuma, AZ		23,548	21,211	20,894	28,310	30,177	76,195	93,388	108,747	78,385	42,654	56,638	98,060	138,438
Tucson, AZ		92,639	139,473	227,529	305,348	272,397	387,406	470,449	616,346	449,675	333,648	347,263	490,771	439,090
El Paso, TX		285,781	79,688	110,971	145,929	124,376	125,035	110,857	115,696	112,857	94,154	88,816	104,399	122,689
Marfa, TX		15,486	13,494	11,552	13,214	12,692	14,509	14,952	13,689	12,087	11,392	10,319	10,530	10,536
Del Rio, TX		42,289	50,036	76,490	121,137	113,280	131,058	156,653	157,178	104,875	66,985	50,145	53,794	68,510
Laredo, TX		82,348	73,142	93,305	131,841	141,893	103,433	114,004	108,973	87,068	82,095	70,521	74,706	75,342
McAllen, TX		109,048	124,251	169,101	210,553	243,793	204,257	169,151	133,243	107,843	89,927	77,749	92,947	134,188
% of Total														
San Diego, CA		44%	46%	41%	32%	21%	16%	12%	9%	9%	11%	12%	12%	11%
El Centro, CA		2%	3%	3%	4%	11%	15%	15%	14%	14%	12%	10%	7%	5%
Yuma, AZ		2%	2%	2%	2%	2%	5%	6%	7%	6%	5%	6%	9%	12%
Tucson, AZ		8%	14%	18%	20%	20%	26%	31%	37%	36%	36%	38%	43%	38%
El Paso, TX		24%	8%	9%	10%	9%	8%	7%	7%	9%	10%	10%	9%	10%
Marfa, TX		1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Del Rio, TX		3%	5%	6%	8%	8%	9%	10%	10%	8%	7%	6%	5%	6%
Laredo, TX		7%	7%	7%	9%	10%	7%	7%	7%	7%	9%	8%	7%	6%
McAllen, TX		9%	13%	13%	14%	18%	13%	11%	8%	9%	10%	9%	8%	11%

Source: "Immigration and Naturalization Service, Customs and Border Protection-Department of Homeland Security Yearbook of Immigration Statistics" (U.S. Department of Homeland Security 2009e)*; U.S. Border Patrol Enforcement Activities in the U.S. Southern Border.

* Formerly entitled "Statistical Yearbook of the Immigration and Naturalization Service" until 2002.

However, the number of apprehensions did not decrease substantially until 2001; the reduction is more notable in 2002 and 2003, though apprehensions in 2004 and 2005 remain under pre-2001 levels. For CBP officials, this reduction of apprehensions is the direct result of deploying more CBP Border Patrol Agents and Smart Border Technology. For instance, the CBP “Securing America’s Borders 2006 Fiscal Year in Review” (U.S. Department of Homeland Security 2006, 1) reported that in 2006, the reduction in the number of apprehensions, particularly in Arizona, “improved border security, reducing the number of apprehensions at the [U.S.] borders.” Also, for CBP officials, a reduction in apprehensions means that the undocumented migration flows have been reduced as a result of deterrence.

In addition to the analysis of Table 3 data, a look at the EMIF-Survey¹⁷ may lend extra support to the inferences made from the apprehension statistics in the context of the present study, because of a lack of reliable metrics to estimate the real effects of the U.S. security and border protection policy on the migrants’ individual decision making to cross the border illegally.¹⁸ Returning to the number of apprehensions in Table 3, I argued that the probability of apprehension along the U.S.–Mexico land border had been positively affected by the CBP Border Patrol strategy, but to what extent? Do post-9/11 responses make any difference at all? Table 4 shows the results of question 25 of the EMIF-Survey from 1993 to 2004. Question 25 asks undocumented migrants about the length of their stay on the U.S. side of the border the last time they crossed it. In 2001-02, 80 percent of the respondents were detained in 24 hours,

¹⁷ This study utilizes EMIF-Survey (*Encuesta sobre Migración en la Frontera Norte* [Survey on Migration at the Northern Frontier of Mexico]) to discover the effect of U.S. border protection policy on undocumented migrants’ behavior at the individual level. It is used to investigate, at disaggregate level, the extent to which Mexican migrants are *deterred* from crossing the border after being apprehended by U.S. Border Patrol Agents. EMIF-Survey is carried out along the U.S.–Mexico land border. Personnel of Mexico’s National Population Council (*Consejo Nacional de Población, CONAPO*) design EMIF-Survey questionnaires, and apply the questionnaires exclusively to Mexican migrants in the border area. The survey collects data to investigate the flows of Mexican legal and illegal migration to the United States, and Mexican migration flows back from the United States to Mexico at the individual level. This approach helps EMIF-Survey to find out migrant decision making on migration. EMIF-Survey does not consider stocks of Mexican migration in the border area or further inside the U.S. territory. However, some experts (Reyes, Johnson, and Van Swearingen 2002) have utilized the Survey, in combination with other indicators, as a way of estimating the stocks of Mexican undocumented migrants in the United States. EMIF-Survey has four sections. The first surveys the Mexican migrants on their way back from the United States to Mexico. Section two surveys Mexican migrants who live at any point along the land border area on the Mexican side. Section three surveys Mexican migrants whose origin is southern Mexico. Section four surveys Mexican migrants apprehended by the U.S. Border Patrol on the U.S.–Mexico land border. Section four is exclusively applied to Mexican undocumented migrants after U.S. Border Patrol Agents complete the deportation/repatriation process. The EMIF-Survey also collects information on the socioeconomic characteristics of the illegal crossers all along the U.S.–Mexico land border. This study used section four of the survey.

¹⁸ For a further discussion on the lack of metrics for estimating the deterrence levels and undocumented migration flows see Espenshade (1995), Meyers (2005), and Reyes, Johnson, and Van Swearingen (2002).

Table 4. EMIF-Survey

Questionnaire Applied to Mexican Migrants Apprehended and Returned by the U.S. Border Patrol on the U.S.–Mexico Border
How long did you stay in the USA the last time you crossed the border when caught by USBP?^a

Answers as a Percentage of the Total

Year Stay	1993-94 N = 6,271	1994-95 N = 5,912	1996-97 N = 5,503	1998-99 N = 4,948	1999-2000 N = 3,518	2000-01 ^a N = 6,946	2001-02 ^b N = 5,860	2002-03 ^c N = 6,208	2003-04 ^d N = 5,834
1 hour-1 day	76.5%	84%	82%	77%	77%	80%	80%	75%	74.3%
2 days-1 week	5.8%	6.2%	5.4%	8.1%	7.2%	10%	10%	16%	15.7%
2 weeks-1 month	2.1%	1.7%	2.4%	2.5%	2.2%	1.6%	1.6%	1.6%	1.3%
2 months-1 year	7.5%	3.8%	5%	5%	11.5%	3.7%	3.2%	2.7%	3.8%
Longer than 1 year	5.1%	3.1%	4%	5%	5%	3.8%	5.2%	4.7%	4.9%

Source: EMIF Survey, March 28, 1993-June 30, 2004.

^a Question number 25 of EMIF questionnaire.

^b EMIF sixth phase, survey carried out from July 11, 2000-July 10, 2001.

^c EMIF seventh phase, survey carried out from July 11, 2001-July 10, 2002.

^d EMIF eighth phase, survey carried out from July 11, 2002-July 10, 2003.

^e EMIF ninth phase, survey carried out from July 11, 2003-June 30, 2004.

75 percent in 2002-03, and roughly 74 percent in 2003-04. This means that the vast majority of the respondents were apprehended less than a day after they crossed the border. More importantly, the change in the proportion of undocumented migrants apprehended in less than 24 hours after 2001 is marginal compared to the pre-2001 period. So the probability of apprehension is still high. However, the effects of implementing the new CBP Border Patrol strategy between U.S.–Mexico land ports after 9/11 remain unimportant. The EMIF-Survey shows unimportant changes for the rest of the undocumented migrants apprehended in more than one day before and after 9/11 attacks.

Nevertheless, as in the pre-9/11 period, it is still unclear whether or not the reduction in the number of apprehensions after 2001 was directly caused by the enforcement of the CBP Border Patrol strategy. In this regard, other scholars point out that nobody should claim a permanent disruption of the undocumented migration flows, since there is no convincing evidence, yet, for suggesting that the post-9/11 border strategy has brought about decisive changes in migration flows. Wayne Cornelius (2004a, footnote 20, 2002, 2004b) suggests, “it is highly arguable that fewer apprehensions being made along the southwestern border mean that the flow of unauthorized migrants has declined.” In their research, the authors Cornelius (2004a), Reyes, Johnson, and Van Swearingen (2002), and Andreas (2003) concur that there may be two ways of explaining the decline of the number of border apprehensions along the U.S. Southern border. First, the U.S. border-based immigration control strategy has been effective in pushing undocumented migrants to stay longer inside the United States without taking the risk of being apprehended if they go back to Mexico on a cyclical basis, but not necessarily deterring them in any way. The second explanation is that the increased policing of the border has consolidated the migrant smugglers’ and undocumented migrants’ learning process of avoiding apprehension, so they have adapted to evading detection and apprehension as border controls are tightened. Furthermore, the consolidation of the learning process is the direct result of more than ten years of “prevention through deterrence” feedback.

(2) Shifting the Traditional Undocumented Migration/Smuggling Corridors from Urban to Remote Areas. The other important factor for achieving “Prevention through Deterrence” along the border is the shift of traditional crossing areas in urban cities to remote terrains like the desert, mountains, rivers, and canals. The geographical redistribution of undocumented migration corridors along the U.S.–Mexico border is a visible policy accomplishment. The illegal crossings, measured as the number of apprehensions, have moved away from the California–Mexico and Texas–Mexico land borders to the desert, mountains, canals, and rivers of Arizona. In San Diego, California, apprehensions dropped from 44 percent in 1993 and 46 percent in 1994 to 9 percent in 2000 and 2001. In contrast, apprehensions in Tucson, Arizona increased from 8 percent in 1993 and 14 percent in 1994 to 37 percent in 2000

and 36 percent in 2001 (see Table 3). The shifting pattern between California and Arizona continued until 2005, with minor variations between 2002 and 2005. In Tucson, apprehensions range from 36 percent of the total in 2002 to 38 percent in 2005, but had a 43 percent peak in 2004. In San Diego, the number of apprehensions had minor changes; in 2002, apprehensions counted for 11 percent of the total, 12 percent in 2003 and 2004, and finally, 11 percent in 2005. Clearly, undocumented migration and smuggling corridors have been disrupted since the initial implementation of the INS border enforcement strategy of 1994 and the trend holds after 2001, regardless of the context posed by the post-9/11 US “war on terror,” border protection priorities along with the “New Meaning” (Waslin 2003) of “economic” migration in the American political arena.

From the empirical evidence presented here, it seems that a tougher law enforcement strategy in the U.S.–Mexico land border reduced the number of illegal crossings and changed the traditional illegal crossing corridors. This is rather an important finding of causality. If the statistics presented here are seen in a wider context (for example, 2007 and 2008) an economic argument might be contemplated. If this is the case, then it would be arguable that the economic conditions in the United States are determining the flow of undocumented workers crossing the U.S.–Mexico land border illegally. Yet while this potential explanation could be argued plausibly, it is beyond the scope of the analysis here. The next logical step is to examine the effect, if any, of the deterrence strategy in the U.S.–Mexico border after 9/11.

The Deterrence Effect after 9/11

The following questions emerge as crucial in the assessment of the impacts of U.S. border protection policy on the U.S.–Mexico land border: how, and to what extent, has deterrence been achieved by implementing the before and after 9/11 CBP Border Patrol National Strategy? And to what extent have undocumented migrants changed their individual decision to migrate illegally after they realized the implementation and tightening of border controls on the U.S.–Mexico border?

As mentioned earlier, for U.S. security policy makers, the multiple illegal crossings of Mexican “economic” migrants have increased the vulnerabilities to secure the U.S.–Mexico land border against terrorists’ infiltrations between U.S.–Mexico land ports of entry. One other important consideration is that the CBP Border Patrol standard operating procedures for detection, apprehension, and eventual deterrence of undocumented migrants and human smugglers changed marginally after 9/11. Given the *illegal* nature of the undocumented migration that takes place on the U.S.–Mexican land border and the limited information and data available to study it, the EMIF-Survey could constitute an important step forward to explain the two implications highlighted above. The results presented in Table 5 should therefore be interpreted as the undocumented economic migrants’ *readiness* to reattempt an illegal crossing after the CBP Border Patrol apprehends and releases them along the border.

Table 5. EMIF Survey

Questionnaire Applied to Mexican Migrants Apprehended and Returned by the U.S. Border Patrol on the U.S. Mexico Border
Will you reattempt to cross the border within the following 7 days?*

Answers as a Percentage of the Total

Year	1993-94	1994-95	1996-97	1998-99	1999-2000	2000-01 ^a	2001-02 ^b	2002-03 ^c	2003-04 ^d
Answer	N = 6,271	N = 5,912	N = 5,503	N = 4,948	N = 3,518	N = 6,946	N = 5,860	N = 6,208	N = 5,834
YES	54.3%	64.4%	66.7%	57.9%	63.7%	69.9%	72.7%	74.4%	73%
NO	41.9%	30.9%	31.2%	36.6%	32.5%	27.4%	24.8%	23.3%	25.8%
Not specified	3.8%	4.7%	2.1%	5.5%	3.8%	2.6%	2.5%	2.2%	1.3%

Source: EMIF Survey, March 28, 1993-June 30, 2004.

* Question number 19 of EMIF questionnaire.

^a EMIF sixth phase, survey carried out from July 11, 2000-July 10, 2001.

^b EMIF seventh phase, survey carried out from July 11, 2001-July 10, 2002.

^c EMIF eighth phase, survey carried out from July 11, 2002-July 10, 2003.

^d EMIF ninth phase, survey carried out from July 11, 2003-June 30, 2004.

The results show how prepared undocumented migrants are to cross the border after they realize that the border is more patrolled. At this stage, the results in Table 5 are not sufficient for this study to estimate the levels of deterrence achieved by implementing the U.S. Border Patrol *Prevention through Deterrence* strategy on the U.S.–Mexico border. They nevertheless represent a genuine advance in explaining undocumented migrants' migration decision making.

Table 5 shows the results of question 19 of the EMIF-Survey, section four, from 1993 through 2004. The question asks Mexican undocumented migrants about their decision to cross the border again within seven days after their last apprehension. In 1993-94, 54.3 percent of the respondents said that they would try to cross the border again the following week. This proportion increases to 66.7 percent in 1996-97 and 69.9 percent in 2000-01. The sixth phase of the EMIF-Survey (2000-01) was applied from July 11, 2000 to July 10, 2001; this is one month before the 9/11 events. So whatever the effect of 9/11 itself, the post-9/11 U.S. policy response is captured from the seventh phase of EMIF-Survey (2001-02) to the ninth phase of EMIF-Survey (2003-04). Also, 72.7 percent of the respondents in 2001-02 said they would attempt crossing the border again the following week; this proportion marginally changes to 74.4 percent in 2002-03 and 73 percent in 2003-04. In other words, the vast majority of the respondents said that they were ready to cross the border illegally again in any of the seven following days after they were apprehended; the proportion of respondents in this category steadily increased from 1993 through 2004, thus the post-2001 period does not show any significant deviation. The vast majority of the undocumented "economic" migrants would still insist on crossing the U.S.–Mexico land illegally.

I made it clear earlier that the main thrust of this paper is to assess the impact (effective/ineffective) of U.S. security and border protection policy changes before and after 9/11. The assessment of security policy content and empirical evidence has shown that these policy changes conform to the "Sensitivity" and "Vulnerability" dimensions as elaborated by Keohane and Nye ([1977] 2001). Evidently, the findings demonstrate that the quick change of U.S. security and border protection policy reduced the country's sensitivity to international terrorism and undocumented migration after 9/11. However, the post-9/11 policy framework has not been effective to make the U.S. homeland and the U.S.–Mexico land border safer against terrorists and undocumented immigrants; therefore, U.S. vulnerability is still as high as the economic and human costs that the country is paying for their security. As a result, this study analyzed the issue of the post-9/11 bureaucratic reorganization of U.S. security agencies as tangential; it was because the bureaucratic reorganization emerged as a central aspect of the implementation of U.S. government post-9/11 security policy framework. Ultimately, the bureaucratic reorganization process also conformed to the elaborations of Graham T. Allison (1971) as discussed in section one of this paper.

Conclusions

U.S.–Mexico Border Protection and Complex Interdependence

With the aim of contributing to policy impact assessment, this study attempts to gain further understanding into the policy impact nature of U.S. security and border protection policy. By analyzing how, and to what extent, the U.S. security and border protection policy impacted on the U.S.–Mexico land border before and after 9/11, the study has uncovered several interesting points worth stressing here.

When security concerns of highly integrated countries are interlinked, security problems cannot be resolved separately from one another (Buzan, Wæver, and de Wilde 1998, 11-2). The fact that the United States and Mexico are two interrelated and interdependent countries obliges us to treat them as Keohane and Nye's ([1977] 2001) theory of Complex Interdependence suggests. For this study, therefore, the bilateral interdependence of both countries affects any attempt to make the border totally secure.

Before 9/11, the matters of terrorism and border protection policy against undocumented "economic" migration never interlinked. Though these issues were policy priorities, "economic" migration was more salient, and politically it was treated as such. The political complexity of 9/11 threw the two elements much closer together. This outcome hastened a change in U.S. homeland and border protection policy on the U.S.–Mexico land border. Keohane and Nye's suggestions about "sensitivity" (rapid policy change) and "vulnerability" (effectiveness of new policies) are valid, and since U.S. policy changed quickly after 9/11 ("USA Patriot Act" 2001), this reduced sensitivity on U.S. homeland security. However, those policies have not been effective to reduce U.S. vulnerability against international terrorism. Indeed, the 9/11 terrorist attacks increased the concerns for securing the U.S.–Mexico land border; this conflated undocumented immigration and terrorism as issues of national security after 9/11.

The evidence presented here provides important elements to assess the real potential of U.S. policy to protect the U.S. homeland against "economic" migrants and international terrorism. First, the performance of the INS border protection strategy on the U.S.–Mexico land border impacted only marginally on undocumented immigration, and indirect negative effects have been more remarkable, such as the increasing number of undocumented migrants dying along the border. Second, it was clear that the post-9/11 security policy framework brought about important bureaucratic changes along with substantial increments to the border security budget. However, mere organizational changes and more money make neither the U.S.–Mexico land border, nor the U.S. homeland, safer. The performance of the post-9/11 border security policy changed only marginally compared to the pre-9/11 period. Security at U.S. ports of entry, and between them, remained unchanged to protect the U.S.–Mexico land border against the infiltration of undocumented

“economic” migrants and terrorists. Finally, though undocumented immigration and terrorism were conflated as national security issues, the border strategy of “Prevention through Deterrence” did not transform significantly after 9/11, but instead evolved to prevent “economic” migrants, as well as terrorists, from entering the United States.

About the Author

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