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Border Security: Defining it is the Real Challenge

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Abstract: The idea of border security is a notion that the US has pursued in earnest since September 11, 2001 and continues to be a focus for many Americans. This topic is assuredly going to rise once again as we near our 2016 national elections and the complex, often emotional issue, will take center stage as a heavily discussed issue. Although there have been significant gains in how we enforce our international borders, there is wide disagreement on the success we have had with our border security efforts. Performance measures for border security are not always clear but there is a mosaic listing of outputs that suggest that border enforcement efforts have been successful. Unfortunately, we have failed to clearly delineate what successful border security efforts look like and before the nation, once again, makes a significant investment in resources we should start with the notion of defining successful border security.

Keywords: border control; border security; homeland security; immigration.

1 Introduction

Border security in the US has been a topic on the American political agenda since the passage of the Immigration Reform and Control Act of 1986 (Jones-Correa and De Graauwe 2013), and it is currently a focus of national debate as we approach our national elections. Attitudes toward immigration and border security policy have fluctuated since the nation was born, either welcome people into the country or striving to keep them out of it (Alden 2012). For the past 30 years, the trend has generally been toward governmental actions to strengthen US border security policies, drastically increasing the manpower, resources, and funding dedicated to border enforcement.

During the early 1990s, the problem of illegal immigration went from being a public nuisance to a major public safety problem, yet it was still considered

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an issue of border control rather than of border security (Alden 2012). Although public awareness of illegal immigration had been raised, no one had connected it with security of the US. The political reality is that the US tacitly accepted the higher levels of illegal immigration because not doing so would have had a significantly adverse economic impact (Andreas 2009). And before the terrorist attacks of September 11, 2001, most Americans typically considered illegal immigration to be strictly a southwestern border problem, with no real nexus to homeland security or impact on anyone else in the US.

None of the known terrorists involved with the attacks of 9/11 is thought to have entered the US illegally, but the events of that day marked a significant shift in thinking about illegal immigration to national security. The fact that the terrorists were foreign nationals became an issue for Middle America that confirmed the link between border security and terrorism (Alden 2012). This was the point where most Americans started to understand that the issue of illegal immigration fell under the larger umbrella of homeland security. The result was a heavier emphasis on homeland security, with significant resources dedicated to creating a safer and more secure border, particularly in the Southwest.

Currently, the Department of Homeland Security (DHS), Congress, and other political observers are debating what methods and metrics to use to measure border security success, adding to the complexity of an already emotional and often controversial topic. Based on the wide variety of positions taken, any assessment of the safety and security of the border is assuredly going to depend on the participant's perspective. Unfortunately, until what constitutes "border security" is clearly and realistically defined, the nation will continue to struggle in its efforts to pass necessary border security measures while preserving the legitimate trade and travel that has become the lifeblood of the US economy.

2 Understanding The Complexity

As a retired chief patrol agent (Senior Executive Service position) of the U.S. Border Patrol, I served in various locations along the border, including such flash-points as San Diego, California; El Paso, Texas; and Tucson, Arizona. In addition, during the early years of DHS, I served as the strategic operational planner at the Border Patrol's headquarters office, where I saw how emotional the topic of border security can be for the American people and lawmakers. Because of the issue's complexity, viewpoints usually emerge that are not only quite disparate but also unrealistic and irrational.

While illegal immigration and border security are actually two different issues facing the US, both undoubtedly have significant bearing and influence on each other (Bach 2005). Reducing their complexity hinges on understanding the correlation between them. The basic premise is that border regions that have overwhelming levels of illegal immigration create an environment that is both chaotic and cluttered, overwhelming the capabilities of border enforcement entities such as the U.S. Border Patrol (Bach 2005). Opportunistic criminal organizations often exploit this vulnerable environment by blending in with legitimate activity to evade detection. And this same chaotic and cluttered environment makes the border vulnerable to exploitation by terrorist organizations. This is the real threat of an uncontrolled border.

Operations such “Hold the Line” in El Paso and “Gatekeeper” in San Diego in the early 1990s caused a paradigm shift in enforcement tactics as Border Patrol agents were moved from the interior of border cities to the immediate border in an attempt to discourage the illegal entry of humans and contraband (Bach 2005; Andreas 2009). As this new tactic was successful, it became the basis for future strategies to improve border security because it clearly delineated the international border – in many areas – for the first time. The *prevention through deterrence* aims to reduce the *clutter* along the border environment by preventing the illegal entry of immigrants and thereby reduce the chaos that comes with high activity levels. The reduction in activity facilitates situational awareness of what is occurring (clarity), thereby mitigating the threat posed by criminal organizations and terrorist groups capitalizing on high levels of illegal immigration.

3 Border Security Defined

As the deputy chief and chief patrol agent of the Tucson Sector Border Patrol (TSBP), I hosted well over a hundred congressional delegations, US and foreign government visitors, and nongovernmental organizations and was repeatedly asked the same question: “Chief, when are you going to control the border in Arizona?” My usual response was to ask the inquirer to first define *border security*, which was usually met by silence or a look of confusion. In June 2010, at the start of a border tour I was providing for Arizona senators John McCain and Jon Kyle in southeastern Arizona, Senator McCain asked the same question. I responded as I always had, but his response was different from others: he replied in an agitated manner, “*You know.*”

Throughout my career I have defined successful border security as a situational awareness of the border that effectively thwarts the ability of the criminal

element to operate. The aim is to reduce the vulnerability (chaos and clutter) of an uncontrolled border so as to improve the quality of life for the residents and legitimate businesses and reduce the risk to the nation's economic vitality. And the way to accomplish this is by ensuring that the only way anyone can enter the US is through legal channels and that those who violate our immigration laws are certain to face arrest. In essence, I deem border security to be successful in any area where threats and vulnerabilities have been mitigated by decreased levels of illegal immigration.

3.1 Measuring Success

As would be expected with any federal program that commits a significant amount of resources to a highly publicized problem, Congress and the general public eventually mandate performance measures to justify the expense. The issue of performance measures becomes problematic for those charged with the responsibility of border enforcement because there seems to be a significant disagreement as to what constitutes effective border security.

Although there are several variables to border security, I find that two variables, apprehension statistics and situational awareness, greatly enhance the ability to determine the success or failure of border security efforts.

3.2 Apprehension Statistics

Most people and federal government entities consider the decrease or increase in arrests by the U.S. Border Patrol as the most influential barometer of border security (GAO 2011). Perhaps, apprehension statistics are used because they are the easiest to grasp: they are the most concrete measure that can be presented as empirical evidence. But they come with complexities. The number of arrests cannot be adequately analyzed without knowing the number of illegals who have successfully entered the US. Critics claim that the lower arrest numbers may simply be the result of reduced effectiveness or of a poor US economy that has slowed the flow of illegal immigration. In my experience, however, the sheer high volume of illicit activity results in higher number of arrests even if effectiveness is low, and I have never seen a non-US citizen heading back to his or her home country to seek better manual labor job opportunities at home because of a sluggish US economy. In fact, the only time I saw a nearly complete stoppage of illegal activity along the southwestern border was on September 11 and 12, 2001.

Although determining effective border security efforts is an imprecise endeavor and apprehension statistics are not the most adequate measure of these efforts, the declining trend is unmistakable and is a key element in assessing successful border security (Alden 2012). Apprehension data provide a better understanding of illegal flow levels in any given area as well as insight into the level of risk that the criminal element can exploit. Border law enforcement officials recognize that there is a direct association between high levels of apprehensions and reduced levels of violent/property crimes reported in regions with uncontrolled illegal immigration (Wagner 2010). Nearly 25 years ago, the cities of El Paso and San Diego, two of the largest cities on the immediate border between the US and Mexico, experienced record levels of illegal immigration activity. The chaos and clutter significantly contributed to the region's high crime rates. Neither city was considered safe enough to be ranked among the top 30 safest cities in the US. In 2014, however, these two cities, no longer hindered by significant amounts of illegal immigration, were ranked as two of the four safest in the nation with a population of more than 500,000 (Morgan et al. 2013). In 1986, during the peak period of illegal immigration in San Diego, 629,656 arrests were made compared with 29,911 arrests recorded in 2014 (USBP 2015), the same year it was named the fourth safest city in the US (Morgan et al. 2013). El Paso's period of uncontrolled illegal immigration, which peaked in 1993, resulted in 285,781 arrests, compared with 12,339 arrests in 2014, when it was named the safest city in the US for the fourth straight year (USBP 2015).

However, while apprehension statistics in a well-patrolled area of the border can be an accurate barometer of activity levels, they do not by themselves account for successful border control.

3.3 Situational Awareness

The U.S. Border Patrol has significantly increased in personnel, largely owing to the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), which nearly doubled the size of the agency in a mere 5 years. Subsequent to this legislation, a number of congressional bills further increased the size of the Border Patrol, but none with the same magnitude. Overall, the density of Border Patrol agents along the 2000-mile stretch of southwestern border increased from about 4.6 agents per mile in 2000 to 10.4 agents in 2014 (USBP 2015). This improved their situational awareness and, with it, their ability to deter criminal acts, thereby increasing the *certainty of arrest* among illegal immigrants as well as criminals.

The Border Patrol agent density is even more pronounced in an analysis of the Tucson Border Patrol Sector, which has been the focus of DHS since 2004. In 2000, density within the sector was 5.9 agents per border mile (TSBP 2010). Unfortunately, the overwhelming level of illegal immigration in 2000 simply did not allow for agents to be deployed to all border zones within the sector's 262 miles. The TSBP reported that it typically did not deploy an agent in seventeen of the thirty-seven border zones (or 127.5 miles) on a daily basis at that time (TSBP 2010). This scarcity of enforcement entities hampered the Border Patrol's awareness of activity levels for about 49 percent of the international border with Mexico. In 2011, Border Patrol agents in the Tucson sector reached a density of 16.2 agents per border mile, with daily enforcement operations in each zone (TSBP 2011).

In addition, the Border Patrol enjoyed a significant infusion of enforcement technology from 2005 through 2012 – in particular, surveillance equipment and air assets (GAO 2011). The additional assets, funded by Congress, were seen as *force multipliers* that would increase the effectiveness of border enforcement operations. The increased surveillance technology along the southwestern border improved situational awareness for the TSBP in the immediate border zones (TSBP 2011). Coupled with increased personnel, the enhanced capability has enabled the Border Patrol to arrest a higher percentage of those detected entering illegally and gain a better understanding of the volume of illegal immigration (GAO 2011). And as the number of arrests increases, the chaos and clutter that the criminal element relies on decrease, making it riskier for the criminal element to operate.

4 Conclusion

The idea of improving border security was inspired not only by the events of September 11, 2001, but also by the drive to introduce comprehensive immigration reform. Congress understood in 2005 that it would not be possible to successfully introduce such reform until the perception of border security was improved. What followed was a focus on border security along the southwestern border of the US with a significant infusion of personnel, technology, and infrastructure.

In the Secure Fence Act of 2006 (Public Law 109–367), Congress defined *operational control* as the “prevention of all unlawful entries into the United States,” and this has been the standard used to measure border security success along the nearly 2000 miles of border with Mexico. However, this standard has been problematic for Congress and those charged with border security enforcement efforts because, as Sen. Joseph Lieberman (I/D-Conn.), the former chairman of the

Homeland Security and Governmental Affairs Committee, observed, it implies a *zero tolerance of intrusion* – something that the current and previous three DHS secretaries have acknowledged is an “unreachable goal” (Biesecker 2011: p. 4).

Most Americans do not expect their sheriffs and chiefs of police to eliminate all crime in their towns and cities because they understand that it is an impossible goal, yet they task the homeland security enterprise to eliminate all illegal entries into the US. As stated earlier, successful border security means reducing the level of chaos and clutter of an uncontrolled border in order to achieve the situational awareness needed to thwart the ability of the criminal element to operate effectively and efficiently, thereby reducing risk. Clearly, the Intelligence Reform and Terrorism Prevention Act of 2004 and the Secure Fence Act of 2006 have had a profound effect on border security. They did not just affect the outputs and outcomes of border security but also influenced how border security would be viewed by members of Congress, residents of the border area, and Middle America. As defined in the 2006 act, *operational control* seems to be an elusive goal for the southwestern border, one that perhaps is not realistic in an environment that aims to reduce risk rather than eliminate all unlawful entries into the US. What is certain is that border security enforcement efforts will continue to be a political rally cry with plenty of critical discourse, and if we are to see real improvements in the situation, we should perhaps start with defining what constitutes successful border security.

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