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Nubia Batista Willman

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Reaping Whirlwind: How U.S. Interventionist Foreign Policies Created Our Immigration Crisis

Nubia Batista Willman

“Why aren’t we putting them on a bus like we normally do and send them back down to Guatemala?” Representative Mike Rogers (R) of Alabama.¹

On June 24, 2014, the Homeland Security Committee convened to determine the best approach to resolve the sudden increase of Central American unaccompanied minors and women seeking refuge in the United States.² By the time the Committee met, they discussed two main issues: one, how could the U.S. government repatriate thousands of Central Americans as quickly as possible, and two, what could be done to stop this border flooding.³ Throughout the discussion, the Committee members, as well as the pundits and politicians that followed, failed to acknowledge the major role U.S. military actions and policies played in creating this Central American exodus.

Latin Americans immigrating to the United States is not a new phenomenon, however 2014 saw a sharp increase in Guatemalans, Hondurans, and Salvadorans seeking refuge in the United States.⁴ The three countries are neighbors and connect North and South America; together these countries are known as the Northern Triangle.⁵ To make the 1,000 mile trek from the Northern Triangle to the United States, many immigrants travel through Mexico by riding a train known as *La Bestia*, the beast, putting their limbs and lives

¹ Unaccompanied Minors: Hearing Before H. Comm. on Homeland Security, 113 Cong. (2014) (Statement by Rep. Mike Rogers, Member, House Comm. on Homeland Security) available at <https://www.gpo.gov/fdsys/pkg/CHRG-113hhrg91929/html/CHRG-113hhrg91929.html>.

² Unaccompanied Minors: Hearing Before H. Comm. on Homeland Security, 113 Cong. (2014).

³ Patricia Zengerle, *Frustrated U.S. Lawmakers Urge Tough Action on Child Migration*, Reuters, June 24, 2014, http://articles.chicagotribune.com/2014-06-24/news/sns-rt-us-usa-immigration-children-20140528_1_own-border-security-guatemalan-tough-action.

⁴ Tom Dart, *Child Migrants at Texas Border: An Immigration Crisis That’s Hardly New*, The Guardian, July 9, 2014, <https://www.theguardian.com/world/2014/jul/09/us-immigration-undocumented-children-texas>.

⁵ Danielle Renwick, *Central America’s Violent North Triangle*, Council on Foreign Relations, Jan. 19, 2016, <http://www.cfr.org/transnational-crime/central-americas-violent-northern-triangle/p37286>

at risk.⁶ Their ultimate goal is to reach the U.S. border where they will present themselves to U.S. border agents and plead for humanitarian relief.⁷

Journalists quickly classified this situation as a “border crisis,” fanning the flames of the never-ending immigration debate, which resulted in extreme responses.⁸ In August 2014, then Texas Governor Rick Perry sent the National Guard to the border.⁹ Federal government officials created public service announcements to discourage anyone still planning the dangerous trek to the United States.¹⁰ The government’s most extreme response considered amending *The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* to facilitate deportation of children seeking refugee status.¹¹ This Act aims to protect unaccompanied immigrant children who are susceptible to trafficking.¹² In 2008, the Act passed unanimously.¹³ Yet, by 2014, both political parties attempted to find ways to dilute the remedies available through this Act.¹⁴

Immigration advocates and human rights activists viewed this attempt to bypass the rule of law as not only a violation of due process, but as a serious

⁶ Azam Ahmed, *Step by Step on a Desperate Trek by Migrants Through Mexico*, N.Y. TIMES, Feb. 8, 2016, available at <https://www.nytimes.com/2016/02/08/world/americas/mexico-migrants-central-america.html>.

⁷ Carl Huse, *Immigrant Surge Rooted in Law to Curb Child Trafficking*, N.Y. TIMES, July 7, 2014, available at <https://www.nytimes.com/2014/07/08/us/immigrant-surge-rooted-in-law-to-curb-child-trafficking.html>.

⁸ *Obama Calls Child Migrants an Urgent Humanitarian Issue*, ALJAZEERA AMERICA, June 2, 2014, at <http://america.aljazeera.com/articles/2014/6/2/obama-child-immigrantsalone.html>.

⁹ Antonio Olivo, *Deployed by Gov. Rick Perry, National Guard Adjusts to Its New Role on the Texas Border*, Sept. 1, 2014, available at https://www.washingtonpost.com/national/deployed-by-gov-rick-perry-national-guard-adjusts-to-its-new-role-on-the-texas-border/2014/09/01/24968056-2f90-11e4-994d-202962a9150c_story.html?utm_term=.ce41539a5b55.

¹⁰ Ian Gordon, *Watch the Ads Obama Is Airing in Central America to Keep Kids from Coming to the U.S.*, MOTHER JONES, July 10, 2014, <http://www.motherjones.com/mojo/2014/07/unaccompanied-child-migrants-us-government-tv-ads>.

¹¹ Alan Gomez, *Obama Seeks Change to Law that Protects Immigrant Kids*, USA TODAY, July 2, 2014, available at <http://www.usatoday.com/story/news/nation/2014/07/02/immigration-obama-deportation-children-border/11915723/>.

¹² Brian Resnick, *Why We Don't Immediately Send the Border Kids Back*, THE ATLANTIC, July 9, 2014, available at <https://www.theatlantic.com/politics/archive/2014/07/why-we-dont-immediately-send-the-border-kids-back/453345/>.

¹³ *Id.*

¹⁴ *Id.*

disregard of our long held obligation to refugees.¹⁵ In 1980, the United States passed the Refugee Act that raised U.S. law to meet international standards.¹⁶ Prior to the passing of this Act, immigrants seeking asylum could only obtain relief if they were fleeing a communist regime.¹⁷ The Act removed that requirement, adopting instead, a reasonable fear of persecution standard that allowed any person fleeing violence and persecution based on their race, religion, national origin, political opinion, or membership of a social group to seek asylum.¹⁸

Fast-forward to 2014 and the decision to grant refugee status to Central Americans became a polarizing issue. Immigrant advocates argued that Central Americans attempting to enter the United States should be granted refugee status because they were fleeing persecution from their countries.¹⁹ Others drew a harsher line, more concerned about financial costs than the human lives at stake; at the June 2014 Security Committee hearing, Representative Candice Miller (R) of Michigan made it clear that the problems causing mass migration from the Northern Triangle were not the United States' responsibility to solve.²⁰ "We need to whack our neighbors to make sure they understand they're not going to be taking our money. We are not the ATM machine."²¹

At the border, immigration officials continued to process and detain Central Americans as they arrived. Some officers granted credible fear interviews to the detained immigrants, which placed them on the long road to possible asylum. Credible fear interviews are a tool that allow immigration officers to determine whether an individual may be eligible to seek asylum. If an individual is able to credibly describe past forms of persecution or the fear of future persecution an officer may refer their case to the Executive Office for Immigration

¹⁵ Kate Linthicum, *Advocates Defend Law that Guarantees Most Immigrant Children a Hearing*, LA TIMES, July 23, 2014, available at <http://www.latimes.com/local/lanow/la-me-ln-unaccompanied-minors-border-20140722-story.html>.

¹⁶ Susan Gzesh, *Central Americans and Asylum Policy in the Reagan Era*, MIGRATION POLICY INSTITUTE, April 1, 2006, <http://www.migrationpolicy.org/article/central-americans-and-asylum-policy-reagan-era>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Mark Hetfield, Editorial, *The U.S. Is Failing Central American Refugees*, TIME, April 18, 2016, <http://time.com/4457748/central-american-refugees/>.

²⁰ Hamilah Abdullah, *Congress, Feds Debate Surge of Immigrant Kids*, CNNPOLITICS, June 26, 2014, <http://www.cnn.com/2014/06/24/politics/immigrant-kid-hearing/>.

²¹ Unaccompanied Minors: Hearing Before H. Comm. on Homeland Security, 113 Cong. (2014) (Statement by Rep. Candice Miller, Member, House Comm. on Homeland Security) available at <https://www.gpo.gov/fdsys/pkg/CHRG-113hhrg91929/html/CHRG-113hhrg91929.html>.

Review where an immigration judge adjudicates the individual's asylum claim. However, the backlog for a hearing is immense, resulting in many Central Americans held indefinitely in detention centers waiting for their hearing. The detention centers are over-crowded, harsh, and emotionally debilitating for the women and children.²² In Texas, the centers earned the nicknames of *El Hielero* and *La Perilla*—the icebox and the dog kennel—in reference to the freezing temperatures and their similarities to a dog kennel. Other individuals fortunate enough to retain legal counsel were released to family, with monitoring.²³ Those not granted credible fear interviews or who failed them because they could not articulate the violence they experienced were returned to their home country without a hearing before a judge; many returned to face violence and death.²⁴ Yet, even with a body count, the overall reaction of the general public maintained that this crisis was not our responsibility.

Common History: U.S. Foreign Policy in the Northern Triangle

A cursory view of what caused the 2014 border crisis points to drug cartel violence and domestic strife within those nations.²⁵ The United States seems far enough removed from those issues. Further, the history of foreign policy between the United States and Latin American countries is extensive and diverse.²⁶ The positions and policies vary by the country and leader working with different U.S. presidents.²⁷ For example, Chile's Augusto Pinochet, who ruled the nation from 1974 to 1990, experienced increased scrutiny for his government's human rights violations under Jimmy Carter.²⁸ In contrast, Ronald Reagan absolved Guatemala's Efraim Rios Montt for Rios' crimes against

²² Liz Robbins, *22 Migrant Women Held in Pennsylvania Start a Hunger Strike to Protest Detention*, N.Y. TIMES, Sept. 2, 2016, available at <https://www.nytimes.com/2016/09/03/nyregion/22-migrant-women-held-in-pennsylvania-start-a-hunger-strike-to-protest-detention.html>.

²³ John Burnett, *U.S.-Mexico Border Sees Resurgence of Central Americans Seeking Asylum*, NPR (2016) <http://www.npr.org/2016/05/31/480073262/u-s-mexico-border-sees-resurgence-of-central-americans-seeking-asylum>.

²⁴ Sibylla Brodzynsky, Ed Pilkington, *U.S. Government Deporting Central American Migrants to Their Deaths*, THE GUARDIAN, Oct. 12, 2015, available at <https://www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america>.

²⁵ *Why Are So Many Children Trying to Cross the U.S. Border?*, BBC NEWS, Sept. 30, 2014, <http://www.bbc.com/news/world-us-canada-28203923>.

²⁶ Nate Nkumbu, *That Time American Went to War Over Bananas*, RISE NEWS, May 2016, <http://risenews.net/2016/05/time-america-went-war-bananas/>.

²⁷ *Id.*

²⁸ Jimmy Carter: "Meeting With President Augusto Pinochet Ugarte of Chile - Remarks to Reporters Following the Meeting," September 6, 1977. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=6582>.

Guatemalan citizens, claiming that Rios received a “bum rap.”²⁹ While a uniform foreign policy may not be applied across the 33 countries composing of Latin America and the Caribbean, a common theme appears in the history of U.S. foreign relations within the Northern Triangle region.

U.S. INTERVENTION IN GUATEMALA

In 1954, the U.S. government oversaw a coup of Guatemala’s democratically-elected president, Jacobo Arbenz.³⁰ Arbenz succeeded Juan Jose Arevalo, Guatemala’s first democratically-elected president.³¹ Arevalo aimed to turn Guatemala into a liberal democracy by instituting minimum wage laws and voting rights.³² Arbenz followed suit by passing land reform laws that issued property to citizens in a more equitable manner.³³ In response, U.S. businesses based in Guatemala lobbied for the United States to work against Arbenz’s government and oppose progressive policies, like minimum wage, which diminished their profits.³⁴ Once Arbenz legalized the Communist party, the United States viewed him as a possible communist sympathizer.³⁵ The U.S. government began Operation PBSUCCESS to remove Abrenz from office.³⁶ In June of 1954, a military coup overthrew Arbenz making way for a military junta to grab control of Guatemala.³⁷

As a result of this coup, Guatemala experienced a tumultuous violent period rife with fraudulent elections that resulted in anger and uprisings from the people.³⁸ This bloody civil war lasted 36 years.³⁹ Efrain Rios Montts acted as

²⁹ Ronald Reagan: “Question-and-Answer Session With Reporters on the President’s Trip to Latin America,” December 4, 1982. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=42070>.

³⁰ Kate Doyle, Peter Kornbluh, *CIA and Assassinations: The Guatemala 1954 Documents*, THE NATIONAL SECURITY ARCHIVE, Geo. Wash. U. available at <http://nsarchive.gwu.edu/NSAEBB/NSAEBB4/>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Doyle, Kornbluh, *supra* note 30.

³⁵ *Id.*

³⁶ Kate Doyle, Peter Kornbluh, *CIA and Assassinations: The Guatemala 1954 Documents*, THE NATIONAL SECURITY ARCHIVE, Geo. Wash. U. available at <http://nsarchive.gwu.edu/NSAEBB/NSAEBB4/>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Truth Commission: Guatemala*, UNITED STATES INST. OF PEACE, Feb. 1, 1997 at <https://www.usip.org/publications/1997/02/truth-commission-guatemala>.

president during the most violent years.⁴⁰ During his term, he ordered the commission of genocide and crimes against humanity, including rape and torture.⁴¹ Throughout this time, the U.S. government aided, trained, and supported the tactics of Rios' military, including the implementation of scorched earth policies that resulted in the utter destruction of land and the deaths of thousands of people.^{42,43}

U.S. INTERVENTION IN EL SALVADOR

Similarly, the U.S. government supported the domestic turmoil inflicted in El Salvador by the Salvadoran military.⁴⁴ In 1979, a civil war erupted in El Salvador following an attempt by leftists to overthrow the military.⁴⁵ Fearing that communism would take hold in another Central American country, the Carter Administration provided aid to the Salvadoran government.⁴⁶ The support was not solely to keep the leftists at bay, but rather to eradicate them completely.⁴⁷ To that end, the United States provided strong military and monetary aid to help El Salvador quell any possible dissent.⁴⁸ Continuing the same policy, the Reagan administration increased its support to El Salvador with more aggressive training and funds.⁴⁹ The administration publicly praised the country for human rights progress that it knew to be false.⁵⁰ In reality, the people of El Salvador suffered through military-led death squads, recruitment of child soldiers, and disappearances of civilians.⁵¹ The U.S. government, aware of these abuses, continued its support of the Salvadoran government.⁵²

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Genocide in the Ixil Triangle*, GUATEMALA HUMAN RIGHTS COMM'N, at <http://www.ghrc-usa.org/our-work/important-cases/genocide-cases/genocide-in-the-ixil-triangle/>.

⁴⁴ Mike Allison, Editorial, *El Salvador's Brutal Civil War: What We Still Don't Know*, ALJAZEERA, March 1, 2012, at <http://www.aljazeera.com/indepth/opinion/2012/02/2012228123122975116.html>

⁴⁵ *El Salvador: Twelve Years of Civil War*, THE CTR. FOR JUSTICE AND ACCOUNTABILITY, at <http://cja.org/where-we-work/el-salvador/?list=type&type=199>.

⁴⁶ Benjamin Schwartz, *Dirty Hands*, THE ATLANTIC, Dec. 1998, at <https://www.theatlantic.com/magazine/archive/1998/12/dirty-hands/377364/>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Schwartz, *supra* note 46.

⁵² *Id.*

In 1992, the civil war ended with 75,000 Salvadorans murdered. The Salvadoran military committed the clear majority of those killings.⁵³

U.S. INTERVENTION IN HONDURAS

Honduras is currently suffering the same upheaval that Guatemala and El Salvador experienced three decades ago. In 1963, a military coup unseated the democratically elected Ramon Villeda Morales. Villeda supported democratic elections and imposed policies to help the poor. Though he frequently spoke out against communism, his dismissals did not placate the U.S. government. Unable or unwilling to trust the Villeda government, the U.S. government cultivated a relationship with the Honduran military. During the 1963 upheaval, the Johnson administration quickly provided monetary support to the new military government. Since that time, the United States has maintained its military presence in Honduras and views the Honduran military as a vital partner in its Central America relations. This support became obvious during a 2009 military coup.

In the lead up to the 2009 coup, Hondurans elected Jose Manuel Zelaya Rosales as president in the 2006 elections.⁵⁴ Though he ran under a right of center platform, the policies he implemented were more to the left.⁵⁵ He created programs to help the disadvantaged citizens of his country, including free education for children and subsidies for small farmers.⁵⁶ When he attempted to lawfully amend the 1982 Constitution, the military revolted.⁵⁷ In June 2009, the military arrested Zelaya and eventually exiled him.⁵⁸ The Obama administration publicly spoke against the coup, but continued to provide financial support to the newly established military government.⁵⁹

⁵³ THE CTR. FOR JUSTICE AND ACCOUNTABILITY, *supra* note 45.

⁵⁴ Mark Weisbrot, Editorial, *Honduras: America's Great Foreign Policy Disgrace*, THE GUARDIAN, Nov. 18, 2011 at <https://www.theguardian.com/commentisfree/cifamerica/2011/nov/18/honduras-america-foreign-policy-disgrace>.

⁵⁵ Alvaro Valle, *Dancing with Monsters: The U.S. Response to the 2009 Honduran Coup*, Harv. Political Rev., April 13, 2015, <http://harvardpolitics.com/united-states/us-honduran-coup/>.

⁵⁶ Weisbrot, *supra* note 54.

⁵⁷ Valle, *supra* note 55.

⁵⁸ *Id.*

⁵⁹ Arshad Mohammed, David Alexander, *Obama Says Coup in Honduras is Illegal*, REUTERS, June 29, 2009, at <http://www.reuters.com/article/us-honduras-usa-sb-idUKTRE55S5J220090629>.

MASS MIGRATION AND THE CREATION OF AN ADVOCACY MOVEMENT

With this history, it should come as no surprise that current and past conditions in the Northern Triangle resulted in mass migration.⁶⁰ The influx began in the 1980s during the height of the Guatemalan and Salvadoran civil wars.⁶¹ During this time, the United States saw an inflow of about 130,000 Central Americans fleeing their countries.⁶² The U.S. government reacted in 1980s in much the same way they reacted in 2014, with hesitancy and refusal to accept Central Americans as refugees.

When Central Americans provided proof of persecution, the United States declined to acknowledge the human rights violations occurring in countries receiving U.S. support.⁶³ The U.S. government classified their claims as frivolous, approving only an estimated 2 percent of Central American asylum cases.⁶⁴ Further, the Reagan administration publicly declared these applicants as “economic migrants,” in an effort to dispel talk of human right violations.⁶⁵

These denials resulted in the U.S. government deporting many Central Americans.⁶⁶ However, many more evaded this fate, remaining in the United States as undocumented immigrants.⁶⁷ This sudden large undocumented population birthed a movement of religious organizations, attorneys, and other activists moved to protect these Central Americans.⁶⁸

Through civil disobedience, lobbying, and litigation these advocates forced the government to act. First, through the Sanctuary Movement, which consisted of various religious organizations throughout the country that publicly sponsored, supported, and at times, smuggled Central American families into the United States.⁶⁹ Other advocates lobbied politicians to pass legislation to address the government’s discriminatory denial of relief. This long fought battle resulted in congress passing the Nicaraguan Adjustment and Central Ameri-

⁶⁰ Gzesh, *supra* note 16.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Gzesh, *supra* note 16.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

can Relief Act (NACARA) in 1997.⁷⁰ NACARA allowed some Central Americans to adjust their status and become lawful permanent residents if they could meet certain requirements.⁷¹ Likewise, immigration attorneys defending Central Americans seeking asylum, faced a difficult battle in immigration court due to the government's strict unwillingness to recognize the existence of human right violations in Central America.⁷² Still, some attorneys made headway with the Board of Immigration Appeals and in various circuit courts.⁷³ The paramount victory includes the settlement agreement resulting from *American Baptist Church v. Thornburg*, otherwise known as the ABC lawsuit.⁷⁴ In 1985, attorneys filed a class action lawsuit on behalf of Guatemalan and Salvadoran plaintiffs.⁷⁵ They alleged that former Immigration and Naturalization Service (INS) practiced discriminatory treatment against Central Americans seeking asylum.⁷⁶ The government settled the case in 1990.⁷⁷ The agreement allowed for Guatemalan and Salvadoran asylum seekers to have their asylum case adjudicated fairly.⁷⁸

Through all these different forms of advocacy, thousands of Central Americans who fled their countries from U.S.-backed violence were given an opportunity to establish a life in a safer environment. Those left behind faced a bleaker future.

CONSEQUENCES OF A VIOLENT HISTORY IN THE NORTHERN TRIANGLE

The Aftermath in Guatemala

In 1996, the Guatemalan civil war ended.⁷⁹ Survivors of the war struggled to cope with thousands of their fellow citizens murdered by the

⁷⁰ <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/nacara-203-nicaraguan-adjustment-and-central-american-relief-act>.

⁷¹ *Id.*

⁷² Gzesh, *supra* note 16.

⁷³ *Id.*

⁷⁴ *American Baptist Churches et al., v. Richard Thornburgh, et al.* 760 F. Supp. 796 (U.S. D.C. N. D. Cal., 1991); Trina Realmuto, *ABC v. Thornburg: 20 Years Later*, NAT'L IMMIGR. PROJECT, Jan 31, 2011 https://www.nationalimmigrationproject.org/PDFs/practitioners/practice_advisories/gen/2011_31Jan_abc-20-years.pdf.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ UNITED STATES INST. OF PEACE, *supra* note 39.

state.⁸⁰ Indigenous communities were lost.⁸¹ Women lived with the trauma of sexual violence, poverty, and attempted to raise children who experienced the same.⁸²

To this day, Guatemala continues to struggle with the aftermath of this war. In January 2013, the Guatemalan government tried former President Efraín Ríos Montt for genocide and crimes against humanity.⁸³ In May 2013, he was found guilty, but the court soon overturned the conviction.⁸⁴ It is unlikely that he will ever be held accountable for his actions.⁸⁵ The impunity in Guatemala trickles from down to everyday citizens.⁸⁶ The conviction rates against violent offenders remain at an all-time low.⁸⁷ Guatemala consistently ranks as one of the most dangerous places in the world for women and children.⁸⁸

The Aftermath in El Salvador

El Salvador's government similarly failed to hold perpetrators of war crimes accountable. The Salvadoran civil war ended in 1992.⁸⁹ A U.N. truth commission revealed that 95 percent of the abuses committed during the civil war were committed by the government, including torture and murder.⁹⁰ Five days after these findings were released, the government passed a blanket am-

⁸⁰ Mireya Navarro, *Guatemalan Army Waged Genocide, New Report Finds*, N.Y. TIMES, Feb. 26, 1999, available at <http://www.nytimes.com/1999/02/26/world/guatemalan-army-waged-genocide-new-report-finds.html>.

⁸¹ *Id.*

⁸² *Landmark Ruling in Guatemala a Victory Against Sexual Violence in Armed Conflict*, U.N. WOMEN, March 3, 2016, available at <http://www.unwomen.org/en/news/stories/2016/3/guatemala-victory-against-sexual-violence-in-armed-conflict>.

⁸³ *Former Guatemalan Dictator Ríos Montt to Face Second Genocide Trial*, REUTERS, April 1, 2017 <http://www.reuters.com/article/us-guatemala-rights-montt-idUSKBN17402W>.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Guatemala Submission to the Human Rights Committee for the 115 Session*, THE ADVOCATES FOR HUMAN RIGHTS, Nov. 6, 2015 http://www.theadvocatesforhumanrights.org/uploads/guatemala_hrc_loipr_august_2015.pdf.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Richard Boudreaux, *Civil War Ends in El Salvador With Signing of Treaty : Peace: President Alfredo Cristiani and 10 Guerrilla Leaders Take Part in the Ceremony that Mixes Tears and Handshakes. The U.N. will Supervise Disarmament*, L.A. TIMES, Jan. 17, 1992, available at http://articles.latimes.com/1992-01-17/news/mn-198_1_el-salvador.

⁹⁰ THE CTR. FOR JUSTICE AND ACCOUNTABILITY, *supra* note 45.

nesty for all crimes committed during the war.⁹¹ In July 2016, the Salvadoran Supreme Court overturned this blanket amnesty law.⁹² The country now has an opportunity to address the injuries of the past, however, attempting reconciliation will likely prove difficult because the government is also fighting an extraordinarily high murder rate; a side-effect of the untreated trauma resulting from this war.⁹³

In 2015, El Salvador experienced a particularly deadly year with the highest murder rate for any country.⁹⁴ This violence is primarily inflicted by gangs, originated in the United States and now infiltrated throughout El Salvador. In the 1980s, some children of Salvadoran refugees living in the United States joined violent U.S. based gangs.⁹⁵ The U.S. government eventually deported many of them to El Salvador where they brought with them their gang identity.⁹⁶ The Salvadoran government lacked capacity to manage the challenges re-settlement of these youths produced.⁹⁷ Suddenly, El Salvador saw the recruitment of children into the gangs, along with a general increase of violence.⁹⁸ Salvadoran politicians combat this problem through brute force. El Salvador employs a zero-tolerance tactic called *Mano Dura*, heavy hand, that allows police to arrest anyone with any alleged links to gangs, no matter how slight.⁹⁹ This policy fails to curtail the violence and increased corruption within the criminal justice system.¹⁰⁰

The Aftermath in Honduras

Honduras fares no better than Guatemala or El Salvador. Almost a decade after the 2009 military coup, the violence in Honduras spiked tremen-

⁹¹ *El Salvador Rejects Amnesty Law in Historic Ruling*, AMNESTY INT'L, July 14, 2016 at <https://www.amnesty.org/en/latest/news/2016/07/el-salvador-rejects-amnesty-law-in-historic-ruling>.

⁹² *Id.*

⁹³ Natalie Gallon, Chandrika Narayan, *El Salvador Records Its First Homicide-Free Day in Two Years*, CNN, Jan. 13, 2017, <http://www.cnn.com/2017/01/13/americas/el-salvador-zero-murder-day/>.

⁹⁴ *Id.*

⁹⁵ Jasmine Garsd, *How El Salvador Fell Into A Web Of Gang Violence*, NPR, Oct. 5, 2015, <http://www.npr.org/sections/goatsandsoda/2015/10/05/445382231/how-el-salvador-fell-into-a-web-of-gang-violence>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Steven Dudley, *How Mano Dura is Strengthening Gangs*, INSIGHT CRIME, Nov. 21, 2010 <http://www.insightcrime.org/investigations/how-mano-dura-is-strengthening-gangs>.

¹⁰⁰ *Id.*

dously.¹⁰¹ The government is failing to appropriately address high rates of femicide, corruption, and other forms of violence caused by the drug cartels.¹⁰² Instead, the Honduran government also imposes strict *Mano Dura* laws to address the gang violence with little positive results.¹⁰³ In March 2016, violence in Honduras gained international attention when home invaders assassinated renowned activist, Berta Caceres.¹⁰⁴ The question remains as to whether the United States had a part in this assassination.¹⁰⁵ However, her death brought back memories of another activist killed in action. In 1980, the Salvadoran military assassinated Father Oscar Romero after he beseeched the military to ignore orders to kill civilians.¹⁰⁶ Like Romero's death, Caceres murder brought global attention to the violence in their respective countries, but the violence is so deeply entrenched that for every recognizable person that is assassinated, there are countless other nameless women and children murdered by offenders who are never brought to justice.¹⁰⁷

ORGANIZED CRIME IN THE NORTHERN TRIANGLE AND U.S. DRUG CONSUMPTION

These current conflicts are a consequence of each country's past actions against their citizens; actions that the United States government supported directly. One notable consequence from these wars is organized crime. Organized crime in the Northern Triangle is primarily related to trafficking drugs.¹⁰⁸

¹⁰¹ Mo Hume, *Why the Murder Rate in Honduras is Twice as High as Anywhere Else*, THE CONSERVATION, Nov. 26, 2014, <http://theconversation.com/why-the-murder-rate-in-honduras-is-twice-as-high-as-anywhere-else-34687>.

¹⁰² *Honduras Fights Growing Femicide as 1 Woman Killed Every 16 Hours*, TELESURTV, Feb. 17, 2016, <http://www.telesurtv.net/english/news/Honduras-Fights-Growing-Femicide-as-One-Killed-Every-16-Hours-20160217-0041.html>.

¹⁰³ *Mano Dura Wins the Big Day*, THE ECONOMIST, Nov. 30, 2013, available at <http://www.economist.com/news/americas/21590900-new-president-violent-country-will-have-weak-mandate-threatens-brandish-big>.

¹⁰⁴ Nina Lakhani, *Berta Cáceres Court Papers Show Murder Suspects' Links to US-Trained Elite Troops*, THE GUARDIAN, Feb. 28, 2017, <https://www.theguardian.com/world/2017/feb/28/bertha-caceres-honduras-military-intelligence-us-trained-special-forces>.

¹⁰⁵ *Id.*

¹⁰⁶ Tom Gibb, *The Killing of Archbishop Oscar Romero was One of the Most Notorious Crimes of the Cold War. Was the CIA to Blame?*, THE GUARDIAN, March 22, 2000, <https://www.theguardian.com/theguardian/2000/mar/23/features11.g21>.

¹⁰⁷ *Violence, Inequality, & Impunity in Honduras: Situation of Human Rights in Honduras*, INTER-AMERICAN COMM'N ON HUMAN RIGHTS, <http://www.oas.org/en/iachr/multimedia/2016/honduras/honduras-en.html>.

¹⁰⁸ *Drug Trafficking: Central America's Dark Shadow*, COUNCIL ON HEMISPHERIC AFFAIRS, Aug. 16, 2011, <http://www.coha.org/drug-trafficking-central-americas-dark-shadow/>.

When the United States doubled-down on its War on Drugs, it pushed Latin American countries with stronger infrastructures to address the cartels.¹⁰⁹ This caused cartels to leave countries like Mexico for Central America, knowing that Central American governments possess little power to enforce laws against them.¹¹⁰ Drug cartels now effectively control much of the Northern Triangle.¹¹¹ Through violence and corruption, cartels meet the extraordinarily high demand for cocaine in the United States, as about 80-percent of-the cocaine that enters the United States passes through this region and U.S. citizens' use of cocaine equals to an estimated 36 percent of all global consumption.¹¹² Drug cartels will naturally take advantage of this never-ending demand that sustains their industry through any means.¹¹³ In modern times, the U.S. government may not be actively deposing democratically-elected presidents, but the government's drug policy and drug use by U.S. citizens furthers the violence that the government's past policies created.

REALISTIC SOLUTIONS

Faced with the painful scars of war and the ongoing climate of violence, vulnerable mothers of Central America are faced with little choice but to head North. Even if that long journey means risking life and limb atop *La Bestia*, at least up North there is a chance at survival. Yet when they arrive at our border, we are quick to reject our legal and ethical duties. We refuse to accept them as refugees, as people fleeing indescribable violence, while our government officials repeat empty promises to mollify the general public's unsubstantiated fear.

If the U.S. government is sincere about addressing the influx of Central Americans, the country must then acknowledge its part in their violent history. The United States must recognize that it destabilized nations and obstructed their development. The best approach is for the U.S. government to help Central America combat the problems within their borders that supported them in rebuilding their infrastructures and rehabilitating their criminal justice system.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Randal C. Archibold, Damien Cave, *Drug Wars Push Deeper Into Central America*, N.Y. TIMES, March 23, 2011, <http://www.nytimes.com/2011/03/24/world/americas/24drugs.html?pagewanted=all>.

¹¹² *Id.*

¹¹³ Hector Silva Avalos, *US Report Shows Revitalized Central America Cocaine Corridor*, INSIGHT CRIME, March 9, 2017, <http://www.insightcrime.org/news-analysis/us-report-shows-revitalized-central-america-cocaine-corridor>.

Additionally, the U.S. government can also implement viable policies that address drug use within the United States to reduce the overwhelming demand for cocaine.

More urgently, we must address the thousands of people seeking safety within the United States. This requires that the United States accept the immigration consequences resulting from its policies. History proves that litigation, legislation, and other forms of advocacy produce life-saving immigration remedies for refugees. Yet, the U.S. government need not wait to be prodded by activist and litigants. It should instead accept Central Americans as refugees and move forward with expansive immigration reform that attempts to make amends for its disruptive policies. Opponents of reform will balk at the amount of people eligible for relief, but those that sow wind, reap whirlwind¹¹⁴; unless the U.S. government addresses its past mistakes of violent and purposeful destabilization the whirlwind at the border will never cease.

¹¹⁴ Hosea 8:7