
POLICY COMMENTARY

Hazy Borders: Legality and Illegality across the US-Mexico Border

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This paper analyzes the different trading networks, the flux of merchandise, and the actors involved in the act of crossing goods through the United States-Mexico border, particularly in the Tijuana-San Diego region. It argues that the line dividing both countries works differently depending on who travels through it, what kind of items are brought across, and which direction a person is going. These different patterns can be further analyzed when comparing northbound and southbound traffic; roughly speaking, products crossed into the US are usually prescription drugs, herbs, food, and cigarettes, among others; whereas, items crossed into Mexico are usually construction materials, electronics and electrodomeotics, toys, marijuana, guns, and so forth. This paper proposes that the border is not a well-defined barrier when it comes to different types of merchandise, instead becoming hazy and allowing for the small-scale smuggling of products without incurring legal and/or problematic situations.

Keywords: US-Mexico border; legality-illegality; narcotics; smuggling; firearms

Introduction

Mexico and the US are divided by one of the most extensive borders in the world, encompassing almost 2000 miles, stretching from the Gulf of Mexico to the Pacific Ocean. The border region is home to 10 binational urban agglomerations, each with its own social and cultural dynamics, which in turn sets them apart from other cities in their respective countries. The cultural clash that occurs within these spaces has changed over time: be it on the political, the historical, and the social levels, stark contrasts and contradictions will always persist. This paper analyzes the different trading networks, the flux of merchandise, and the different actors involved in the act of crossing goods through the United States-Mexico border, particularly in the Tijuana-San Diego region, which will allow us to get insights in the nature of the merchandise and items that are smuggled through. The ethnographic data backing up this paper was obtained through different sources: participant observation, direct observation, and in-depth interviews. I was able to make use of a series of contacts that I made during my life, because I was part of different smuggling circuits in regard to clothing items and home products. This particular experience allowed me to interview a series of contacts, which also included drug store owners who were able to tell me stories and experiences about different iconic smugglers. Furthermore, my research experience with the migration phenomenon entailed several visits to many border cities during the last 15 years, particularly San Diego-Tijuana, El Paso-Juarez, and Laredo-Nuevo Laredo, among others. Lastly, making use of the contacts made during my research trajectory, I was able to interview key individuals in the smuggling business in the Tijuana-San Diego region.

Regarding the theoretical backbone, it must be said that border studies usually deal with the social realities from which they emerge: in the Western Hemisphere, academic debates have been about how geographical composition, territory (Brigham 1919), and border typology (Hartshorne 1936) are linked to the idea of nation (Donnan & Wilson 2006). Other aspects that have been addressed by Western border studies have to do with issues such as subjectivities, practices, and power relations. The relevance of studies analyzing and identifying territorial, economic, and population-based characteristics, in relation to power structures and the everyday life, has never been more evident. Using this context as a starting point, this paper questions the conceptions on the legal and the illegal. According to Machado (2000), being able to tell the difference between the legal and the illegal constitutes in itself a border, a political device that allows for the existence

of sovereign entities (Machado 2000). Transgressing these, we can find circuits of illegality as an answer to the needs and the restrictive policies in each country. The conception of territory will be defined by these elements, proposing the idea of territory-objects, which give birth to places with specific functions, such as offshore fiscal paradises (Machado 2000), but mainly places where informal or illegal practices are operated to satisfy certain needs of products or services. Although this type of territory is in a sense tolerated, each country on the border applies different regulations and actions that try to stop or decrease the informal commerce. Taking this into account, how do these elements change the idea of what is considered legal or illegal?

The history of each nation and institution shows that the notion of the legal/illegal is intrinsic to the social configuration, this idea, however, changes with time and space, and it happens because the laws and the diplomatic circumstances that govern them, create time and space. In that regard, the definitions of *space* and *time* are short lived, and the events occurring in them must be understood within their immediate context (Machado 2000: 11).

Having said this, Machado, Reyes, and Rego (2009) propose the term frontier zones in order to understand how regional integration happens, what kind of symbiotic relationship occurs between legal and illegal economic activities, and what series of solutions are developed to the ever-changing situations that shape the geographic economy of these zones. For these authors, the concept of frontier is richer in its explanations than concepts like border, borderland, or border regions. Frontier offers more flexibility, as it allows conceiving interactions even when there is an actual national border dividing two spaces; frontier evokes the notion of being able to surpass imposed limits. As such, border regions throughout the world are known for the endless ways in which their inhabitants manage to interact with each other, despite the actual border. Frontier zone is, then, a useful framework from which we can describe the relationship between the legal and the illegal along the US-Mexico border. It is important to consider that the asymmetrical nature of the relationship between Mexico and the US is not resolved by these kinds of interactions. Grimson warns that brotherhood and hybridity cannot make up for the inequality that inhabitants of border zones live in relationship to each other (Grimson 2011: 114). Machado, Reyes, and Rego (2009) claim that on top of the particular dynamics that border zones offer, in the end, people who live in them will try to find ways to reinforce their own national, ethnic, and individual identities. The securitization and militarization of the border also reinforces racial prejudice against Hispanics in the US: even so, the border represents an opportunity for them.

Dorfman (2020) proposes the idea of moral geographies, which echoes the idea of a hazy border when speaking about legal and illegal activities. For Dorfman, national governments usually overlook the necessities that vulnerable people have, particularly in border regions. This situation makes it more difficult for individuals living in the least developed side of the border when it comes to making a living, which leads them to delve into informal and illegal economies. For Dorfman, illegal and illicit transactions do not necessarily carry a criminal intent; they are but a response toward an immoral border system that constantly precarizes the living standards of those in vulnerable contexts. It is common to think of a smuggler as 'a person that is constantly outside the law, outside society, an outcast, a marginal'. While this certainly applies to some individuals, some smugglers also have the capability to move between the legal and the illegal. In other words, smuggling is not detached from what people consider a legal economy; on the contrary, it is part of it, but it hides and emerges depending on the context (Dorfman 2020: 160).

About the context in which this paper was written, the current border was established shortly after the end of the Mexican-American War in 1846. For most of its length, the Rio Grande separates both countries. On the other hand, the northeast region of the border, southeast for the US, is harder to pinpoint. Its actual limits are signaled by a set of obelisks running at different intervals along its path; sometimes, the landscape itself functions as a natural barrier (Piñera 1985). From a panoramic perspective, the US-Mexico border has been divided in two sections: northwest and northeast. The first comprises the states of California, Baja California, Sonora, and Arizona, while the latter comprises the states of Chihuahua, Coahuila, Nuevo Leon, Tamaulipas, New Mexico, and Texas. Furthermore, there are 48 US counties within the area and 94 Mexican municipalities (Centro Gilberto Bosques 2017), adding up to over 13 million inhabitants, distributed along 10 metropolitan transborder agglomerations (Prieto 2016).

Interactions and Border Crossings Between Mexico and the US

One of the things that distinguishes the US-Mexico border from other borders on the continent has to do with the symbolic clash between the developed and the third world and with the volume of its crossings. The US-Mexico border also works as a barrier that keeps two vastly different cultures at the proper distance, not

only in terms of language and economics, but also in the religious and the historical: the Catholic part of the continent versus the Protestant upbringing of the US; the culturally white dominance of the north versus the indigenous and pluriethnic society of the south. The disparity among the millions of individuals that live in this region is exacerbated by the existence of border checkpoints that could be regarded as impenetrable strongholds for those who are not allowed free transit across the border. History has taught us that prohibition breeds opportunity: the Volstead Act gave rise not just to one of the biggest smuggling ventures in the US, it also represented a chance for Mexican casinos and brewers to grow in number during the 1930s and 1940s (Girven 1994). This is how that which is considered illegal to cross, be it humans or objects, represents a source of income that no other activity can provide.

The opportunity that the border region represents has been exploited for decades, which is why Tijuana-San Diego remains the most active land border in the world in terms of crossings. A study from 2017 shows that during that year, more than 1 million pedestrians and 300 thousand vehicles crossed the border; out of those, about 70 thousand were cargo trucks (Centro Gilberto Bosques 2017). Although these crossings are spread across the 53 ports of entry along the border (Hernández, in press), the Tijuana-San Diego border experiences almost 11 million pedestrian crossings per year and more than 40 million vehicular crossings in the same period (US Department of Transportation 2019). Given the expanse of the border, there are considerable contextual variations in the different sections of it; the entry port in Tijuana-San Diego is not the same as the ones found in Arizona or Texas. The border between California and Baja California holds perhaps the closest relationship with regard to cultural, social, and economic interactions, which is one of the reasons California holds the highest number of Mexicans in the US.

Transborder Flux and Its Differences

Given that Tijuana-San Diego is the most active border in the world (Herzog & Sohn 2019), where thousands of legally sanctioned commodities and individuals flow back and forth, there are many other instances in which illegal backchannels must be used, particularly when it comes to ambiguous items, such as food, cooking ingredients, fruits and vegetables, and prescription drugs, among others. The different acts of transgression that violate explicit rules against these kind of actions in each port of entry can be interpreted in two distinct ways: as an embodied experience and as a localized event. This means that trespassing the border will mean different things for different people, and it will entail different methods and consequences depending on the direction in which the transgression happens, be it southbound or northbound. For documented migrants and visa holders, the act of crossing the border requires showing they are clean-cut citizens who mean no harm for the wellbeing of the US; for undocumented migrants, the act of crossing into the US represents a soul-breaking quest for a better life. In stark contrast, US citizens entering Mexico do not have to pretend to be perfect individuals or show that they will respect and uphold Mexican law; in fact, many US Citizens cross into Tijuana trying to get away from what they perceive to be strict laws in their country. An example of this is the legal drinking age in the US (21) compared with Mexico (18), which has made Tijuana an ideal city for young Americans who cross the border for recreational purposes.

Informal Transborder Markets

Illegal smuggling businesses have been present in the region ever since the border was established. In a recent study, Fuentes (2017) claims that there are different hubs in the US-Mexico border that serve as anchors for a series of complex global networks, where drug and human trafficking occur, be it by land, air, or sea. One of the main drug corridors in the world goes northbound, from Mexico into the US. Regarding human trafficking rings, they used to exist as small-scale operations, led by family networks and local actors known as coyotes and polleros; by the end of Vicente Fox's administration (2006) however, most human trafficking has been done by the different drug cartels, using extortion, kidnapping, and physical abuse (Walters & Davis 2011). While the cartels still dominate the region, people are still looking to escape the violent contexts dominated by gangs and poverty in Latin America. A way in which migrants have tried to protect themselves in their journey to the US has been to organize caravans in order to find protection in number on their trip up north. Most of these caravans originate in Central America and the Caribbean (Hernández, 2018). Another phenomenon that occurs along the border is arms trafficking; it is perhaps one of the most urgent matters to settle, given the consequences that it has for Mexico and Latin America. Lesser known markets across the border have to do with secondhand furniture, clothing, appliances, non-perishable food, and automobiles. It is a common misconception to think that the inhabitants on the Mexican side of the border reap all the benefits of these smuggling networks. US citizens also benefit by having a method of disposing of unwanted commodities that would cost them money if they were to store them in the US.

In San Diego, for instance, people are not allowed to have more than a certain number of disposed items lying around within their houselots; furthermore, they cannot dispose of them in junkyards or at abandoned lots that easily. Should they do so, they risk getting expensive fines up to \$1000 USD for illegal dumping, littering, scavenging, and waste-related violations (The City of San Diego 2021). A strategy that individuals needing to dispose of different items have developed is to contact different organizations who receive donations; they also make use of the smuggling networks across the border to dispose of unwanted items. In a way, legal products can become illegal to own if they surpass a certain amount, particularly when they become trash, junk, and debris on private property and on city-owned land: boxes encroaching sidewalks, driveways, or public rights-of-way; unattended personal belongings, uncovered loads, and accumulation of unacceptable recyclable items, among others. This situation applies to construction materials too, such as paint and other chemicals. Any remaining amount is impossible to resell due to how cheap it is for others to buy a new batch of materials. Instead, people with excess materials can smuggle them into Mexico for reselling, which will provide them with monetary returns, considering that paint, wood, and other construction materials are more expensive in Mexico, and they can avoid taxes (Richardson & Pisani 2012). In Mexico, individuals looking to resell their products usually advertise them with the label 'American product', which attracts potential buyers given the higher quality that American products tend to have in comparison with Mexican items. Reusable items in the south side of the border favor low-income families, because they can be sold in flea markets in Tijuana.

The individuals that facilitate these transactions could be understood as some sort of transborder agent, because they can freely move in big cities like Los Angeles and San Francisco, to obtain new merchandise and bring it across the border. Sandoval (2012) provides a rich ethnography regarding this situation in the border region of Monterrey, Nuevo Leon, and San Antonio, Texas; by using the term cross-border infrastructures, Sandoval references the different types of trade and exchange that are carried out by all kinds of people in the border region, be it friends, family, or other types of acquaintances that provide support in the form of gifts or other hard-to-get products for people on either side of the border. On the Mexican side, this can be seen when people bring electronics, beauty products, or designer clothing to their contacts in Mexico. On the American side, these cross-border infrastructures reveal themselves when people bring different types of food, candy, ingredients, and prescription drugs into the US. For Sandoval (2012), these and other cross-border human infrastructures contribute to overcoming the institutionalized distance imposed by the border.

In the Tijuana-San Diego region, merchandise coming from the US usually ends up in different swap meets and warehouses located both in San Diego (and accessed by those with tourist US visas) and in Tijuana, which are then resold. There are also different shipping organizations of Mexican origin that cross the border in larger cars or trucks in order to attend wholesale warehouses in Los Angeles, where they can purchase a greater variety of items, such as clothing, footwear, household appliances, perishables, and different products, in order to bring them back into Mexico. Once the items make it across the border, distribution happens through different channels, usually through mobile flea markets. It is of note that most of the resellers on the Mexican side are usually related to these transborder agents. To better illustrate this dynamic, cross-border agents deliver merchandise to warehouses in Tijuana or directly to secondhand flea market merchants. These same agents also make deliveries to other merchants who place specialized and commissioned orders and are engaged in internet sales and auctions, which have opened a new business niche that has become very active during the recent COVID-19 lockdowns.

In summary, different types of American merchandise are introduced into Mexico by regular or occasional customers and small- and large-scale merchants that have warehouses and transportation vehicles on the American side. Once in Mexican territory, this merchandise is distributed through secondhand stores, flea markets, online sales, and auctions. As stated by interviewees, other actors that play a role within these smuggling networks are the police and migration officers, because they charge fees depending on the amount of merchandise that people try to cross.

Legality and Illegality in the Tijuana-San Diego Border

Given that border zones are porous for visa holders and documented migrants, these individuals have the potential to function as a sort of transborder agent for the smuggling of different products and merchandise, moving between Mexico and the US with relative freedom. In a way, their activity also allows us to take a closer look at the contrasts across both sides of the divide. Although the idea that border regions are lawless zones is an incorrect assumption, the numerous smuggling networks existing in the region make for a compelling argument in favor of this perspective (Diaz 2015). For the authorities, these irregular markets are

unlawful; for the regular folk, they represent opportunities for producing additional income or purchasing quality products that otherwise would have been too expensive (Dorfman 2020). Another element that contributes to the perceived lawlessness of the region has to do with the difference between the legal drinking ages in the US and Mexico, meaning that under-21 Americans usually cross into Mexico to drink and party, and, given how marijuana is legal and easier to purchase in the US, they also serve as small-scale smugglers that provide cannabis for Mexican nationals, particularly during the weekends. Vinasco (2018) makes an in-depth analysis of this situation on both sides of the border.

Firearms make for another commodity that remains legal in the US but illegal in Mexico. It is paradoxical to read the numerous warning signs along the freeway going into Mexico, telling travelers not to bring in weapons or drugs: 'Guns are illegal in Mexico' or 'Medical Marijuana prohibited into Mexico'.

Secondhand clothing and footwear items that are usually found in the US in stores like Goodwill and Salvation Army end up being bought by transborder agents who then send them to Mexican flea markets. These individuals also scour numerous garage sales throughout the border region. It should be noted that crossing secondhand clothing is prohibited due to sanitary reasons; smugglers who were interviewed agreed that there are different ways in which they manage to get those items into Mexico. One such way is pilferage, using the smuggler's own luggage, some even using hidden compartments that allow them to smuggle larger amounts of clothing.

Other items that fluctuate between the legal and the illegal are furniture, mattresses, appliances, tires, and vehicles. In Mexico, smuggled American cars are known as *autos chocolate*, which translates to chocolate cars, a transliteration of *autos chuecos* or crooked cars, referencing their unregistered nature. Prescription drugs are another commonly smuggled item, especially toward the US, given that Mexico has fewer regulations surrounding the drug market. It comes as no surprise that Tijuana overflows with drug stores aimed specifically at Americans.

Firearms Trafficking across the Border

The presence of firearms and gun violence is an integral part of the collective consciousness of most Mexicans, especially among those living in the border states and narco-controlled regions. Despite this situation, guns are heavily restricted by both the Mexican authorities and by the US Customs and Border Protec-



Figure 1: Road sign at California's I-5 Highway (Source: ****).

tion, which operates along the 1,954 miles separating Mexico and the US. Coming from the US, one can witness road signs warning people from bringing firearms into Mexico (**Figure 1**). It is within this context that guns, somehow, still manage to become part of the Mexican everyday landscape. Even though the border is under constant surveillance, the lack of strict gun control in the US contributes to the illegal smuggling of firearms into Mexico (Oppel & Arango 2019). In 2019 the director of the National System of Public Security (SESNSP) declared that at least 80% of the firearms in Mexico enter through the northern border and over 50% of them come through Texas and California (Martínez 2019). In 2016, however, the US Government Accountability Office (GAO) issued a report, warning that Tijuana was home to a sophisticated arms trafficking market, organized by different local crime groups. At the same time, a new administration in the Mexican ports of entry and customs authorities made it possible to identify and confiscate an increased amount of arms shipments. By 2020, a new report indicated that the criminal groups operating in the region had already adapted to these preventive measures, resorting to other methods, such as small scale *hormiga* smuggling (Neal 2020).

On the other side, even though Mexicans have a right to own firearms, they need to do so through the only Mexican gun shop operated by the Secretary of National Defense (Secretaría de la Defensa Nacional – SEDENA), located in Mexico City. Before being able to do so, one must pass a psychiatric test and provide proof that there is, indeed, the necessity to bear arms. Compared to the US, Mexico has extremely restrictive gun laws, so even if one were to get a permit to legally own a firearm, the options would be severely limited regarding available calibers and types of handguns. It is important to mention that there are possibilities to expand if the purchaser owns a hunting license, participates in shooting sports, or is a body guard, a security officer, or a VIP, such as a diplomat, a public official, and/or a celebrity. Nonetheless, openly carrying a firearm or carrying a concealed weapon in public is forbidden to private citizens unless authorized by the SEDENA (Ley Federal de Armas de Fuego y Explosivos 1972).

Even though these restrictions have been in place for almost 50 years, all kinds of small arms, be it handguns, rifles, heavy machine guns, and even anti-material sniper rifles, have been readily available in the Mexican black market, more so after the onset of the Mexican War on Drugs since 2006 (Shirk 2011). Joint collaborations like the Merida Initiative of 2008 have attempted to curb this situation. The Merida Initiative is an international security treaty established by the United States in agreement with Mexico and Central America; it is intended to combat drug trafficking and organized crime. Fast and Furious is one of the more notorious operations. Fast and Furious was deployed between 2006 and 2011 in the Tucson and Phoenix area, where the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) deliberately allowed licensed firearms dealers to sell weapons to illegal buyers in order to trace the firearms that would reach the leaders of the Mexican drug cartels and thus be able to arrest them. These operations were carried out under Project Gunrunner, which was supposed to contain the flow of firearms in Mexico, but it turned out the opposite, having a heavy impact on security issues in Mexican territory (US Department of Justice 2012).

Given that the US has a more flexible approach regarding the acquisition of legal firearms, most of the smuggling happens throughout the US-Mexico border, and it is done by private citizens who have a clean slate regarding criminal activity. According to the UN, there is an annual market volume of 20,000 weapons smuggled into Mexico, with a value of approximately 20 million USD; most of the smugglers belong to small autonomous groups of US and Mexican citizens residing along the border, especially in Texas, California, and Arizona. The usual destination of these firearms are cartel-controlled states, such as Michoacan, Tamaulipas, Sinaloa, Sonora, Baja California, and Chihuahua (UNODC 2010). As stated before, the preferred method for importing firearms is through small-scale *hormiga* trafficking (Neal 2020), consisting of many legal buyers passing on the weapons to several smuggling groups that drive small batches in their private vehicles. According to UNODC, by 2010 there were about 6,700 gun dealers along the border, accounting for 12% of the 55,000 registered dealers in the US. This report also states that 70% of the firearms seized in Mexico can be traced to Texas (39%), California (20%), and Arizona (10%). By 2014, the GAO provided an updated account of these numbers (**Figure 2**). Regardless of the source, most of the smuggling happens through the state of Tamaulipas, based on the number of seizures happening in that particular part of the US-Mexico Border. It is worth noting that most weapons smuggled into Mexico come from licit sources: federally licensed firearms dealers are required to report the sale of two or more handguns to the same individual in a five-day period, but the large number of retailers makes it possible to employ people to make a series of purchases from different establishments; on top of that, an unlimited number of long guns, including semi-automatic assault weapons, can be purchased without a reporting requirement (UNODC 2010).

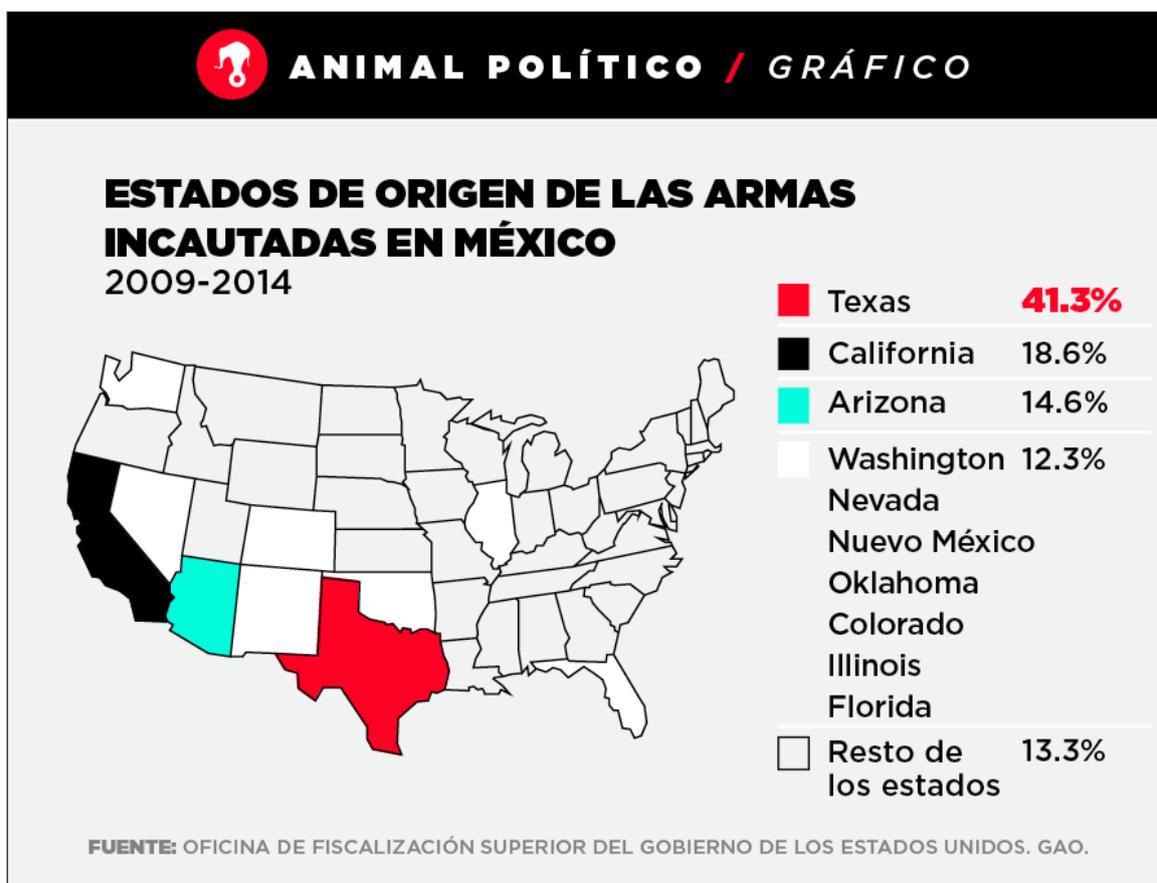


Figure 2: Origin of smuggled weapons into Mexico (Source: Animal Politico, taken from the General Accountability Office).

Other ways in which firearms are smuggled into Mexico are through Guatemalan borders¹ and by stealing them directly from the police or the military, which is a common situation in the aftermath of a clash between cartel members and the authorities. In the worst-case scenario, arms are acquired as a result of actual raids into police and military arsenals by members of these criminal groups.²

The most common smuggled firearms are AR-15 and AK-47 type rifles, as well as FN 5.7 semi-automatic pistols; more precisely, most AK variants come from Central and South America, the Middle East, Africa, and Central, South, and East Asia; whereas, most AR variants come from the US, Vietnam, and other NATO countries, such as South Korea, Spain and Colombia, among others (Goodman & Marizco 2010). Although sometimes people manage to smuggle anti-material rifles, such as the .50 cal Barret.³ It is worth noting that, even though there has been an effort to combat the smuggling of firearms into Mexico, operations Gunrunner, Fast and Furious, Too Hot to Handle, Wide Receiver, and White Gun, have facilitated the straw purchase and smuggling of firearms; these operations were originally conceived as stings: by allowing the purchase of licensed firearms by illegal straw buyers, the ATF was hoping to track those guns back to a number of drug cartel leaders in Mexico in order to capture them. Given the controversy surrounding the act of 'letting guns walk' and the eventual death of a US Border Patrol agent at the hands of gun smugglers who had just purchased a large batch of weapons from Phoenix, these operations came to an end by 2011 (Pavlich 2012).

Illicit Cross-Border Tunnels

In 2008, a smuggling tunnel was found between Tijuana and San Ysidro, 200 yards away from the San Ysidro Port of Entry. This event was a surprise for the authorities on both sides of the border. On the Mexican side, the tunnel was well hidden due to its location within a two-story house shaped like a ship, well known among locals because this place hosted a budget restaurant on the first floor. The current owner of the build-

¹ <http://www.laht.com/article.asp?CategoryId=14091&ArticleId=390473>.

² <http://www.borderlandbeat.com/2010/09/state-police-arsenal-raided-in.html>.

³ <https://www.excelsior.com.mx/nacional/mujer-intenta-entrar-a-mexico-con-un-fusil-barrett-y-ocho-mil-cartuchos/1403034>.

ing relates that this tunnel operated for at least 30 years, from the late 1970s up until the date of its closure in 2008; the same person also mentioned that the tunnel was discovered by mere chance and just because of the construction work being done near the border. While installing lighting posts, a crane got stuck into what appeared to be a manhole; upon further investigation, the workers noticed what appeared to be rails and lighting underground. This situation detonated a further investigation, and that is when they found the smuggling tunnel. At the time of its discovery, the tunnel was well equipped along its 109 yards, with up-to-date lighting and ventilation equipment (Ramírez 2019).

It is worth noting that the Mexican authorities tried to seize the property, but local artists all over the Tijuana-San Diego area pushed for the tunnel house, as it came to be known, to remain in the artistic community's hands, a labor in which they succeeded. Although this is probably the most talked about topic because this tunnel was found next to the actual port of entry, practically within Tijuana's downtown, other narco-tunnels have been found through the years. By 2016, US authorities had discovered 181 tunnels.⁴ In 2020, the longest smuggling tunnel so far, almost a mile long, was discovered in one of the industrial zones of Tijuana, relatively close to another port of entry in the Otay Mesa.⁵

As technology advances and construction sites open near the border, more tunnels get discovered, be it in Tijuana, Mexicali, San Luis Rio Colorado, Nogales, or Agua Prieta, to mention a few. It is also known that drug cartels keep purchasing buildings near the border in order to take advantage of their position, but their operations also include the waterworks system, canals, and other waterways. In 2015, an aquatic 50-yard narco-tunnel was found between Mexicali and Calexico. As with previous instances, the tunnel had a railing and a ventilation system; when the smuggled drugs found their way into Calexico, about 7 miles in, a scuba diver would dive to retrieve the goods (Marty 2015). Another case has to do with a tunnel found within a Mexican food restaurant, El Sarape, in Mexicali; this tunnel had a length of about 400 yards, and it led into a house on Third Street in Calexico.⁶ It must be mentioned that smuggling tunnels are not exclusive to the US-Mexico border and that they are part of the smuggling game persistent in most Latin American countries. The latest finding happened toward the end of August 2020 in between Brownsville, Texas, and Matamoros, Tamaulipas: what was surprising about it was that the tunnel went under the Rio Grande river. It was uncovered by the recent storms in the area and by the joint efforts of the CBP and the Mexican National Guard.⁷

Other Smuggling Strategies: Trucks and Semi-Trucks

When the North American Free Trade Agreement (NAFTA) went into effect in 1994, the amount of merchandise being traded among Mexico, Canada, and the US skyrocketed (Weisbrot, Lefebvre & Sammut 2014). As of 2020, there are 55 ports of entry in the US-Mexico Border; some of these facilities can be as old as a railroad bridge from the 19th century or modern state-of-the-art buildings. According to the US Bureau of Transportation Statistics (BTS),⁸ a little over 10 million commercial crossings took place in 2019 via trucks, semitrucks, and freighters. It is important to mention that the data provided by the BTS does not seem to consider all the merchandise that crosses inside of transportation vans.

Another thing to consider is that around 79% of the commercial crossings happen in just five ports of entry: Nuevo Laredo, Tijuana, Juarez, Reynosa, and Nogales (**Table 1**). As for the items, most of them consist of merchandise, auto parts, vehicles, manufacturing materials, vegetables, and food, Monday through Saturday, relentlessly. Given the volume of transportation vehicles trying to cross, some of them must wait overnight to be able to cross. Although every port of entry has state-of-the-art monitoring devices and highly trained personnel, the sheer number of trucks waiting to cross opens up opportunities for small and medium scale smuggling, be it by combining the illicit merchandise (cocaine, crystal meth, heroin, etc.) with permitted objects or by stashing them in hidden compartments within the trucks themselves (**Table 2**).

The research on drug trafficking conducted by Muehlmann in 2014 focuses on the everyday lives of common people, which are the base of the illegal markets and whose practices and aspiration lead them to a back and forth dynamic between the legal and the illegal, be it as low-level employees in big money

⁴ <https://www.businessinsider.com/inside-mexican-drug-cartel-narco-tunnels-on-the-us-mexico-border-2016-9?r=MX&IR=T#you-look-at-some-tunnels-which-are-very-very-basic-and-ive-been-to-look-at-some-of-these-from-the-us-side-grillo-said-and-you-see-that-theyre-quite-basic-you-know-shovel-get-in-there-and-kind-of-dig-through-under-the-border-quite-basically-2>.

⁵ <https://www.sandiegouniontribune.com/news/border-baja-california/story/2020-01-29/longest-cross-border-drug-tunnel-in-history-discovered-in-otay-mesa>.

⁶ <https://www.latimes.com/local/california/la-me-border-tunnel-20160324-story.html>.

⁷ <https://www.eluniversal.com.mx/mundo/encuentran-tunel-entre-mexico-y-eu-construido-bajo-el-rio-bravo>.

⁸ <https://www.bts.gov/content/border-crossingentry-data>.

Table 1: Commercial Crossings between the US & Mexico, 2019 (Source: BTS).

Port of Entry	Number of Crossings
Nuevo Laredo, TAMPS.-Laredo, TX	3,741,876
Tijuana (Otay) BC-Otay Mesa, CA	1,570,408
Cd. Juárez, CHI-El Paso, TX	1,340,083
Reynosa, TAMPS.-Hidalgo, TX	1,068,697
Nogales, SON-Nogales, AZ	584,782
Mexicali-Calexico East	558,722
Piedras Negras, COAH- Eagle Pass, TX	464,067
Matamoros, TAMPS.Brownsville, TX	418,269
San Jerónimo, CHI-Santa Teresa, NM	248,628
Cd. Acuña, COAH.-Del Rio, TX	113,970
Tecate, BC-San Diego, CA	88,114
Nuevo Progreso, TAMPS.-Progreso Lakes, TX	76,103
Rio Grande City	65,066
San Luis Río Colorado, SON-San Luis-AZ	61,735
Agua Prieta, Son-Douglas, AZ	42,334
Puerto Palomas, CH- Columbus	30,446
Ojinaga, CHI.-Presidio, TX	18,616
Cd. Miguel Alemán, TAMPS-Roma, TX	14,060
Naco, SON.-Naco, AZ	5,166
Sonoita, SON-Lukeville, AZ	618
Total Number of Crossings	10,511,760

Table 2: Commercial Crossings by Type of Vehicle (Source: BTS).

Type of Vehicle	Number of Crossings
Semi-Trucks	5,955,884
Trucks	4,093,132
Freighter containers	451,071
Freighters	11,673
Total Number of Crossings	10,511,760

laundering operations or small-scale drug dealers. Muehlmann (2014) points out that it is usually those with the lowest income who get captured and incarcerated, which also explains the attractiveness of narco-culture among vulnerable groups. Social inequalities, economic crises, and lack of opportunities on the Mexican side drive many people to engage in illicit activities, despite being aware of the possible legal or fatal repercussions. This is a prime example of how the boundaries between the legal and the illegal become hazy. These types of dynamics also contribute to the ever-increasing drug and arms trafficking.

Small-Scale Smuggling (Hormiga Trafficking)

During the last 20 years, and especially after 9/11, border security has continuously increased. Despite improved efforts by the CBP with their anti-smuggling strategies and the hiring of new agents over the years, small scale smugglers still manage to find ways to cross prohibited merchandise into the US, both as pedestrians and through the vehicular lanes. Efforts to reduce smuggling on the border region with Mexico have

been developing during the last few decades according to Basu (2014), who details massive investments in anti-smuggling initiatives by the United States:

For example, in the US, government funding for combating illegal drug smuggling increased from USD219 million in 1981 to USD800 million in 1999, where the majority of the funding went to the US Customs and Border Patrol and the Drug Enforcement Agency (US Office of National Drug Control Policy 2000). Concurrently, customs and border patrol resources were increased on the southwest US-Mexico border to stem the tide of illicit drug flows from 3,389 agents in 1993 to 7,231 agents in 1998 (US Department of Justice 2004) (Basu 2014: 21).

In addition, in 2001 the US Border Patrol had a total of 9,821 agents nationwide, but 9,147 agents were assigned only to the Southwest Border Sectors. In similar proportion, in 2019 they were a total of 19,648 US Border Patrol agents nationwide, but 16,731 agents were operating on the Southwest Border Sectors (CBP 2020), numbers that show the amount of activity and different illegal operations that occur in this border region with Mexico.

One of the most common ways in which people pass through the security apparatus involves mixing and hiding the illicit items with other permitted products, such as groceries: bread, coffee, cooking oil, canned products, candy, hot sauces, and so forth. The risk of discovery does not deter perpetrators, because the most common punishment that they receive is the surrender of their goods; although, in the worst case scenario, their visas can be taken away and they can be subject to fines. When crossing and while being interrogated by the CBP agent, small-scale smugglers usually say that they are just carrying groceries, which seems to work as a kind of magic word that usually does the trick with the agents, given that it is a common practice for the inhabitants of most border cities. Even after gaining access into the US, these small-scale smugglers still have to go through a second checkpoint—an x-ray machine—but the stakes at this point are not that high: in case they get discovered, they usually claim they did not know about the prohibited items and proceed to surrender them. Sometimes they are sent to a secondary revision, and when further asked, they usually claim that the suspicious bags only contained their lunch, although it did little for them to avoid a fine. It must be mentioned that, as time passes, it gets harder to play the fool or to ignore the restrictions imposed on merchandise by Mexico and the US, because the information on the prohibited items gets constantly published online and displayed at several points during the path toward the ports of entry to each country.

Thanks to the field work conducted and the personal communications established with people who have carried out small-scale *hormiga* trafficking, it is possible to assert that the information on what kind of items are prohibited is widespread among the inhabitants of the border region. There is not a defined profile for the type of person that engages in small-scale *hormiga* trafficking, because it is an activity that gets done regardless of age, profession, or immigration status: visa overstayers, binational workers, students, and people with double nationalities that, depending on their personal record, can and usually get away unscathed even if they get caught, except when trafficking recreational drugs, weapons, laundered money, or other illegal items.

Among the small-scale smugglers, there is a special type of individual focused on smuggling drugs and other natural products, such as controlled substances (antibiotics, antidepressants, anabolic drugs), homeopathic products, and curative herbs. Most Mexican cities have specialized stores that handle all kinds of herbs, so it has always been common for people to buy them en masse to take across the border. A few decades ago, people would literally strap packets of herbs to their bodies, under their clothes; this approach is no longer preferred, and people smuggling these kinds of products use the vehicular crossing, putting their illicit herbs at the bottom of their luggage to increase the chance of a successful trip. Once in the US, these smugglers have two options: keep the products for personal use or resell them at a higher price. These kinds of smuggling practices have contributed to the increase of drug stores in the immediate areas next to each port of entry on the Mexican side. In Tijuana, for example, the Zona Centro, saw a dramatic increase in the number of drug stores aimed specifically at these types of customers.

During an interview that I had the chance to conduct with a drug-store owner in Tijuana, he mentioned two distinctive individuals: the first was an old doctor that had obtained his degree from Mexico's National Autonomous University (UNAM) in his youth; later, he decided to move to Los Angeles, where he managed to validate his medical degree, which enabled him to establish a private practice in his house, where he administered drugs smuggled from Tijuana. To decrease the chance of discovery, he instructed the drugstore owner to sell him the medicine without any kind of package, to reduce the volume and to make the smuggling process easier. Once this was done, he mixed all the pills with candy, chocolate, and other products to cross the border safely. Another interesting individual was a 40-year-old redheaded American who never

gave away his name or his place of origin. He was known as *el meón*, the pee-er, for he always asked from the restroom in the drugstore in order to strap the medicine packets under his pants; afterward, he was given some candy or a soda just to divert attention; he was also escorted back to his vehicle, because it is common for the Mexican police to try to extort American citizens trying to smuggle prohibited items. These kinds of characters are common and numerous along the US-Mexico border, and they are not restricted to drugs; they also smuggle food, cigarettes, and other prohibited items.

Some Final Words

The cases mentioned in this document demonstrate the existence of cross-border agents that operate within different situations of legality and illegality regarding certain items, merchandise, and scenarios in the US-Mexico border. What Machado (2000) said about the redefinition of the notions of limits and border zones remains true for the Tijuana-San Diego region, mostly because the interaction between the legal and the illegal generates a threshold between both countries that allows for different smuggling strategies. This situation leads to the existence of the object-territories proposed by Machado, that is, spaces designed in such a manner that anomalies can develop, such as tax havens, offshore financial centers, among others (Machado 2000). In this regard, the Tijuana-San Diego region could be considered an object-territory, defined by the frequency in which smuggling operations take place on a daily basis and by the impact that these activities have on the relationship between both countries, at the national and societal levels. Also, when compared to other locations within Mexico and the US, the sense of time and spatiality changes because of the border (Machado, Reyes & Rego 2009). At the same time, the collective influence of these actions, bordering between the realm of the legal and the illegal, give rise to informal markets that can reshape the economic landscape in the region, a phenomenon that has been referred to as 'globalization from below' (Mathews, Ribeiro & Alba 2012; Ribeiro 2006) and 'non-hegemonic globalization' (Ribeiro 2009). These concepts serve to illustrate a world where the borders between the legal and the illegal are often blurred. They also demonstrate how first-world economies and transnational interests are transformed in the everyday life, which in turn alters their dynamics and generates different commercial schemes that provide access to different products, lifestyles, and cultural content that would have been unavailable for certain groups of people. Additionally, the construction of 'moral geographies' (Dorfman 2020) in border areas lays a foundation that allows different people to participate in informal trade. Because this type of economy is not viewed negatively, it constitutes a source of income for a large number of people.

Regarding the smuggling circuits, it is difficult to determine if their benefits outweigh their disadvantages. On one side, they allow a great number of individuals to benefit from cheaper products and merchandise that would be more expensive to acquire through the official channels. On the other side, these smuggling circuits negatively impact the formal economy/legal commerce, but at the same time they help thousands of people cover their basic necessities with used merchandise, while also providing access to symbolic and cultural items. At the same time, these kinds of low-risk smuggling actions carried out by different cross border agents are not necessarily tied to criminal activity. Although, given the high maneuverability that they provide, they are often exploited by different criminal groups, such as cartels and other organized crime groups. Overcoming these situations remains one of the biggest challenges for the creation of binational policies in the years to come.

Competing Interests

The author has no competing interests to declare.

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