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**Illicit Americas: Historical Dynamics of Smuggling in U.S.
Relations with its Neighbors**

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Historical Dynamics of Smuggling in U.S. Relations with its Neighbors

The proliferation of illicit cross-border flows in the Americas—ranging from unauthorized migrant workers and psychoactive substances to arms and dirty money—is often portrayed as an alarming and unprecedented challenge to borders and government authority in the region.¹ Policing such border flows has also become an increasingly prominent (and sometimes highly divisive) issue in U.S. relations with its neighbors, as Washington has pushed for tighter border controls and more intensive crackdowns on smuggling.²

At first glance, there is indeed much that is new and novel—most dramatized by the sheer magnitude of drug-related violence in recent years in countries such as Mexico and Honduras. Yet from a much broader historical perspective, illicit cross-border flows of various sorts have been a defining feature of U.S. commercial relations with its neighbors from the very start, suggesting that there is much more continuity with the past than conventional accounts recognize.³ Indeed, as this brief review points out, the drug story is actually a relatively late chapter—and not necessarily the most important one—in a much longer story of intense battles over smuggling in the Americas, with illicit flows moving not just south to north but also

¹ It should be emphasized that official estimates of the size and magnitude of such illicit flows in the Americas and elsewhere are “guesstimates,” at best. For a more detailed and critical discussion, see Peter Andreas and Kelly M. Greenhill, *Sex, Drugs, and Body Counts: The Politics of Numbers in Global Crime and Conflict* (Ithaca: Cornell University Press, 2010).

² This contrasts sharply with the otherwise strong push to liberalize markets and promote free trade in the region in recent decades—which can also produce tensions and contradictions. For early accounts in the case of the drug trade, see Peter Andreas, “Free Market Reform and Drug Market Prohibition: US Policies at Cross-Purposes in Latin America,” *Third World Quarterly* 16, no. 1 (1995): 75-88; and Peter Andreas and Coletta Youngers, “US Drug Policy and the Andean Cocaine Industry,” *World Policy Journal* 6, no. 3 (1989): 529-562.

³ For a more detailed account, see Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (Oxford University Press, 2013).

north to south (for this reason, I devote relatively little attention to the drug issue here since it receives a disproportionate amount of attention elsewhere).

Porous borders and weak government capacity have long defined the region, and attempts to secure borders and tighten controls have often had the perverse and unintended consequence of creating a more formidable smuggling challenge. At the same time, efforts to regulate illicit border crossings have expanded the reach of central government authority and stimulated the development of border enforcement infrastructure and capacity. Bringing this history back in to contemporary policy debates can offer fresh perspectives and lessons and provide an antidote to the often shrill and hyperbolic public discourse today about “out of control” borders.

Early history: The illicit trade and conflict connection

Much is made of the connection between illicit trade and insurgency today, with labels such as “narco-insurgents,” “narco-guerillas,” and “narco-terrorists” commonly used to describe the close link between Colombia’s FARC and the cocaine business. Such a link no doubt contributes to the stubborn persistence of the FARC (though there is considerably debate regarding the nature and extent of the link). But there is nothing fundamentally new to this story. In various ways and to varying degrees, insurgents have long relied on illicit commerce of various sorts to fund their cause. This so-called crime-conflict nexus is not a post-Cold War invention. It goes back not just decades (note the controversial links between drugs and conflict during the Cold War in places ranging from Southeast Asia to South Asia to Central America) but centuries—as evident by looking at America’s own early history.

Nowhere is this more apparent than in the case of the American Revolution. This is not meant to suggest that the FARC are the equivalent to America’s Founding Fathers, but neither should the parallels be conveniently glossed over because they are impolite. Indeed, if anything, smuggling played a far more important role in the colonial era than today, with colonial merchants leading players in a thriving Atlantic smuggling economy.⁴

Smuggling goods in violation of strict British mercantilist trade rules was the cornerstone of colonial New England trade relations with the non-British Caribbean, with illicitly imported West Indies molasses keeping Rhode Island and Massachusetts rum distilleries running. Rum exports, in turn, were a crucial ingredient in the infamous triangle trade, in which New England rum was traded for West African slaves, who in turn were sold to Caribbean plantations in exchange for more molasses. John Adams frankly acknowledged the importance of molasses as a precursor to the American Revolution: “I know not why we should blush to confess

⁴ For a more detailed account, see Peter Andreas, *Smuggler Nation*, chapters 1-3.

that molasses was an essential ingredient in American independence.”⁵

The increasingly militarized British policing campaign against clandestine commerce in the decade prior to the Revolution provoked mob riots, burning of customs vessels, and tar-and-feathering of customs agents and informants. Pivotal incidents and protests, such as the Boston Tea Party, were closely connected to smuggling interests.

Deploying the British Royal to do anti-smuggling enforcement work was a deeply unpopular move in the colonies. Benjamin Franklin was one of the harshest critics of militarized interdiction, sarcastically writing: “Convert the brave, honest officers of your navy into pimping tide-waiters and colony officers of the customs. Let those who in the time of war fought gallantly in defense of their countrymen, in peace be taught to prey upon it. Let them learn to be corrupted by great and real smugglers; but (to show their diligence) scour with armed boats every bay, harbor, river, creek, cove, or nook throughout your colonies; stop and detain every coaster, every wood-boat, every fisherman...O, this will work admirably!”⁶ Much has of course changed since Franklin wrote those words, but his basic critique of turning the military into anti-smuggling law enforcers still holds true today.

Once the armed rebellion in the American colonies began, the smuggling of war supplies—especially Dutch gunpowder transshipped through the Caribbean—sustained the Revolution in the crucial first phase before the French formally intervened on the side of the American rebels.⁷ Partly thanks to smuggling, a rag-tag force of colonial rebels was able to take on and defeat the world’s most powerful military. Smugglers put their illicit transportation methods, skills, and networks to profitable use by covertly supplying George Washington’s troops with desperately needed arms and gunpowder. Motivated as much by profit as patriotism, they also served as privateers recruited by Washington for his makeshift naval force.⁸

And this was just one of a number of major American military conflicts in which success on the battlefield was tied to entrepreneurial success in the underworld of smuggling. Smuggling and war fighting went hand in hand throughout the nation’s early history, from “trading with the enemy” in the War of 1812 to blockade running during the American Civil War.

⁵ John Adams to William Tudor, 11 August 1818, in John Adams, *The Works of John Adams, Second President of the United States: With a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams*, ed. Charles Francis Adams, 10 vols. (Boston: Little, Brown, 1856), 10:345.

⁶ *The Political Thoughts of Benjamin Franklin*, ed. Ralph L. Ketcham (1965; reprint Indianapolis, IN: Bobbs-Merrill, 2003), 262.

⁷ See Andreas, *Smuggler Nation*, chapter 3.

⁸ Robert H. Patton, *Patriot Pirates: The Privateer War for Freedom and Fortune in the American Revolution* (New York: Pantheon, 2008).

One of the many profiteers of the American War of Independence was John Brown of Providence—who was also one of the founders of the university that bears his name. He emerged from the war as probably the wealthiest man in Rhode Island, and also dabbled in the slave trade even after it was banned.⁹ His abolitionist brother, Moses Brown, meanwhile, preferred to engage in the illicit acquisition of British industrial technologies—and hired Samuel Slater (who smuggled himself out of England in violation of strict emigration laws)—to work on and perfect the machinery. Slater is remembered as the father of the American industrial revolution.

Smuggling proved to be equally important in the American Civil War, deeply implicating neighboring Mexico and the Bahamas in Confederate efforts to evade the Northern blockade of Southern ports. Particularly important was the smuggling of cotton out to finance the smuggling of arms and other war supplies in. Cotton had all the attributes of a highly profitable “conflict commodity”—using today’s language, we could call it “blood cotton.” Mexico provided a convenient backdoor for confederate cotton, as did Nassau in the Bahamas. Not unlike other insurgencies past and present, smuggling was a crucial factor in explaining why the American Civil War lasted as long as it did. However, in contrast to the American Revolution, smuggling was ultimately not enough to fundamentally shift the military balance of power on the ground in favor of the South. The Northern blockade was highly porous (and highly profitable for blockade runners), but still effective enough to constrain the Southern war effort.¹⁰

Then, as now, it was often difficult to clearly differentiate between greed and grievance in motivating rebellion. But there is certainly no evidence to suggest that today’s insurgents are more profit driven than some of their American predecessors: one need only look at the large and lucrative privateering business (which the British defined as piracy) during the American Revolution or the blockade running business during the American Civil War to realize how much the profit motive can contribute to a rebel political cause. The grievances were real, but so too were the contraband fortunes made from war. In this regard, “blood diamonds” and other “conflict commodities” today are no more important than Confederate cotton was in fueling a war that cost more American lives than any other conflict in U.S. history.

Finally, we should not forget the crucial role of the United States in illicitly supplying neighboring rebellions, ranging from the Haitian Revolution in the early years of the new republic (when American merchants defied Thomas Jefferson’s orders to stop supplying the island’s rebellion against French rule), to the Mexican Revolution in the early 20th century (when arms still flowed south despite the deployment of thousands of U.S. troops to the border to stop the flow and enforce neutrality

⁹ See, for example, Charles Rappleye, *Sons of Providence: The Brown Brothers, the Slave Trade, and the American Revolution* (New York: Simon and Schuster).

¹⁰ On the dynamics of blockade running, see Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988).

laws).¹¹ The parallels to today's gunrunning across the border are striking, even if the American guns are now supplying drug traffickers rather than revolutionary bandits such as Pancho Villa.

The early history of human smuggling

The smuggling of people, not just goods, has also long been a crucial illicit economic link between the United States and its neighbors—long predating today's preoccupation with the smuggling of Mexicans and other migrants across the southern border. Indeed, the U.S.-Mexican War can be interpreted as a war over illegal American immigration, with the famous battle of the Alamo a de facto militarized immigration control campaign. Mexico banned further American migration to Texas, but the Americans kept coming.¹²

American slavers and American built and flagged slave ships were also the leading players in the transatlantic slave trade despite a 1808 federal ban on U.S. involvement.¹³ Southern U.S. plantations continued to illicitly import slaves after the ban, but by far the most important importers were Cuba and Brazil. New York City was the world's leading center for outfitting slave ships right up until the outbreak of the American Civil War, much to the frustration of the British-led maritime campaign to suppress the trade.¹⁴

A very different sort of slave smuggling—the smuggling of fugitive slaves out of the United States via the so-called “underground railroad”—was made possible by neighboring countries (Mexico and Canada) ignoring U.S. fugitive slave laws and

¹¹ On illicit supplies to the Haitian rebels, see Donald R. Hickey, “America's Response to the Slave Revolt in Haiti, 1791-1806,” *Journal of the Early Republic* 2, no. 4 (Winter 1982): 361-79. On the smuggling of U.S. arms into Mexico during the Mexican Revolution, see Charles H. Harris and Louis R. Sadler, *The Border and the Revolution: Clandestine Activities of the Mexican Revolution, 1910-1920* (Silver City: High Lonesome, 1988). On the particular importance of El Paso, see Harris and Sadler's *The Secret War in El Paso: Mexican Revolutionary Intrigue, 1906-1920* (Albuquerque: University of New Mexico Press, 2009).

¹² See Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca: Cornell University Press, 2000).

¹³ For a comprehensive review of state and federal anti-slave trade laws, see W.E.B. Dubois, *The Suppression of the African Slave Trade to the United States of America 1638-1870* (New York: Russell & Russell, 1965, first published 1898).

¹⁴ See Ann Farrow, Joel Lang, and Jennifer Frank, *Complicity: How the North Promoted, Prolonged, and Profited from Slavery* (New York: Ballentine, 2006); Warren S. Howard, *American Slavers and the Federal Law, 1837-1862* (Berkeley: University of California Press, 1963).

successfully resisting intense U.S. diplomatic pressure.¹⁵ The fugitive slave issue was a major diplomatic irritant in U.S.-Canada and U.S.-Mexico relations, and was not resolved until the abolition of slavery itself.

It is also useful to remember that the first illegal migrants from Mexico that preoccupied U.S. border enforcers were not even Mexican but Chinese.¹⁶ Indeed, the federal government did not get into the business of controlling immigration in a serious and sustained way until the efforts to prohibit Chinese immigration in the 1870s and 1880s—marking the beginning of Washington’s long and tumultuous history of trying to keep out “undesirables.” Before then, regulating immigration was mostly left to the states to sort out.

Starting in the 1850s, tens of thousands of Chinese laborers (many of whom left China in violation of their country’s emigration laws) were welcomed in the American west as a source of cheap labor, especially to build the transcontinental railroad. But they were never welcomed as people. From the start, Chinese could not become citizens. So it is little surprise that when the demand for Chinese labor dried up, an anti-Chinese backlash quickly followed. And it is also no surprise that the backlash was most intense in California, home to most of the country’s Chinese population. By 1870, Chinese composed some ten percent of the state’s population and about one-fourth of its workforce.

As political pressure to “do something” about the “yellow peril” intensified, Congress first passed the Page Act of 1875 (with enforcement mostly aimed at keeping out Chinese prostitutes), followed by the far more sweeping Chinese Exclusion Act of 1882. These exclusions were renewed, revised, strengthened, and extended to other Asian groups in subsequent years and decades (and were not repealed until 1943). The front door was being closed and the welcome mat pulled up.¹⁷

As front door entry through San Francisco and other seaports became more heavily policed in the late 19th century, more and more Chinese immigrants turned to entry through the back door: America’s vast and minimally policed northern and southern land borders. Canada became the favored transit country for smuggling Chinese immigrants into the United States in the late 1880s and 1890s. But as enforcement improved due to greater Canadian cooperation by the turn of the century, Chinese migrants and their smugglers increasingly turned to the southern backdoor through Mexico as the favorite gateway to the United States. So rather than ending Chinese smuggling, U.S. enforcement pressure on Canada and the northern border simply

¹⁵ See Ronnie C. Tyler, “Fugitive Slaves in Mexico,” *Journal of Negro History* 57, no. 1 (January 1972): 1-12; Ethan A. Nadelmann, *Cops Across Borders* (Penn State Press, 1993), 36.

¹⁶ See especially Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009).

¹⁷ See Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003).

redirected it to Mexico—and Mexico was far less inclined to cooperate with the United States given the still festering wounds from having lost so much of its territory after the Mexican-American War more than half a century earlier. U.S. State Department efforts to negotiate agreements with the Porfirio Diaz regime to curb Chinese entries went nowhere.

The U.S.-Mexico border, long a gateway for smuggling goods, was now also becoming a gateway for smuggling people. As was the case in Canada, new steamship, railway, and road networks greatly aided migrant smuggling through Mexico. But unlike in Canada, Mexican transport companies showed little willingness to cooperate with the United States. An agent for one steamship company reportedly told U.S. authorities that his next scheduled ship was expected to carry some three hundred Chinese passengers to the northern Mexican port of Guaymas. “For all I know they may smuggle themselves into the United States and if they do I do not give a d-n, for I am doing a legitimate business.”¹⁸ Guaymas was connected by railway to the border town of Nogales.

The Treaty of Amity and Commerce signed by China and Mexico in 1899, and the establishment of direct steamship travel between Hong Kong and Mexico in 1902, opened the door for a surge in Chinese migration to Mexico. And this, in turn, provided a convenient stepping-stone for clandestine migration to the United States. In 1900 there were just a few thousand Chinese in Mexico, but less than a decade later nearly 60,000 Chinese migrants had departed to Mexico. Some stayed, but the United States was a far more attractive destination. A banker in Guaymas, the Mexican port in the border state of Sonora, told U.S. Immigration Inspector Marcus Braun in 1906 that about 20,000 Chinese had come to the state in recent years, but that less than 4,000 remained. In his investigations, Braun witnessed Chinese arriving in Mexico, and reported that, “On their arrival in Mexico, I found them to be provided with United States money, not Mexican coins; they had in their possession Chinese-English dictionaries; I found them in possession of Chinese-American newspapers and of American railroad maps.”¹⁹

In 1907, a U.S. government investigator observed that between twenty and fifty Chinese arrived daily in the Mexican border town of Juarez by train, but that the Chinese community in the town never grew. As he put it, “Chinamen coming to Ciudad Juarez either vanish into thin air or cross the border line.”²⁰ Foreshadowing future developments, a January 1904 editorial in the *El Paso Herald-Post* warned that “If this Chinese immigration to Mexico continues it will be necessary to run a barb wire fence along our side of the Rio Grande.”²¹ The *El Paso* immigration inspector stated in his 1905 annual report that nearly two-thirds of the Chinese arriving in Juarez are smuggled into the country in the vicinity of El Paso, and that migrant smuggling is the sole business of “perhaps one-third of the Chinese

¹⁸ Quoted in Lee, *At America's Gates*, 181.

¹⁹ Quoted in Ettinger, *imaginary Lines*, 100.

²⁰ Quoted in Lee, *At America's Gates*, 159.

²¹ Quoted in Ettinger, *imaginary Lines*, 93.

population of El Paso.”²²

With Mexico becoming the most popular backdoor to the United States, some smugglers relocated their operations from the U.S.-Canada border to the U.S.-Mexico border. One smuggler who made this move, Curley Roberts, reported to a potential partner: “I have just brought seven yellow boys over and got \$225 for that so you can see I am doing very well here.”²³ Some historians note that border smuggling operations involved cross-racial business collaborations, with white male smugglers often working with Chinese organizers and Mexicans serving as local border guides. A 1906 law enforcement report on Chinese smuggling noted that, “All through northern Mexico, along the lines of the railroad, are located so-called boarding houses and restaurants, which are the rendezvous of the Chinese and their smugglers, and the small towns and villages throughout this section are filled with Chinese coolies, whose only occupation seems to be lying in wait until arrangement can be perfected for carrying them across the border.”²⁴

As U.S. authorities tightened enforcement at urban entry points along the Mexico-California border, smugglers shifted to more remote parts of the border further east in Arizona, New Mexico, and Texas. And following the earlier pattern on the U.S.-Canada border, this provided a rationale for the deployment of more agents to these border areas. In addition to hiring more port inspectors, a force of mounted inspectors was set up to patrol the borderline by horseback. As smugglers in later years turned to new technologies such as automobiles, officials also pushed for the use of the same technologies for border control.

With the tightening of border controls, smugglers sometimes opted to simply buy off rather than try to bypass U.S. authorities in their efforts to move their human cargo across the line. This was the case in Nogales, Arizona, where border inspectors, including the collector of customs, reportedly charged smugglers between \$50 and \$200 per head until their arrest by special agents of the Treasury Department and Secret Service operatives in August 1901. Covering the case, the *Washington Post* reported that, “with two or three exceptions, the whole customs and immigration administration at Nogales are involved” in the smuggling scheme.²⁵

Chinese were not the only ones coming in through the back door. They were simply at the top of a growing list of “undesirables.” By the last decades of the 19th century federal law also prohibited the admission of paupers, criminals, prostitutes, “lunatics,” “idiots,” and contract workers in general (not just Chinese). And the list of inadmissible aliens kept growing: “those convicted of a crime of moral turpitude,” polygamists, and persons with loathsome or dangerous contagious diseases were added in 1891. By 1903 there was a lengthy list of excludable illnesses,

²² Quoted in James Bronson Reynolds, “Enforcement of the Chinese Exclusion Law,” *Annals of the American Academy of Political Science* 34, no. 2 (1909): 368.

²³ Quoted in Lee, 159.

²⁴ Quoted in Ettinger, 60.

²⁵ “Bribes from Chinese,” *Washington Post*, 25 August 1901.

with trachoma the most common health reason given for exclusion. Anarchists were added to the exclusion list in 1903, and “imbeciles” and Japanese laborers were added in 1907. Illiterates were banned from entry in 1917. The head tax also increased sharply, from fifty cents in 1891 to four dollars in 1907 and eight dollars in 1917. Not surprisingly, as seaports became more tightly regulated and policed, immigrants who feared being placed in one of these excludable categories increasingly turned to the back door. Those groups that were disproportionately being turned away at the front door ports of entry—including Lebanese, Greeks, Italians, Slavs from the Balkans, and Jews—found Mexico to be a convenient back door alternative.

Chinese reportedly ran much of the smuggling business in border towns west of El Paso, but relied on Mexicans to guide immigrants across the line. Also, given the importance of railways as the primary means of long-distance transport, it is little surprise that railroad workers, ranging from brakemen to dining car cooks to conductors, were found complicit in schemes to deliver smuggled migrants from the El Paso railroad terminal to interior destinations as far away as Chicago.

Since Mexicans were still of little concern to border inspectors, one deceptive ploy immigrants used to avoid being noticed was to try to appear Mexican. Almost all of the traffic back and forth through the port of entry in El Paso and in other urban areas along the border involved local residents who were typically not inspected. It was therefore not uncommon for unauthorized U.S.-bound immigrants, ranging from Greeks to Lebanese to Chinese, to attempt the border crossing simply by blending in.

The relationship between smugglers and law enforcers along the border was not entirely adversarial. Not only was corruption sometimes part of their relationship but they also occasionally rubbed shoulders socially. For instance, in his memoir, former immigration inspector Clifford Perkins notes that El Paso Deputy Sheriff Mannie Clements “had been mixed up with the smuggling of narcotics and Chinese,” and also recalls drinking rice whiskey with Charlie Sam, a prominent figure in the El Paso Chinese community who was reputed to be “the brains behind the smuggling of Chinese.” On another occasion, Tom Kate, dubbed the “king of smugglers” in the El Paso area, apparently threw a party for the city’s attorneys and judiciary members. The list of prominent attendees included federal judicial commissioners whose workload included cases involving Chinese migrant smuggling and the assistant U.S. attorney prosecuting such smuggling cases.²⁶

The Mexican Revolution between 1910 and 1917 and World War I disrupted the use of Mexico as a steppingstone for illegal entry by non-Mexicans into the United States. But migrant smuggling through Mexico strongly rebounded when international steamship service was resumed. However, this mostly now involved

²⁶ The information in this paragraph is drawn from Clifford Perkins, *Border Patrol: With the U.S. Immigration Service on the Mexican Boundary, 1910-54* (El Paso: Texas Western Press, 1978).

smuggling Europeans rather than Chinese. Mexico had become a far less hospitable environment for Chinese during the course of the Mexican Revolution, with many Chinese residents in Mexico robbed and abused as a particularly vulnerable minority population (and many fled the chaos and violence of the revolution years by moving to the United States illegally).

The growing influx of unauthorized Mexican workers, meanwhile, was largely tolerated, and employers informally recruited large numbers of Mexicans to work in southwest agriculture. Formal, legal entry was complicated, but crossing the border illegally was relatively simple and largely ignored. Strict controls against Mexicans crossing the border were widely perceived as neither viable nor desirable. As a substitute for European and Asian workers, Mexicans were considered an ideal labor force: flexible, compliant, and temporary—a vital source of labor for agriculture and other sectors of the economy.

The Prohibition Era

The importance of smuggling in U.S. economic relations with its neighbors received a major boost when the sale of alcohol was prohibited in America between 1920 and 1933. This was America's first true "drug war," with powerful ripple effects across the region. But unlike today's southern-focused drug war, much of the war on alcohol smuggling focused on the northern border. The alcohol smuggling role of Canada and Canadian border towns (particularly Windsor across from Detroit) rivals the importance of Mexico and Mexican border towns today in the drug trade. But government complicity was even more blatant than it is today: Canadian distillers were given licenses to set up warehouses on the banks of the Detroit River, and Canadian customs agents would sign off on paperwork indicating the booze was not destined for the U.S. market just across the line.²⁷

Mexico also took advantage of the booming booze smuggling business, specializing in illicit tequila shipments across the border. At first, *Tequileros* (smugglers on horseback) dominated the business of moving the product into Texas, but a successful U.S. crackdown put them out of business by the late 1920s—only to be replaced by more organized, sophisticated, and violent smugglers using cars and trucks.²⁸ This dynamic of law enforcement "success" in putting some smugglers

²⁷ There is a substantial literature on the Prohibition era. See, for example, Daniel Okrent, *Last Call: The Rise and Fall of Prohibition* (New York: Scribner, 2010); John Kobler, *Ardent Spirits: The Rise and Fall of Prohibition* (1973 reprint, Da Capo Press, 1993). On the dynamics of smuggling across the U.S.-Canada border, see Peter Andreas, *Smuggler Nation*, 243-248.

²⁸ See George T. Diaz, "Twilight of the Tequileros: Prohibition-Era Smuggling in the South Texas Borderlands, 1919-1933," in Elaine Carey and Andrae M. Marak, eds. *Smugglers, Brothels, and Twine: Historical Perspectives on Contraband and Vice in North America's Borderlands* (Tucson: University of Arizona Press, 2011).

out of business prompting the rise of more difficult to police smugglers would repeat itself again and again in later anti-drug trafficking campaigns in Mexico and elsewhere in the region.

Finally, the Caribbean would again take advantage of geographic proximity to the United States in playing a lead role in the Prohibition-induced alcohol smuggling boom. Repeating the arms-for-cotton transshipment role it played during the American Civil War, Nassau in the Bahamas became a hub for supplying “Rum Row”—the flotilla of ships with cargoes of alcohol anchored off of the Atlantic coast just outside of U.S. territorial waters. Small fast boats would then dart out from the shore to load up and return while trying to evade U.S. Coast Guard ships.²⁹ History would repeat itself half a century later when Colombian drug traffickers such as Carlos Lehder used the Bahamas as a convenient jumping off point for their U.S.-bound illicit cargoes.

From evading tariffs to violating prohibitions

Some of the pioneers of illicit trade between the United States and its southern neighbors were smugglers of legal goods evading high tariffs and taxes—the classic “contrabandistas.” In the 20th century, as in the previous one, much of this contraband commerce flowed north to south, ranging from illicitly shipping Levis to Paraguay, cigarettes to Colombia, and kitchen appliances to Mexico. Small airplane became the preferred mode of transportation. Emptying their cargoes on the southbound trip, some of these planes began to load up with marijuana and other illegal drugs on the northbound return. This was a mostly non-violent trade, though corruption (paying off inspectors, air traffic controllers, and so on) was routine.³⁰

Although high taxes on particular luxury goods—most notably booze and cigarettes—continues to invite the smuggling of legal commodities today, the dramatic lowering of trade barriers through market liberalization across the region (and globally) has removed much of the incentives for this type of smuggling. In this sense, globalization through trade liberalization has actually significantly decreased smuggling.³¹

But while the lowering of trade barriers as part of the broader process of economic liberalization and market reform has drastically curtailed the smuggling of legal

²⁹ See, for example, Robert Carse, *Rum Row: The Liquor Fleet that Fueled the Roaring Twenties* (Mystic: CT: Flat Hammock Press 2007, reprint of 1928 book); Harold Waters, *Smugglers of Spirits: Prohibition and the Coast Guard Patrol* (New York: Hastings House, 1971); Everett S. Allen, *The Black Ships: Rumrunners of Prohibition* (Boston: Little, Brown 1979).

³⁰ Evert Clark and Nicholas Horrock, *Contrabandista!* (New York: Praeger, 1973).

³¹ This is an obvious but often forgotten point. For a discussion, see Peter Andreas, “Illicit Globalization: Myths, Misconceptions, and Historical Lessons,” *Political Science Quarterly* (Fall 2011).

goods both regionally and globally, the persistence and expansion of selective trade criminalization has given life to the smuggling of all sorts of prohibited goods. Some smugglers therefore simply switched products and adapted to changing market conditions. Moreover, the rising flow of legal goods across borders provided a convenient cover to hide illegal goods in commercial cargo conveyances.³²

The switch to illicit drugs (especially cocaine, heroin, and marijuana, but later also synthetics such as crystal meth and MDMA) is the most obvious example—magnified in importance by the profitability of the trade—but also includes endangered species and antiquities flowing north and small arms and dirty money flowing south (with the Cayman Islands and other places in the Caribbean becoming major financial havens with strict bank secrecy laws, serving a diverse clientele ranging from tax-evading corporate executives to drug traffickers stashing their ill-gotten gains).³³

Future trajectories

While the sheer magnitude of illicit border crossings is likely higher today than ever before, as a percentage of overall cross-border economic activity these flows are not necessarily more significant today than earlier historical eras. Viewed from this broader historical perspective, it is clear that the limited and highly uneven capacity to police illicit cross-border flows has always been a source of great frustration to government authorities. If anything, it should be recognized that U.S. capacity to police its borders today is probably greater than at any other time in history. But that does not mean that border controls are terribly effective—and that is unlikely to change anytime soon. More border agents will continue to be deployed, new detection and interdiction technologies will continue to be developed, but smugglers will also continue to go around, through, over, or under the border barriers. Policing campaigns will continue to shape the methods, organization, and location of smuggling, yet are unlikely to completely deter.

So where is this story headed? One thing for sure is that the story doesn't end. Smuggling will persist, as it always has—what will vary is the location, organization, method, and content. In 1984, the Wall Street Journal's editorial page advocated a constitutional amendment "There shall be open borders." But until that actually happens—an unlikely prospect anytime soon—we will continue to simultaneously treat borders as both bridges and barriers, and be frustrated by the inherent

³² For a more detailed discussion of how economic liberalization interacts with and shapes illicit cross border flows, see Peter Andreas, "Transnational Crime and Economic Liberalization," in Mats Berdal and Monica Serrano, eds. *Transnational Organized Crime and International Security* (Boulder: Lynn Reiner, 2002).

³³ For a useful recent examination of money laundering and anti-money laundering initiatives, see J.C. Sharman, *The Money Laundry: Regulating Criminal Finance in the Global Economy* (Ithaca: Cornell University Press, 2011).

awkwardness and difficulty of facilitating and enforcing at the same time.

In the case of drug trafficking, we can speculate that the violence that has overwhelmed Mexico in recent years will eventually subside but without a substantial reduction in the flow of drugs to the United States. One possibility is a partial shift in trafficking routes back to the Caribbean, but via growing use of submersibles and semisubmersibles. This is an alarming development from a U.S. national security perspective—since such delivery mechanisms can also deliver other things—but this is actually a positive trend from the perspective of reducing drug corruption and limiting the collateral damage of the drug trade along trafficking routes. After all, the more removed the illegal drug trade is from legal commerce, population centers, and transportation channels the better. Of course, if the use of submersibles and semisubmersibles really takes off (we are still at a fairly early stage), perhaps this will no doubt provide a rationale to adapt and deploy the navy's latest submarine detection technologies for counternarcotics purposes.

At the same time, we may see a growing domestication of the drug trade. A legalized or at least substantially decriminalized marijuana market, for example, would give domestic growers a distinct competitive advantage over foreign suppliers. Tighter border interdiction in recent decades has already served as an unintended form of marijuana protectionism (because marijuana is a bulky and smelly product it is the easiest drug to interdict and indeed the vast majority of border drug busts involve marijuana seizures). More effective interdiction would likely only reinforce this. Moreover, the development of new synthetics, including potentially synthetic cocaine, could reduce imports if the barriers to entry and the law enforcement-induced risks are sufficiently low. Of course, we may also simply see a repetition of the methamphetamine story, in which domestic law enforcement pressure has pushed much of the production to Mexico. In that case, we would simply have yet another illustration of history repeating itself.

Continuity and change

So what has really changed in this centuries-long smuggling story? Perhaps the most striking change is the enormous historical variability in what cross-border economic activities are (and are not) criminalized and prioritized by law enforcement in the first place. The single most important smuggling business today—drug trafficking—involves commodities that were not even illegal a century and more ago. And the backbone of much smuggling in earlier historical eras—the smuggling of legal goods to evade tariffs and taxes—is now more of a sideshow in the world of smuggling (albeit still important in some cases such as cigarettes).

This change in the content of smuggling also reflects an important normative change: whereas the backbone of smuggling in earlier centuries was tax evading trade, much of smuggling today involves violating prohibitions designed to eradicate rather than regulate the targeted activity. These prohibitions typically

involve moral condemnation; criminalization designates particular behavior as inherently “evil” and “bad.” It is not about generating revenue for state coffers or protecting domestic industries (as is often the case with tariffs), but rather about signaling moral disapproval and protecting dominant societal values. In this sense, smuggling today, even while thriving, is considered much more taboo than in earlier centuries (though this obviously varies considerably across place and types of smuggling). And no country in the world today is more aggressive in promoting and exporting its favored prohibitions than the United States—with its Latin American neighbors receiving a disproportionate amount of the attention. At the same time, the United States is highly selective in its moral condemnation—for example, targeting the drugs flowing north while virtually ignoring the weapons flowing south that arm the drug traffickers.

It is also reasonable to conclude that certain forms of smuggling today involve more violence than in the past. This is particularly evident in the case of the international drug trade, where the firepower wielded by some trafficking organizations presents a formidable threat to state authority (as was the case in Colombia in recent decades and Mexico and some Central American countries today). Part of this is explained simply by the unusually high financial stakes and high risks of the drug trade, an increasingly militarized war on drugs that leads to a Darwinian survival of the fittest (and most ruthless) traffickers, and the easy availability of high-powered weaponry (much of which originates in the United States and is smuggled to drug exporting and transit countries such as Mexico).

But this claim of change regarding the violent nature of smuggling should not be misunderstood or overstated. After all, no modern drug trafficking organization can come close to rivaling the power and reach of the British East India Company, which enjoyed a virtually monopoly on smuggling opium into China in its heyday. And indeed, when China finally balked at such smuggling and tried to crack down, the result was the Opium Wars of the mid-19th century in which the Chinese opium market was kept open through the barrel of the gun. Similarly, while much is made today of the smuggling of “conflict commodities” and arms trafficking in sustaining many contemporary wars, it would be hard to argue that any conflict commodity today has been more important than the role of smuggled cotton in helping to perpetuate the American Civil War, or the role of arms trafficking in helping George Washington’s troops defeat the world’s leading military power.

Moreover, while most of the attention today is on those illicit trades most closely associated with high violence—most notably the drug trade and sex trafficking—this too often overlooks the substantial diversity of illicit trade and its mostly non-violent nature. This includes, for example, the smuggling of endangered species (though this, too, is violence if one counts the substantial violence inflicted on the animals being smuggled), art and antiquities, money laundering (though some of these funds come from violent trades such as drugs), and intellectual property theft (including via the internet).

And even within the drug trade there is considerable variation in levels and types of violence that is too often overlooked. Cocaine and heroin, for example, are much more closely associated with violence than marijuana and hallucinogens (such as LSD and MDMA). There is a clear selection bias in media coverage and policy attention that privileges the most violent illicit trades, which in turn misleadingly suggests that illicit trades are inherently violent. For the most part, smugglers are sneaky rather than violent and predatory. They typically wish to evade and buy off the state rather than bully it. And while business disputes are sometimes resolved through violence or threats of violence because there are no legal protections (meaning some illicit actors resort to killing rather than suing each other), there may nevertheless be other forms of informal and largely non-violent dispute resolution mechanisms.³⁴

The revolutions in transportation and communication associated with globalization are also arguably a major source of change for both licit and illicit trade. As President Barack Obama put it in July 2011, “During the past fifteen years, technological innovation and globalization have proven to be an overwhelming force for good. However, transnational criminal organizations have taken advantage of our increasingly interconnected world to expand their illicit enterprises.” True enough. The Internet has even given rise to a new form smuggling—“cybersmuggling”—ranging from pirated software and industrial secrets to Hollywood films and child pornography. But in some respects this is simply a new medium rather than an entirely new type of crime.

Furthermore, as transformative as new technologies have been in shaping both licit and illicit business transactions, it would be difficult to argue that these new technologies have had a more profound impact than the rise of transoceanic commerce, the development of the telegraph, and the proliferation of train travel and the invention of the automobile—all long before globalization became a buzzword. In other words, new technologies do matter, often profoundly, but this is also an old story that dates back not just years and decades but centuries.

Law enforcement authorities have long grumbled about how new technologies advantage criminals. But less noticed is that law enforcement has also been a major beneficiary of technological change—consider, for instance, how much the invention of photography and fingerprinting enabled criminal investigations and the development of government-issued identification documents. The invention of the telephone aided not only criminals but also cops—including the use of wiretapping as a crucial tool in undercover investigations.

And new technologies today continue to be exploited by government authorities, as evident in the creation of more tamper-resistant travel documents and “smart” IDs with biometric identifiers, the creation of more expansive and sophisticated

³⁴ On the relationship between violence and illicit markets, see the special issue of *Crime, Law & Social Change*, September 2009 (guest edited by Peter Andreas and Joel Wallman, and sponsored by the Harry Frank Guggenheim Foundation).

databases for “data mining,” and the proliferation of high tech cargo tracking, monitoring, and inspection devices. Technology has also enabled governments to usually stay one step ahead of currency counterfeiters. Currency counterfeiting remains a serious problem today, but pales in comparison to the much more rampant counterfeiting during much of the 19th century.

Final thoughts

There never was a golden age of secure borders. To suggest otherwise is pure mythology, a false nostalgia for a past that never existed. Moreover, too often conveniently forgotten is that the magnitude of today’s border smuggling challenge is partly self-created: pressure on Colombian drug trafficking routes through the Caribbean and South Florida in the 1980s pushed the illicit trade westward to the U.S.-Mexico border—much to the delight of Mexican traffickers who today are Mexico’s most serious security challenge. Similarly, enforcement crackdowns on illegal migration at urban ports of entry along the southwest border in the 1990s pushed migrants to rely much more on the services of professional people smugglers to navigate the border crossing—creating a much more profitable and sophisticated transnational crime problem.

As has always been the case, there are inherent limits to how much border enforcers can deter, detect, and interdict illicit economic activities, especially while maintaining an open society and keeping borders open for legal trade and travel. In the case of the United States, for instance, an average of nearly a million people; more than sixty thousand truck, rail, and sea containers; and about a quarter-million privately owned vehicles legally entered the country *every day* in 2010. That same year, more than \$2 trillion in legal imports crossed out borders. Facilitating this enormous volume of licit border crossings while attempting to enforce laws against illicit crossings is and will remain an inherently cumbersome and frustrating task.

But this need not lead to more collective hyperventilating about broken borders and transnational crime threats. The sky is not falling. Of course, border crossings can and should be more effectively and efficiently regulated—which is needed not only to discourage unwanted crossings but also to facilitate legitimate trade and travel. But drawing more public and policy attention to these enormous challenges should not require resorting to shrill calls to “regain control” when borders were never actually under control in the first place.