



The Fence as a Metaphor for How the United States Views Its Relations with Mexico

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A ubiquitous word in the writings of Mexican intellectuals when they describe their country's relations with the United States is "asymmetry." The asymmetry is evident: the United States is a world power, Mexico is at best a regional one; U.S. troops are engaged in hot combat in Iraq and Afghanistan, while Mexico eschews foreign military engagement; U.S. gross domestic product is 16 times larger than that of Mexico; U.S. GDP per capita in purchasing power parity terms is \$42,000 and that of Mexico is \$10,000; the United States' population is almost three times the size of Mexico's; U.S. merchandise imports from Mexico are 0.14 percent of U.S. GDP, but viewed from Mexico, these exports make up 22 percent of Mexico's GDP.

The combination of asymmetry and historical interaction makes the relationship one of dependency on the Mexican side and domination on the U.S. side. This was evident more than 150 years ago in the U.S. territorial grab that culminated into the Treaty of Guadalupe-Hidalgo in 1848 and ended the Mexican-American War. Migrants come from Mexico to seek low-skill jobs in the United States, whereas U.S. nationals are more likely to migrate to Mexico to make their incomes go further in retirement. I have long been convinced that the durability of this dependence/dominance behavior is reflected in each country's policy decisions. The U.S. Congress has just demonstrated the accuracy of this belief in its approach to immigration legislation. President George W. Bush reinforced the congressional behavior by ignoring a letter from the Mexican foreign minister to veto the authorization of \$1.2 billion as a down payment on double-layer fencing along 700 miles of the border where many undocumented Mexican migrants cross into the United States.

Immigration has been an important theme of debate in the U.S. Congress during past two years. President Bush did not submit specific legislation, but he made clear that he wanted a temporary foreign worker program, of a size not clearly specified, under which "willing workers" would be matched with "willing employers" to do work that he argued U.S. workers would not do. In addition, there are

now an estimated 11–12 million persons living in the United States without proper documents, and some 6–7 million of these are Mexicans. President Bush proposed that these undocumented persons could be "regularized" by providing them with legal work visas valid for three years, renewable for a second three-year period, after which they would have to leave the United States and be placed at the end of the queue for legal residence visas, or green cards. It is hard to know how this proposal would work in practice, and it will not be given a test any time soon.

Instead, the U.S. House of Representatives passed a bill that was purely restrictionist in that it specified ways that undocumented border crossing should be halted, and only after that was accomplished—if even then—would the House consider other aspects of legal migration into the United States. The techniques for keeping out undocumented immigrants included double-layer fencing along the border, better sensor equipment and more border patrol personnel to interdict unauthorized border crossing, and labeling such undocumented border crossing a felony; and, in addition to that, President Bush ordered the placement of 10,000 National Guard personnel at the border to work with the Border Patrol so that the latter could devote more of their time to halting border crossing.

The U.S. Senate passed a different kind of bill, one much closer to President Bush's earlier stated wishes. The Senate bill contained provision for temporary worker programs, the possibility for the millions of undocumented persons living in the United States to "earn" legalization, and fencing—although this was not as extensive as the fencing provision in the House bill. A difference arose immediately as to whether 10 years or so of "earning" legalization by working in the United States and not committing any crimes during that time constituted "amnesty." The Senate bill did not categorize persons living in the United States without proper papers as committing a felony, which is a deportable and/or an imprisonment offense.

The naming of conferees from the two houses of Congress to reconcile their differences did not take place. At the

ultimate moment, on September 30, just before Congress recessed for the November 7 midterm elections, the Senate did pass a bill authorizing 700 miles of fencing. President Bush signed the authorization for \$1.2 billion to get this started. The issue is now a prominent feature of many House and Senate electoral contests, which undoubtedly was a key reason for passing it. Whether 700 miles of fencing will be built, and whether other features of the legislation will be carried out after the elections, is hard to predict. Much depends on how successful the anti-immigrant sentiment is in electoral contests and which party controls the House after the elections; the Republicans are more uniform in their restrictionist fervor than the Democrats.

The House, in late September, also passed a border tunnel protection act by a vote of 422–0, which would authorize punishment of up to 20 years for persons financing or using a tunnel to cross the border into the United States. Twenty years! Dickens wrote about poor people imprisoned in his time for stealing a loaf of bread. The current punishment is Dickensian in dealing with people who break U.S. law in order to work and care for their families; the bulk of the people using tunnels are seeking work.

Much of the terrain over the 700 miles chosen is inhospitable to fencing because of rivers and deep ravines. The Senate built postelectoral flexibility into the fencing proposal, making it evident that this was preelectoral posturing. Authorization is not the same as appropriation, and the latter, if it comes at all, must take place after the elections. The vote in favor of the Senate bill was lopsided and bipartisan, 80 in favor and only 19 against. All Republicans save Lincoln Chafee (of Rhode Island) voted for the bill.

The North American Free Trade Agreement (NAFTA) went into effect only 12½ years ago, and it was designed to create an economically integrated North America in which the three countries would cooperate to resolve common problems. The objective of U.S.-Mexican cooperation was jettisoned in favor of domestic U.S. politics in the fence authorization and its approval by President Bush. The intention may be to correct this overreaction after the U.S. elections, but the manner in which it was done patently demonstrated the U.S. attitude of domination. This will make it harder to obtain Mexican cooperation when the situation is reversed, say, in reducing narcotics traffic into the United States.

The Immigration Reform and Control Act of 1986 contained a provision under which employers who knowingly hire undocumented workers could be punished. This part of the law was largely ignored by the U.S. government. Indeed, the Congress made clear that it did not wish to punish employers when it refused to enact a method

under which employers could act “knowingly”; the forms of identification chosen were documents such as a driver’s license or a social security card, which could be and were easily forged. After years of inaction, the U.S. government has stepped up action against employers during the past half year or so.

The Congress contributed to the buildup of undocumented persons in the United States by making clear that internal enforcement of the law was secondary, but it is now demonstrating its wrath against foreign workers who took advantage of this situation. Of the 11–12 million undocumented persons now living in the United States, about 40 percent were not border crossers, and rather persons who had valid visas to enter the country but then “overstayed” their permitted time.

Vigorous internal enforcement of employer penalties is probably more effective than a fence as a way of limiting undocumented entry into the United States. A fence is not a comprehensive deterrent because it does not catch visa overstayers; fences can be penetrated, as evidenced by how beefed up border enforcement has not prevented large numbers of entrants into the United States without papers. It is not surprising that U.S. employers of undocumented workers have more clout in the U.S. Congress than do undocumented workers.

A U.S. fence is designed to keep out clandestine entrants. This is not comparable to the wall that the USSR erected to keep East Germans from leaving to the West, but this difference is being largely ignored in Mexico and Latin America. The United States is now being portrayed as a country that wishes to fence itself off from its neighbors.

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