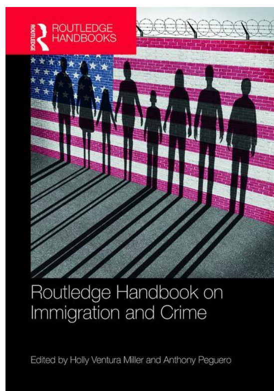
This article was downloaded by: *10.3.97.143*
On: 06 Dec 2023
Access details: *subscription number*
Publisher: *Routledge*
Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK




# Routledge Handbook on Immigration and Crime

Holly Ventura Miller, Anthony Peguero

## Aliens Addicting Us

Publication details
https://www.routledgehandbooks.com/doi/10.4324/9781317211563-3
Elaine Carey, Andrae Marak
**Published online on: 01 Feb 2018**

**How to cite :-** Elaine Carey, Andrae Marak. 01 Feb 2018, *Aliens Addicting Us from:* Routledge Handbook on Immigration and Crime Routledge
Accessed on: 06 Dec 2023
https://www.routledgehandbooks.com/doi/10.4324/9781317211563-3

**PLEASE SCROLL DOWN FOR DOCUMENT**

Full terms and conditions of use: https://www.routledgehandbooks.com/legal-notices/terms

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

# 2

# ALIENS ADDICTING US

## A Historical Perspective of Immigration and Drug Control Policy

*Elaine Carey and Andrae Marak*

### Introduction

In 1930, New York Republican Congressman Hamilton Fish III had a reputation for being an enemy of immigration particularly those immigrants who were members of the Communist Party. The Great Depression of 1929 allowed him to capture anti-immigrant sentiments to promote deportations. While he targeted communists, arguing that they sought to abolish religion, promote racial equality, and destroy private property, he encountered opposition within Congress (Gladchuk, 2013, p. 53). Thus, he turned his attention to another group whom he considered enemies of the United States: drug addicts and peddlers. He embraced a less confrontational approach by arguing that the overcrowding of New York prisons with drug peddlers and addicts caused financial and social problems for prison officials and cost taxpayers for their incarceration. He also argued many of those in jail were foreign nationals who should be removed from the country. His plan focused on strengthening Section 19 of the Immigration Act of 1917 and sections of the Harrison Act of 1915, which controlled the distribution of narcotics, drugs, and cocaine. Fish proposed in H.R. 3394 that all foreign addicts and peddlers be deported because taxpayers should not be obligated to maintain them.

Fish captured the emerging xenophobia of the 1920s, an allegorical foreshadowing of the present in which the Republican party presidential candidate Donald Trump, and eventual election winner, made similar comments almost 100 years after Moss by associating drug addiction, drug trafficking, and violence with Mexican immigrants, arguing that they should be rounded up and deported. Not simply the addicts and peddlers, but all undocumented persons: the aliens.

For seventy-five years, U.S. government officials have interpreted immigration policies based on certain assumptions about the time, the places, and the events that took place during their eras. Scholars have focused on diplomatic interactions to control the flow of drugs. Beginning with the formation of the Federal Bureau of Narcotics (FBN) in 1930, Harry J. Anslinger, the director of the FBN, associated minorities and immigrants with the drug trade. During his thirty-two years as the director of the FBN, he questioned the immigration status of addicts, users, peddlers, and traffickers. The binary categorization of addicts, users, and peddlers against citizens has long infused congressional debates, state legislatures, and diplomatic missions. Anslinger, politicians, and policing agents hailed changes in immigration laws as weapons to combat drug traffickers, trade, and addiction. Beginning in the 1880s with the Chinese Exclusion Act, drug use, peddling, and selling became associated with immigrants and served as a means to restrict Chinese entry into the United States

(Chinese Exclusion Act, 1882). Along with Chinese, Mexicans and other Latin American immigrants have come under attack and been associated with the drug trade and addiction (Daniels, 2004).

To understand contemporary perspectives on drug trafficking and immigration, this chapter seeks to establish the evolving impacts of immigration policies as connected to drug trafficking from Moss's era to the Kingpin Strategy. On the one hand, the authorities sought to deport immigrant addicts or peddlers. On the other, these authorities have also sought to extradite—whether legally or illegally—drug traffickers to the United States because of a lack of confidence in policing, the judiciary, and the incarceration system in Latin American countries. Immigration policies as a means to combat drug trafficking organizations have become more significant in the past thirty years with uneven successes. More significant, such policies rarely confront the central problem that makes the United States the largest consumer of drugs and narcotics: demand.

## Creating Evils/Creating Enemies

Beginning in the early 1900s, the policy makers and policing agents become more concerned about narcotics use and abuse. In 1914, legislators passed the Harrison Narcotics Act. The Act replaced a series of state and local anti-narcotics laws (Musto, 2002a). The Harrison Act built on state laws that controlled the prescribing of drugs and narcotics. It required physicians and pharmacists to register with the Treasury Department, pay a tax, and keep records of the narcotic drugs they prescribed or dispensed (Courtwright, 2001, pp. 2–4). On the surface, it appeared that the Act simply regulated control and distribution of medicines that were prescribed by medical doctors and pharmacists. Historian Courtwright (2001) has argued that the Act was silent on the question of maintenance. In turn, the Internal Revenue Bureau of the Treasury Department enforced the Act and took an aggressive stance prosecuting doctors, druggists, addicts, and traffickers for conspiracy to violate the Harrison Narcotics Act (Courtwright, 2001, pp. 103–105). The increased policing of doctors and pharmacists led them to challenge the new Act. Growing concern of addiction among soldiers returning from World War I, and a report issued by the Department of Treasury that argued the number of addicts was increasing further, added to the moral panic that drug use was growing. In 1916, the Supreme Court permitted maintenance in the case *United States v. Jin Fuey Moy (1916)*. However, the Treasury Department lobbied the United States Congress to amend the Harrison Act to make it more difficult for medical doctors to prescribe maintenance to their addicted patients.

Two other cases were brought before the Supreme Court: *United States v. Doremus* and *Webb et al. v. United States*. In both cases, the Supreme Court upheld the actions that the Department of Treasury had undertaken in the wake of the Harrison Narcotics Act in which the Department's agents targeted medical professionals who prescribed medical heroin for maintenance (Belenko, 2000, p. 70). The Harrison Act in 1914 led to a crackdown on medically prescribed maintenance programs and further heightened the use of illegal drugs and a reliance on drug peddlers and traffickers, because addicts were unable to receive a prescription from their doctor (Carey, 2014, pp. 103–105). The crackdown on medical professionals focused on both native-born and immigrant Americans, but the language of peddling and trafficking began to shift toward a focus on immigrants.

The Harrison Narcotic Act became law prior to the passage of the Eighteenth Amendment that prohibited alcohol in the United States. Prohibition went into effect in January of 1920 and lasted until 1933 (Okrent, 2010). During that time, organized crime entered the illegal alcohol business, which led to an increase in crime throughout the United States. Organized crime in the United States was native-born and immigrant. Involvement in illegal alcohol smuggling and narcotics trafficking and vending remained another component of organized crime whether native-born or immigrant. For men such as Anslinger, the fact that many mobsters were immigrants or children of immigrants contributed to his association of drug-related crime with immigrant populations.



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

The role of immigrants in drug vending and organized crime along with the growing nativist movement in the United States and the growing economic problems, further fueled anti-immigrant sentiment (Perea, 1997; Schrag, 2010). Beginning in 1924, immigration had been curtailed through the Immigration Act of 1924 (Johnson Reed Act) that created quotas based on population building on the use of literacy tests.

The 71st Congress of the United States demonstrated a growing concern regarding narcotics. The same year that Fish's H.R. 3394 amended Section 19 of the Immigration Act of 1917, the U.S. House of Representatives further limited the manufacture of certain narcotics and also approved the creation of the FBN under the Department of Treasury on July 1, 1930 (House of Representatives, 71st Congress, 3d sess, 1929-1931). With Anslinger at the helm of the new bureau, he served as an expert during the Senate hearings on H.R. 3394. He advocated for its passage by asserting that aliens contributed to the growing narcotics problem.

Anslinger's and Fish's linking of narcotics crime, addiction, and trafficking to immigrants remained a historical continuity. Beginning in 1875, restrictions on immigration focused on criminals, among other "undesirables." The Chinese Exclusion Act of 1882 sought to control the flow of Chinese laborers whose labor was necessary to build the transcontinental railroad (Gyory, 1998; McClain, 1994). When the railroad was built, many Chinese immigrants moved into the small business sector. An economic downtown in the late 1880s contributed to a fear of Chinese labor competition. Restrictions on Chinese immigration emerged in conjunction with allegations that Chinese were likely to bring with them certain vices such as opium smoking, gambling, prostitution, and miscegenation, which became the necessary justifications to pass a series of restrictive local, state, and federal laws (Courtwright, 2001). Following the exclusion Act, the U.S. Congress also banned opium imports to and exports from China (Federal Act Banning Opium Imports and Exports to and from China, 1887). Chinese laborers were blamed for the increased opiate usage. Many policing agents and scholars argued that Chinese workers were involved in trafficking and peddling. While this may be partly true, Chinese laborers were not responsible for distributing heroin to treat respiratory illnesses in prisons, which contributed to the growth of addicts in New York City.

Once Anslinger became the United States Commissioner of the FBN, he initially targeted Chinese immigrants arguing:

> In 1930, the Chinese still had a virtual monopoly on the opium trade in America; opium dens could be found in almost every city. The Chinese underworld of dope—combined with gambling and prostitution—had its own special Oriental ruthlessness, which fitted the aura of violence and brutality and killing that has been the hallmark of the narcotics underworld.
>
> *(Anslinger & Oursler, 1961, p. 21)*

Anslinger elaborated on how Chinese tongs—secret societies or brotherhoods—addicted able-bodied white men and also "dream girls" who came to the big city looking for opportunity and adventure. These women were in need of help because they engaged in miscegenation with Asian and other men. The FBN became their saviors from foreign men (Anslinger & Oursler, 1961, pp. 21–28).

With the Chinese Exclusion Act, the Harrison Act of 1914, and H.R. 3394, immigrants and narcotics crime became linked, and now there was a mechanism to remove immigrants from the country due to narcotics-related crime or addiction (McWilliams, 1990). Thus, policy makers, government officials, policing agents, and even concerned citizens have continued to associate immigrants with crime. When deemed necessary, these assorted groups of people have embraced racialized language to scapegoat certain immigrants as responsible for drug trafficking and addiction and



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

contributing to white addiction. These constructs of deviancy of immigrants never were fixed definitions. Instead, those immigrants responsible for drug addiction evolved into fluid definitions of deviancy. Thus, the enemy changed depending on the time and the place.

## Immigrants, Citizens, and Drugs

As opiate use was associated with Chinese immigrants, marijuana became something that was uniquely Mexican and indigenous to Mexico. Just like the poppy, marijuana is a plant that originates in Mexico. With the advent of the Great Depression, Mexican immigrants found a harsher social and economic environment in the United States. Many Americans saw Mexican immigrants as competition for jobs and a drain on early social welfare systems. In January of 1928, prior to the collapse of the economy, C.M. Goethe published "The Influx of Mexican Amerinds," in *Eugenics: A Journal of Race Betterment* (1928). In his article, he decried the growing migration of poor and working-class Mexican (peons) to California. He wrote:

> [i]t is doubtful whether ten percent of Mexico's say 15 million are free from Amerind blood. Eugenically as low-powered as the Negro, the peon is from a sanitation standpoint a menace. He not only does not understand health rules: being a superstitious savage, he resists them.
>
> *(Goethe, 1928, pp. 6–9)*

Mexicans, he argued, lowered wages for native-born workers. More significant, he asserted that they brought disease and vice and engaged in miscegenation. He added that the women had more children than native white women. He argued that though Ellis Island may have closed, a back door along the U.S.-Mexico existed that must close. Goethe's views and others like them, though extreme, found a growing audience in the United States in the 1920s and 1930s.

During the Depression, Mexican bureaus and social agencies, worried about increasing tensions, sought to remove Mexican workers, vagrants, and citizens in the United States and repatriate them to Mexico (Balderrama & Rodríguez, 2006). Repatriation took place when the newly formed FBN was taking a greater interest in Mexico. Rhetoric of deviance developed in economic competition, decline, and problems along the border resonated within the social policies of the United States with regards to Mexico. As a site of supply and transshipment that fed U.S. demand for drugs and narcotics, Mexican government officials attempted to inform and change policies. Anslinger discounted these attempts, and the country and its citizens spawned tales of horror. The sensationalist press developed and escalated a narrative of deviancy associated with Mexico and Mexicans in the popular imagination. This escalation began first in Florida, and Anslinger was instrumental in these narratives.

In the United States, Anslinger became a primary vehicle for such propaganda. He built on images of the foreign to portray a country under attack from external forces. Moreover, he asserted a narrative of "reefer madness" that afflicted Mexico. Anslinger was not alone; certain Mexican officials also argued that marijuana provokes crime (Campos, 2012). Newspaper reports and medicinal studies of the early 1900s, argued that "Mexican" marijuana was a cause of grave concern. Ridiculous claims ensued. Some journalists argued that the "Empress" Carlota succumbed to insanity because of her penchant for marijuana ("Weeds that Cause Insanity," 1914). Carlota (1840–1927) was the wife of Emperor Maximilian, who was executed by Mexican Republicans in 1867. Other reports argued that the Belem prison in Mexico was full of marijuana addicts, that Mexican soldiers freely used the plant, and miners who were intoxicated on it killed their American managers ("Plants Cause Madness," 1913). All these tales added to increasing fears that Mexicans pushed addictions onto its northern neighbors.



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Newspapers reported on "freak outbursts of madness" among Mexicans in rural and urban areas ("Kills Six in Hospital," 1925). In another sensational case, a distraught mother purportedly fed her children marijuana, which caused the entire family to engage in outbursts of "crazed laughter" before they went insane ("Mexican Family Go Insane," 1927). These reports came at the time when the Mexican government embarked on its first eradication of poppies and its first ban on marijuana cultivation ("Mexico to Join US in Fight on Drugs," and "Mexico Bans Marihuana," 1925). Regardless of the response of the nation, Mexico and Mexicans became increasingly associated with drugs, smuggling, and madness.

One of Anslinger's most poignant incidents in which he regaled audiences about reefer madness was that of Victor Licata, a Mexican American arrested for the murder of his entire family in Tampa, Florida (Walker, 1992, pp. 16–18). Licata allegedly murdered his entire family after he smoked marijuana. Documents released from the time suggested that Licata had a long history of mental illness prior to his 1933 arrest. When he was imprisoned in the Florida Mental Hospital he murdered a fellow inmate, and eventually killed himself in the 1950s. Licata's Mexican background is subject to debate, but his case served as ammunition to highlight the dangers of marijuana and foreigners. Despite the lack of evidence of Licata's actual state of mind, not to mention the questions about his actual ethnicity, Anslinger made Licata's case central to his claims of reefer madness. The violence that came to be associated with marijuana smoking created a new narrative that associated Mexicans with the distribution of drugs and vice early in Anslinger's over three-decade directorship of the FBN. This early public association began in 1933 in his speeches, and increased the sensationalism once they were published in 1937.

In a 1937 publication, Anslinger associated Mexico with marijuana. He wrote:

> Marijuana was introduced into the United States from Mexico, and swept across America with incredible speed. It began with the whispering of vendors in the Southwest that marijuana would perform miracles for those who smoked it, giving them a feeling of physical strength and mental power, stimulation of the imagination, the ability to be "the life of the party." The peddlers preached also of the weed's capabilities as a "love potion." Youth, always adventurous, began to look into these claims and found some of them true, not knowing that this was only half the story. They were not told that addicts may often develop a delirious rage during which they are temporarily and violently insane; that this insanity may take the form of a desire for self-destruction or a persecution complex to be satisfied only by the commission of some heinous crime.
>
> *(Anslinger, 1937)*

Whether poppies or marijuana, Mexico became associated with the dangers, sexual allure, deviance, and political destruction from drugs, despite the low documented use of drugs among Mexicans—even by U.S. organizations like the Bureau of Social Hygiene. Beginning in the 1920s, U.S. public health professionals wondered whether Mexican drug addiction and deviance was more a myth than a reality. Charles Edward Terry, who worked for the Bureau of Social Hygiene and conducted its 1927 study on narcotics use, claimed that in El Paso, few Mexicans consulted medical doctors and few used narcotics. Instead, he wrote,

> The poverty of the patient and the disinclination of Mexican physicians to prescribe narcotics make for a very low Mexican legal per capita use. It is noticeable that prescriptions including narcotics issued to Mexicans, were in the large majority of cases, written by American physicians. It was also noted that the number of prescriptions was considerably less in the Mexican drug stores in proportion to their other trade than in the American drug stores, and that [the] ratio of narcotic prescriptions to the general file of prescriptions in the



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

> Mexican drug stores was about one-half that obtaining in the American drug stores, although both Americans and Mexicans patronized Mexican drug stores. This feature was so outstanding that it is believed the legal use of narcotics for Mexicans was practically negligible.
>
> *(Terry, 1927, p. 36)*

Terry blamed U.S. medical doctors for encouraging legalized addiction among Mexicans even as U.S. public health officials and narcotics policing agents ignored their historically low rates of drug use. Their nation's lack of addicts compared to the United States was not lost on Mexican officials. Terry argued that Mexicans in El Paso turned to traditional methods to treat illnesses rather than seek out opiates. Even the U.S. Internal Revenue Service noted that the lowest levels of drug use in the 1920s occurred in western U.S. states; those states that directly bordered Mexico.

The FBN, along with other federal agencies, continued to monitor drugs during World War II. While the United States had repatriated Mexicans during the Depression, the U.S. and Mexican governments signed an agreement to create the Bracero Program, which brought Mexican agricultural labor to the United States. The Bracero Program and the growing Mexican population in the Southwest added to renewed concerns about Mexicans and marijuana use and distribution. In 1944, New York City Mayor Fiorella La Guardia's Committee on Marijuana further argued that Mexican workers, who naturally used marijuana in Mexico, continued to plant marijuana and made it available to "citizens" (Mayor's Committee on Marihuana, 1944, p. 3).

During World War II, the FBN attempted to extradite drug traffickers and peddlers for violation of the Harrison Narcotics Act. This included traditional organized crime figures such as those associated with Cosa Nostra as well as Mexican drug bosses. While the FBN targeted the mafia in the United States, the FBN also placed special agents in Mexico without the knowledge or consent of the Mexican government. The FBN collected intelligence that Mexican drug traffickers operating in Mexico had contacts with Italian organized crime. These ties between Italian and Mexican organized crime emerged during Prohibition, and they have continued into the present (Carey, 2014; Corrado & Realacci, 2014; Díaz, 2015).

The FBN gained some success in its attempts to deport, jail, or extradite organized crime drug traffickers. The most famous case was the deportation of Lucky Luciano. In Mexico, the FBN put pressure on the Mexico government, and on April 27, 1945, Mexican President Manuel Ávila Camacho issued a Presidential Decree that waived constitutional guarantees in the cases of narcotics trafficking and permitted the immediate detention of peddlers and smugglers at the Federal Penitentiary at Tres Marías without trial in the Mexican courts (Peña, 1945). Some drug traffickers were detained, but none was extradited to the United States.

The concern about immigrants and their involvement in drugs escalated again in the 1950s with the Price Daniel hearings. In 1955, the U.S. Senate Judiciary Committee created a subcommittee to undertake a study of drugs and the need to change the federal criminal code. Meetings were held in cities across the United States. In part, the Democratic Senator from Texas, Price Daniel, held these public hearings to bolster legislative changes that ultimately influenced the passage of the 1956 Narcotics Control Act. Price Daniel was a senator from Texas from 1953 to 1957. He then was the governor of the state. In the 1950s, Mexican heroin accounted for 90 percent of the heroin in Texas, which may have accounted for Daniel's interest in the drug trade.

The hearings in the United States followed similar hearings held in Canada (Illicit Narcotics Traffic, U.S. Congress, 1956). The hearings were held in three of Canada's largest cities, and the format was similar to those in the United States in which medical doctors, politicians, policing agents, and addicts appeared before the Committee. In the United States, senators held regional meetings in New York, Pennsylvania, Washington, DC, Texas, and California (Illicit Narcotics Traffic, U.S. Congress, 1956). The purpose of the hearings was to establish the extent of drug use



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

and drug trafficking. Again, the racialization of the drug problem resulted in a focus on "Red China" and its attempts to poison Americans (Fried, 1990; Schrecker, 1998).

The Price Daniel hearings held in September reflected clashes between the medical community and policing agencies over what to do about drug addiction and drug trafficking. The New York hearings served as a platform to discuss efforts in the struggle against drug addiction. Those held outside of Washington, DC and New York had a regional focus with an emphasis on the growing drug problems in major cities and regions in the United States. In Chicago and Detroit, the hearings highlighted connections to Canada and the role of organized crime families in U.S. major cities who engaged in extensive global drug trafficking.

During the Texas and California hearings, Mexico emerged as the key supplier of brown heroin but also as a site of transshipment of European and Asian opiate derivatives. Anslinger reported that Mexico accounted for 90 percent of the marijuana in the United States (Musto, 2002b; Schneider, 2008). Ever an astute bureaucrat, Anslinger framed his arguments and rhetoric through the lens of a racialized foreign policy to ensure the continuation of his bureau. Through the numerous interviews and hearings, policing agents cast Mexico as a major player in heroin and morphine trade in the 1950s throughout the southwestern U.S. In the hearings that took place, the question of drug trafficking and illegal immigration contributed to a growing awareness that immigrants crossed the northern and southern borders or entered through major ports of entry and engaged in drug peddling and selling. More significant, native-born Americans crossed international borders to traffic and sell drugs. This contributed to a growing attitude that it was not U.S.-based users who were most responsible for the flow of illicit drugs, but rather those who grew the marijuana and poppy who were somehow more responsible for the drug trade than those who demanded their crops.

## A Multi-Front Drug War

On September 16, 1968, prior to his election, Richard Nixon pledged to the U.S. people that he would "move against the source of drugs" and "accelerate the development of tools and weapons to detect narcotics in transit"(Task Force Report, 1969). Arguing that "mind-changing" drugs were essentially a problem of youth, the report of the Task Force relating to Narcotics, Marijuana and Dangerous Drugs focused on the flow from Mexico as a problem of supply rather than demand. Interdictions at borders and in supply and transshipment countries like Mexico, tend to disproportionately export the costs of drug enforcement, a policy that was unintentional (Friman, 1996). Although increased demand for drugs crossed classes and ethnicities, the task force downplayed those, and instead claimed the U.S.-Mexico border needed greater control to keep drugs from entering America.

The task force proposed a number of changes to the U.S.-Mexico border region. For example, Americans must be persuaded to walk across the border rather than drive their cars. Border control and customs officials viewed cars as key transporters of contraband (Hernández, 2010; St. John, 2011). Hence, those citizens who crossed in cars attracted more intense scrutiny than those who crossed on foot. Those on foot would be observed for any unusual behavior or appearances, feats far easier than trying to observe someone sitting in or driving a car. The task force also suggested that border cities be declared off limits to military personnel. This suggestion echoed similar recommendations of the Price Daniel Commission in the 1950s as well as earlier discussions going back to the Mexican Revolution. For example, the United States made the area around Fort Bliss in Texas a dry zone in hopes of countering the lure of Ciudad Juárez's Red Light District, which, not coincidently, was primarily comprised of U.S.-run businesses (Marak, 2014). The implementation of suggestions for infrastructural changes at the border, like fences and easements, were far easier to put in place and were subsequently implemented.

Along with the infrastructure changes that altered the movement of traffic for easier inspection, the task force wanted more detection devices along the border such as dogs and sensors. Much of the



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

border control that is evident today came about through these recommendations. The report also recommended substantial budget increases for customs, border patrols, and the Bureau of Narcotics and Dangerous Drugs (BNDD successor to FBN) to hire more personnel and to purchase more supplies such as airplanes for aerial surveillance (Task Force Report, 1969, pp. 21–26).

Following the report, White House advisor John Ehrlichman encouraged Nixon to force Mexico to defoliate marijuana and poppy fields and implement stricter enforcement on the Mexican side of the border. Again, these demands echoed the same requests U.S. presidents had made to Mexican presidents beginning with Plutarco Calles and his successors in the 1920s. Defoliation programs had been requested and complied with by every Mexican president. These policies on defoliation would be extended to Bolivia, Colombia, and Peru even though they have no discernible impact on supply or the street price of illicit drugs (Martin, 2013, p. 57). With Ehrlichman's encouragement, Nixon embraced a language of warfare to take "immediate steps calculated to make a frontal attack on the narcotic, marihuana, and dangerous drug traffic across the Mexican border" (Action Task Force, 1969). With a stalemate in the war in Vietnam, perhaps Nixon believed a war on drugs in Mexico offered a more likely achievement in the first few short months of his presidency.

Nixon's and Ehrichman's plans to engage a "frontal attack" met with reservations within the State Department. Despite the State Department's and other agencies' hesitancy to implement a unilateral action, Operation Intercept began on September 21 (Gooberman, 1974). Two thousand customs agents working around the clock stopped cars and pedestrians for inspection at thirty-one border crossings. Motorists, pedestrians, business owners, and even customs agents vented their frustrations as businesses lost money and people waited six to eight hours to cross.

Gordon Liddy described it as follows:

> Operation Intercept has been called a failure—only by those who never knew its objective. It was actually a great success. For diplomatic reasons the true purpose of the exercise was never revealed. Operation Intercept, with its massive economic and social disruption could be sustained far longer by the United States than by Mexico. It was an exercise in international extortion, pure, simple and effective, designed to bend Mexico to our will. We figured Mexico could hold out for a month; in fact they caved in after two weeks and we got what we wanted. Operation Intercept gave way to Operation Cooperation.
>
> *(Liddy, 1980, p. 135)*

Liddy's revisionist reading of the event did match many opinions expressed across the United States and in Mexico at the time. The *New York Times* reported that it had resulted in "a minor haul of marijuana," while business leaders on both sides of the border complained (Brand, 1969). Mexican newspaper *Excélsior* argued that Operation Intercept "can only be new grounds for the mistrust over the position that the United States will take on improving commercial and financial conditions for Latin American development" (Editorial, 1969). President Díaz Ordaz echoed this, stating that it had created a "wall of suspicion" in United States-Mexican relations (Belair, 1969). Similarly, Díaz Ordaz's criticism mirrored those denunciations leveled at the United States when the George W. Bush administration insisted that other nations adopt similar policing protocols and strategies during his war on terror (Andreas & Nadelmann, 2008; Jakobi, 2013).

Operation Intercept as a show of strength ensured criticism not only from Mexicans but also Americans. The border searches caused havoc and myriad complaints from business owners on both sides of the border who loudly protested to the local politicians and to their national representatives. Then as now, Mexicans and Americans crossed the border to visit family members, shop, work, and go to school. Mexican American journalist Rubén Salazar, who testified about the border drug trade in the Price Daniel hearings, reported about the disruptions that Operation Intercept caused for many border residents. In his essays, he argued that Operation Intercept "hurt the pride of Southwest



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Mexican Americans who feel the United States is trying to blame Mexicans for a problem which is to a large extent uniquely 'Anglo'" (Salazar, 1995, pp. 238–239). The operation turned up very little dope, but increased resentment from borderlanders, Mexican-Americans, commuters, and customs and government officials.

Although Nixon unilaterally acted upon Operation Intercept, its poor results ended up forcing negotiations with Díaz Ordaz. Perhaps to make amends, Nixon extended greater military aide to Mexico in the form of helicopters (Calderón & Castillo, 2012; Carey, 2005; Naím, 2005; Padilla, 2008). Operation Intercept did yield one significant outcome for the Mexican government and its people. Whether marijuana or heroin, drugs threatened the security of the nation, and the war on drugs combined with the Cold War contributed to Mexico's Dirty War. Americans who crossed the border to purchase their marijuana found greater harassment. Hippies who came to Mexico, not necessarily to traffic but to smoke some pot and enjoy the beaches, encountered harassment and at times, arrests.

In March of 1970, attorney general for the United States, George Mitchell, and attorney general for Mexico, Julio Sánchez Vargas, approved what became known as "Operation Cooperation" (Operation Cooperation, 1970). Immediately following Mexican approval of Operation Cooperation, Mexican agents and BNDD agents worked jointly in numerous raids and arrests of prominent and not-so-prominent drug traffickers and dealers. In the 1960s, the FBN, followed by the BNDD, opened offices in Mexico City (1963), Guadalajara (1969), and Hermosillo, Mexico (1971) to facilitate collaboration between Mexican and U.S. officials (DEA History). Joint operations and arrests took place, and official agencies shared information. Within the BNDD, the agency reported its own apprehension in Mexico's ability to work jointly with the United States in stemming the flow of heroin. These collaborations and policing did lead to a decline in the heroin trade passing through Mexico, but this likely had more to do with the gain in popularity of cocaine by the early 1970s. While border agents checked cars at the U.S.-Mexico border, plane loads of cocaine entered the United States setting off another drug war (Andreas, 2009; Nordstrom, 2007; Reuter, 2014). The shift in supply routes in response to policing is known as the balloon effect. Peter Andreas argues that, in response to greater policing, drug traffickers eventually changed how they ship most illicit goods (including drugs) by making sure that it "parallels the methods and routes of legal commerce" (Andreas, 2009, p. 20). And, Carolyn Nordstrom has demonstrated that "the illegal narcotic industries are run like parallel-economy multinational enterprises" (Nordstrom, 2007, p. 131).

## Same Stories, Different Decades

With cocaine, history almost seemed to repeat itself. Richard Nixon created the Drug Enforcement Administration (DEA; see also U.S. Drug Enforcement Administration, 2008). Rather than attacking the demand, the newly formed DEA and other U.S. policing agencies targeted Colombian traffickers and further demanded defoliation in Bolivia, Peru, and Colombia. Historian Paul Gootenberg has described how Bolivian, Chilean, and Argentine cocaine and heroin traffickers had drawn the attention of policing agents since the 1940s (Carey, 2014; Gootenberg, 2009). Colombian immigration grew exponentially beginning in the late 1940s when thousands began to flee the Civil War and ongoing violence that continues into the present century. They settled in New Jersey, New York, and Florida (González, 2000). By the 1970s, Colombian drug trafficking organizations also settled in the same areas.

With the increase of cocaine distribution in the United States, Colombian neighborhoods and Colombian citizens found themselves suspected of being involved in the drug trade (Nasser, 2008). While the DEA indicted Colombian drug traffickers, many fled rather than stand trial. Those that were tried and convicted were sentenced to prison. On completing their prison term, they were to be deported. Many were deported. Immigration and Custom's authorities paid close attention to the flows of Colombian immigrants while attempting to extradite Colombian drug bosses. The Colombian

government rebuffed requests for the extradition of Colombian drug traffickers, but, ultimately, the Colombian government cooperated with U.S. demands in policing drug traffickers (Bowden, 2001; Escobar Gaviria & Fisher, 2009).

While the United States increased its control of waterways and ports of entry used by Colombian traffickers, traffickers had already begun to alter their patterns. As scholar Michael Kenney has analyzed, drug traffickers easily and quickly modified their business practices to respond to changing patterns in policing. The policing bureaucracies, however, were slow to respond to market changes, distribution routes, or changes of influence in global trade. Colombians had started to work with Mexicans beginning in the early 1970s (Carey, 2014; *United States v. Alberto Bravo*). With the successful drug raids, better control of the sea distribution routes, and improved inspections at major ports of entry such as John F. Kennedy airport, Colombian drug traffickers sought to hire their Mexican counterparts to access their land ports for cocaine. By the 1990s, the Colombians would be working for the Mexicans.

In the 1990s, certain errors of policy continued to engulf the United States in a growing war on drugs. Just as the United States had deported Colombians involved in the drug trade after their prison sentence, they also deported Salvadoran and Honduran gang members whose parents had fled the civil wars. Once deported, these young men expanded their gang territory in Central America and were easily recruited into illicit trafficking. At the same time, the North American Free Trade Agreement (NAFTA) went into effect, triggering a peso devaluation and collapse of the Mexican agricultural sector, which sent tens of thousands to the border seeking a better life or escaping violence triggered by the demand for Americans for drugs and narcotics. The United States had deported some criminals, but those deportations created multitudes of issues because the central issue of the problem, demand for drugs and narcotics, had never been addressed. Along with the deportations, the United States initiated Operation Kingpin.

For over twenty years, the Mexican government has responded to U.S. demands to extradite Mexican drug traffickers to the United States to stand trial under its Operation Kingpin Strategy. The arrests of kingpins are hailed as an "upheaval" at the top, sure to "disrupt" and/or "dismantle" a particular organization and curtail the drug trade. Parading drug bosses before cameras timed to coincide with the evening news—accompanied by masked and heavily armed police agents—heightens the spectacle. In fact, instead of viewing the Kingpin Strategy as a policy aimed at ending the war on drugs, it is better to view the multiplicity of governmental reactions in response to (and occasionally in conjunction with) illicit and illegal actors/actions as a "ferocious struggle over how nation building [and rebuilding] . . . is to proceed and in whose name and interests" (Watts, 2012, p. 455). It other words, it is our contention here that there is a symbiotic relationship between smugglers and states (and their subunits), and that the competition (and compliance) between the two often serves both smugglers' and states' interests over that of the general public (Levine & Reinarman, 1991; Paley, 2014) The promotion of the idea that smugglers are increasing in strength and are a "growing threat . . . is most critical for sustaining and expanding law enforcement" and increased funding for new technologies aimed at "disrupting" and "dismantling" smuggler cartels (Andreas, 1999).

Yet, some Mexicans, Salvadorans, Hondurans, and Colombians worked as confidential informants with U.S. policing agents, and some have still been arrested and deported. Thousands of others flee the violence in their countries to seek protection in the United States. Yet, in spite of thirty years of the Kingpin Strategy and a rise in violence, first in Colombia and then in Mexico (and now in Central America), the actual amount and the cost of illegal drugs on the street has remained the same or declined (National Drug Control Strategy, Executive Office of the President of the United States, 2013; Wolfe-Wylie, 2014).

In 2015, the Republican presidential candidate Donald Trump and eventual winner claimed that Mexico was "sending people that have lots of problems" to the United States. He argued that they



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

were rapists, drug runners, and other criminals. As harrowing as his language might have been in 2015, Trump embraced language that was over a century old. He conflated the criminal activities of a minority with the majority of hard-working immigrants. Moreover, he ignored the economic, political, medical, and social conditions that trigger demand. Like Hamilton Fish, he advocated another mass deportation of Mexican immigrants, as well as others, to fight the drug epidemic. The association of immigrants with crime and vice is a disturbing historical continuity that rarely considers the complexities of addiction, market forces, and policing actions.

## References

"Action Task Force." (1969, June). *Narcotics, Marihuana and Dangerous Drugs*. White House memorandum. White House Central Files: Subject Files, FG 221, box 5, National Security Archive.

Andreas, P. (1999). "Smuggling wars": Law enforcement and law evasion in a changing world. In T. Farer (Ed.), *Transnational crime in the Americas* (pp. 85–98). New York, NY: Routledge.

Andreas, P. (2007). A tale of two borders: The U.S.-Mexico and U.S.-Canada lines after 9/11. *Center for Comparative Immigration Studies*, UC San Diego, CA. Retrieved from http://escholarship.org/uc/item/6d09j0n2.

Andreas, P. (2009). *Border games: Policing the U.S.-Mexico divide* (2nd ed.). Ithaca, NY: Cornell University Press.

Andreas, P., & Nadelmann, E. (2008). *Policing the globe: Criminalization and crime control in international relations*. Oxford, UK: Oxford University Press.

Anslinger, H. J. (1937, July). *Marijuana, assassin of youth* was originally published in *The American Magazine*, *124*(1).

Anslinger, H. J., & Oursler, W. (1961). *The murderers: The story of narcotic gangs*. New York, NY: Farrar, Straus, and Cudahy.

Balderrama, F., & Rodríguez, R. (2006). *Decade of betrayal: Mexican repatriation in the 1930s*. Albuquerque, NM: University of New Mexico Press.

Belair, F., Jr. (1969, October 2). Operation intercept: Success on line, futility in the air. *New York Times*.

Belenko, S. R. (2000). *Drugs and drug policy in America: A documentary history*. Westport, CT: Greenwood Press.

Bowden, M. (2001). *Killing Pablo: The hunt for the world's greatest outlaw*. New York, NY: Atlantic Monthly Press.

Brand, D. (October 3, 1969) Operation intercept turns up little dope and lots of resentment. *Wall Street Journal*. Retrieved from *Historical Wall Street Journal*.

Calderón, F., & Castillo, A. Editors. (2012). *Challenging authoritarianism in Mexico: Revolutionary struggles and the Dirty War, 1964–1982*. New York, NY: Routledge.

Campos, I. (2012). *Homegrown: Marijuana and the origins of Mexico's war on drugs*. Chapel Hill: University of North Carolina Press.

Carey, E. (2005). *Plaza of sacrifices: Gender, power, and terror in 1968 Mexico*. Albuquerque: University of New Mexico Press.

Carey, E. (2014). *Women drug traffickers: Mules, bosses, and organized crime*. Albuquerque: University of New Mexico Press.

Chinese Exclusion Act of 1882 *(An act to inaugurate certain treaty stipulations relating to Chinese)*, Sess. I. Chapter 126; 22 Stat, 58. 47th Congress, Approved May 6, 1882.

Corrado, S., & Realacci, F. (2014, June). The business relationship between Italy's Mafia and Mexico's drug cartels. InsightCrime: Investigation and analysis of organized crime. Retrieved from www.insightcrime.org/news-analysis/the-business-relationship-between-italys-mafia-and-mexicos-drug-cartels.

Courtwright, D. (2001). *Dark paradise: A history of opiate addiction in America*. Cambridge, UK: Harvard University Press.

Daniels, R. (2004). *Guarding the golden door: American immigration policy and immigrants since 1882*. New York, NY: Hill and Wang.

Díaz, G. (2015). *Border contraband: A history of smuggling across the Rio Grande*. Austin, TX: University of Texas Press.

Editorial. (1969, October). *Excélsior*.

Escobar Gaviria, R., & Fisher, D. (2009). *The accountant's story: Inside the violent world of the medellín cartel*. New York, NY: Grand Central.

Executive Office of the President of the United States. (2013). *National drug control strategy: Data supplement*, pp. 75–78. Retrieved from www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/2013_data_supplement_final2.pdf.



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Federal Act Banning Opium Imports and Exports to and from China. (1887). 49th Congress, session II, chapter 210, Statues of the United States.

Fried, R. M. (1990). *Nightmare in red: The McCarthy era in perspective*. New York, NY: Oxford University Press.

Friman, R. H. (1996) *Narcodiplomacy: Exporting the war on drugs*. Ithaca, NY: Cornell University Press.

Gladchuk, J. J. (2013). *Hollywood and anticommunism: HUAC and the evolution of the Red Menace, 1935–1950*. Hoboken, NJ: Taylor and Francis.

Goethe, C.M. (1928, December). The influx of Mexican Amerinds. *Eugenics: A Journal for Race Betterment 1, 3*.

González, J. (2000). *Harvest of empire: A history of Latinos in America*. New York, NY: Viking Press.

Gooberman, L. A. (1974). *Operation intercept: The multiple consequences of public policy* New York, NY: Pergamon Press.

Gootenberg, P. (2009). *Andean cocaine: The making of global cocaine*. Chapel Hill, NC: University of North Carolina Press.

Gyory, A. (1998). *Closing the gate: Race, politics, and the Chinese Exclusion Act*. Chapel Hill, NC: University of North Carolina Press.

Hernández, K. L. (2010). *Migra: A history of the border patrol*. Berkeley, CA: University of California Press.

Jakobi, A. P. (2013). *Common goods & evils: The formation of global crime governance*. Oxford, UK: Oxford University Press.

"Kills Six in Hospital," (1925, February 21). *The New York Times* "Kills Six in Hospital: Mexican, Crazed by Marijuana, Runs Amuck with Butcher Knife," p. A1.

Levine, H. G., & Reinarman, C. (1991). From Prohibition to regulation: Lessons from alcohol policy for drug policy. *The Milibank Quarterly*, *69*, 461–494.

Liddy, G. G. (1980). *Will: The autobiography of G. Gordon Liddy*. New York, NY: St. Martin's Press.

Marak, A. (2014). Just say no to drugs: Mexico's war on alcohol in Ciudad Juárez during Prohibition. *Criminal Justice and Law Enforcement Annual: Global Perspectives*, *6*, 277–298.

Martin, W. C. (2013). Cartels, corruption, carnage, and cooperation. In T. Payan, K. Staudt, & Z. A. Kruszewski (Eds.), *A war that can't be won: Binational perspectives on the war on drugs* (pp. 33–64). Tucson, AZ: University of Arizona Press.

Mayor's Committee on Marihuana. (1944). *The Marihuana problem in the city of New York*. Lancaster, PA: Cattell Press, 3. Also see report at www.druglibrary.org/schaffer/library/studies/lag/lagmenu.htm.

McClain, C. (1994). *In search of equality: The Chinese struggle against discrimination in nineteenth-century America*. Berkeley, CA: University of California Press.

McWilliams, J. C. (1990). *The protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930–1962*. Newark, NJ: University of Delaware Press.

"Mexican Family Go Insane," (1927, February 6), *The New York Times* retrieved from the *Historical New York Times*.

"Mexico to Join US in Fight on Drugs," and "Mexico Bans Marihuana," (1925, December 29). *The New York Times*, retrieved from *Historical New York Times*.

Musto, D. (Ed.) (2002a). *Drugs in America: A documentary history*. New York, NY: New York University Press.

Musto, D. (Ed.) (2002b). *The American disease and his one hundred years of heroin*. Westport, CT: Auburn House.

Naím, M. (2005). *Illicit: How smugglers, traffickers, and copycats are hijacking the global economy*. New York, NY: Bantam.

Nasser, M.R. (2008) *Tra(n)zando identidades: Colombian Neighborhoods, Images, and Narratives from Narco-trafficking to Beauty Queens*, PhD dissertation, Tulane University, New Orleans, LA.

Nordstrom, C. (2007). *Global outlaws: Crime, money, and power in the contemporary world*. Berkeley, CA: University of California Press.

Okrent, D. (2010). *Last call: The rise and fall of Prohibition*. New York, NY: Scribner.

"Operation Cooperation," (1970, May–June). *BNDD Bulletin*.

Padilla, T. (2008). *Rural resistance in the land of Zapata: The Jaramillista movement and the myth of Pax Priísta, 1940–1962*. Durham, NC: Duke University Press.

Paley, D. (2014). *Drug war capitalism*. Oakland, CA: AK Press.

Peña, S. C. (1945). Special Employee to Commissioner of Customs, July 7, 1945, Drug Enforcement Administration, Subject Files of the Bureau of Narcotics and Dangerous Drugs, 1916–1970, RG 170, Box 161, National Archives II, College Park, MD.

Perea, J. F. (1997). The black/white binary paradigm of race: The normal science of American racial thought. *California Law Review*, *85*(5), 1213–1285.

"Plants Cause Madness." (1913, May). *The Washington Post*, retrieved from the *Historical Washington Post*.

Reuter, P. (May 2014). The mobility of drug trafficking. *Ending the drug wars: Report of the LSE Expert Group on the Economics of Drug Policy*, pp. 33–40.

Salazar, R. (1995). *Border correspondent: Selected writings 1955–1970*, M. T. Garza (ed.). Berkeley, CA: University of California Press.

Schneider, E. (2008). *Smack: Heroin and the American city*. Philadelphia, PA: University of Pennsylvania Press.

Schrag, Z. M. (2010). *Ethical imperialism: Institutional review boards and the social sciences, 1965–2009*. Baltimore, MD: The Johns Hopkins University Press.

Schrecker, E. (1998). *Many are the crimes: McCarthyism in America*. Boston, MA: Little, Brown.

St. John, R. (2011). *Line in the sand: A history of the Western US-Mexico border*. Princeton, NJ: University of Princeton Press.

Task Force Report: Narcotics, Marijuana & Dangerous Drugs. (1969, June 9). Special Presidential Task Force, report National Archives, Nixon Presidential Materials, White House Special Files: Staff Members and Office Files Egil Krogh, box 30, "Operation Intercept" also National Security Archive. Retrieved from www.gwu.edu/˜nsarchiv/NSAEBB/NSAEBB86/.

Terry, C. E. (1927). Further Study and Report on the Use of Narcotics under the Provision of Federal Laws in Six Communities. Bureau of Social Hygiene, New York. New York, NY: New York Academy of Medicine.

*United States v. Jin Fuey Moy* 241 U.S. 394 (1916).

U.S. Congress. (1956). Hearings Before the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary, Illicit Narcotics Traffic, United States Congress, 84th Congress. Washington, DC: US G.P.O. 1956.

U.S. Drug Enforcement Administration. (2008). *Drug Enforcement Administration: A tradition of excellence, 1973–2008*. Washington, DC: DEA, 2008.

*United States v. Albert Bravo*, 10 F.3d 79 (2d Cir. 1993).

Walker, W. (1992). *Drug control policy, essays in historical and comparative perspective*. University Park, PA: Pennsylvania State University Press.

Watts, M. (2012). A tale of two gulfs: Life, death, and dispossession along two oil frontiers. *American Quarterly*, *64*(3), 437–467.

"Weeds that Cause Insanity," (1914, June), *The Washington Post* retrieved from the *Historical Washington Post*.

Wolfe-Wylie, W. (2014, October). What illegal drugs cost on the street around the world. Retrieved from http://o.canada.com/business/interactive-what-illegal-drugs-cost-on-the-street-around-the-world.



Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3

Downloaded By: 10.3.97.143 At: 20:30 06 Dec 2023; For: 9781317211563, chapter2, 10.4324/9781317211563-3