The Homeland Security
Review

A Journal of the Institute
for Law & Public Policy

In this issue:

Contents

Introduction

BY MICHAEL L. HUMMEL, PH.D.

Failed governments, technology, economic factors, criminal behavior, and the globalization of our societies have placed international security problems right at our door step. The dangerous security threats that result from wars, both civil and international, drug wars, terrorism, democratization, corruption, or politics within the international community has both a direct and indirect impact on US interests. Our safety and security, including our responsibility to protect the helpless and innocent, is broadly and deeply challenged. The drug wars in Mexico have spilled over into the United States with gun battles, brutal assassinations, kidnappings, and drug trafficking. This has led to the state of Arizona being labeled as the second highest kidnapping hot spot in the world. Americans are targets of opportunity by criminal terrorists groups at international sporting events. Our government must continually use precious resources gathering intelligence and engaging in counter and anti-terrorism measures. Transnational crimes are a serious national security threat to America, and the threat will only continue to increase. This special edition featuring articles on Transnational Crimes and Security was developed based on the concepts and topics presented at The 5th Annual Conference on Homeland and International Security at California University of Pennsylvania. The conference theme, Transnational Crimes and Security, was designed to introduce contemporary and developing issues and problems that are inherent within the international arena, and have direct or indirect impact on our national interests. The security conference was also designed to acquaint the professional, scholar, citizen, and student with the complexity of these problems; techniques for examining and evaluating these problems; and "security measures" to protect, mitigate, defend, and preempt the effects of these problems. There are many people to thank for the success of this conference and journal edition. The Conference Speakers deserve special recognition for their time and dedication: Special Agent Mark Camillio (retired secret service agent), Major General Donna F. Barbisch (USA retired), Agent Jenny Wells (FIS, CI/CT), and Dr. Andrae' Marak. I would also like to thank Ms. Hope Haywood, Assistant Editor of the Homeland Security Review, as well as the Department of Justice, Law & Society at California University of Pennsylvania, for their yearly support of this conference.

Bullying Victimization among College Students (A Transnational Problem): A Test of Agnew's General Strain Theory*

BY DR. DIAB M. AL-BADAYNEH[†], DR. AREF AL -KHATTAR[‡], DR. RAFE AL-KRESHA[§], DR. KHAWLA AL-HASAN[**]

Introduction

   Recently, student bullying has emerged as a social and criminal problem in Jordanian society and universities. Student bullying in Jordanian universities has surpassed an alarming rate and raised considerable attention on an international level. King Abdullah II on several occasions called attention to the problem, and warned students that all types of violence (in particular tribal and collective violence) are "red line", meaning that violence is neither acceptable nor tolerated in Jordanian Universities. University violence has been rich material for media coverage. In April 2012 an incident of peer violence against students from the Gulf region in Mutah University was a devastating incident to the Jordanian University's reputation. During University efforts to prevent violence, an anti-violence campaign was launched,

and a workshop and seminar were conducted. University students participated in such activities, and during an activity coffee break, a fight broke out between Jordanian students and Gulf students (males from the Kingdom of Saudi Arabia (KSA) and Yemen). Many students were injured. Student bullying in Jordan is mixed with some other forms of violence such as tribal violence and collective violence.

In recent years, there has been a growing recognition of the close association between victimization and criminal behavior. There is a significant amount of literature showing that victimization can increase the chances of future victimization (Daigle, Fisher, & Cullen, 2008; Fisher, Cullen, & Turner, 2000). As Agnew (2006, p. 72) notes, "peer abuse … is widespread and … often has a devastating effect on victims" (see also Agatsan, Kowlski, & Limber, 2007, APA, 2004, Berger, 2006; Boyle, 2005; Burgess, Garbarino, & Carlson, 2006; Dulmus, Sowers, & Theriot, 2006; Farrington, 1993; Feder, 2007; Hoglund & Leadbeater, 2007; Mishna, Pepler, & Wiener, 2006; Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, 2001; Olweus, Limber, & Mihalic, 1999).

Bullying can be categorized into two areas: face to face and cyber-bullying (Nansel et al., 2001). Bullying includes hurting one's feelings, insulting, (Hazler, 1996) and stigmatizing him/her. Bullying can be direct to the victim or indirect by harming the victim's social position and sense of belonging (Milsom & Gallo, 2006) or an attack on personal possessions (Mynard and Joseph, 2000). Other types, such as attacking the victim's ethnic or cultural background is known as *group peer bullying*, and attacking the victim's personality is called *personal peer bullying* (Verkuyten and Thijs, 2001). Elliot (1997) classifies bullying acts as: physical (hitting, kicking, punching etc.), verbal (name calling, gossiping etc.), psychological (emotional pressure, excluding, sidelining etc.), and threatening (demanding money, taking possessions and homework). Rigby (1997, 2003) also distinguished between two types of bullying: bullying which harms another (intentional bullying), and bullying which is harmless or unintentional bullying which has no bad intentions.

Bullying is a type of salient violence, perpetrated by peers with no provocation and no equality of power between parties in which one applies force, pressure, or violence, directly or indirectly, intentionally or unintentionally to the weak one. While face-to-face bullying is clearly defined as a repeated act, an isolated incidence of cyber-bullying (e.g. photos or videos posted online) may be considered repeated through multiple viewings by others (Agatston, Kowalski, & Limber, 2007). Kozlosky concluded that face-to-face bullies were more likely than non-bullies to engage in cyber-bullying and face-to-face bullying targets were more likely to become cyber-bullying

targets than non-targets (Kozlosky, 2008). Bullying can be considered a chronic strain, unjust and unwanted. General Strain Theory (GST) explicitly includes victimization as a source of criminality and identifies "abusive peer relations, especially among youth" as one of the "strains most likely to cause crime" (Agnew, 2006, pp. 70, 72; see also Agnew & Brezina, 1997; Wallace, Patchin, & May, 2005). Bullying victimization falls within this category and thus might be seen as a potential risk factor for delinquency, deviance and crime.

Both real and cyber bullies and bullying victims are vulnerable to terrorists and radicals' recruitment. Support for this argument came from Al-badayneh's (2011) findings that the average percentage of the prevalence of the radical beliefs was 64.4% among the university students. Radical beliefs like martyrdom, unity by force, hatred, and Jihad were highly prevailed among university students. Therefore bullying among university students is an important topic. It can be considered as an Early Warning System of radical terrorism in specific and deviance in general. University youths are easy to recruit by terrorists and radicals, especially those with low self-Control, and who were previously exposed to violence. Bullying among university students and in schools is a threat to Homeland Security agencies (HLS) as well. As a result, HLS should pay more attention to Bullying in schools and universities and take this issue very seriously.

The purpose of this study was to investigate and understand the issue of student bullying victimization and students bullying others within the framework of GST in Jordan's universities. It will determine bullying factors and will examine the prevalence of bullying victimization/bullying others and gender differences in bullying victimization/bullying others among University students. Moreover, the study examined the determinants of bullying victimization in a university setting.

Methods

Sample

The simple random sample of this study was drawn from all 25 mandatory classes in Mutah University (required for all students), Jordan. A total of 1200 students were drawn from these classes and 1000 students completed a questionnaire (83% response rate). Of the sample there were 424 males or 42.4%. 625 or 62.5% of the respondents were from humanitarian colleges, and around half of the sample 47% was first year level (freshman level). More than a third of the sample had fathers who were unemployed (628 or 37.2% of the participants). The sample age average was 19.6 years and the monthly income average was 574 JD (1 JD=$1.3). Based on education levels,

an estimated 6% of father's were considered illiterate and 10.9% of mothers were illiterates.

Study's Instrument

The research instrument of this study is based on the literature review, especially Cullen, Unnever, Hartman and Turner and Agnew's (2008), Kobayashi, 2007; Cullion, 2006, and Frances, 2007.

Dependent Variable: Bullying

Bullying is typically defined as repeated behaviors by a student or group of students intended to demean, threaten, or physically injure a weaker student (Olweus, Limber, & Milhalic, 1999; Unnever & Cornell, 2003). In line with this definition, a twenty one item measure was constructed to measure bullying at the University. Cronbach coefficients suggest that the study's scales have an acceptable level of reliability. A modified scale was developed based on the Revised Olweus Bully/Victim Questionnaire (OBVQ) by Kyriakides, Kaloyirou and Lindsay (2006), Olweus, (1996) and Cullen, Unnever, Hartman and Turner and Agnew (2008). Two scales were used; one to measure bullying victimization and one to measure bullying others. Nine items were included for face-to-face (F2F) bullying (being victimized) and three items were used for cyber-bullying. Nine items were used to measure bullying others. Responses to each item in the scale were *yes* or *no*. Scale reliability using Cronbach Alpha for bullying victimization was (0.73, mean=0.68, sd=0.07) and for bullying others (0.82, mean=0.06, sd=0.05).

Independent Variables

This research followed Cullen, Unnever, Hartman and Turner and Agnew (2008) who followed *Cullen et al.* analysis in their test of Agnew's GST extracting from the data set measures for several variables drawn from GST, social bond theory, self-control theory, and differential association theory. First, GST recognizes that an abusive and neglectful family environment can generate strain and lead to delinquency (Agnew, 2006, p. 70; see also Colvin, 2000; Unnever, Colvin, & Cullen, 2004). Accordingly, a five-item self-report scale was used to form an indicator of *coercive parenting*. These five items were employed previously by Simons, Wu, Conger, and Lorenz (1994). The response categories included *never*, *sometimes*, and *always*. The scores were summed across the five items. Scale reliability was (0.56, mean=0.44, sd=0.32).

Consistent with Hirschi's (1969) theory, the instrument also included two measures of *social bonds*. Thus, *parental social bonds* were measured through five items that assessed the extent to which the respondents believed that their parents cared about their whereabouts, homework, and performance in school (Simons, Wu, Conger, & Lorenz, 1994). The five response categories ranged *never*, *sometimes*, and *always*. Scale reliability was (0.92, mean=0.87, sd=0.75). *University social bonds* is a measure of commitment in that it examines the extent to which students receive high grades, like attending the University, and intend to pursue more advanced study in the future. Scale reliability was (0.92, mean=0.89, sd=0.73). Building on Gottfredson and Hirschi's (1990) general theory of crime, we include a measure of self-control (Gottfredson, 2006; Pratt & Cullen, 2000). Consistent with much previous research (Pratt & Cullen, 2000; Vazsonyi & Crosswhite, 2004), *low self-control* is measured by the items developed by Grasmick, Tittle, Bursik, and Arneklev (1993). The scale is composed of 23 items. The Scale reliability was (0.77, mean=2.3, sd=3.1). The responses were summed across the items. The response categories included *5= strongly agree* to *0= strongly disagree*. Finally, the instrument incorporates a measure of *aggressive attitudes* to measure students' engrained attitudes and definitions supportive of aggressive behavior which is core to social learning theory and an established predictor of delinquency (Akers & Sellers, 2004; Pratt & Cullen, 2000). This five-item measure was derived from previous studies of aggressive adolescents (McConville & Cornell, 2003; Slaby & Guerra, 1988). Scale reliability was (0.63, mean=0.37, sd=0.39). *Exposure to violence* was measured on three items: *Violence victims* (family, university and community), and a *violence perpetrator* scale of three items at the same level (family, university and community). The question was: In the last 12 months have you been subject to family violence? Responses were *1-yes* or *2-no*. Scale reliability was (0.53, mean=1.9, sd=0.08).

Strains

Strains were measured by a general (macro strain) life stressors scale, micro strains by parental strains and university strains, and by failure to achieve valued goals and negative stimuli and loss of positive stimuli.

Macro Strain: Life Stressors Scale

This is based on Holmes and Rahe Stress Scale. A scale composed of ten items was developed. In (1967), Thomas Holmes and Richard Rahe decided to study whether or not stress contributes to illness. They surveyed

more than 5,000 medical patients and asked them to say whether they had experienced any of a series of 43 life events in the previous two years. Each event, called a Life Change Unit (LCU), had a different "weight" for stress. Events include divorce, death, imprisonment, sickness, etc. Responses were coded *yes* or *no* with the time frame of the last 12 months. Scale reliability was (0.81, mean=0.45, sd=0.23).

Micro Strains

Micro strains were based on Frances' 2007 research the following scales were developed.

Exposure to Violence (presentation of noxious stimuli) or Negative Stimuli Scale

The introduction of noxious stimuli is measured by two variables. *Exposure to violence* is the mean response to a five-item index capturing both vicarious and experienced victimization (Agnew, 2002). Five of the items ask respondents if they had ever seen someone else be attacked or threatened. The remaining five items ask if they had been attacked or threatened by someone who is a student at the University. The full index represents a general measure of exposure to violence (Selner-O'Hagan, Kindlon, Buka, Raudenbush & Earls, 1998), a scale reliability was (0.63, mean=1.7, sd=0.73). Another scale measuring was composed of six-items with *yes* or *no* responses on three questions about being exposed to violence in the family, school and community, and three other questions about being the perpetrator of violence in the family, school or community. Scale reliability was (0.68, mean=1.9, sd=0.08).

Fear of Violent Victimization

The loss of positively valued stimuli scale is fear of violent victimization. This variable measures the loss of autonomy or the absence of a feeling of safety, singled out by Broidy and Agnew (1997) as a gender specific strain. Fear of victimization is also a type of "anticipated strain" explored by Agnew (2002). Alternatively, Agnew (2002) also speculated that fear might increase drug use and escapist behaviors. This measure consists of the mean responses to five items: (a) how afraid they are that they might be a victim of crime, physical abuse, psychological abuse, emotional abuse or neglect (on a scale of 1 to 4 (1 and 2 coded 0, 3 coded 1 and 4 coded 2) with higher values representing greater fear). Scale reliability was (0.88, mean=0.67, sd=0.65).

University Strain Scale

Based on Kobayashi's (2007) research, the following scales were adopted and developed. This scale is originally a school strain Scale and modified to a University Strain Scale. The University Strain Scale is based on responses to three questions that measured how the respondents felt with regards to their university environment. The three questions were as follows: *How often do you perform well in university*; *How often do you feel good about university;* and, *My instructors treat me fairly*. The responses for each question were recoded such that high scorers would reflect respondents who reported more levels of university strain. The three responses were as follows: *0 = never, not happened*; *1 = sometimes or somewhat true*; and *2 = often or very true*. Scale reliability was (0.81, mean=0.66, sd=0.55).

Parental Strain Scale

The Parental Strain Scale is composed of four items. The Parental Strain Scale is based on responses to four questions which asked the respondents to report how often they experienced negative responses from their parents. The four questions are as follows: *My parents nag me about little things*; *My parent hit me or threaten to do so*; *My parents keep rules when it suits them*; and *My parents enforce rules depending on their mood*. The responses for each question were recorded such that high scorers would reflect respondents who reported more levels of parental strain. The three responses were as follows: *0 = never, not happened*; *1 = sometimes or somewhat true;* and *2 = often or very true*. Scale reliability was (0.53, mean=0.61, sd=0.46).

Negative Stimuli Scale

In line with Gullion (2006) the following scales were developed. The Negative Stimuli scale has a mean of 1.737 and standard deviation of 0.730 and measures disapproving or harmful occurrences in an individual's life. The scale was derived by selecting questions which conceptually related to Agnew's negative stimuli scale from his GST. The Negative Stimuli scale was shown to have good structural validity and internal consistency with a Cronbach's alpha level of 0.629. The scale contains a total of five items which were derived from Agnew's operationalization of negative stimuli (1992). The items chosen for the scale relate to negative physical altercations, negative feelings, and negative altercations in social interaction. The last three items found in Negative Stimuli scale were reverse coded in order to include them in the Negative Stimuli scale. This was done so that higher scores reflected greater perceptions of negative stimuli experienced by those included in the study.

Loss of Positive Stimuli Scale

The Loss of Positive Stimuli scale contains items related to social interaction with authority figures, and social interaction with university. A sample item is: *Have your parents separated?* The Positive Stimuli scale was designed to measure an adolescent's loss of positive variables in his or her environment. The scale has a mean of 2.75 and standard deviation of 0.900 and measures the taking of an item of value and/or encouragement away from an individual and is measured by using four scale levels (Agnew, 1994). Items were chosen based on the idea that if a negative response was given as an answer for each question then that individual has experienced loss of a valued object. The scale contains a total of six items. Items were derived by taking questions from the Add Health data set which related conceptually to Agnew's original Positive Value scale. The loss of Positive Stimuli scale has good structural validity and internal consistency with a Cronbach's alpha score of 0.745.

Failure to Achieve Expected Goals Scale

There are a total of 13 items in this scale which were derived from Agnew (1992). There are items related to conventional goals such as the ability to attend college and marry. A sample question from this scale is: *On a scale of 1 to 5, where 1 is low and 5 is high, how likely is it that you will go to college?* The failure to achieve goals scale measures the level of outside forces preventing an individual from achieving desired goals. This scale has reliability with a Cronbach's alpha score of a 0.79. The scale has a mean of 2.139 and a standard deviation of 0.457.

Parental Support Scale

Based on Kobayashi's 2007 study, the Parental Support Scale was developed. The mediating variable Parental Support Scale included the following questions: *My parents praise me*; *My parents make sure I know I am appreciated*; *My parents speak of good things I do*; and *My parents seem proud of the things I do*. 0 = never, not happened; 1 = sometimes or somewhat true, and 2 = often or very true. Scale reliability was (0.95, mean=0.97, sd=0.79).

Negative Emotions

The anger variable in this study is comprised of four items in which the respondent rates various emotional or behavioral problems experienced now or since the beginning of the semester as: *not angry (0)*, *somewhat true (1)* or *very angry (2)*. The negative emotions were anger, fear, depression and anxiety. The mean was .65, and the standard deviation was .58. Scale reliability was (0.83).

Control Variables

Standard socio-demographic controls were also incorporated into the analysis. These included measures for gender (male = 1; female=2), age (in years), college (pure sciences=1, humanities=2) income in Jordan dinar (one USA$= 0.72 JD), educational level (1=first year to 6=sixth year) father's and mother's education (ranged between 1=illiterate to 6 =graduate studies).

Findings

Bullying prevalence

There were 44.5% of students who reported being victims of bullying and 9.6% of the total sample were victims of cyber bullying. Findings showed that 29% of the sample was bullying students and 5% were cyber-bullying students. Males were more likely to be victims and bullies of face-to-face (F2F) bullying (with exception of four items: other students told lies about me; some students took my money or my things away from me or destroyed them; other students forced me to do things I did not want; I was afraid in some other way). Also males were more likely to be victims and bullies of cyber-bullying in all items. No significant differences in all F2F bullying and cyber-bulling were attributed to the college attended by the student (Humanities vs. Pure Sciences) or educational level. The bullying problem is considered a masculine attribute, and linked to the males' role. It is not expected socially and culturally that a group of female students will fight other female in public.

Factor analysis

A Cronbach's Alpha was computed for the General Bullying Scale scale (21 items) and it was (0.82).

Testing the Correlation Matrix and Sampling Adequacy

Correlation coefficients were computed and found to be statistically significant. The determinant was not equal to zero (D=0.007), and the correlation matrix is not singular, and statistically significant using Bartlett's test of sphericity (χ=4946, α=0.000). This means that the correlation matrix is not an identity matrix.

The Kaiser-Meyer-Olkin (KMO) test was used to examine sample adequacy (homogeneity of the sample). The KMO value in this study was (0.872), which is greater than zero. Kaser (1974) recommended that a

value greater than (0.5), is acceptable, a value between (0.7-0.8) is good, and a value between (0.8-0.9) is great, and a value above (0.90) is superb.

The factor analysis used Direct Oblimin with Maximum likelihood rotation with Kaiser-Meyer-Olkin Measure of Sampling Adequacy stopping rule. A factor solution was identified as a resolution of factor analysis. Applying the scree plot rule, the analysis revealed that four (4) factors accounted for (34%) of the variance on the scale.

Factor analysis components (FAC) with Direct Oblimin with Kaiser Normalization rotation through SPSS (version 17) was used initially to estimate empirically the number of factors and to determine which questions should be retained. Applying Kattell (1966), the scree plot was examined and eigenvalue analysis (i.e, eigenvalue ≥1) suggested that four (4) factors were appropriate to be retained (Figure 1).

Table 1 shows the first factor, *bullying others*, accounted for (22.4%) of the total variance; the second factor, *bullying victimization*, accounted for (6.2%) of the variance; the third factor, *bullying stigmatization*, accounted for (2.7%) of the variance; and, the forth factor, *e-bullying*, and accounted for (2.7%) of the variance. All factors accounted for 34% of the variance.

Gender Differences

Findings showed significant differences between males and females in bullying. Bullying is more prevalent among males than females. Table 3 showed ANOVA analysis for the differences between males and females in bullying scales (bullying victimization, bullying others, e-bullying victimization and e-bullying others).
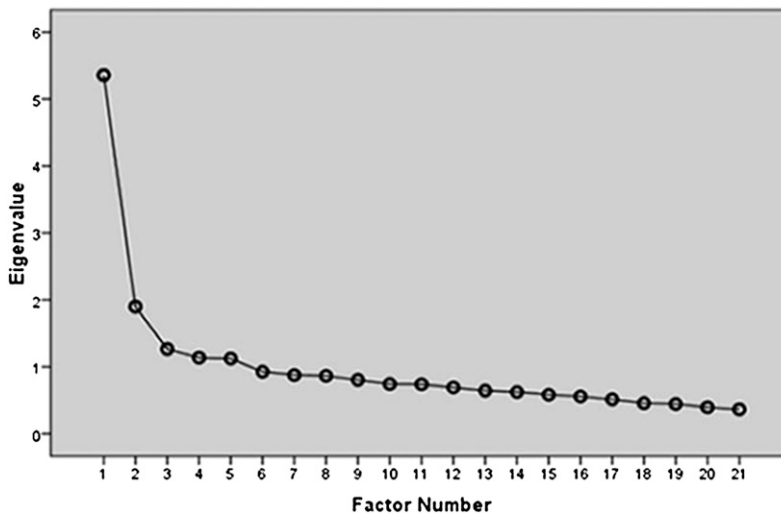
Figure 1: Scree plot representing the number of bullying factors

Table 1: Total Variance Explained

Factor	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings[a]
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total
1	5.358	25.512	25.512	4.719	22.472	22.472	3.108
2	1.898	9.038	34.550	1.295	6.169	28.641	3.127
3	1.265	6.023	40.573	.577	2.748	31.390	2.899
4	1.135	5.407	45.980	.562	2.676	34.066	1.639
5	1.122	5.344	51.324				
6	.926	4.411	55.735				
7	.876	4.174	59.909				
8	.864	4.115	64.024				
9	.804	3.830	67.854				
10	.743	3.538	71.392				
11	.740	3.522	74.914				
12	.690	3.288	78.202				
13	.643	3.064	81.266				
14	.623	2.969	84.235				
15	.583	2.776	87.011				
16	.556	2.649	89.660				
17	.513	2.441	92.101				
18	.457	2.175	94.275				
19	.445	2.120	96.395				
20	.394	1.876	98.271				
21	.363	1.729	100.000				

Extraction Method: Maximum Likelihood.

Significant differences were found between males and females on the general bullying scale (F2F and cyber-bullying). However no significant difference in bullying victimization was found between males and females. All students were subject to be victims of bullying. A female student was most of the time the trigger for a fight and bullying on campus. For regional and tribal reasons, student males believe that they are responsible for females conduct, especially between relatives or if they belong to the same tribe. Some students looked at such a situation as harming tribal reputation where acts are either honor for all or shame on all. Such trivial conduct might trigger a collective violence and bullying of other students.

Determinants of Bullying

Bullying Victimization

Regressing the core variables used in Agnew's GST: failure to achieve positive goals, negative emotions, negative incentive, aggressive behavior, life stressors, loose positive incentive, low self-control (measured by Grasmic's scale), coercive parenting, delinquent friends, feelings towards stressors, university strains, parenting social bond, school

Table 2: Rotated component matrix[††]

Factor	Items	Loading
Factor 1	**Bullying Others**	**3.1**
1	I called students mean names.	.777
2	I threatened students via telephone	.506
3	I bullied students with mean names or comments about my tribe or region	.478
4	I bullied students with mean names, comments, or gestures with a sexual meaning	.416
5	I left some students out of things on purpose, excluded them from their group of friends, or completely ignored them	.304
Factor 2	**Bullying Victimization**	**3.1**
1	I was bullied in some other way.	.616
2	I was threatened or forced to do things I didn't want to do.	.494
3	I had money or other things taken away from me or damaged.	.442
4	I threaten or abused by SMS messages	.438
5	I was called mean names, was made fun of, or teased in a hurtful way.	.402
6	I was bullied with mean names or comments about my tribe or region	.363
7	Other students left me out of things on purpose, excluded me from their group of friends, or completely ignored me	.350
8	I was hit, kicked, pushed, shoved around, or locked indoors.	.338
9	Other students told lies or spread false rumors about me and tried to make others dislike me.	.321
10	I was bullied with mean names, comments, or gestures with a sexual meaning	.249
Factor 3	**Stigmatization Others**	**2.8**
1	I had stolen money or other things from other students or damaged them.	-.761-
2	I told lies or spread false rumors about other students and tried to make others dislike them.	-.583-
3	I hit, kicked, pushed, shoved around, or locked indoors other students	-.492-
Factor 4	**Cyber-Bullying**	**1.6**
1	I threatened by SMS messages or bad reputation	-.449-
2	I threatened or coerced students to do something they didn't want to do	-.438-
3	I threatened some students via email	-.436-

social bond, exposure to violence, delinquency and family strains on bullying victimization. Multiple correlation between these predictors and bullying victimization was (0.506), and they explained together (26%) the variance on bullying victimization with adjusted (R Square= 0.245). As can be seen from Table 5 the overall effect of all predictors was significant (F=24.155, α ≤0.000).

The effects on bullying victimization by the GST predictors were estimated by unstandardized coefficient predictors: failure to achieve

---

[††] Extraction Method: Maximum Likelihood. Rotation Method: Oblimin with Kaiser Normalization.

Table 3: Gender Difference in Bullying Scales

		N	Mean	Std. Deviation
Bullied Scale	male	424	1.9929	3.00865
	female	576	1.2431	2.14840
	Total	1000	1.5610	2.57428
Bullying Victimization	male	424	.9434	1.47848
	female	576	.8611	1.28732
	Total	1000	.8960	1.37152
Cyber- Bullying Victimization	male	424	.1745	.56511
	female	576	.1250	.43539
	Total	1000	.1460	.49490
Bullying Others	male	424	.6981	1.33454
	female	576	.2188	.76265
	Total	1000	.4220	1.07008
Cyber-Bullying Others	male	424	.1014	.30223
	female	576	.0208	.14295
	Total	1000	.0550	.22809

positive goals, negative emotions, negative incentive, aggressive behavior, life stressors, loose positive incentive, low self-control (measured by Grasmic's scale), coercive parenting, delinquent friends, feelings towards stressors, university strains, parenting social bond, school social bond, and family strains. In unstandardized coefficients exposure to violence had the biggest effect (0.54), followed by type of negative emotions (unjust, magnitude and unfair (B=0122). When comparing all predictors by their Betas (the standardized coefficients) also exposure to violence had the strongest effect on bullying victimization

Table 4: ANOVA Analysis for the gender differences in bullying scales

		Sum of Squares	df	Mean Square	F	Sig.
Bullied Scale	Between Groups	137.328	1	137.328	21.141	.000
	Within Groups	6482.951	998	6.496		
	Total	6620.279	999			
Bullying Victimization	Between Groups	1.654	1	1.654	.879	.349
	Within Groups	1877.530	998	1.881		
	Total	1879.184	999			
Cyber-Bullying Victimization	Between Groups	.599	1	.599	2.450	.118
	Within Groups	244.085	998	.245		
	Total	244.684	999			
Bullying Others	Between Groups	56.120	1	56.120	51.487	.000
	Within Groups	1087.796	998	1.090		
	Total	1143.916	999			
Cyber-Bullying Others	Between Groups	1.586	1	1.586	31.409	.000
	Within Groups	50.389	998	.050		
	Total	51.975	999			

Table 5: Regression ANOVA table regressing Agnew' core assumption on bullying victimization[b]

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	480.272	14	34.305	24.155	.000[a]
Residual	1398.912	985	1.420		
Total	1879.184	999			

(Beta= -0.263) followed by negative emotions (Beta=0.17), delinquent friends (Beta=0.159), coercive parenting (Beta=122), family support (Beta=0.111) and delinquency (Beta=0.111). See Table 6.

The unique contributions of each predictor as estimated by part coefficients also revealed that exposure to violence (part=0.252) had the greatest effect on bullying victimization, followed by types of negative emotions (part=0.12) and delinquent friends (part=0.118), coercive parenting (part=0.099), delinquency (part=0.089), and family support (part=0.076).

Bullying Others

Findings showed significant effect of the multiple correlation coefficient (R=0.516) of all predictors with the students bullying others (F=25.514, α =0.000). All predictors accounted for 26% of the variance on the students bullying other students. See Tables 7 and 8.

Table 6: Regression Coefficients for GST predictors on bullying victimization[a]

| Model | Unstandardized Coefficients | | Standardized Coefficients | | | Correlations | | |
	B	Std. Error	Beta	t	Sig.	Zero-order	Partial	Part
(Constant)	3.792	.512		7.405	.000			
Coercive Parenting	.097	.027	**.122**	3.591	.000	.280	.114	**.099**
University Strains	.028	.035	.040	.808	.419	.098	.026	.022
Family Support	-.065	.023	**-.158**	-2.764	.006	.080	-.088	**-.076**
Grasmic' LSC	.001	.002	.007	.217	.828	.183	.007	.006
Delinquency	.064	.018	**.111**	3.559	.000	.270	.113	**.098**
Fear Victimization	.011	.012	.027	.931	.352	.148	.030	.026
Life Stressors	-.023	.017	-.043	-1.330	.184	-.014	-.042	-.037
Negative Emotions	.007	.030	.010	.232	.817	.140	.007	.006
Types of Emotions	.122	.028	**.171**	4.354	.000	.246	.137	**.120**
Delinquent Friends	.061	.014	**.159**	4.275	.000	.295	.135	**.118**
Loose Negative Stimuli	.028	.019	.044	1.473	.141	.185	.047	.040
Loose Posit Stimuli	-.030	.014	-.067	-2.114	.035	-.141	-.067	-.058
Failure to Achieve Goals	.000	.010	-.001	-.033	.974	-.185	-.001	-.001
Exposure to Violence	-.542	.059	**-.263**	-9.177	.000	-.327	-.281	**-.252**

a. Dependent Variable: Bullying Victimization

Table 7: ANOVA[b] Regression ANOVA regressing Agnew' GST bullying others

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	304.427	14	21.745	25.514	.000[a]
Residual	839.489	985	.852		
Total	1143.916	999			

Cyber-Bullying

Cyber-Bullying Victimization

The relationship between all GST predictors (Failure to achieve positive goals, negative emotions, negative Incentive, aggressive Behavior, life Stressors, loose positive incentive, low self-control (measured by Grasmic's scale), coercive parenting, delinquent friends, feelings towards stressors, university strains, parenting social bond, school social bond, exposure to violence and family strains) and E-bullying victimization

Table 8: Regression Coefficients[a] ANOVA[b] regressing Agnew' core assumption on bullying others

Model	Unstandardized Coefficients		Standardized Coefficients			Correlations		
	B	Std. Error	Beta	t	Sig.	Zero-order	Partial	Part
(Constant)	.958	.397		2.414	.016			
Coercive Parenting	.082	.021	.132	3.922	.000	.263	.124	.107
University Strains	-.007	.027	-.013	-.259	.795	.082	-.008	-.007
Family Support	-.015	.018	-.047	-.836	.403	.065	-.027	-.023
Grasmic' LSC	.003	.002	.048	1.559	.119	.171	.050	.043
Delinquency	.171	.014	.380	12.306	.000	.466	.365	.336
Fear Victimization	-.008	.009	-.025	-.861	.389	.092	-.027	-.024
Life Stressors	.003	.013	.007	.204	.839	.017	.006	.006
Negative Emotions	-.013	.023	-.024	-.566	.571	.069	-.018	-.015
Types of Emotions	.007	.022	.014	.346	.729	.100	.011	.009
Delinquent Friends	.028	.011	.095	2.567	.010	.248	.082	.070
Loose Negative Stimuli	.006	.015	.011	.373	.709	.169	.012	.010
Loose Posit Stimuli	.002	.011	.005	.163	.871	-.078	.005	.004
Failure to Achieve Goals	.001	.008	.003	.091	.927	-.136	.003	.002
Exposure to Violence	-.200	.046	-.124	-4.373	.000	-.225	-.138	-.119

Predicting bullying others by the GST predictors as estimated by unstandardized coefficients predictors showed that exposure to violence and delinquency were had the strongest effects on students bullying others (B=-0.20, 0.171) respectively, followed by coercive parenting and delinquent friends (B=0.082, 0.028 respectively). However, delinquency had the greatest effect on bullying (Beta=38) followed by coercive parenting (Beta=0.132), exposure to violence (Beta=-124) and delinquent friends (Beta=0.95). The unique contributions of each predictor as estimated by part coefficients also showed that delinquency (part=0.336) had the biggest effect on students bullying others, followed by exposure to violence (part=0.119) and coercive parenting (part=0.107).

was (0.404). All GST predictors explained 16% of the variance on cyber-bullying victimization. As can be seen from the following table (Table 9) the ANOVA regression table the overall effect of all predictors was significant (F=13.753, α ≤0.000).

As can be seen from Table 10 all predictors were weak in predicting the effect on cyber-bullying victimization, but when comparing the standard effects (Betas) of these predictors, results revealed that delinquency had the strongest effect in predicting cyber-bullying (Beta=0.266), followed by coercive parenting (Beta=0.210), family support (Beta=-0.132), and exposure to violence (-0.101). However, delinquency accounted for the strongest unique effect on cyber-bullying (part=0.235), followed by coercive parenting (part= 0.170).

Cyber-Bullying Others

The relationship between all GST predictors (Failure to achieve positive goals, negative emotions, negative Incentive, aggressive Behavior, life Stressors, loose positive incentive, low self-control (measured by Grasmic's scale), coercive parenting, delinquent friends, feelings towards stressors, university strains, parenting social bond, school social bond, exposure to violence and family strains) and cyber-bullying others was (0.399). All GST predictors explained 16% of the variance on cyber-bullying others. As can be seen from the following ANOVA regression table (Table 11) the overall effect of all predictors was significant (F=13.289, α ≤0.000).

Findings revealed in Table 12 that delinquency had the highest effect compared to other predictors of cyber-bullying others (Beta=0.296), followed by coercive parenting (Beta=0.112) and delinquent friends (Bet=0.076). However, delinquency had the highest unique effect on cyber-bullying (part=0.261), followed by coercive parenting (part =0.09) and exposure to violence (part=-0.88).

Discussion

The present research aimed at testing the core assumptions of Agnew's GST in an area of research, place and culture (Jordan) different from the theory place and culture (USA). As Froggio (2007: 384)

Table 9: ANOVA[b] Regression ANOVA table regressing Agnew' GST core assumption on E-bullying victimization

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	40.008	14	2.858	13.753	.000[a]
Residual	204.676	985	.208		
Total	244.684	999			

Table 10: Regression Coefficients of Agnew' GST core assumption on cyber-bullying victimization

Model	Unstandardized Coefficients		Standardized Coefficients			Correlations		
	B	Std. Error	Beta	t	Sig.	Zero-order	Partial	Part
(Constant)	.439	.196		2.242	.025			
Coercive Parenting	.060	.010	.210	5.834	.000	.276	.183	.170
University Strains	.014	.013	.053	1.021	.307	.103	.033	.030
Family Support	-.020	.009	-.132	-2.185	.029	.059	-.069	-.064
Grasmic' LSC	-.002	.001	-.052	-1.598	.110	.062	-.051	-.047
Delinquency	.055	.007	.266	8.069	.000	.325	.249	.235
Fear Victimization	-.007	.005	-.046	-1.478	.140	.061	-.047	-.043
Life Stressors	-.004	.006	-.021	-.603	.547	.015	-.019	-.018
Negative Emotions	.009	.011	.035	.777	.437	.088	.025	.023
Types of Emotions	.019	.011	.074	1.783	.075	.122	.057	.052
Delinquent Friends	.003	.005	.021	.531	.596	.161	.017	.015
Loose Negative Stimuli	-.003	.007	-.015	-.462	.644	.097	-.015	-.013
Loose Posit Stimuli	.000	.005	-.003	-.075	.940	-.055	-.002	-.002
Failure to Achieve Goals	.003	.004	.031	.853	.394	-.085	.027	.025
Exposure to Violence	-.075	.023	-.101	-3.332	.001	-.161	-.106	-.097

a. Dependent Variable: cyber-Bullying Victimization

stated "we do not know if the explanatory contribution of GST only refers to the place where it was conceived (United States), or if the categories mentioned by Agnew also explain the deviant phenomena of other societies". The current research added international cultural and social empirical validation to Agnew's GST, and to the QBVQ on bullying, social bond theory, self-control theory, and social learning theory. Our findings were consisting with Cullen, Unnever, Hartman & Turner and Agnew's (2008) findings.

Student-peer-bullying is recognized as one of the most important issues facing youth today (Crockett, 2004). The theory placed a great emphasis on youth behavior and their ability to absorb strains while they are under vulnerable risk and social and personal crises. Findings of this study revealed a high percentage (44.5%) of students were victims of peer bullying and 9.6% were victims of cyber-bullying.

Despite the many cultural differences in the expression of the phenomenon in different countries, the present study reveals similar

Table 11: ANOVA[b] Regression table of Agnew' GST core assumption on cyber-bullying others

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	8.257	14	.590	13.289	.000[a]
Residual	43.718	985	.044		
Total	51.975	999			

Table 12: Regression Coefficients[a] of Agnew' GST core assumption on cyber-bullying others

Model	B	Std. Error	Beta	t	Sig.	Zero-order	Partial	Part
(Constant)	.267	.091		2.953	.003			
Coercive Parenting	.015	.005	.112	3.094	.002	.181	.098	.090
University Strains	.006	.006	.048	.923	.356	.044	.029	.027
Family Support	-.005	.004	-.072	-1.182	.237	.003	-.038	-.035
Grasmic' LSC	-.000	.000	.034	1.042	.298	.108	.033	.030
Delinquency	.028	.003	.296	8.936	.000	.355	.274	.261
Fear Victimization	-.002	.002	-.029	-.933	.351	.041	-.030	-.027
Life Stressors	-.001	.003	-.007	-.191	.849	-.003	-.006	-.006
Negative Emotions	.005	.005	-.047	-1.037	.300	-.002	-.033	-.030
Types of Emotions	.005	.005	-.043	-1.024	.306	.014	-.033	-.030
Delinquent Friends	.005	.003	.076	1.922	.055	.153	.061	.056
Loose Negative Stimuli	-.004	.003	-.042	-1.315	.189	.072	-.042	-.038
Loose Posit Stimuli	.004	.003	-.058	-1.721	.085	-.118	-.055	-.050
Failure to Achieve Goals	.000	.002	.008	.212	.832	-.114	.007	.006
Exposure to Violence	-.031	.010	-.091	-2.998	.003	-.166	-.095	-.088

a. Dependent Variable: cyber-Bullying Others

features across different cultures. This study has confirmed the gender effects found in research in other countries. Males were more likely to be bullied and victims of face-to-face (F2F) bullying and cyber-bullying. Gender effects have been demonstrated across a number of countries such as Ireland, France, Scandinavia, England, Scotland, and the Netherlands with boys more likely to be victims/bullies than girls (Kyriakides, Kaloyirou, and Lindsay, 2006; Byrne, 1992; Lagerspetz, Bjorkqvist, Berts, & King, 1982; Mellor, 1990; Olweus, 1978; Ortega & Mora- Merchan, 1995; Smith et al., 1999; Vandermissen & Thys, 1993). Males and females tend to experience different types of strain with male strain leading to more serious violent and property crimes (Broidy and Agnew, 1997). Males are more likely to respond to strain with property or violent crime because of differences in social support, opportunities, and the disposition to engage in crime. Male strains lead the individual to more serious violent and property crimes (Broidy and Agnew, 1997). Females are more likely to be accompanied by depression, anxiety, and guilt when experiencing strain. Female responses to strain are more likely to reduce the likelihood of aggressive crimes and increase the likelihood of self-destructive and escapist attempts such as drug abuse.

Similar findings were found in Hinduja and Patchin's (2005) results indicating that 34.4% of adolescents were cyber-bullied. Most experiences occurred in chat rooms (55.6%) and through text messages

(48.9%). Thirty-four percent of victims reported feeling frustrated, 30% angry, and 22% sad. In another study, Patchin and Hinduja (2006) found that 29% of respondents reported being bullied online, 11% admitted to bullying others, and 47% witnessed online bullying. Another study supporting our findings came from Kozlosky, (2008) (N= to 2,337 students in grades six through twelve). Traditional bullying was more prevalent, with 74% of the sample experiencing an event that comprised the definition of bullying and 40% experiencing some form of electronic bullying in the past couple of months (Kozlosky, 2008).

GST predictors accounted for 26% of the variance on *bullying victimization*, 27% on students *bullying others*, 16% of both *cyber-bullying victimization* and *cyber-bullying others* student. The findings showed significant effects of GST core predictors on students *bullying victimization*, students *bullying others*, students *cyber-bullying victimization* and *cyber-bullying others*. University students possess personal traits as youth, the experience of social crises and negative emotions. Thus they can be unpleasant people, who antagonize and provoke negative emotions. GST can be applied to the university campus as a local community. As Agnew argued, community differences in crime rates are a function of community differences in strain (1999). On an organizational level, university environment is totally different; it is a diverse, stressful, risky environment that is very demanding. Students found themselves under risk and in adverse situations. The university campus becomes a semi-captive environment, with different professions and mobile youth. In a university campus where high aspirations and high social expectations combine with feelings of inequality between students from different socio-economic background, tribal differences can influence levels of university strain, which may then lead to students bullying. Add to that the severe and harsh socio-economic macro strains in Jordan such as poverty, unemployment, divorce, etc. Support for this argument came from Sahin, (2010) that student socioeconomic status and the relationships with their parents were main contributors to a student's bullying behavior.

On an individual level, University students have low levels of social control which increases the likelihood to respond to strains in a deviant way. They are less able to cope with strains in a legal manner, because they are lower in conventional social support. Students as a whole are experiencing more strain than other segments in society. They are squeezed between their aspirations and actual accomplishments, with a big gap between. Environmental factors in the lives of bullies often involve "power-assertive" (Olweus, 2003/1993, p. 40) child rearing methods, such as physical punishment and exposure to violent emotional outbursts.

The effects of GST predictors on *bullying victimization* as estimated by multiple regression coefficients were statistically significant. *Exposure to violence* had the biggest effect followed by type of *negative emotions* (unjust, magnitude and unfair). The unique contributions of each predictor as estimated by part coefficients also revealed that *delinquent friends*, *coercive parenting*, *delinquency*, and *family support* had significant effect on students bullying victimization. This is consistent with previous research by Al–Badayneh and Al-Shgour (2009), which revealed that 90.2 % of university students indicated they witnessed, heard, or read something about child abuse. Moreover, 75.3 % of the sample was exposed to physical abuse during their childhood. Moreover, family abuse has been reported in 87 % of the cases. Also this finding is consistent with Al-badayneh's (2012) findings that showed significant differences in violence against women as a result of exposure to violence and experiencing violence during childhood. Early victimization and strains have been linked to a range of social and behavioral problems such as drug abuse, delinquency and bullying (Carson, and Sullivan, Cochran, and Lersch, K., 2009, Aseltine, Gore, and Gordon, 2005; Sharp, Terling-Watt, Atkins & Gilliam, 2001, and Hilarski, 2004).

Predicting *bullying others* by the GST predictors as estimated by regression coefficients showed that exposure to violence and delinquency had the strongest effects on *students bullying others*, followed by *coercive parenting* and *delinquent friends*. However, *delinquency* had the greatest effect on bullying followed by *coercive parenting*, *exposure to violence*, and *delinquent friends*. These findings support Agnew's GST. As Agnew proposed, several conditioning factors such as weak social bond, association with delinquent peers affect delinquency (Agnew, 1992, 2006, Agnew, Brezina, Wright & Cullen, 2002, Agnew & White, 1992).

Regressing *cyber-bullying victimization* on GST predictors results revealed that *delinquency* had the strongest effect in predicting cyber-bullying followed by *coercive parenting*, *family support* and *exposure to violence*. Moreover, GST predictors had significant effect on *cyber-bullying others*. Findings revealed that *delinquency* had the highest effect compared to the other predictors of *cyber-bullying others* followed by *coercive parenting*, and *delinquent friends*. However, *exposure to violence* had a significant unique effect on *cyber-bullying others*. The internet and other electronic devices and forms of communication allow the reach of a bully to extend beyond face-to-face interactions. Bullying can now follow a victim anywhere, including into the privacy of one's own home. Understanding the ways in which cyber-bullying shares similarities with and differs from traditional forms of bullying will serve to enhance our efforts toward prevention and intervention (Kozlosky, 2008).

Finally, a 21 item general bullying scale was developed. Items were distributed unequally between the major scale factors: *bullying others*, *bullying victimization*, *stigmatized bullying*, and *cyber bullying*. The scale items cover different faces of bullying include F2F bullying, physical and verbal bullying, cyber bullying, tribal bullying, as well as bullying victimization/bullying others.

Findings suggest that preventive bullying programs are needed on university campuses, as well as in schools and in the local community. National plans are needed as well to overcome some macro level social problems such as poverty and unemployment. Jordan universities must include student bullying (F2F bullying and cyber bullying) in their policies, and such policies must be posted on campus and on webpage and reviewed annually.

References

Agatston, P. W., Kowalski, R., & Limber, S. (2007). Students' perspectives on cyber-bullying [Electronic version]. *Journal of Adolescent Health,* 41, S59-S60.

Agnew, R. (1985). A Revised Strain Theory of Delinquency. *Social Forces* 64(1):151-167.

Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology,* 30(1), 47-87.

Agnew, R. (1997). Stability and Change in Crime over the Life Course: A Strain Theory Explanation. Pp. 101-132. In Developmental Theories of Crime and Delinquency, *Advances in Criminological Theory*, edited by T. Thornberry. New Brunswick, NJ: Transaction.

Agnew, R. (2001). Building on the foundation of general strain theory: Specifying the types of strain most likely to lead to crime and delinquency. *Journal of Research in Crime and Delinquency,* 38(4), 319-361.

Agnew, R. (2002). Experienced, vicarious, and anticipated strain: An exploratory study on physical victimization and delinquency. *Justice Quarterly,* 19(4), 603-632.

Agnew, R. (2006). *Pressured into crime: An overview of general strain theory*. Los Angeles: Roxbury Publishing Company.

Agnew, R. , Brezina, T., Wright, J. and Cullen, F. (2002). Strain, Personality Traits, and Delinquency: Extending General Strain Theory. *Criminology* 40:43-71.

Agnew, R., & Brezina, T. (1997). Relational problems with peers, gender, and delinquency. *Youth and Society,* 29(1), 84-111.

Agnew, R., & White, H. R. (1992). An empirical test of general strain theory. *Criminology,* 30(4), 475-499.

Akers, R. L., & Sellers, C. S. (2004). *Criminological theories: Introduction, evaluation, application* (4th ed.). Los Angeles, CA: Roxbury.

Al-Badayneh, D. (2012). Violence against women in Jordan. *Journal of Family Violence*. 27:369-379.

Al-Badayneh, D. (2011). University Under Risk: The University as Incubator for Radicalization. Pp 32-41 Ihsan Bal, Suleyman Ozeren, Mehmet Alper Sozer (eds.) *Multi-Faceted Approach to Radicalization in Terrorist Organizations*. NATO Science for Peace and Security Series - E: Human and Societal Dynamics. Vol. 87.

Al–Badayneh, D., & Al-Shgour, M. (2009). Relationship between personal and family characteristics and types of family violence among college students during their childhood. *Arab Journal for Security Studies & Training*, 24(48), 85–130.

American Psychological Association (APA). (2004). *APA resolution of bullying among children and youth.* Retrieved December 24,2006, from http://www.apa.org/pi/cyf/bully_resolution_704.pdf

Aseltine, Jr., Robert H., Gore, S., and Gordon, J. (2000). ''Life Stress, Anger and Anxiety, and Delinquency: An Empirical Test of General Strain Theory.'' *Journal of Health and Social Behavior* 41:256-275.

Berger, K. S. (2006). Update on bullying at school: Science forgotten? *Developmental Review,* 27, 90–126.

Boyle, D. J. (2005). Youth bullying: Incidence, impact, and interventions [Electronic version]. *Journal of the New Jersey Psychological Association,* 55(3), 22-24.

Bradshaw, C. P., Sawyer, A. L., & O'Brennan, L. M. (2007). Bullying and peer victimization at school: Perceptual differences between students and school staff. *School Psychology Review,* 36(3), 361-382.

Broidy, L. M., & Agnew, R. (1997). Gender and crime: A general strain theory perspective. *Journal of Research in Crime and Delinquency,* 34, 275–306.

Buka, S. L., Stichick, T. L., Birdthistle, I., & Earls, F. J. (2001). Youth exposure to violence: Prevalence, risks, and consequences. *American Journal of Orthopsychiatry,* 71, 298-310.

Burgess, A. W., Garbarino, C., & Carlson, M. I. (2006). Pathological teasing and bullying turned deadly: Shooters and suicide. *Victims & Offenders,* 1(1), 1–14.

Byrne, B. (1992). *Bullies and victims in a school setting with reference to some Dublin schools*. Dublin: University College.

Carson, D. and Sullivan C., Cochran, J. and Lersch, K., (2009). General Strain Theory and the Relationship between early Victimization and Drug use. *Deviant Behavior*, 30:54-88

Colvin, M. (2000). *Crime and coercion: An integrated theory of chronic criminality*. New York: St. Martin's Press.

Crockett, D. (2004). Critical issues children face in the 2000's. *School Psychology Review,* 33(1), 78-82.

Cullen, F. Unnever, J. Hartman, J. and Turner ,M., Hartman, J. and Turner, M. (2008). Gender, Bullying Victimization, and Juvenile Delinquency: A Test of General Strain Theory. *Victims and Offenders,* 3:331–349.

Daigle, L. E., Fisher, B. S., & Cullen, F. T. (2008). The violent and sexual victimization of college women: Is repeat victimization a problem? *Journal of Interpersonal Violence,* 23, 1296–1313.

Dulmus, C. N., Sowers, K. M., & Theriot, M. T. (2006). Prevalence and bullying experiences of victims and victims who become bullies (bully-victims) at rural schools. *Victims & Offenders,* 1(1), 15–31.

Elliot, M. (1997). 101 ways to deal with bullying: A guide for parents. London: Hodder Stoughton.

Farrington, D. P. (1993). Understanding and preventing bullying. In M. Tonry (Ed.), *Crime and justice: A review of research.* (pp 381–458). Chicago: University of Chicago Press.

Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. Washington, DC: National Institute of Justice and Bureau of Justice Statistics.

Francis, K. (2007). Gender Differences in Delinquency and Health Risk Behaviors: A Test of General Strain Theory. Unpublished PhD dissertation. The University of Texas at Austin.

Froggio, G. (2007). Stain and Juvenile delinquency: Critical Review of Agnew's general Stain Theory. *Journal of Loss and Trauma*, 12:383–418.

Gottfredson, M. R. (2006). The empirical status of control theory in criminology. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Taking stock: The status of criminological theory—Advances in criminological theory* (pp. 77–100). New Brunswick, NJ: Transaction.

Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.

Grasmick, H. G., Tittle, C. R., Bursik, R. J., Jr., & Arneklev, B. J. (1993). Testing the core empirical implications of Gottfredson and Hirschi's general theory of crime. *Journal of Research in Crime and Delinquency,* 30, 5–29.

Gullion, J. G. (2006). *Explaining Juvenile Delinquency*: A Test of Robert Agnew's General Strain Theory, Utilizing the National Longitudinal Study of Adolescent Health Data. Dissertation Prepared for the Degree of Doctor of Philosophy (Sociology). University of Texas.

Hazler, R. J. (1996). *Breaking the cycle of violence: Interventions for bullying and victimization*. Washington, DC: Taylor & Francis.

Hilarski, C. (2004). Victimization History as a Risk Factor for Conduct Disorder Behaviors: Exploring Connections in a National Sample of Youth. Stress, Trauma, and Crisis: *An International Journal,* 7:47-59.

Hinduja, S., & Patchin, J. W. (2005). *Research summary: Cyber-bullying victimization*. Retrieved August 5, 2006, from http://www.cyberbullying.us.

Hirschi, T. (1969). *Causes of delinquency*. Berkeley, CA: University of California Press.

Hoglund, W. L., & Leadbeater, B. J. (2007). Managing threat: Do social-cognitive processes mediate the link between peer victimization and adjustment problems in early adolescence? *Journal of Research on Adolescence,* 17, 525–554.

Holmes and Rahe, (1967).The Social Readjustment Rating Scale," *Journal of Psychosomatic Research,* 2:213-18.

Kobayashi, B., (2007). Testing General Stain Theory: A Canadian Analysis of Children and Youth. Unpublished PhD dissertation. University of Guelph.

Kozlosky, R. (2008). Electronic Bullying Among Adolescents. Unpublished PhD dissertation. Marywood University, Reap College of Education and Human Development.

Kyriakides, L. Kaloyirou, C. and Lindsay, G. (2006). An analysis of the Revised Olweus Bully/Victim Questionnaire using the Rasch measurement model. *British Journal of Educational Psychology,* 76, 781–801.

Lagerspetz, K. M., Bjorkqvist, K., Berts, M., & King, E. (1982). Group aggression among school children in three schools. *Scandinavian Journal of Psychology*, 23, 45–52.

McConville, D., & Cornell, D. G. (2003). Attitudes toward aggression and aggressive behavior among middle school students. *Journal of Emotional and Behavioral Disorders,* 11, 179–187.

Mellor, A. (1990). *Bullying in Scottish secondary schools*. Edinburgh, UK: Scottish Council for Research in Education.

Mishna, F., Pepler, D., & Wiener, J. (2006). Factors associated with perceptions and responses to bullying situations by children, parents, teachers, and principals. *Victims & Offenders,* 1(3), 255–288.

Mynard, H., & Joseph, S. (2000). Development of the Multidimensional Peer-victimization Scale. *Aggressive Behavior*, 26, 169-178.

Nansel, T. R., Overpeck, M., Pilla, R. S., Ruan, J., Simons-Morton, B., & Scheidt, P. (2001). Bullying behaviors among U.S. youth: Prevalence and association with psychosocial adjustment. *Journal of the American Medical Association,* 285, 2094–2100.

Olweus, D. (1978). Aggression in the schools: Bullies and whipping boys. Washington, DC: Hemisphere.

Olweus, D. (1996). *The revised Olweus Bully/Victim Questionnaire for Students*. Bergen, Norway: University of Bergen.

Olweus, D. (2003). *Bullying at school*. Maiden, MA: Blackwell Publishing Ltd. (Original work published 1993).

Olweus, D., Limber, S., & Milhalic, S. F. (1999). *Blueprints for violence prevention, book nine: Bullying prevention program*. Boulder, CO: Center for the Study and Prevention of Crime.

Ortega, R., & Mora-Merchan, J. A. (1995, August). *Bullying in Andalucian adolescence: A study about the influence of the passage from primary school to secondary school*. Paper presented at the Seventh European Conference on Developmental Psychology, Krakow, Poland.

Patchin, J. W., & Hinduja, S. (2006). Bullies move beyond the schoolyard: A preliminary look at cyber-bullying [Electronic version]. *Youth Violence and Juvenile Justice,* 4(2), 148-169.

Pratt, T. C., & Cullen, F. T. (2000). The empirical status of Gottfredson and Hirschi's general theory of crime: A meta-analysis. *Criminology,* 38, 931–964.

Rigby, K. (1997). *Bullying in schools: And what to do about it.* Melbourne: Acer.

Rigby, K. (2003). Consequences of bullying in schools. *The Canadian Journal of Psychiatry*, 48(9), 583-590.

Şahin, M. (2010)**.** Teacher's perception of Bullying in High schools: A Turkish study**.** *Social Behavior And Personality*, 38(1), 127-142

Sharp, Susan F., Toni L. Terling-Watt, Leslie A. Atkins, and Jay Trace Gilliam. (2001). ''Purging Behavior in a Sample of College Females: A Research Note on General Strain Theory and Female Deviance. *Deviant Behavior* 22:171-188

Simons, R. L., Wu, C-I., Conger, R. D., & Lorenz, F. O. (1994). Two routes to delinquency: Differences between early and late starters in the impact of parenting and deviant peers. *Criminology,* 32, 247–276.

Slaby, R. G., & Guerra, N. G. (1988). Cognitive mediators of aggression in adolescent offenders: Assessment. *Developmental Psychology,* 24, 580–588.

Smith, P., Morita, Y., Junger-Tas, J., Olweus, D., Catalano, R., & Slee, P. (Eds.). (1999). The nature of school bullying: A cross-national perspective. London: Routledge.

Unnever, J. D., Colvin, M., & Cullen, F. T. (2004). Crime and coercion: A test of core theoretical propositions. *Journal of Research in Crime and Delinquency,* 41, 244–268.

Vandermissen, V., & Thys, L. (1993). Study into school experiences in Flanders: Contacts with fellow pupils. Caleidoscoop, 4, 4–9.

Vazsonyi, A. T., & Crosswhite, J. M. (2004). A test of Gottfredson and Hirschi's general theory of crime in African American adolescents. *Journal of Research in Crime and Delinquency,* 41, 407–432.

Verkuyten, M., & Thijs, J. (2001). Peer victimization and self-esteem of ethnic minority group children. *Journal of Community and Applied Psychology*, 11, 227-234.

Wallace, L. H., Patchin, J. W., & May, J. D. (2005). Reactions of victimized youths: Strain as an explanation of school delinquency. *Western Criminological Review,* 6, 104–116.

Civilian Protection in Mexico & Guatemala: Humanitarian Engagement with Druglords & Gangs

BY AMI C. CARPENTER*

Are clans, tribes, warlords, and rebels all that different from mafias, gangs, and drug lords; in what ways and why? [We] must be prepared to examine and perhaps move beyond conventional understandings of the conditions under which non-state armed actors will emerge, thrive, employ violence, and thus contribute to conditions of insecurity.

Davis, 2009

Homeland security aims to protect people, institutions, and infrastructure from 21st century threats, most of which are transnational in nature. This article focuses on the threat of organized crime to the regional security of the Americas. Complex criminal networks are interlinked across state borders, from South to North America. At both ends and in between, civilians suffer the cost of violence associated with trafficking. This article acknowledges that interrupting criminal networks is a long-term endeavor, and focuses on protecting civilians in the short-term using conflict analysis and resolution strategies for mitigating risk to people in harms way.

The United Nations Security Council has called for greater attention to organized crime in conflict analysis and resolution strategies in part because conflicts for which death is measured in 'homicides' instead of 'casualties' have challenged analysts to find a suitable regime for civilian protection. Conflict analysis (or assessment) involves evaluating key conflict factors (structural, proximate, and triggering causes) at

---

* Ami C. Carpenter is an Assistant Professor at the Joan B. Kroc School of Peace Studies at University of San Diego. She studies the intersection between political and criminal violence, and violence prevention in rural and urban settings characterized by armed non-state actors.

different levels of analysis (global, regional, state, local), and places a priority on understanding the actors involved – their interests, relational history, and capacities for violence or peace. It is a central method in the transdisciplinary field of conflict resolution, which studies the causes and dynamics of social conflict and applies research informed methods to prevent and interrupt violence, and build sustainable peace.[1]

With notable exceptions, the toolbox of methods and strategies developed over the past three decades for conflict resolution and peacebuilding are not considered in cases where the armed non-state actors are gangs and drug cartels.[2] These actors are predominant in factional conflict, in which armed groups clash over power or competing material interests rather than identity-based or ideological issues. Factional conflict blurs the lines between political conflict and criminal violence, with state and non-state actors participating in both and often at the same time. Few have asked whether strategies like humanitarian engagement should be pursued with "those who have not conventionally been studied in the literature on non-state armed actors, including drug smugglers, mafias, youth gangs, and citizen militias"[3], or argued that "the study of organized crime and criminal violence should be more actively integrated into the broader analysis of collective organized armed violence in and beyond conflict areas".[4]

The sheer scale of violence in Mexico and Guatemala heightens the urgency of this analytical exercise. Over 50,000 people have been killed in Mexico's "drug war" since 2006, while in Guatemala the homicide rate has doubled over the past decade to 40 per 100,000 inhabitants in 2011.[5] As a point of reference, the 2011 homicide rate in the U.S. is 3.8, and the worldwide average in 2010 was 6.9.[6] In part, the aim of this article is to contest the dominant political paradigm that has prioritized destroying criminal organizations over protecting civilians, not least because security forces in Mexico and Guatemala are responsible for a good deal of the killing, maiming and torture suffered by civilians.

Conflict analysis is the first order of business through categorizing and then describing violent conflicts involving street gangs, terrorist cells, druglords, warlords, and criminal organizations with transnational reach. These actors are dominant in so-called *factional conflict*, defined as the clash of armed groups over power or competing material interests rather than identity-based or ideological issues. The violence in Mexico and Guatemala are part of the same regional crime-conflict formation[7] driven both by global market forces and domestic interpenetration of criminal and political worlds. Parts of both countries may be considered active conflict zones that are *alternatively governed* or "contested spaces within and between states where other types of actors rule".[8]

During the many years required to address the institutional causes of crime and violence in the region, improve democratic accountability, and dislodge criminal enterprises from governmental bodies, it is essential to expand the methods used to reduce violence and protect human security.

For such purposes, the feasibility of extending the framework of humanitarian engagement to conflicts with criminal elements will be explored. Doing so involves engaging with armed groups, an exercise viewed by many as an unlikely scenario. Experts at the United States Department of State Bureaus and the White House Office of National Drug Control Policy stated that engagement with Mexican transnational criminal organizations (TCOs) was off the table.

> "Druglords don't have a political agenda. Their philosophy is 'let me do my business, let me make my money' and their mentality is stay out of my way or I'll kill you.[9]

> "You can't negotiate. You have to have a good faith partner on the other side."[10]

This work argues that entry points for humanitarian engagement exist with some, but not all, of the criminal organizations and gangs operating in Mexico and Guatemala, groups that vary along a continuum of motivations for waging violence, manifesting as both extremist and moderate leaders and groups. Resources consisting of interviews with 39 current and former gang members in the US/Mexico border region (2009), 140 individuals regarding violent conflict in Quiche Guatemala (2009-2011) [11], and 60 individuals in the San Diego Border region (2011-2012)[12] were consulted for first-hand and secondary accounts of methods that have worked and are working to reduce anti-civilian violence by many such groups. However, engagement with armed groups is not without flaws, contradictions, and challenges. This article concludes by acknowledging and engaging with several compelling arguments against engagement.

Factional Conflict

Conflict is a situation in which actors use conflict behavior against each other to attain incompatible goals and/or express hostility.[13] Conflict analysts agree that it is useful to loosely categorize types of conflict to aid understanding of conflict dynamics and intervention choices. The most fundamental typology distinguishes between *interstate* and *intrastate* conflict, but conflicts within states also fall into three general categories reflecting different end-goals or motivations: *Ideological-*

Revolutionary conflict, *Identity-Secessionist* conflict, and *Factional-Economic* conflict.[14] Ideological-Revolutionary conflict seeks to change the nature of the state (from secular to Islamic, for instance) while Identity-Secessionist conflict seeks to change or alter the integrity of a territorial composition of the state. The least understood type of conflict is Factional-Economic Conflict (hereafter called factional conflict) "in which the fighting is … about the competing interests or power-struggles of political or criminal factions" whose aim is to "usurp, seize or retain state power merely to further particular interests". [15]

These are loose, overlapping categories that may be best characterized as a continuum of motivations for conflict, more than one of which can be present in any given situation. Still, the typology serves as a useful rough guide to differentiating and analyzing cases of conflict wherein leaders appear motivated to use violence for purposes of economic gain rather than political grievances.

> The non-state armed actors increasingly involved in violence in today's world are not those necessarily struggling over state power or for political inclusion. A large number are motivated either by economic requisites or a desire for self-protection in a deteriorating security environment in which the state seems increasingly unwilling or incapable of doing so.[16]

In Guatemala and Mexico, non-state armed actors include criminal organizations and gangs. Mexican criminal organizations are transnational in scope and control significant territory both in Mexico and Guatemala. They oversee multiple aspects of the illicit drug sector, including financing, exporting and selling their product in global markets; they also control most of the drug distribution centers in the United States.[17] Guatemalan criminal organizations are headed by powerful families with regional control over trafficking routes towards the Southern Mexico border. Operating in both countries are the large gangs MS-13 and Calle-18, involved in drug, human and arms trafficking.

Factional conflict is deeply rooted in a dynamic where the economic motivation to pursue conflict becomes compelling.[18] Often resources are seemingly pursued for their own sake, not in order to keep fighting towards a particular goal. Economic power has become a proxy for political power in motivating internal violence, whether over diamonds in Sierra Leone and Angola, timber in Liberia and Cambodia, or narcotics in Columbia, Afghanistan and Mexico.

Economic motivation must be coupled by opportunities to pursue conflict, which is in turn determined by how well state institutions function. As Lezhnev pointed out, "an alluvial gold mine in California

does not lead to armed rebellion [and] local warlords selling the resources for Ukranian AK-47s through a global arms dealer".[19]

> The strength of the state in a particular region, especially in terms of its ability to project central authority, to administer the rule of law, to enforce security, and to regulate economic activities, lies underneath other factors in determining whether and how rebellion … takes root in that area.[20]

Keen (1998) concluded that internal forms of war may now be better understood as the continuation of economics by other means, implying an approach to preventing and resolving these conflicts that prioritizes long-term economic development and engagement with armed groups.

> In conflicts where violence is decentralized and economically motivated, war cannot simply be "declared" or "declared over". A lasting end to violence is likely to depend on meeting many of the needs of those carrying out acts of violence as well as the needs and interests of some of the more highly developed actors, orchestrating and perhaps funding violence.[21]

Many of today's factional conflicts have regional dimensions. Regional conflict formations are sets of transnational conflicts that form mutually reinforcing linkages with each other across state borders.[22] Violence in Mexico and Guatemala are interlinked by regional actors with interpenetrated, trans-boundary criminal networks.

Regional Conflict Formations

Regional conflict formations are "sets of violent conflicts – each originating in a particular state or sub-region – that form mutually reinforcing linkages with each other throughout a broader region, making for more protracted and obdurate conflicts".[23] In this approach, violent conflicts are networks of interlinked transnational actors pursuing their own economic and political interests.[24] The result is "a geographically determined area of insecurity, characterized by interdependent violent conflicts with a plurality of different sub-state, national or transnational actors."[25]

Regional conflict formations involving Mexico and Guatemala share three general characteristics. First, they are driven to large degree by the interpenetration of political and criminal worlds. Resource exploitation requires infrastructure, both physical (roads, rivers, equipment, export and entry points such as sea ports and airports) and social infrastructure or networks "that can finance the extraction, recruit labor,

move the commodity to the outside world and exchange it for cash or goods the group needs, such as weapons, ammunition, boots and vehicles".[26] The interpenetration of criminal, governmental and business networks provides important services including lawyers, accountants, bankers, law enforcement agencies and government.[27]

In Mexico and Guatemala, both state and non-state actors have historically profited from the illicit drug industry.[28] Mexico's current conflict involves an effort to sever close linkages between high ranking traffickers and high ranking politicians institutionalized by the Institutional Revolutionary Party (PRI), while to date Guatemala's government remains compromised, an entrenched criminal network (CIACS, or Illegal Corps and Clandestine Security Apparatus) consisting of active and former members of the military, government intelligence units, and think tanks with close ties to political parties at all levels of society.[29] The interpenetration of criminal and political worlds makes it difficult to distinguish between criminal and political *actors*. State authorities in Mexico and Guatemala are co-opted or deeply complicit in alternative authority structures. Officeholders in both countries participate in international criminal networks and have exploited official positions to engage in international drug trafficking. The culture of impunity built over decades has eroded distinctions between "legal" and "illegal" actors, with the security establishment in both countries involved in kidnapping, murder, human trafficking, and other criminal activities.

Second, interpenetration of crime and politics tends to produce what are variously called "alternatively governed" or "conflicted" spaces. In the virtual world, such spaces include offshore financial markets and areas of the internet. In physical spaces, order and infrastructure are provided by combination of armed groups, elite networks, and individuals,[30] as well as locally legitimate customs and institutions.[31] The state is not wholly absent but is "at best one of the many competitors for authority".[32] Parts of Mexico and Guatemala may be considered active conflict zones; localities where there is a reasonable chance of medium to large-scale hostilities breaking out at any time.

Such spaces are allowed (and sometimes encouraged) to form through deliberate policy choices or "willing collaboration of state authorities, usually in combination with the forces of globalization and socioeconomic dynamics".[33] This phenomenon is particularly prevalent in Latin America, where armed criminal groups are "incorporated into the state through networks that tie them together with civic actors, bureaucrats, and politicians".[34]

Third, people living in these alternatively governed spaces often identify more strongly with ethnic, religious or geo-economic identity

groups than with governments as sources of political, social and economic support.[35] In Mexico and Guatemala, loyalty to criminal organizations or gangs may be linked to cultural attributes ascribed to organizational leaders, to patronage systems that provide for individuals and families, and/or to the economic benefits that the drug trade brings to certain communities.

Assessing violence in Mexico and Guatemala against these three characteristics comes closer to seeing the complexity of drivers, dynamics and actors involved. However this approach flies in the face of conventional analysis in which organized criminal violence and political violence (including terrorism) are seen as fundamentally different, the former treated with criminal justice strategies and the latter with conflict management and peace-building strategies.

The conventional analysis is contested and shifting. The United Nations Office on Drugs and Crime (UNODC) has argued that "transnational organized crime cannot be reduced to a criminal justice issue"[36] and that "transnational organized crime is driven by market forces [therefore] countermeasures must disrupt those markets, and not just the criminal groups that exploit them".[37] Regional responses to the continental security situation suggest the Americas continue to struggle with that paradigm shift. Inexplicit mandates about the security situation expressed at the 2012 Sixth Summit of the Americas included "institutional coordination", "police training and education", and "administration of public security by governmental agencies" even though (as described above) governmental agencies are deeply complicit in organized crime.

Still, re-evaluation and coordination of regional and global policy are evolving. In a step towards disrupting market forces, US Presidential Executive Order 13581, "Blocking Property of Transnational Criminal Organizations" was signed into law in 2011. EO 13581 implements Article 12, "Confiscation and Seizure" of the United Nations Convention against Transnational Organized Crime, which is considered "the most important and comprehensive international instrument to combat organized crime".[38]

Other recent developments includes greater regional support for crime prevention strategies, education and community development in Mexico and Central America,[39] and the collective proposition by Latin American heads of state, including Mexican president Calderon, Guatemalan president Perez, and Colombian president Santos, that the militaristic "war on drugs" has failed, leaving legalization with regulation as a viable alternative.[40]

Others have written at length on these topics. This effort only notes that regional policies to address the root causes of Central America's

regional crime-conflict nexus require institutional changes that are characteristically slow moving. Methods to reduce violence and protect human security must be expanded in the interim.

Protecting Civilians in Factional Conflicts

Armed groups and security forces in Mexico and Guatemala deliberately target civilians, raising the question of how to deter such attacks. The normative framework for civilian protection is International Humanitarian Law (IHL), which binds state and non-state actors to rules meant to protect civilians in armed conflict, whether or not those rules are actually followed.

> Most political and military leaders and many of their spearing, hacking, shooting, bombing and burning subordinates have not usually valued this ethic of mercy and protection as an important priority in war. Normally they have rejected it [along with] civilian populations themselves.... Yet the civilian ethic has remained resilient in human consciousness and ... is stronger in the mainstream political imagination today than for a long time.[41]

In 2003, the ICRC took up the question of civilian protection in messy, contemporary conflicts and concluded that "many rules previously applicable in international armed conflicts are now binding as a matter of customary law in non-international armed conflicts as well"[42] including the principle of distinction, the prohibition of indiscriminate attacks, and the duty to take precautions in attack.

A nascent debate exists over whether the conflict in Mexico should be conceived of as a "non-international armed conflict" (NIAC), in which case international humanitarian law is applicable. The IRC concluded that determination should be made on a case-by-case basis, and Mexican human rights lawyer Netzai Sandoval has initiated the process by filing a formal complaint with International Criminal Court in The Hague charging President Calderon, top officials, and the head of Sinaloa cartel with committing war crimes and crimes against humanity. This move has raised the complicated question of how to classify the violence.

Precedents set by the Yugoslavia Tribunal and the United Nations Security Council suggest that International Humanitarian Law (IHL) may apply to factional conflict in Mexico and Guatemala.[43] According to the Appeal Chamber of the International Criminal Tribunal for the former Yugoslavia, both the protracted nature of an internal armed conflict and the level of organization of parties render actors subject to the customary rules of International Humanitarian Law. Customary

rules included "protection of civilians from hostilities, in particular from indiscriminate attacks, protection of civilian objects (cultural property) protection of all those who do not (or no longer) take active part in hostilities, as well as prohibition of means of warfare proscribed in international armed conflicts and ban of certain methods of conducting hostilities."[44]

An even broader precedent was set in 1993 by UN Security Council Resolution 814. Aimed at Somali armed groups of varying sizes and organization, Resolution 814 demanded "that all Somali parties, including movements and factions, immediately cease and desist from all breaches of international and humanitarian law and reaffirm that those responsible for such acts be held individually accountable…."

One interpretation of Resolution 814 is that "once violence has crossed a certain threshold, *any group* in the territory of the war is subject to common Article 3 as a "party to the conflict" regardless of organization or authority".[45] Sassoli has referred to this as a "functional approach" to IHL which considers "any group to be subject to some rules formulated in terms of absolute prohibitions"[46] such as torture. The United Nations Office for the Coordination of Humanitarian Affairs took a similarly broad approach in defining armed actors under IHL as parties "engaged in conflict and distinct from a governmental force, whose structure may range from that of a militia to rebel bandits."[47]

However Sassoli has argued that groups must be minimally organized in order to implement IHL, including having control over armed forces. On the specific question of whether armed non-state actors in Mexico should be beholden to IHL, Patrick Gallahue concluded IHL is poorly suited to the criminal nature of the violence in Mexico, arguing among other things that "[i]t is truly chilling to imagine a scenario where civilian casualties in a 'drug war' are measured against 'military necessity'"[48] by drug traffickers.

The very strategy of targeting civilians renders IHL dysfunctional in factional conflicts. As Glaser has observed, "[n]egotiation with armed groups to comply with IHL rules seems to be rather pointless as the logic of conflicts is often driven precisely by breaking IHL principles."[49] True to Gallahue's point, armed non-state actors in Mexico and Guatemala have regularly employed brutal methods of warfare directly targeting civilians. This does not mean that IHL has no meaning in factional conflicts, but that its application is a delicate and dynamic process that falls under the concept of negotiated access, or humanitarian engagement.

Humanitarian engagement aims to protect civilians and preventing their deliberate abuse by armed groups. The United Nations Office for

the Coordination of Humanitarian Affairs defines these as "negotiations undertaken by civilians engaged in managing, coordinating and providing humanitarian assistance and protection for the purposes of: (i) ensuring the provision of humanitarian assistance and protection to vulnerable populations; (ii) preserving humanitarian space; and (iii) promoting better respect for international law".[50] The word "civilians" is important; it refers to the prominent role played by nongovernmental aid agencies in contemporary conflicts.

Nongovernmental organizations have typically used a variety of creative strategies to entreat non-state armed actors to abide by humanitarian norms during open conflict. One such organization, Geneva Call, formed to implement the Ottawa Convention banning landmine use in conflict. Only states can sign the Ottawa Convention, but Geneva Call developed the *Deed of Commitment for Adherence to a Total Ban on Anti-personnel Mines and for Cooperation in Mine Action*[51] which non-state actors can sign. To date, they have engaged and persuaded thirty-four armed groups from Burma/Myanmar, Burundi, India, Iraq, the Philippines, Somalia, Sudan, Turkey and Western Sahara to sign the *Deed*, many of whom had themselves used and produced anti-personnel mines.

The trend is that access agreements are negotiated between these two sets of non-state actors: nongovernmental organizations and armed non-state groups (ANSA). Armed non-state groups are "determinant actors in the dynamics of humanitarian access and thus main counterparts in negotiated access".[52]

> More than just inevitable, engagement with ANSA has become crucial to the successful operations of humanitarian aid. Humanitarian engagement with ANSA prompts the question whether engagement will fulfill [civilian protection]. The key to this question is to identify the openings which can influence the behavior of ANSA and their combatants. These openings seem to hinge to a high degree on the attitude ANSA hold towards civilians concerned; their overall objectives and the degree and mode of control and command of ANSA.[53]

In specifically exploring the possibilities of humanitarian engagement with ANSA by nongovernmental actors, this article is purposefully sidestepping a dilemma highlighted by Robert Muggah who coordinates the research project called "Humanitarian Action in Situations Other Than War" (HASOW). Muggah observed that on the one hand, "denying the existence of armed conflict facilitates unrestricted application of criminal law and police engagement [allowing] for a wide range of repressive activities to reduce "crime" to persist unabated".[54]

On the other hand, the application of international humanitarian law carries the risk that "the presumption of innocence and the right to a fair trial can be undermined by legitimizing the killing of those participating in hostilities, irrespective of age or acts of self-defense".[55] HASOW aims to measure the severity, organization and duration of violence in cities in Latin America in order to determine whether they may be classified as armed conflict in order to apply military and humanitarian frameworks. The project is extremely important to the subject of civilian protection in violent, urban contexts.

The aim here is more modest; to explore possibilities for humanitarian engagement between nongovernmental organizations and certain armed non-state actors in Mexico and Guatemala regardless of their classification. In the following section, variances in attitudes, objectives and organization between criminal organizations and gangs operating in Mexico and Guatemala are explored, including the type and severity of violence waged, whether patronage strategies are used with local communities, and public image concerns associated with indiscriminate violence. Variances on these dimensions indicate whether humanitarian engagement is conducive or unwarranted.

Degrees of Anti-civilian Behavior or Warlordism

Criminal organizations in Mexico and Guatemala display degrees of warlord-like or anti-civilian behavior. *Anti-Civilian Behavior* is Hugo Slim's term of preference for behavior driven by "extreme power dominance and subjugation, revenge, and collective punishment".[56] The latter is Sascha Lezhnev's referent for distinguishing between conflicts involving "absolute warlords [bearing] more resemblance to criminal battles than societal struggles, with the population generally viewing warlords as thieves and murderers rather than revolutionaries", and partial-warlord groups with mixed motives.[57] All criminal organizations in Mexico and Guatemala display degrees of warlordism. Some kill civilians selectively and use patronage strategies to win over local communities. Still other organizations are hybrids, displaying warlord-like characteristics but fighting for mixed motivations of self-interest and ideological motivations.

Only Los Zetas TCO (Transnational Criminal Organization), hereinafter referred to as "Zetas", falls within the range of extreme warlordism or anti-civilian behavior. Zetas were once the military wing of the Gulf Cartel, but broke away in 2010 as their own organization. Zetas have cultivated an identity around nihilistic violence, brutality, and indiscriminate slaughter; examples include the 2011 Monterrey casino attack that killed 52 people, and massacres in Tamaulipas that killed 72

migrants in 2010, and 193 people in 2011. Zetas prefer complete control over territory. Rather than negotiating trafficking routes or loyalties, they seize territory and extol taxes through intimidation and violence.

In Guatemala, Zetas used these tactics to take over trafficking routes through Quiche and neighboring departments, killing or threatening municipal authorities including judges, prosecutors, and police.[58] Most recently in Mexico, as Zetas moved into Sinaloa state, their tactics "as an occupying force, quicker to attack, or kill, uninvolved civilians forced hundreds of farmers to flee the suddenly violent Sierra Madre countryside in eastern Sinaloa, where most of the drugs are produced, and exposed locals to a new wave of threats".[59]

Sinaloa TCO (The Federation), Mexico's oldest and most powerful alliance of drug trafficking organizations has also authorized brutal anti-civilian tactics by its own operatives and its military partners in the Mexican Army.[60] When war broke out between Sinaloa and Juarez cartel in the Juarez Valley of Chihuahua state in 2008, Sinaloa began by targeting police officers who worked for Juarez TCO.

> Police officers, political leaders and community activists were shot down in the streets.... In one particularly gruesome stretch in 2010, several valley residents were stabbed in the face with ice picks, and a local man aligned with the Juarez cartel was skewered with an iron bar, riddled with bullets, then roasted over an open fire.[61]

With warlord tactics of displacing people – in Lezhnev's words "getting rid of anyone who stands in [the] way" – Sinaloa operatives worked in tandem with the Mexican Army who kidnapped, tortured and killed residents.[62]

> Former residents say they began to notice a pattern. Soldiers would arrive at homes searching for guns, drugs, and weapons. Hours later, masked gunmen would arrive and kill everyone inside.... The battle for territory became a scorched-earth campaign engulfing the innocent and the guilty alike.[63]

In general however, analysts agree that Sinaloa's tactics often tend towards cultivating, not brutalizing, a civilian population.

> Sinaloa is responsible for a great deal of carnage as well, but its approach to killing has traditionally been more discreet. Whereas a Sinaloa subsidiary allied with a Tijuana farmer known as the Stewmaker, who dissolved hundreds of bodies in barrels of lye, the Zetas have pioneered a multimedia approach to violence, touting

their killings on YouTube. Sinaloa can be exceedingly brutal, but the cartel is more pragmatic than the Zetas in its deployment of violence. It may simply be, as one Obama administration official suggested, that the Sinaloa leadership is "more conscious of their brand." [64]

In their home state, "smugglers are folk heroes and a 'narcoculture' has existed for some time."[65] The patron saint for Sinaloan traffickers is Jesus Malverde, a legendary bandit who allegedly robbed from the rich and gave to the poor. Unlike Los Zetas, Sinaloa negotiated their incursion into Guatemala by setting up alliances with local traffickers, "buying land, building houses and co-opting local officials in the Copan, Santa Barbara and Cortés provinces along the Guatemalan border".[66] Sinaloa members have also co-opted, killed or driven out smaller criminal enterprises.

> Sinaloa seems more willing to negotiate with local traffickers. In Huehuetenango, this means Sinaloa has integrated itself into the local community as well as included it in some of the benefits: They give jobs, provide health care and fund local festivals...[67]

Guatemalan criminal organizations (GCOs) also demonstrate the same "[expertise] in public relations, careful to maintain their popularity through gifts and public works".[68] GCOs tend to be headed by families with regional control including; the Lorenzanas, deeply embedded and supported by communities in Western Guatemala, the Mendozas of Peten, known for public works projects, with reputations as businessmen and forming strategic alliances with other GCOs and CIACS (Illegal Clandestine Security Apparatuses - Cuerpos Ilegales y Aparatos Clandestinos de Seguridad), the Leones, the Ponce families in the East, the Zarceños along the Southern Pacific Coast, and the Chamalé network in the southwest.[69]

Not just criminals, capos were landowners and businessmen, community employers, benefactors, and leaders to some extent whose operations benefitted from legitimacy in the eyes of local residents. They built roads, clinics, soccer fields; they provided local citizens money for their children's parties and for medical emergencies; and they provided order and security on the streets so that residents felt safe doing their everyday business. They were able to conduct these various activities, licit and illicit, under the protection provided by their connections with military, intelligence, and government officials.[70]

La Familia, a drug trafficking organization in the Mexican state of Michaocán, is also sensitive to the public image concerns associated with killing certain civilians. Over 30 years, La Familia grew from a

small group of vigilantes sworn to protect the state from drug dealers and criminals, to become an armed wing of the Gulf Cartel, trained with Los Zetas, and split into an independent organization in 2006. From its founding, La Familia's stated purpose was to bring social and public security to Michoacán.[71] The organization espoused a religious philosophy of social justice and protection of innocents, criticized violence against civilians, and justified their own assassinations and beheadings as 'acts of protection'.[72] Likened to the Revolutionary Armed Forces of Colombia (FARC), La Familia's brand of social control included curfews, employment, promotion of family values, and enforced adherence to speed limits.[73]

Caballeros Templarios (Knights Templar Michoacán or KTM) is a recent offshoot of La Familia. KTM also claims to adhere to codes of behavior that reject killing for pleasure or money, and extols democratic and religious freedom.[74] KTM members are advised to consider carefully whether a murder is necessary and to provide service and protection to community members. In March 2012, the group called a truce during Pope Benedict XVI's visit to Mexico announced via banners (narcomantas) that read "The Knights Templars are holding off on all violent action, we are not killers, welcome to the Pope".[75]

Pachico of Insight Crime Analysis concluded that "Michoacán did not enjoy an entirely peaceful weekend during the Pope's visit, but neither did the department see massacres or violent gunfights between criminal groups and the security forces."[76] The following month, KTM claimed to have negotiated lower food prices.

> The Knights Templar are not narcos, much less a criminal cartel, the Knights Templar are a brotherhood of citizens who respect the constitution ... in the past few days our brotherhood has invited the meat and tortilla vendors to lower their prices. An invitation accepted by our friends the merchants and recognized by the neediest people of our state. Keeping clear that for said action to occur there existed no pressure, nor blackmail, much less charging fees.[77]

Familia and KTM are hybrid or partial-warlord groups, possessing self-interested and ideological objectives. Familia and KTM are not distinct in providing social services or waging public relations campaigns, however they do differ from Sinaloa and Zeta in three ways. First, they have cultivated an 'imagined community' that "includes the instrumental use of narcocultura, including religious cults or spiritual symbolism, to secure legitimacy, justify atrocity, and form social cohesion (in effect, combat power) among criminal soldiers."[78]

Secondly, they are geographically bounded organizations, concerned explicitly with protection of – and traffic in and through – the state of Michoacán. Related to that, the third difference is that Familia and KLM explicitly aim to govern in the absence of a strong state. While Zeta and Sinaloa's primary motivation is monopolization of regional economic circuits, Familia, KTM (and now Warriors Next Generation Jalisco Cartel) all emerged with the promise to protect citizens of Michoacán, although their brand of governance more closely resembles vigilantism. For example, although KTM claimed commitment to "safeguarding order, preventing robberies, kidnappings and extortions and to shield the state from rival organizations," they earned a fearsome reputation for extorting business owners, decapitating and dismembering kidnapping victims, burning and boiling people alive.

Similarly motivated groups – *juntas locales de seguridades* or JLSs – operate on a smaller scale in Guatemalan communities. During a year and a half of field research in Quiche, armed patrols operating in Santa Cruz, Cotzal, Uspantan and Nebaj were documented. These patrols go by various names, including "vigilance committees", "security patrols", and "citizen patrols". All groups profess to protect communities from youth gangs and criminal violence, although some have links to organized criminal networks.[79] JSLs use a variety of repressive strategies, of which lynching – burning people alive – is the most severe form.[80]

Transnational Gangs

Transnational gangs in Mexico and Guatemala also vary based on the type and severity of violence waged, whether patronage strategies are used with local communities, and public image concerns associated with targeting civilians. The two largest armed gangs in Mexico and in Guatemala are MS-13 and Calle/Barrio-18 (18th Street). Both gangs are structured as hundreds of loosely connected cells or *clickas*, with members towards the core heavily involved in violent or lucrative jobs (assassination, human and drug trafficking, kidnapping, money laundering) and peripheral members involved primarily in extortion and drug trafficking.[81] As such, it may be more accurate to speak of gang *cliques* exhibiting characteristics of extreme or moderate warlordism. While the Revolutionary or "R" faction of Calle-18 has taken a lead role in negotiating a ceasefire with MS-13 in El Salvador, numerous cliques elsewhere are focused narrowly on turf protection or more broadly on maximizing profit through drug trafficking including through territory belonging to rival gangs.

The same is true of MS-13, an organization that as a whole has culti-vated a reputation for extreme violence including torture and rape. Fitting with characteristics of extreme warlords, MS-13's founding members were Salvadoran immigrants fleeing the civil war, many of whom were former guerillas trained in paramilitary tactics ("Salvatrucha" refers to the guerilla fighters of El Savador's National Liberation Front). And according to Jorja Leap, "any member of MS-13 will explain … that their ultimate goal is to become the most powerful gang in the world."[82]

However MS-13 cliques differ in local identities and behaviors. Some cliques, like Normandie Locos in Honduras have targeted civilians in public, politically motivated attacks (most recently a public bus in re-prisal for Honduras's crackdown on MS-13 gang members).[83] Some cliques control the routes through Guatemala and Southern Mexico through which humans and drugs are trafficked.[84] Other cliques claim to be focused primarily on day to day life in particular neighborhoods, as described by "Blue" who is second in command of the clique "run-ning" La Victoria neighborhood in El Salvador.

> Blue talks of the MS[-13] as a social organization that protects the "civilians" in the neighborhood. They help get water lines connected. They're refurbishing the community hall. To him, it's normal that residents have to pay rent to the gang for these ser-vices … "There are colleagues who don't have a mother or any-thing, and only the gang helps them — no one else." [85]

Gangs as providers of support, love, and financial and physical pro-tection were dominant narratives in interviews with thirty-nine indi-viduals either formerly or currently members of a gang.[86] Hispanic gangs are deeply embedded in US-Mexico border communities through generations of family members. As one gang expert put it, "These gangs are so deeply embedded in the community, they *are* the com-munity. They're never going away."[87]

Debate exists over whether MS-13 and Calle-18 are responsive to transnational leadership[88] or whether cliques are unorganized with "no idea what another is doing" and lacking any central command whatsoever.[89] Former gang members say that the nature of cooperation between criminal organizations in Mexico and Guatemala is de-centralized and based on interpersonal, not institutional, relationships.[90] Some cliques work with Mexican DTOs, while others do not. Certain cliques are contracted for specific tasks (assassinations, human trafficking, or transportation) on the basis of need and individual contacts.[91]

Small street gangs, unaffiliated with MS-13 or Calle-18, are the most numerous street gangs in Mexico and Guatemala. In Guatemala, these

groups are called *maras de barrio* (neighborhood gangs) and contain members as young as eight.

> They often fight for territorial control over barrios, have tattoos, consume alcohol and drugs such as crack, and carry homemade arms or arms in many cases acquired through robbery of private security guards. These gangs typically comprise youths from marginal neighborhoods. They do not receive special privileges from other gang members while in prison and are often viewed as illegitimate by gang members who consider themselves true members of specific gang clickas.[92]

In Tijuana, they are called *pandillas*, number in the thousands and are organized by barrio. Turf protection is their main goal, their criminal activities small scale and opportunistic. Pandillas in Tijuana are not homogenous; some date back decades, remnants of border subcultures that emerged in the 1920s including *pachucos* (associated with zoot suites, street gangs and nightlife) and cholos (associated with a defiant working-class identity), and *surfo* gangs in beach towns. A prominent and knowledgeable blogger described changes in pandillas over the years.

> CREDENCIA 13 [from] Colonia Jardin…took its name back in the mid 70's from CCR Credence Clearwater Revival, back in the days when Classic Rock was coming in strong … this was a time when 3 types of gangs formed, the Cholos, the Surfos (Stoner type) … But Credence 13 was straight up Cholo dress with Classic Rock type music (a mix for sure), crazy locos in this hood for sure, known far and wide.

> The Lomas Infonavit neighborhood is like a "huge" Housing Projects Complex and has a wide multitude of crowds, most of the old Cholo and Surfo gangs have given way to new gangs that are small in comparison to the olden days, but some survive to this day, still holding their corners....[93]

Other types of gangs in Tijuana are small groups that specialize in specialized crimes, for example stealing from homes in upscale Tijuana, or car theft.[94]

Reducing Anti Civilian Attacks

Differences in methods and motivations exist among groups comprising the regional conflict formation in Mexico and Guatemala. The analysis so far suggests that appeals to reduce civilian suffering are

least likely to work with Los Zetas. Each of the other organizations discussed – Sinaloa TCO, La Familia, KTM, MS-13, Calle-18, the Mendozas, Lorenzos – vary on the important dimension that they command degrees of loyalty by civil society. Loyalty may be linked to cultural attributes ascribed to organizational leaders, to patronage systems that provide for individuals and families, and to the economic benefits that the drug trade brings to certain communities. A retired DEA agent told me in 2011 that "Mexico has parallel governments; the established government as well as the narco government. The narco-government does more infrastructure building than does the established government".[95]

This research has sought to demonstrate that there is no *one* narco-government in Mexico or Guatemala; rather there are regions of alternative governance where types and levels of violence differ based on the specific constellation of actors. In particular, actors who use patronage strategies will have had a degree of interaction with local communities that slash and burn policies do not permit. Human interaction is a two-way relationship, no matter how unequal, and that relationship becomes an important factor when the goal is to appeal to a leader's sentiments – however instrumental – for the welfare of people in a particular place.

The Catholic Church has successfully done so with armed factions in cases ranging "from kidnapping negotiations to community forums, from observation of demobilization to late night discussions, from the innovative use of Catholic symbols to defuse explosive situations, to the delicate confrontation of high-level bush commanders."[96]

> Noting that many, if not most, of the armed actors in Colombia actually profess to be or trace their religiosity to Catholic origins, the word evangelize does carry the idea of bringing the good news of liberation … but goes further, deepening the sense that the process is guided by dialogue, not imposition …. These relational spaces can then lead to potential humanitarian agreements that lower the intensity and degradation of war.[97]

The analysis suggests that if war-hardened M-19 and FARC guerillas are capable of entering into dialogues such as these, groups like La Familia and KLM are equally capable. Whether they are pseudo-religious or genuinely devout does not matter; their public declarations of faith and apparent image concerns are an entry point to dialogue. This argument requires an expanded view of governance – power, community management, and leadership – that extends beyond politico-legal systems to encompass non-state actors, including civil society organizations, criminal networks, and local security groups. The logic, according

to John Hagedorn, is that gangs and criminal organizations are more than a crime problem.

> Many are deeply involved with politics, real estate, religion, and community organizations and cannot be easily destroyed by suppression or repression of the drug economy …. As social actors within poor communities with weak mechanisms of formal social control, gangs, militias, factions and cartels have the capacity not only to wage war, but to rein it in.[98]

Reflecting on the depravities adopted by armed groups in Mexico and Guatemala, and the culture of violence instilled by repetitive anti-civilian atrocities, reducing violence seems a daunting task. The recent peace treaty between MS-13 and Calle-18 in El Salvador, brokered in part by the Catholic Church, demonstrates the utility of humanitarian engagement strategies.[99] Commonly referred to as Track II diplomacy by the field of conflict resolution, this unofficial initiative has led to a sixty percent decrease in violence. In May of 2012, the gangs extended their truce to school zones and agreed to end forced recruitment of child soldiers.

> We have considered making a second gesture of good faith, which consists of declaring all scholarly centers of the country, public and private, as zones of peace; that is to say, they are no longer to be considered disputed territories, which will permit the students and teachers to carry on with their educational activities with all normality, and the families of the students will be liberated of all worry when they send their children to school …. We also declare that henceforth, all involuntary recruitment of adults and children into our ranks will cease.[100]

Interviews in Guatemala revealed that community members and groups have used negotiation, mediation, dialogue, and restorative justice methods to limit levels of violence and prevent young people from joining MS-13 or Calle-18. In Quichean communities, conflict resolution strategies were oriented towards the application of Mayan law and order, youth discipline and preventing criminality.

Municipal governments in Guatemala have also engaged armed groups to reduce local violence. A recent study concluded that non-corrupt municipal governments, authentically accountable to residents, were able to keep violence and crime at a minimum when they actively negotiated with local criminal networks, mediating between their interests and the needs of the community.[101] Law enforcement agencies in the United States have used a similar approach for almost a decade to reduce gang violence. So called "comprehensive approaches"

include engagement with gangs by interventionists, individuals or teams who mediate conflicts between rival gangs and try to prevent tit-for-tat escalation when a violent incident occurs.[102] In the Southern California border region, engagement has produced peace treaties and peace summits between rival gangs, and a halt to drive-by shootings.

Engagement strategies are usually backed up with targeted enforcement concentrating on the worst offenders.[103] So called "smarter policing" is even more effective when coupled with community projects to build social capital between community members and law enforcement[104] and by prioritizing high school graduation, providing needed social services, and taking a public health approach to drug use.[105] When piloted in US cities, the approach has led to marked declines in violence. An encouraging development in Beyond Merida and the Central American Regional Security Initiative (CARSI) are references to like-minded community policing programs and gang prevention programs in conflict vulnerable areas.

To Engage or Not to Engage?

Humanitarian engagement may be conducive for reducing violence among certain criminal organizations and gangs operating in Mexican/ Guatemalan regional conflict formation. However, engagement presents a number of compelling conceptual/legal and tactical challenges. A common conceptual challenge is that engagement confers legitimacy or recognition onto armed criminal groups. Obvious counterarguments invoke the importance of protecting for local populations. "The issue is fundamentally about improving the lives of the local populations who are the victims of conflict."[106] Ricigliano has suggested that local attitudes towards engagement "are a good barometer against which to test proposed interventions."[107] (Since half of all civilian casualties are children, not to mention those forcibly recruited into gangs and other armed groups, it seems Ricigliano's exercise should include gauging children's attitudes towards engagement as well.) Teresa Whitman has added "the only recognition explicitly given by a mediator is that the armed group is responsible for violence and ending violence", and that unofficial mediation (through churches, NGOs) doesn't confer the same level of recognition as governmental or intergovernmental officials.

A second involves ambiguity around the extent to which international laws apply in situations involving TCOs and gangs. On the one hand, the ICRC has argued that although the 'war on drugs' is not a 'war' in the legal sense, IHL is applicable when any 'war' amounts to armed conflict. Armed conflict is defined by a certain intensity of violence

and the existence of opposing parties, "armed groups with a certain level of organization, command structure and, therefore, the ability to implement international humanitarian law."[108] At the very least, Los Zetas TCO and Sinaloa TCO fit this description. The ceasefire holding (for now) in El Salvador suggests that in some countries, MS-13 and Calle-18 are highly structured enough to enforce humanitarian commitments throughout their far flung cells. If intensity of violence is measured in terms of casualties, the death-toll of over 60,000 far surpasses the legal 25 to 1000 war-related deaths per year.

On the other hand, the ICRC has pointed out that laws of armed conflict infer the principle of equality between belligerents, meaning that transnational networks "must be granted equality of rights and obligations under IHL with the states fighting them, a proposition that states do not seem ready to consider."[109] This is one of the many justifications for civilian suffering that has been encountered over the course of this research, which tends to overlook the extent to which state structures were complicit in the rise to power of and continued operation of those transnational networks. For leaders in such conflicts, "exercising prudence when deciding how to spend the blood and treasure of their fellow citizens is not an option; it's a moral obligation".[110]

Moreover, the diversity of engagement options "raises the potential that there may always be some combination of intervener, armed group, and engagement type that is appropriate"[111] making the case that minimal engagement with armed groups should be the default norm, not the exception. As Teresa Whitfield concluded after a study of mediation practices with non-state armed actors, "The variety of options for engagement militates against a rejection of [contact] solely because the maximum demands of a group are unacceptable."[112]

Engagement offers certain tactical advantages. Engagement opens a channel of communication that can help defuse crises or address with discretion issues like kidnapping. It also provides an opportunity for gaining greater understanding of particular groups including differentiating between their public platform and their underlying interests, and distinguishing the risks involved with engaging a particular group as well as the group's capacity and willingness to engage.

Engagement involves tactical risks as well. First, engagement is inherently dangerous. Before communication channels are established, armed groups and their leaders are relatively unknown. Individuals and groups have overcome this hurdle in different ways. Community organizations and churches with a long-time presence in a particular area often have informal contacts and local knowledge that helps them establish contact. Gang interventionists say engagement is possible

because their history in a particular neighborhood gives them street credibility, or a 'license to operate'.[113]

A second tactical risk is that armed groups might use humanitarian commitments as bargaining chips to get, change, or influence something. Underlying this tactical concern is the conceptual challenge of legitimizing, revealed in the term "bargaining chip". Only parties at 'the table' get bargaining chips. On its face, this tactical challenge is about how a party intends to use their chip; more fundamentally, it is about the fact that they have a seat at the metaphorical table at all.

Concluding Thoughts

Homeland security initially aimed to protect people by protecting borders and infrastructure from terrorist threats. In the past decade, the threats posed by transnational organized crime have taken center stage as well. Governments in the Americas and the international community continue to grapple with how best to interrupt the financial, communication, and transportation networks that facilitate illicit trade. At the same time, factional conflicts involving illicit trade and organized crime challenge analysts to find a suitable regime for protecting civilians.

The proposition in writing this article is humanitarian engagement has utility in those with significant criminal elements. None of the alternative responses to civilian suffering described above aim to transform sources of the regional-crime conflict nexus in Mexico and Central America. On significant measures – civilian deaths, human rights violations, failures to improve public security or reduce drug production and trafficking – the military approach to organized crime in Mexico has also been counter-productive.

While writing this, I have often reflected on the international concern for civilian suffering expressed during the Arab Spring uprising. Can it be argued that the nature of factional-economic conflict is similar in nature to armed conflicts involving dictatorships? Economic power pursued for its own sake is no different than political power for its own sake – both are rooted in self-interested and antisocial rationales that justify tactics of torture, extrajudicial executions, and other large-scale human rights violations. The carrots and sticks offered during the cascade of toppled dictatorships in the Middle East Northern African (MENA) region, through official and unofficial negotiation and mediation, included asylum and asset transfers, interruption of international financial accounts, and threats to pursue criminal charges through the International Criminal Court.

The drug trade through Central America is facilitated by global forces – both in the sense of deregulated and privatized markets, as well as the

opportunity gap in licit economic enterprises between the global north and south. In the interim, use of methods to reduce violence and protect human security are an ethically appropriate approach to enhancing human security. Arguments to the contrary slip into a form of anti-civilian reasoning,[114] justifications for civilian suffering that are based on arguments of military necessity, exceptional circumstances, or the unfortunate inevitability of "collateral damage".

ENDNOTES

[1] Berkovitch, Jacob and Jackson, Richard. (2011). Conflict Resolution in the Twenty-First Century: Principles, Methods and Approaches. Ann Arbor, MI: University of Michigan Press.

[2] Davis, Diane E. (2009). 'Non-State Armed Actors, New Imagined Communities, and Shifting Patterns of Sovereignty and Insecurity in the Modern World', Contemporary Security Policy, 30:2, 221 – 245; Stepanova, Ekaterina (2011). Armed Conflict, Crime and Criminal Violence. In SIPRI Yearbook 2010.

[3] Davis, 2010. Ibid: 221.

[4] Stepanova, 2010, ibid.

[5] International Crisis Group Latin American Report (2011). (b) Guatemala: Drug Traffiking and Violence. Latin America Report N°39. URL: http://www. crisisgroup.org/~/media/Files/latin-america/39%20Guatemala%20--%20Drug%20 Trafficking%20and%20Violence.pdf. Accessed June 12, 2012.

[6] United Nations Office of Drugs and Crime (2011). Global Study on Homicide 2011: Trends, Context, Data. URL: http://www.unodc.org/unodc/en/data-and-analysis/ statistics/crime/global-study-on-homicide-2011.html. Accessed May 2012.

[7] Most Latin American countries are involved in or affected by the regional conflict; for the explicit purposes of this paper, I restrict my focus to Mexico and Guatemala.

[8] Clunan, Ann L. and Trincunas, Harold A (2010). "Alternative Governance and Security". In Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty, A Clunan and H. Trincunas (Eds). Stanford, CA: Stanford University Press: 1.

[9] Field interview, State Department, Bureau of International Narcotics and Law Enforcement, 2009.

[10] Field interview, White House Office of National Drug Control Policy, 2010.

[11] Guatemalans interviewed including representatives from the Quiche municipal and departmental government (including mayors, deputy mayors, police chiefs and officers, and judges); community members (indigenous and Ladino), governmental and non-governmental organizations, former members of armed patrols, and individuals with first-hand knowledge of armed groups and their operations.

[12] Field interviews were conducted on both sides of the border with law enforcement agents, academics, community organizations, ex-gang members and Southern California gang experts/trainers.

[13] Bartos, Otomar and Paul Wehr, Paul (2002). *Using Conflict Theory*. Cambridge University Press: 13.

[14] Miall, Hugh, Oliver Ramsbotham and Tom Woodhouse. *Contemporary Conflict Resolution*. Cambridge, UK: Polity Press, 2005.

[15] ibid, p. 30.

[16] Davis, 2010, ibid: 244.

[17] Department of State (2007). International Narcotics Control Strategy Report. URL: http://www.state.gov/documents/organization/81446.pdf. Accessed March 13 2011.

[18] Collier, Paul and L. Elliot, H. Hegre, A. Hoeffler, M. Reynal-Querol and N. Sambanis (2003) Breaking the Conflict Trap: Civil War and Development Policy, World Bank Policy, Research Report. Oxford, UK: Oxford University Press.

[19] Lezhnev, Sascha (2005): Crafting Peace: Strategies to Deal with Warlords in Collapsing States. Lexington Books: 9.

[20] Lezhnev, ibid.

[21] Keen, David (1997)."The Political Economy of War" in F. Stewart (Ed) The Social and Economic Costs of Conflict in Developing Countries. London, ESCOR, DFID: 7.

[22] Adapted from Tschirgi's definition of regional conflict formations. See *Tschirgi,* N. (2002). Making the Case for a Regional Approach to Peacebuilding. *Journal of Peacebuilding and Development*, 1(1), pp. 25-38.

[23] Rubin, Barnett R., Andrea Armstrong, and Gloria Ntegeye. 2001. Conceptual Overview of the Origin, Structure, and Dynamics of Regional Conflict Formations. Draft Discussion Paper I for the Conference on Regional Conflict Formation in the Great Lakes Region of Central Africa: Structure, Dynamics and Challenges for Policy. Nairobi, Kenya.

[24] Callaghy, Thomas, Ronald Kassimir, and Robert Latham. 2001. Introduction: Transboundary Formations, Interventions, Order, and Authority. In Intervention and Transnationalism in Africa: Global-Local Networks of Power, eds. Thomas Callaghy, Ronald Kassimir, and Robert Latham, 1–20. Cambridge: Cambridge University Press.

[25] Ansorg, Nadine (2011). How Does Militant Violence Diffuse in Regions? Regional Conflict Systems in International Relations and Peace and Conflict Studies. International Journal of Conflict and Violence 5 (1): 175.

[26] Farah, 2010: 8.

[27] Ibid: 79.

[28] See Merrill, Tim L. and Ramón Miró. "Mexico: A Country Study." Washington: Library of Congress (1996). http://countrystudies.us/mexico/. Accessed February 23, 2009; Cook, Colleen. 2008. "Mexico's Drug Cartels." Congressional Research Service (2008), http://www.fas.org/sgp/crs/row/RL34215.pdf (accessed October 21, 2008); Astorga, L. "El siglo de las drogas." México: Espasa-Calpe Mexicana, 1996; Astorga, L. 2008. "Drug Trafficking in Mexico: A First General Assessment." UNESCO Management of Social Transformations Project, Working Paper 31 (2008): 1-15; Poppa, Terrence E. "Druglord: The Life and Death of an American Kingpin." Seattle, Washington: Demand Publications (1999).

[29] Lopez, Julie (2011). "The Decline of Guatemala's Drug Dynasty". Insight Crime (June 7,2011). URL: http://insightcrime.org/insight-latest-news/item/1051-plaza-publica-the-decline-of-guatemalas-drug-dynasty. Accessed June 10, 2012.

[30] Garay Vera, 2004; Jennings, 2007.

[31] Patrick, Stewart (2010). Are Ungoverned Spaces a Threat? Council on Foreign Relations.
URL: http://www.cfr.org/somalia/ungoverned-spaces-threat/p21165. Accessed June 10, 2012.

[32] Clunan & Trincunas, 2010, ibid: 228.

[33] Farah, Douglas (2010). Transnational Crime, Social Networks, and Forests: Using Natural Resources to Finance Conflicts and Post-Conflict Violence. Program on Forests

(PROFOR): World Bank. URL: http://www.profor.info/profor/sites/profor.info/files/draft-Transnational-crime-forests-post-conflict-violence.pdf. Accessed January 13, 2011:3.

[34] Arias, 2010.

[35] Author Interview, 2010, Department of State, Bureau of African Affairs.

[36] United Nations Office on Drugs and Crime (2010). World Drug Report: 245.

[37] ibid: iii.

[38] Hauck, Pierre Hauck and Peterke, Sven (2010). Organized Crime and Gang Violence in National and International Law. 92 (878).

[39] Department Of State, Congressional Budget Justification: Foreign Operations, Annex: Regional Perspectives, Fiscal Year 2011, http://www.state.gov/documents/organization/137937.pdf: 728.

[40] The topic of legalization was not broached during the Annual 2012 Summit of the Americas, however the heads of state agreed in a communique to support an International Conference of Ministers of Foreign Affairs and Heads of Specialized National Agencies on the World Drug Problem held in June, 2012.

[41] Slim:2.

[42] IHL and the Challenges of Contemporary Armed Conflicts (2003): 4.

[43] I wish to attribute my explanation of these precedents to Patrick Gallahue, whose analysis is described on the following page.

[44] Tadi´c Jurisdiction Appeal, op. cit. (note 28), para. 127.

[45] Gallahue, Patrick (2011) Mexico's "War on Drugs" – Real or Rhetorical Armed Conflict? Journal of International Law of Peace and Armed Conflict 24 (1): 39-45.

[46] Sassoli, M. (2007). The Implementation of Humanitarian Law: Current and Inherent Challenges. In The Yearbook of International Humanitarian law: 13.

[47] OCHA Glossary of Humanitarian Terms (2003).

[48] Gallahue, ibid: 44.

[49] Glaser, Max P. (2003). Negotiated Access: Humanitarian Engagement With Armed Nonstate Actors:4. http://www.hks.harvard.edu/cchrp/pdf/NegotiatedAccess.pdf. Accessed June 21, 2012.

[50] United Nations Office for the Coordination of Humanitarian Affairs (2006). *Manual on Humanitarian Negotiations with Armed Groups*: A Manual and Guidelines for Practitioners. http://ochaonline.un.org/humanitariannegotiations/index.htm. Accessed June 21, 2012.

[51] Geneva Call, Deed of Commitment for Adherence to a Total Ban on Anti-personnel Mines and for Cooperation in Mine Action. URL: http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/doc.pdf . Accessed August 8, 2012.

[52] Glaser, Max P (2003). Negotiated access- Humanitarian engagement with Armed Non-State Actors. Kennedy School of Government, Harvard University. URL: http://www.hks.harvard.edu/cchrp/pdf/NegotiatedAccess.pdf. Accessed May 1, 2012.

[53] Ibid.

[54] Muggah, Robert (2012). Rethinking the intensity and organization of violence in Latin America and the Caribbean. URL: http://sites.tufts.edu/reinventingpeace/2012/02/16/part-i-rethinking-the-intensity-and-organization-of-violence-in-latin-america-and-the-caribbean/: n:pag

[55] Muggah (2012), ibid.

[56] Slim, Hugo (2008). Killing Civilians: Method, Madness and Morality in War. New York: Colombia University Press: 122.

[57] Lezhnev, (2008), ibid: 4.

[58] Lopez, Julie (2012), ibid.

[59] Wilkinson, Tracey (2012). Sinaloa Cartel, Zetas push Mexico's Drug Violence to New Depths. Mexico Under Siege. Los Angeles Times. http://articles.latimes.com/2012/may/27/world/la-fg-mexico-cartel-war-20120528. Accessed June 4, 2012.

[60] Burnett, John and Penaloza, Marisa (2010). Mexico's Drug War: A Rigged Fight? National Public Radio, May 10, 2010. http://www.npr.org/templates/story/story.php?storyId=126890838. Accessed June 5, 2012.

[61] Del Bosque, Melissa (2012). The Deadliest Place on Earth: Who's Killing the People of the Juarez Valley? Texas Observer. February 29, 2012: n pag. http://www.texasobserver.org/cover-story/the-deadliest-place-in-mexico. Accessed June 5, 2012.

[62] Human Rights Watch (2008). Mexico's National Human Rights Commission: A Critical Assessment. Volume 20, No. 1(B).

[63] Del Bosque, Melissa (2012) n:page.

[64] Keefe (2012). http://www.nytimes.com/2012/06/17/magazine/how-a-mexican-drug-cartel-makes-its-billions.html?_r=1&pagewanted=all. Accessed June 21, 2012.

[65] Quinones, Sam (2001). True Tales from Another Mexico. University of New Mexico Press: n pag. URL http://www.pbs.org/wgbh/pages/frontline/shows/drugs/business/malverde.html. Accessed May 2, 2012.

[66] Dudley, Steven S (2010). Drug Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Maras. Woodrow Wilson Center for Intrernational Scholars, Mexico Institute: 73.

[67] Dudley (2010), ibid: 12.

[68] International Crisis Group (2011), ibid:14.

[69] Ibid.

[70] Espach, Ralph, Quiñonez, Javier Meléndez, Haering, Daniel and Castillo, Miguel Girón (2011). Criminal Organizations and Illicit Trafficking in Guatemala's Border Communities. CAN Strategic Studies. URL: http://www.cna.org/sites/default/files/research/IPR%2015225.pdf. Accessed June 21, 2012.

[71] John P Sullivan, Samuel Logan (August 17, 2009). "Mexico's 'Divine Justice'". International Relations and Security Network. http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=104677. Accessed June 21, 2012.

[72] Author interview, Border Patrol, April 2012.

[73] Insight Crime. Familia Michaocana: n pag. http://www.insightcrime.org/criminal-groups/mexico/familia/item/79-familia-michoacana. Accessed July 5, 2012.

[74] LEON, LUIS (2011). When Religion Kills: The Narco-Traffickers of the Borderlands. Religion Dispatches Magazine, http://www.religiondispatches.org/archive/atheologies/5009/when_religion_kills%3A_the_narco-traffickers_of_the_borderlands.

[75] Chivis Martinez, Borderland Beat The Knights Templar Cartel is Calling a Short Truce. March 18, 2012. http://www.borderlandbeat.com/2012/03/knights-templars-cartel-is-calling.html. Accessed June 4, 2012.

[76] Pachico, Elyssa (2012). Did Knights Templar Keep 'Truce' During Pope's Mexico Visit? March 26, 2012. http://www.insightcrime.org/insight-latest-news/item/2398-did-the-knights-templar-keep-truce-during-popes-visit. Accessed June 4, 2012.

[77] Looft, Christopher (2012). Knights Templar Claim To Have Negotiated Drop in Food Prices. Insight Crime. URL: http://www.insightcrime.org/insight-latest-news/item/2435-knights-templar-claim-to-have-negotiated-drop-in-food-prices. Accessed June 21, 2012.

[78] John P. Sullivan and Robert J. Bunker. "Rethinking insurgency: criminality, spirituality and societal warfare in the Americas." Robert J. Bunker, ed.,"Criminal

Insurgencies in Mexico and the Americas: The Gangs and Cartels Wage War" special issue of *Small Wars & Insurgencies*. Vol. 22, No. 5, 2011.

[79] Field interview, Cotzal, Quiche Guatemala, January 2011.

[80] Avila, Keymer (2005). Capitulo Criminologico 2, Instituto de Criminologia Lolita Aniyar de Castro, LUZ, Venezuela.

[81] Field interview, Felix Aguirre, 2011; Field Interview Steve Duncan, 2011.

[82] Leap, Jorga (2012). Jumped In: What Gangs Taught Me about Violence, Drugs, Love, and Redemption. Beacon Press: 36.

[83] Kraul, Chris; Lopez, Robert J.; Connell, Rich (May 22, 2005). "MS-13 blamed for massacre on bus". *The Seattle Times*. http://seattletimes.nwsource.com/html/nationworld/2002283961_gangslaying22.html

[84] Author Interview, Felix Aguirre, San Diego, March 2012.

[85] Beubien, Jason (2011). El Salvador Fears Ties Between Cartels, Street Gangs. National Public Radio. http://www.npr.org/2011/06/01/136829224/el-salvador-fears-ties-between-cartels-street-gangs. Accessed April 24, 2012.

[86] Author Interviews, East Mesa Juvenile County Detention Facility, San Diego County, October 2010.

[87] Author Interview, Felix Aguirre, February 2012.

[88] Brands (2010). Crime, Violence, And The Crisis In Guatemala: A Case Study In The Erosion Of The State. Strategic Studies Institute, URL: http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB986.pdf.

[89] Dudley, 2011. InSide: Maras' Connections to Criminal Syndicates Growing. Insight Crime.Org, URL: http://insightcrime.org/investigations/insight-exclusives/item/461-maras-connections-to-criminal-syndicates-growing.

[90] Author interview, Felix Aguirre, San Diego, February 2012; Author interview, former gang member, San Diego, March 2012.

[91] Author Interview, Department of Justice, San Diego, November 2011.

[92] United States Agency for International Development (2006). Central America and Mexico Gang Assessment. URL: http://www.uscrirefugees.org/2010Website/5_Resources/5_3_For_Service_Providers/5_3_9_Gangs/USAID.pdf. Accessed April 3, 2012.

[93] Lonewolf (2004). *Tijuana Baja California Norte*. Streetgangs.Com. URL: http://www.streetgangs.com/billboard/viewtopic.php?f=128&t=5365. Accessed February 12, 2012.

[94] Field interview, Tijuana Police Officer, February 2012.

[95] Field Interview, former Drug Enforcement Agency officer, San Diego March 2010.

[96] Lederach: 38.

[97] Ibid: 38.

[98] Hagedorn, John (2008). World of Gangs: Armed Young Men and Gangsta Culture. University of Minnesota Press: xxiv.

[99] Stone (2012).

[100] Looft, Christopher (2012). El Salvador Gangs Expand Truce to Schools. Insight Crime. http://www.insightcrime.org/insight-latest-news/item/2579-el-salvador-gangs-expand-truce-end-forced-recruitment. Accessed June 17, 2012.

[101] Ibid: 7.

[102] Author Interviews, former gang member – name, 2011.

[103] Kleiman, Mark (2009). When Brute Force Fails: How to Have Less Crime and Less Punishment. Princeton University Press.

[104] Kennedy, 2011.

[105] Waller, Irwin (2006). Less Law, More Order: The Truth about Reducing Crime. Westport, CT: Praeger.

[106] Smith.

[107] Ricigliano: 6.

[108] International Humanitarian Law and the Challenge of Contemporary Conflicts (2003). http://www.icrc.org/eng/assets/files/other/ihlcontemp_armedconflicts_final_ang.pdf. Accessed June 21, 2012.

[109] Ibid.

[110] Rose, Gideon (2010). How Wars End: Why We Always Fight the Last Battle.

[111] Ricigliano: 7.

[112] Whitfield: 35.

[113] Leap (2012), ibid.

[114] Slim, Hugo (2008), ibid.

Deadly Borders: The Role of Forensic Anthropology in Homeland Security in the Southwestern United States

BY DR. CASSANDRA L. KUBA*

Introduction

Focusing on domestic forensic cases and humanitarian projects in previously war-torn areas, forensic anthropology is not typically viewed as a field critical to proactive homeland security efforts in the United States, and the discipline itself has not focused much effort in exploring how to expand its role in this area. The identification of individuals from their skeletal remains is an important task, but one that is seen to be significant only after a major event has already occurred (e.g., the attacks of September 11, 2001). Forensic anthropologists play a critical role in helping to secure American borders and prevent future criminal activity. Through the analysis of decomposed or skeletal human remains, forensic anthropologists can contribute to security and law enforcement efforts by identifying who is crossing into the United States illegally and from where. This article, reviewing some of the available literature, will examine the issues facing forensic anthropology when analyzing remains of suspected illegal border crossers or their smugglers in the American Southwest and explore options for future research and the application of forensic anthropology to better assist American homeland security objectives.

Trends in Southwest Border Crossings and Impact on Forensic Anthropology

Since the 1990s, the United States government has instituted several operations in an attempt to curb illegal immigration along the southern

---

* Dr. Cassandra Kuba is a biological anthropologist, specializing in forensic anthropology and historic bioarchaeology. Dr. Kuba is an Assistant Professor in the Department of Justice, Law & Society at, California University of Pennsylvania. She earned her B.S.in Anthropology at Mercyhurst College, an M.S. in Human Biology at University of Indianapolis and her Ph.D. in Anthropology at Arizona State University. Dr. Kuba has also earned a Post-baccalaureate Certification in Forensic Science from Duquesne University.

border states. Prior to 1994, almost half of the illegal immigration occurred within the San Diego sector, fourteen miles inland from the Pacific Coast. Changing policies and operations targeting border security over the years have now forced border crossers to target less inhabited, but also less hospitable, places to enter into the United States, with Arizona now being the prime target (Hinkes, 2008). New migrant corridors pass through rough, desert terrain, where summer temperatures average over 100° F, and water is scarce. Undocumented border crossers (UBC) are often underprepared and die due to hyperthermia and dehydration (Anderson, 2008; Pima County Office of the Medical Examiner, 2011). The remains are often recovered in the late stages of decomposition, resulting in an increased demand for the forensic anthropologists in these areas. The Pima County (Arizona) Medical Examiner's Office (PCOME), which has a full-time forensic anthropologist, had 230 cases involving undocumented border crossers in 2010, the highest number on record to date (PCOME, 2011). To highlight the impact in changing patterns of border security, Pima County had only 75 UBC deaths in 2001, but that figure nearly doubled to 147 in 2002. For the past two years, the county has averaged at least 200 UBC deaths, and 2012 is trending to hit that benchmark, with 75 deaths by June (Dr. Bruce Anderson, personal communication, June 20, 2012; PCOME 2011). Maricopa County in central Arizona investigated over 200 UBC-related deaths in both 2006 and 2007 (Fulginiti, 2008). A different pattern is seen in Maricopa; many of the deaths in that county are homicides, human smugglers killing each other or their clients, versus natural causes. Through analysis of skeletal traumata and associated evidence, the forensic anthropologist may help the police to identify patterns in the injuries and link homicide cases to particular crime organizations.

A major migrant corridor passes through the Tohono O'Odham Reservation into the Sonoran Desert National Monument's Vekol Valley, a twelve-mile stretch of border through inhospitable desert environs (Kephart, 2012). In one night of observation by US Border Patrol, 330 immigrants, drug runners, and vehicles, as well as one ultralight, were seen crossing the border though this region. The dangers and presence of border patrol officers are not a deterrent to the truly determined, and the number of remains processed by the forensic anthropologists are likely to remain high.

Knowing the risks, an increasing number of border crossers utilize the services of human smugglers or *coyotes*, but this is also not without danger. Seeing the potential for profit in human smuggling, several Mexican drug cartels, such as Sinaloa and Los Zetas, are becoming increasingly involved in smuggling, and the cost to be smuggled is on the rise. The initial current price to be smuggled from Mexico to the

United States ranges from $1,182 to $1,970 per person (Roberts, Hanson, Cornwell, and Borger, 2010). *Coyotes* are in competition, often abducting clients from one another in violent altercations or merely killing each other as they compete over territories (United States Department of State, 2010). Immigrants may find themselves locked in stash houses, often without food and water, and may not be freed until their families provide additional money to the smugglers. Recently, 131 undocumented border crossers were discovered in a stash house in Alton, Texas (Taylor, 2012). If the families are unwilling or unable to pay, the *coyotes* may kill the client and dump the remains (Fulginiti, 2008). Other demands may be made of the UBC as well. Seventy-two men and women were shot in Tamaulipas, Mexico, as they were on their way to the United States (United States Department of State, 2010). They were kidnapped by alleged members of Los Zetas drug cartel, and when the immigrants refused to become part of the organization, they were executed. While this slaughter did not occur in the United States, it highlights the increased violence associated with illegal immigration into the United States along the southwest border. With increased violence, there is an increased likelihood of death and of remains not discovered until after they are fully skeletonized.

Skeletal Analysis

Historically, forensic anthropologists have not been too concerned with external validity. Sexing and aging techniques usually developed on 19th to early 20th century anatomical collections consisting of older, lower status American whites or blacks or 20th century American war dead (typically white young adult males) have generally been applied in any case involving skeletal remains, archaeological or forensic, and regardless of ancestry (race). Sometimes, access to data from modern forensic cases is available, but these individuals are not necessarily representative of the general population and often limited to unidentified/unclaimed remains. This is one of the biggest limitations of the field—lack of access to a sufficiently large sample of skeletal remains representing all ages, sexes, and populations. With an increased concern for the validity of forensic sciences (National Research Council of the National Academies, 2009) and the need to meet *Daubert* Rule (509 U.S. 579 (1993)) standards for admissibility of evidence in many states, forensic anthropologists have been working more diligently to test the applicability of standards across populations.

Being able to determine if someone was Hispanic, regardless of country of origin, is not an easy task when dealing with only skeletal remains. Ancestry (commonly referred to as race) is based upon the geographic

region of origin for one's ancestors (e.g., white Americans would be of European descent); however, the term *Hispanic*, is based on language, not biology. The United States Census Bureau's definition of Hispanic is "a person of Mexican, Puerto Rican, Cuban, South or Central American or other Spanish culture or origin regardless of race" (Niner and Rios, 2000: 1). Southwest Hispanics tend to be an admixture of indigenous Native American and Spanish stock, though the amount of one versus the other will vary depending on the region (Birkby, Fenton, & Anderson, 2008). Hispanics of the Caribbean are more likely to have African admixture (Ross, Slice, Ubelaker, and Falsetti, 2004). How this admixture manifests skeletally is not predictable. Typically, when analyzing skeletal remains from the southwest, forensic anthropologists expect to see a blend of Asian (Native American) and European traits (Birkby et al., 2008), though the final decision to say that someone is admixed appears to be based more on intuition and the overall impression of what the skull "feels" like (Hefner, 2009).

The determination of ancestry is often based on the assessment of morphological (nonmetric) features, especially of the midface (e.g., the shape and details of the skull's opening for the nose; shape and orientation of the eye orbits; the pattern of sutures or joints between the bones; and the orientation of the cheek bones) and the teeth (e.g., size of cusps; presence of extra cusps/roots; features such as shovel-shaped incisors; Rhine, 1990; Scott and Turner, 2000). The book *Skeletal Attribution of Race*, edited by Gill and Rhine (1990), is considered to be the seminal volume on ancestry standards. In his oft-cited chapter from this book, Rhine (1990) reported on nonmetric traits of the teeth and skull previously used for ancestry determination and examined their frequency distribution in a sample of 87 skulls housed at the Maxwell Museum at the University of New Mexico in Albuquerque. His diagrams and lists of traits to define individuals of European, African and Asian descent are frequently reproduced in forensic anthropology texts and are the primary reference used by many for the determination of ancestry. While he briefly discusses traits "common" among Hispanic skulls of the Southwest, Rhine's Hispanic sample consisted only of thirteen males and two females, and he provided no formal diagram or list of traits for this group.

Recent research has found much more variation in trait presence and expression than previously acknowledged (Hefner, 2009; Spradley, Jantz, Robinson, and Peccerelli, 2008). Birkby et al. (2008) argued that a suite of eight traits blending features of Asians and Europeans could be used to identify southwestern Hispanics and provided a list of traits used by the PCOME forensic anthropologists; however, they had never systematically tested these traits. Hurst (2012) assessed the Birkby et al. (2008)

list and found that five of the traits were among the best in differentiating the groups in her sample of southwest Hispanics and American whites and blacks using discriminant function analysis. The research of Spradley et al. (2008) demonstrated that flattening of the femur near the hip, referred to as platymeria, which historically has been considered a hallmark of Asian ancestry, was found in a higher frequency among white American samples compared to modern Hispanic remains in the southwest, even though southwestern Hispanics have some degree of Asian genetic influence. The ability to demonstrate if someone is admixed can only be done statistically, not by checking a list and seeing a blend of traits from different groups (Hefner, 2009).

One of the biggest challenges facing forensic anthropologists in the skeletal analysis of suspected border crossers is the limited availability of standards developed for use on individuals of Central or South American origin. The standard techniques used for the determination of age, sex, and stature were developed on Americans of either European or African descent. Research has shown that these standards cannot be blindly applied to individuals whose origins are different from those of the study samples (Anderson and Parks, 2008; Hurst, 2012; Ross et al., 2004; Spradley et al., 2008; Tise, 2010). Forensic anthropologists will use FORDISC 3.0, a computer program that utilizes a forensic data bank (FDB) with information from over 3,400 individuals, to assist in the metric determination of sex, ancestry, and stature, but only a fraction (4%) of the data bank is of Hispanic origin (Forensic Anthropology Data Bank, n.d.; Tise, 2010).

Some populations have a smaller build and lighter skeletal structure (gracile) compared to others, which is the case for Hispanic populations. When using techniques developed on American whites and blacks, forensic anthropologists are at higher risk of mis-sexing Hispanic males as females, especially when using metric approaches. If the pelvis is present, forensic anthropologists can use the standard morphological differences in pelvic structure relating to childbirth. Females have wider pelvic inlets to lessen bony obstruction of the birth canal, a constant for all human populations (Spradley et al., 2008; Tise, 2010). Cranial morphological assessment is not as accurate, due to lesser sexual dimorphism between Hispanic males and females. A forensic anthropologist accustomed to working with European males, with their larger brow ridges, stronger muscle markings, and squarer chins, may classify an average Hispanic male as female based on the skull alone. Determination of sex based on other bones of the skeleton is less successful, as well. Certain single measurements of the humerus and femur are able to correctly sex European males and females over 90% of the time. When these same standards are applied to Hispanic material, males are

correctly sexed 47-60% of the time, depending on the bone used (Spradley et al., 2008). Tise (2010) demonstrated that the single best measurement for sexing a sample of 142 Hispanic skeletons at the PCOME was maximum length of the clavicle (collarbone), followed by two measurements of the humerus, though the overall success rate of the clavicle was only 87%. It is possible that as larger samples of Hispanic skeletons are used for study, clearer patterns may emerge, and success using metric techniques will improve.

Stature formulae are sex and ancestry-specific. Due to the limited amount of Hispanic data available in the FDB, FORDISC may not fully appreciate the range of stature for these individuals. Equations that forensic anthropologists can use to manually estimate stature were developed on archaeological remains or pre-1980 American war dead, and secular trends in stature may render these equations inappropriate for use on modern samples (Spradley et al. 2008). In their article, Spradley et al. (2008) noted that limb proportions among Hispanic groups appear to vary. Using data from the National Health and Nutrition Examination Survey and FDB, they concluded that southwest Hispanics and Puerto Ricans are shorter than Cubans, and Puerto Ricans have shorter sitting heights, meaning that their stature is more heavily influenced by the length of their legs versus the torso. Puerto Rican stature based on skeletal remains would be overestimated if formulae for Whites or generic Hispanic stature formulae were used for the femur, tibia or fibula.

A possible option to determine from whence an individual originated is being explored by the Forensic Osteological Investigations Laboratory at the University of California Santa Cruz (Juarez, 2008). Stable isotope analysis of bone and teeth has been utilized archaeologically to discern if people were born in the same area as they died (e.g., Roman-era remains may show that a person was born in North Africa but died in England). Isotope levels in nature vary depending on the mineral composition of the soils and precipitation. An individual absorbs stable isotopes, such as nitrogen and strontium, from the water he drinks and the plants and animals that he eats. Readings from bone reflect the past ten years, while teeth do not remodel and, therefore, show the isotope levels of where the person grew up as a child. However, global flattening and the ease of procuring foodstuffs originating from other countries have the potential to cloud the isotopic signature. If one enjoys eating imported foodstuffs, then his isotopic analysis will not reflect his native surroundings. Juarez (2008) explored the use of strontium isotopic analysis to identify the region of Mexico from whence a sample of 19 individuals came. Her analysis showed that it was possible to separate people from Mexico City and

the regions of Michoacán and Jalisco/Guanajuato, mainly showing a difference between coastal and inland areas. She cautioned that this study is only the first part of testing this approach. She warned that her small sample size and the possible impact of global market food-stuffs limit the usefulness of these results. Juarez (2008) recommended larger samples from each Mexican state be tested to fully appreciate the applicability of isotopic analysis to determine the place of origin for a set of unidentified remains, but she concluded that this initial study highlighted the potential for this approach. Since the study utilized extracted teeth donated by living people, it should be possible to collect the necessary samples to meet the recommendations of Juarez (2008).

While not directly involving skeletal analysis, personal effects and other identifiers found with the remains may be assessed by the forensic anthropologists in order to ascertain the ethnicity or culture to which the individual belonged. While determination of ethnicity based on material culture has been conducted previously in cases of genocide in Eastern Europe and Africa, it has never been tested empirically for accuracy (Komar and Lathrop, 2008). There is debate that the global marketplace and the ease of obtaining goods from other cultures could render the use of material culture in a modern setting impossible. In a blind, random test using over 3,000 autopsy records of individuals of known ancestry from cases on file with the New Mexico Medical Examiner's Office, Komar and Lathrop (2008) had a 81% success rate for distinguishing Hispanic whites from non-Hispanic whites based on the items associated with the remains. They discovered that Hispanic whites in this area were nearly two times more likely to be casually dressed, whereas non-Hispanic whites were more likely to be naked or in pajamas when their bodies were found. Hispanic whites were seven times more likely to be recovered with their driver's license and 28 times more likely to have an immigration card. Hispanic whites were 18 times more likely to have Mexican money or mixed currency. Other things noted included that Hispanic whites were twice as likely to be male and homicide victims. Overall, Hispanic whites were more likely to be recovered with well-defined or reasonable sources of identification on them, whereas non-Hispanic whites were more likely to be found with no identification at all. The authors cautioned that these patterns only applied to New Mexico and other southwestern border areas with new immigrants arriving regularly; they would not apply for the general population or areas with long-established Hispanic denizens permanently residing in the United States. At the very least, regional patterns for material culture would need to be established.

Positive and Circumstantial Identification

A significant challenge for forensic scientists working with UBC remains is providing positive identification of the individuals. With bodies recovered shortly after death, family members can make a visual identification of their loved ones, if the families are able to travel to the United States or view photographs of the body back in their home country. But if the body has been disfigured, intentionally or through natural decomposition, then other methods of identification may be required. While DNA and dental methods are the best for positive identification, comparative nuclear DNA samples or antemortem x-rays may not be available, thereby forcing forensic scientists to resort to less precise forms of identification. When dealing with remains of suspected UBCs, circumstantial identification is often sufficient for the families who are looking to recover their missing loved ones. With circumstantial identification, everything about the body (biological parameters and associated personal effects) is consistent between the decedent and the presumed individual. If the family is content with this level of identification, the remains are released. According to Anderson (2008), 28% of cases between 2001 and 2006 had been resolved using this level of identification in Pima County, Arizona.

The Pima County Office of the Medical Examiner has specific criteria for how it determines if a set of remains is most likely those of a UBC (Anderson, 2008). Among these criteria are: the personal effects recovered (e.g., government identification, marriage/birth certificates, prayer cards, money); geographic location of recovery (i.e., known migrant corridor); and the biological characteristics (i.e., ancestry). If preservation allows, tattoos can indicate Hispanic ethnicity and may also be able to help identify gang affiliation. The PCOME also will examine the condition and modifications to the teeth to help determine which side of the border an individual originated. Typically, UBCs will have poor oral health with more cavities, abscesses, antemortem tooth loss, heavier occlusal attrition (wear of the chewing surfaces of the teeth), and low quality dental work, if any (Birkby et al., 2008). UBCs are more likely than American citizens to have permanent cosmetic dental crowns, especially on incisors and canines, poorly fitted over otherwise healthy teeth, which often cause gum irritation, inflammation, and cavities. If a set of remains is determined to be Hispanic and recovered in a known migrant corridor, then the PCOME will conclude the person is a UBC, provided that the biological profile does not match that of an American citizen who was reported missing.

Cooperation with the consulates of various nations is critical for positive and circumstantial identification to occur (Anderson, 2008; Anderson and Parks, 2008; Baker and Baker, 2008). The families of

missing persons might report their loved ones to their government who may work with organizations in the United States sharing information regarding cases involving unidentified remains. They can match the basic biological profiles (e.g., age, sex, ancestry, stature, and antemortem injuries) and associated personal effects, as well as other identifiers (e.g., tattoos and cosmetic dental work), and get leads on who the remains may represent. More direct comparison of DNA data and antemortem x-rays and photographs can then take place. The challenge is to determine the starting point for comparison. Families may not report loved ones missing if there is fear of repercussions from their own government, the United States, or the smugglers used to transport their relatives to the US.

Until recently, there was no centralized repository for data on unidentified cases that could be accessed by agencies nationwide or by foreign government agencies. It would be extremely challenging to determine if a person reported missing in El Salvador was recovered by forensic personnel in Tucson. An organization called Reuniting Families, started by Dr. Lori Baker at Baylor University, had one of the first searchable databases that stored skeletal and DNA data information and profiles from missing person cases and attempted to standardize the data that were inputted (Baker and Baker, 2008). Reuniting Families helped to bring closure to surviving families by returning remains in 70 cases and had worked closely with the Mexican Consulate in cases of suspected border crossers (Dr. Lori Baker, personal communication, June 9, 2012).

The United States Department of Justice now sponsors the National Missing and Unidentified Persons System (NamUs), an online repository for data submitted by medical examiners, coroners, law enforcement agencies, and forensic specialists, which was launched in January 2009 (Dr. Lori Baker, personal communication, June 9, 2012; Office of Justice Programs, 2011; NamUs, n.d.). The entire database has nearly 20,000 cases on file, which are cross-referenced automatically to check if anyone listed in the missing persons database matches an individual posted in the unidentified persons database (NamUS, n.d.). The searchable database is available to the general public. The government will provide free DNA testing of remains and comparative tests for surviving family members in the United States, as well as free specialist services, including forensic anthropology, for underfunded agencies that could benefit from such assistance. There are over 9,000 cases in the database strictly for unidentified remains alone, of which 8,779 (93%) are still unresolved. Arizona has 1,153 cases listed in the Unidentified Persons database, of which 1,051 (91%) are still open. California has 1,550 (96%) open cases, New Mexico has 92 (83%), and Texas has 981 (90%). The

border states of the southwest alone account for 3,674 (42%) of the open cases on file in the unidentified persons database.

NamUs is a critical resource for death investigators, increasing the likelihood of finding out to whom decomposed remains belong. However, it is not clear how well or how regularly foreign consulates utilize the database to help their citizens search for loved ones who went missing during their immigration to the United States. Soon, it will be possible for foreign nationals to post missing persons reports on NamUs in Spanish without first having US law enforcement involvement (Dr. Bruce Anderson, personal communication, June 20, 2012). The reports will be vetted by NamUs personnel prior to going "live" in the database to ensure its validity. Since NamUs automatically cross-checks between the missing and unidentified person databases, this potentially will have a significant impact in the number of cases that can be closed.

While DNA is often used as a primary means of identification in the typical forensic case, DNA analysis is not always useful in cases involving UBCs. Typically, there are no nuclear DNA samples that are available for comparison with that from teeth or bone samples recovered from a set of remains. Investigators are often limited to using mitochondrial DNA (mtDNA) only, comparing a sample with a living maternal relative with the remains. Since all maternal relatives (e.g., siblings of the deceased, mother, and maternal grandmother) will share the same mtDNA sequences, this type of genetic testing is insufficient to say conclusively that the remains are indeed that particular missing person (Anderson, 2008; Baker and Baker, 2008). In an effort to identify the 600-700 unidentified cases on records in his office, Dr. Bruce Anderson and the PCOME are collaborating with colleagues in Central America to collect familial DNA samples in order to compare them with UBC cases on file (Dr. Bruce Anderson, personal communication, June 20, 2012).

If death investigators are able to find leads for identification of the remains and if antemortem photographs are available, it might be possible to conduct a skull-photo superimposition comparison for circumstantial identification. The photo and image of the skull will be digitally manipulated to compare if the teeth, cranial landmarks, and skull size/shape are consistent. Fenton, Heard and Sauer (2008) discussed a case of five individuals whose decomposed remains were found scattered in the Sonoran desert near Ajo, Arizona. Through efforts of the PCOME and Mexican Consulate, potential identification of the missing persons was made. Two of the females were of similar age and skull-photo superimposition was used to attempt circumstantial identification. One female was circumstantially identified through the failure to exclude; twelve cranial and facial features were matched in frontal view, including features of the anterior dentition.

Trauma

Trauma analysis is critical to help determine cause and manner of death, though skeletonization of the remains often results in both being undetermined. For 2010, 112 (approximately 49%) of all UBC cases handled by the Pima County Medical Examiner's Office had an undetermined cause of death. Sharp force trauma (e.g., stabbings), blunt force trauma (e.g, accidental falls, kicks, and punches), and gunshot wounds can help investigators to understand what events transpired. There may be a particular modus operandi utilized by members of a cartel when executing other *coyotes* or trauma may be more indicative of an unfortunate UBC who failed to meet the requests of his smuggler. Fulginitti (2008) reported on nine homicide victims recovered in the same rural area near Phoenix, all exhibiting gunshot wounds and blindfolds, gags and ankle/writing bindings, but one individual was also stabbed. This differential treatment could indicate this individual was not the same type of execution as the others (e.g., client versus rival smuggler). She stated that the documentation of skeletal traumata is a critical part of the forensic anthropologist's job in order to serve as evidence if the case should ever proceed to trial.

Issues

Whether those of Hispanic ethnicity entered the country with authorization or were born outside of the United States, their numbers are on the rise, and all forensic anthropologists across the nation will be investigating more cases involving remains that do not neatly sort into the categories of European, African or Asian origin. With current census statistics revealing that most children under the age of one year belong to a minority group and that the most populous minority is Hispanic (16.7% of the total population), there are multiple concerns facing forensic anthropology that need to be addressed, such as the sheer number of cases, limited utilization of forensic anthropologists in the field, and the shortcomings of the skeletal collections and techniques themselves.

Counties that see a high number of UBC-related deaths may be strained by the demands required for investigation, analysis and storage of remains for these cases (Baker and Baker, 2008; Hinkes, 2008). For example, Hinkes (2008) reported that Imperial County, California does not have the funding, personnel, equipment or storage facilities needed to properly support their efforts. They lack the financial support that other counties, such as San Diego, receive through tourism and the military. In 2005, Pima County, Arizona, ran out of storage room for their unclaimed remains and initially spent $60,000 on a

refrigerator truck, which quickly ran out of room and necessitated an addition built to their storage facility (Phippen, 2010). Medical examiner and coroner offices also may lack the specialists, such as forensic anthropologists and forensic odontologists (dentists) needed to perform analysis of decomposed remains (Anderson, 2008). They may not have the funding available to permit them to contract specialists at other institutions to aid them in the hundreds of UBC cases that they may face on an annual basis. Also, some of these cases may involve multiple individuals who died at the same time, possibly as a result of a vehicular accident in the desert, a natural event such as a flash flood during the monsoon season, or through execution. If there is only one forensic anthropologist investigating, they could be facing an extended period analyzing thousands of skeletal elements that could be commingled and require sorting into their individual skeletons, which is not a simple task (Hinkes, 2008). If remains are unclaimed after a period of time, they may be interred in a potter's field or cremated at the expense of the county (Phippen, 2010). As more counties move towards cremation, if not all possible data are collected from the remains prior to the retort, there is a high risk of information loss, which may preclude ever identifying these remains.

Something that plagues forensic anthropologists in the United States in general is the underutilization of these specialists to do the recovery of remains in the field. Law enforcement officials are not trained to recognize all 206 bones of the average adult human skeleton, nor are they usually trained to find remains that are heavily weathered or scattered at the scene. Proper archaeological recovery techniques are typically not employed, thereby resulting in a loss of skeletal, dental, and contextual evidence (Anderson, 2008). Anterior teeth, which often fall out during decomposition, may become buried due to soil movement postmortem and/or may be moved by water runoff in the rainy season. If the soil is not properly screened during recovery, these teeth, which are critical for identification using skull-photo superimposition, likely will not be found. Having the forensic anthropologist in the field allows the specialist to do a full taphonomic assessment of the scene, which will aid significantly in the interpretation of the body placement. Through a better understanding of how the remains came to be deposited in a particular fashion, it may be possible to interpret if the individual had been a *coyote*, a person being smuggled into the US, or just an unfortunate individual who perished in the desert. Not all causes of death leave a mark on bone, and the contextual information that the forensic anthropologist can glean through taphonomic assessment at the scene may be critical to determine what had happened.

Dr. Bruce Anderson, a forensic anthropologist with the PCOME, reports that over the past two years, his office has seen a shift in the types of cases that come into their lab (Dr. Bruce Anderson, personal communication, June 20, 2012). They are seeing fewer recently deceased border crossers; the majority of the remains that are being recovered are heavily or completely skeletonized and represent individuals who had been missing for many months or years. This shift is likely due to changes in US Border Patrol practices; increased apprehensions and changing patterns in the number of officers patrolling and where. Border Patrol may be catching more individuals before they die in the desert; shifting where they search leads to an increased likelihood of the patrols discovering remains in previously unexplored remote locations. This increase in decomposed material places added importance on having skeletally trained professionals as part of the recovery teams.

There is great need for more publication of research on the determination of ancestry in general. The primary reference for ancestry determination is the edited volume by Gill and Rhine (1990), which is now out of print. Many papers are presented at conferences and are never formally published in journals. If researchers were unable to attend those conferences, they may only be able to learn of the information through secondary sources. For example, fifteen of 26 (58%) sources cited by Birkby et al. (2008) were conference papers presented between 2002-2006, and for Anderson (2008), nine of eleven sources (82%) were conference papers. Komar and Lathrop (2008) is based on an earlier conference paper, and the authors alluded to additional research expanding on their first phase of tests using material culture to determine ethnic identify, though nothing else has been published yet. Much research may be conducted as part of master's thesis or doctoral dissertation projects, but until the research is publicly disseminated, it will remain invisible in the field.

Forensic anthropology also needs to have more research conducted on the determination of ancestry, especially for minority groups in the United States. The field's limited understanding of Hispanic skeletal traits is only one area needing work. Criteria for assessing modern skeletons of the Middle East are needed. Given the complex history of this region, the blending of skeletal traits of Africa, Europe, and Asia could be more complicated than what is seen among Hispanic remains. And these data are crucial for our ability to determine if a set of skeletal remains found in the desert belong to someone of Middle Eastern origin. While the mass graves being excavated in Iraq, containing individuals killed on the orders of Saddam Hussein, are being analyzed by forensic anthropologists, due to the nature of the samples, it is not ethical to use them for research purposes. Forensic anthropology also tends to

group Asians into one population, and more work is necessary to help skeletally differentiate regions of origin within Asia. One of the limitations holding back research in this area is the debate raging in anthropology regarding the validity of "race." Some may perceive research looking for biological indicators of race as politically incorrect and a detriment to society. It may be challenging to persuade those outside of forensic anthropology why this research is necessary.

One of the biggest obstacles facing forensic anthropologists is the lack of sufficiently large documented skeletal collections consisting of modern Hispanic remains from various regions throughout Central and South America and modern American Indians (Hurst, 2012; Tise, 2010). This is an issue for the field in general, not just in relation to Hispanic remains. This limitation is not likely to be remedied, since forensic anthropologists cannot grow and harvest samples like a cell biologist can. The field is limited to what becomes available through the generosity of those who donate their bodies to science, unclaimed remains, war dead, and excavated historic cemeteries.

Recommendations

There is much that forensic anthropology can contribute to the investigation of cases along the southern border of the United States. Through the recovery and identification of decomposed remains, these specialists can assist law enforcement and homeland security experts in assessing who is entering the country, from where, and what events led to their demise. If one crosses our border without permission, it may be in desperation to find work and help his family back home. But individuals also may be using vulnerable areas in our border security to gain entry into the United States to cause harm to its citizens, infrastructure, and/or way of life. It is necessary for forensic anthropologists to examine weaknesses in the field and actively explore ways to remedy them. In order to improve the ability of forensic anthropology to be of service to the United States, it will require federal support, international relationships, and the realization that the issues facing southwestern forensic anthropologists are truly issues facing *all* forensic anthropologists in the United States.

The average American taxpayer may not see the importance of funding research to improve forensic anthropologists' ability to analyze remains from minority populations, but given that minority births are now the majority, it is critical to update the standards used by the field since they are utilized in forensic investigations in general, not just UBC cases (United States Census Bureau, 2012). The Department of Justice (DOJ) funds research in forensic sciences, including forensic

anthropology. To help spearhead research to improve standards for Hispanic skeletal analysis, the DOJ can provide targeted funding specifically for this purpose, thereby highlighting its importance through financial backing. This would help to emphasize its importance, even if it might not be the current trend of research in the field. It would demonstrate to forensic anthropologists across the nation that that challenges that UBC cases present are not just an issue facing those in the southwest. With the rising numbers of Hispanics legally in the United States, it is likely that more forensic anthropologists across the country will encounter skeletonized remains from this group, which is currently a minority but may soon become a majority.

International collaborations will be crucial to developing improved skeletal standards and positive identification of remains. Due to the limited nature of Hispanic skeletal remains in the United States, forensic anthropologists from American institutions will need travel to work with their foreign counterparts, such as the Argentine Forensic Anthropology Team (History of EAAF, n.d.) and the Guatemalan Forensic Anthropology Foundation (FAFG, n.d.). Both organizations benefitted from training by Dr. Clyde Snow, an American forensic anthropologist, who worked with them closely at the inception of these organizations (Fondebrider, 2009; History of EAAF, n.d). Now, these groups can reciprocate by training their American colleagues about the nuances of modern skeletons from Central and South America. These collaborative ventures can lead to publications in English-speaking journals that are widely used in the field, such as the *Journal of Forensic Sciences* and *American Journal of Physical Anthropology*, helping to disseminate the information to a larger audience than just conference presentations.

Offices that deal with high numbers of UBC cases already work closely with the Latin American consulates in their areas as they try to positively identify the dead, but it is not clear if there is a concerted effort by federal agencies to coordinate efforts. Dr. Anderson with the PCOME is an active advisor for NamUs and he is not aware of directed actions to inform foreign consulates about the NamUs databases (Dr. Bruce Anderson, personal communication, June 20, 2012). NamUs recently has been made available in Spanish, and once the policy shift becomes active, allowing missing person reports to be filed on the website without US law enforcement involvement, it is possible that the Department of Justice may do more to alert international agencies about its use. In the interim, medical examiner and coroner offices can encourage their local foreign consulates to share knowledge of the database with their citizens back home. The federal government can expand upon efforts by individuals such as Dr. Lori Baker, who has

collaborated with the Mexican equivalent of NamUs (*Sistema de Identificación Restos y Localización de Individuos*) and the PCOME, who works with the Argentine Forensic Anthropology Team, which collects buccal swabs from family members who have missing loved ones so the samples can be tested and data entered into NameUs (Dr. Bruce Anderson, personal communication, June 20, 2012; Baker and Baker, 2008).

It is difficult to deny that investigations of suspected UBC deaths place a great burden upon the medical examiner and coroner offices along the southwest border, both in terms of money and manpower. With the increased shift to skeletal remains being recovered, the forensic anthropologists in these areas will be inundated with tens of thousands of bones. It is critical to have individuals trained in forensic anthropology or, at the least, forensic archaeology doing the recovery of these skeletons, which will have a higher risk of weathering, fragmentation, and commingling. To alleviate the undue burden on these southwestern agencies, the federal government could sponsor UBC forensic teams, aiding Border Patrol when remains are found. These teams could be stationed along the border and easily dispatched to recovery sites, as needed. When remains are brought back to the lab, forensic specialists can take the requisite x-rays and DNA samples, complete skeletal assessments, and inventory personal effects. While a permanent core of personnel would be needed to oversee operations and management, the field crews could be manned by temporary staff, pulling from graduate student interns looking for more experience and forensic anthropologists in faculty positions wanting the opportunity to provide a service to their country. Such teams would increase the number of forensic anthropologists with direct experience analyzing Hispanic remains, skills that they can take with them back to the classroom, their students, and their future forensic investigations throughout the United States.

To foster improved relations with Central and South American countries, which may feel slighted by American political policies, UBC Forensic Teams could be sent on goodwill missions to other countries, such as Mexico, who have seen an escalation in deaths related to drug cartel activities. The UBC teams could help with analysis and identification of individuals whose remains have decomposed, suffered dismemberment or otherwise been mutilated. The United States assisting in the identification of their dead may help to improve relations with Mexico, who could be more willing to listen to American input regarding policy decisions that impact the US. For example, reports indicate that the three Mexican presidential candidates are planning to focus more on reducing violence in Mexico but not necessarily looking to slow down the drug trade (Archibold and Cave, 2012). The candidates

are concerned that the Mexican Army involvement and current policies towards the drug trade have contributed to the escalation in violence. This proposed shift on the war on drugs has raised concerns among some US policymakers that, in order to make peace, the government will make deals with the cartels, who are also involved in human smuggling, and, therefore, could be highly detrimental to the American war on drugs and human trafficking. The Mexican presidential candidates may not be considering the wider impacts of their proposed policy changes, and if the United States is helping with their dead, the government may be more sympathetic to American concerns.

Conclusion

Due to their proximity to the border, the southwestern states are more keenly aware of the issues posed by high rates of unauthorized border crossers entering through Mexico; however, the challenges faced by forensic anthropology dealing with Hispanic skeletal material are not limited to this portion of the country. As the Hispanic segment of the American population continues to rise, the likelihood of a forensic anthropologist anywhere in the country analyzing skeletons of Hispanic origin is going to increase and cannot be ignored. The standards and techniques used by the field, however, are sorely lacking for this segment of the population. While the term *Hispanic* defines a cultural or ethnic group, rather than a biological group based on shared genetic ancestry, patterns in skeletal and dental traits have been noted, which may indicate Hispanic origin. The problems surrounding UBC cases highlight areas of opportunity within forensic anthropology for research, international collaborations, and service to a wider community.

The identification of individuals found to have entered the United States without authorization is of keen importance for the continued safety and well-being of Americans. It is critical to know who these individuals are and where they are coming from. The fact that they are deceased and/or decomposed when discovered does not lessen the significance of addressing these questions. Forensic anthropologists can aid law enforcement and homeland security initiatives by analyzing the skeletal remains and the context in which they are found to help identify points of entry, facts surrounding their deaths, timing of events, and persons or criminal organizations involved. The success of forensic anthropologists in these endeavors will rely upon the federal government supporting their efforts with research funding and initiatives. The creation of UBC Forensic Teams would dedicate forensic anthropologists to work on improving successful recovery and identification of human remains in border states, while helping to spearhead research and improvement of skeletal techniques. Forensic anthropologists

and other specialists in the southwest have shown great dedication and service to society beyond American borders by personally making it their mission to identify everyone who enters their labs and morgues, regardless of citizenship. The federal government and forensic anthropologists in other parts of the United States can demonstrate their commitment to humanitarian efforts by helping to identify the deceased and return their remains to their loved ones back home, while contributing to the continued safety and security of the United States.

References Cited

Anderson, B. E. (2008). Identifying the dead: Methods utilized by the Pima County (Arizona) Officeof the Medical Examiner for undocumented border crossers: 2001-2006. *Journal of Forensic Sciences*, 51(1), 8-15. doi: 10.1111/j.1556-4029.2007.00609.x.

Anderson, B. E. & Parks, B. O. (2008). Symposium on border crossing deaths: Introduction. *Journal of Forensic Sciences*, 53(1), 6-7. doi: 10.111/j. 1556-4029.2007.00608.x..

Archibold, R. C. & Cave, D. (2012, June 10). Candidates in Mexico signal a new tack in the drug war. *New York Times*. Retrieved from http://www. nytimes.com.

Baker, L. E. & Baker, E. J. (2008). Reuniting Families: An online database to aid in the identification of undocumented immigrant remains. *Journal of Forensic Sciences*, 53(1), 50-53. doi: 10.1111/j.1556-4029.2007.00612.x.

Birkby, W. H., Fenton, T. W., & Anderson, B. E. (2008). Identifying southwest Hispanics using nonmetric traits and the cultural profile. Journal of Forensic Sciences. 53(1): 29-33. doi:10.111/j.1556-4029.2007.00611.x.

Fenton, T. W., Heard, A. N., & Sauer, N. J. (2008). Skull-photo superimposition and border deaths: Identification through exclusion and the failure to exclude. *Journal of Forensic Sciences,* 53(1), 34-40. doi: 10.1111/j. 1556-4029.2007.00624.x.

Forensic Anthropology Data Bank (n.d.). Retrieved June 8, 2012 from Forensic Anthropology Center, University of Tennessee-Knoxville website, http://fac.utk.edu/databank.html.

FAFG. (n.d.). Retrieved June 19, 2012, from Forensic Anthropology Foundation of Guatemala English version website,. http://www.fafg.org/ Ingles/paginas/FAFG.html .

Fondebrider, L. (2009). The application of forensic anthropology to the investigation of cases of political violence: Perspectives from South America (pp.67-75). IN S. Blau and D. H. Ubelaker (Eds.), *Handbook of Forensic Anthropology and Archaeology*. Walnut Creek, California: Left Coast Press.

Fulginiti, L. C. (2008). Fatal footsteps: Murder of undocumented border crossers in Maricopa County, Arizona. *Journal of Forensic Sciences*, 53(1), 41-45. doi: 10.1111/j.1556-4029.2007.00613.x.

Gill, G. W. & Rhine, S. (Eds.). (1990). *Skeletal Attribution of Race. Maxwell Museum of Anthropology Anthropological Papers No. 4.* Albuquerque, New Mexico: University of New Mexico.

Hefner, J. T. (2009). Cranial nonmetric variation and estimating ancestry. *Journal of Forensic Sciences*, 54(5), 985-995. doi: 10.1111/j.1556-4029.2009.01118.x.

Hinkes, M. J. (2008). Migrant deaths along the California-Mexico border: An anthropological perspective. *Journal of Forensic Sciences,* 53(1), 16-20. doi: 10.1111/j.1556-4029.2007.00625.x.

History of EAAF. (n.d.). Retrieved June 19, 2012, from Argentine Forensic Anthropology Team website, http://eaaf.typepad.com.

Juarez, C. A. (2008). Strontium and geolocation, the pathway to identification for deceased undocumented Mexican border-crossers: A preliminary report. *Journal of Forensic Sciences,* 53(1), 46-49. doi: 10.1111/j.1556-4029.2007.00610.x.

Kephart, J. (2012, May). *Maps show 330 illegal aliens crossing Ariz. border in one night in March, including ultralight incursion.* Retrieved from http://www.cis.org/kephart/arizona-border-patrol-mapping-shows-330-illegal-alien-crossing-border-one-night-march-ultral .

Komar, D. A. & Lathrop, S. (2008). The use of material culture to establish the ethnic identify of victims in genocide investigations: A validation study from the American Southwest. *Journal of Forensic Sciences*, 53(5), 1035-1039. doi: 10.1111/j.1556-4029.2008.00825.x.

National Missing and Unidentified Persons System. (n.d.). Retrieved June 15, 2012 from the National Missing and Unidentified Persons System website, http://www.namus.gov.

National Research Council of the National Academies. (2009). *Strengthening Forensic Science in the United States: A Path Forward.* Washington, DC: The National Academies Press.

Niner D. A. & Rios, M. (2009). *Hispanics in the United States, Puerto Rico, and the US Virgin Islands: 2000* (Working Paper No. 84). Retrieved from U.S. Census Bureau website: http://www.census.gov/population/www/documentation/twps0084/twps0084.pdf.

Office of Justice Programs. (2011). *More than 15,000 cases in new database that matches missing persons and unidentified dead: Users number 10,000 (press release).* Retrieved from the National Missing and Unidentified Persons Systems website: https//:findthemissing.org/documents/DOJ_RELEASE_NamUs_May_6_2011.pdf.

Phippen, W. (2010, June 27). Anthropologist is seeing a higher number of bodies found in desert. *Arizona Republic*. Retrieved from http://www.azcentral.com/community/pinal/articles/2010/06/27/20100627bodies-found-desert-forensics.html.

Pima County Office of the Medical Examiner. (2011). *Annual Report 2010*. Retrieved from the Pima County Office of the Medical Examiner website:

http://www.pima.gov/cmo/OME/documents/pdfs/2010_Annual_Report.
pdf.

Rhine, S. (1990). Non-metric skull racing. IN G. W. Gill & S. Rhine (Eds.),
*Skeletal Attribution of Race. Maxwell Museum of Anthropology Anthropo-
logical Papers No. 4* (pp. 9-20). Albuquerque, New Mexico: University of
New Mexico.

Roberts, B., Hanson, G., Cornwell, D, & Borger, S. (2010). *An analysis of
migrant smuggling costs along the Southwest border (working paper).* Re-
trieved from Office of Immigration Statistics website: http://www.dhs.
gov/xlibrary/assets/statistics/publications/ois-smuggling-wp.pdf.

Ross, A. H., Slice, D. E., Ubelaker, D. H., & Falsetti, A. B. (2004). Population
affinities of 19th century Cuban crania: Implications for identification
criteria in south Florida Cuban Americans. *Journal of Forensic Sciences*,
49(1), 1-6. doi: JFS2003088_491.

Spradley, M. K., Jantz, Richard L., Robinson, A., & Peccerelli, F. (2008).
Demographic change and forensic identification: Problems in metric
identification of Hispanic skeletons. *Journal of Forensic Sciences*, 53(1),
21-28. doi: 10.1111/j.1556-4029.2007.00614.x.

Taylor, J. (2012, May 23). Four arrested after 131 immigrants found in
Texas house. Reuters. May 23 ,2012. *Reuters*. Retrieved from http://www.
reuters.com/article/2012/05/24/us-usa-texas-stashhouse-
idUSBRE84N01320120524.

Tise, M.L. 2010. A metric analysis of the postcranial skeleton of Hispanic
individuals to improve the estimation of sex (Master's thesis, Texas
State University-San Marcos). Available from Texas State University
website: https://digital.library.txstate.edu/handle/10877/4080.

United States Census Bureau. (2006). *Hispanics in the United States* [PowerPoint
slides]. Retrieved from the United States Census Bureau website: http://
census.gov/population/ www.socdemo/hispanic/files/Internet_Hispanic_
in_US_2006.pdf.

United States Census Bureau. (2012). *Most children younger than 1 are mi-
norities, Census Bureau reports*. Retrieved from the United States Census
Bureau website: http://www.census.gov/newsroom/releases/archives/
population/cb12-90.html.

United States Department of State. 2010. *Scrutiny of migrant trafficking fol-
lows mass grave discovery (Tenancingo bulletin # 4)*. Retrieved from Human
Smuggling and Trafficking Center website: http://state.gov/documents/
organization/151394.pdf.

Defeating Maritime Piracy

BY MICHAEL L. HUMMEL, PH.D*

Scope of the Problem

International Maritime Security Policy has failed to show any significant progress in the battle against maritime piracy. "Piracy on the world's seas has risen to record levels" (IMB Report, 2011). According to the Director of the International Maritime Bureau (IMB), whose Piracy Reporting Center has monitored piracy worldwide since 1991 and who serves as the criminal justice arm of the International Chamber of Commerce "[f]igures for piracy and armed robbery at sea (2011 statistics) are higher than we've ever recorded in the same period of any past year." Between 2007 and 2011 there were an estimated 4,780 reported pirate attacks on private maritime commercial ships and the citizens of our global society. The results of these attacks include people being assaulted, taken hostage, injured, ransomed, killed, missing, tortured, or threatened/terrorized (IMB Report, 2011). Alarmingly, it is estimated by experts that only 50% of pirate attacks are reported (Mudri'c, 2011, p. 5). However, some reports indicate that the attacks not reported are higher than 50% (McDaniel, 2005).

Contemporary maritime piracy has transitioned from a few armed fishermen into complex organized criminal operations. These criminal operations can include terrorist groups, groups sponsoring terrorism, local criminals sponsored by terrorists, traditional robbers and thieves—some with military training, and criminal groups sponsored or supported by corrupt government officials (Winn & Govern, 2008, p. 132). Organized pirate groups have expanded their area of operations. In 2005, in the eastern African area only, the area of operations encompassed a 165 nautical mile area off the central Somalia Coast,

---

* Dr. Michael L. Hummel is an Associate Professor of Leadership and Security Studies, Department of Justice, Law & Society, and Director of the Serene Leadership Institute, California University of Pennsylvania. Dr. Hummel earned his MPA, MA, and Ph.D. from Columbia University.

and also a small 165 nautical mile area in the Gulf of Aden. Currently, their area of operations has expanded to 1,100 nautical miles and extends from the coast of Kenya to the northeastern tip of Oman (BBC News 2010). This is an enormous expansion in their area of operations. This range does not include the Southeast Asia areas, or the Western African coastal areas. However, the pirates are increasingly very active in the western African region around the Gulf of Guinea. The area includes the countries of Nigeria, Cameroon and Gabon and houses numerous islands that serve as excellent operational planning and tactical launching points for attacks. Pirates operating in this area are seeking profits by heisting oil and material goods and are not focused on ransom for hostages. "These pirates will frequently hijack a tanker, siphon the oil to another vessel, and later resell it on the local black market" (Center for Strategic and International Studies, 2012).

In 2012, the number of attacks on oil tankers doubled, and included as many as eight in one month. This could have a critical impact on the price of oil globally. Thus, their tactics are more violent, deadly, and destructive than pirates looking for hostages, as in Somalia. It is a common tactic to attack a commercial ship with assault weapons and grenade launchers and murder the crew members. They have attacked and killed inadequately armed, equipped and trained security forces. These types of attacks are predicted to increase significantly because of the lack of protection, the high payoff, and the number of soft targets available. (Center for Strategic and International Studies, 2012). The statistics clearly depict that the pirates are more organized and better equipped than security forces operating on commercial vessels and operating a successful criminal business. International maritime security policy has, to date, failed.

The costs associated with these crimes are extensive. Cost estimates for 2010 and 2011 combined reached approximately 19 billion dollars (Bowden & Basnet 2011, p. 1). These estimates include ransoms, increased shipping costs, increased insurance cost, increase in security equipment expenditures (primarily non-lethal and ineffective), rerouting of shipping lanes, increased speed of ships, additional fuel use, labor problems, prosecution and imprisonment, increased military operations, social-marginal costs, costs to the local communities, psychological cost of innocent people being murdered and assaulted/terrorized, increased costs to world markets and counter piracy organizations (Bowden & Basnet 2011, p. 2). The cost of ransoms paid for 2009–2011 reached just under 1 billion dollars, at 990 million dollars (Mudric, 2011, p.4; Bowden & Basnet 2011, p.12). According to the consulting firm Geopolicity, pirates collected an estimated 160 million dollars in ransom payments in 2011. They predict that ransom payments will climb

to an estimated 400 million dollars by the year 2015 (Maritime.Security Asia, 2012, p.1). Testimony before the UN Security Council by the former French culture minister, Jack Lang, emphasized the threat as "increasingly sophisticated and dangerous, with assailants using heavy weapons, global positioning systems, and mother ships stationed far out at sea" (Associated Press, 2011). Lang testified that the international community needs to spend $25 million to upgrade the Somalia court system to enable the prosecution of pirates. The United States has recently paid over $35 million just to help train local forces to counter piracy operations in the Gulf of Guinea region (Center for Strategic and International Studies, 2012). These are enormous costs for our global society to bear.

Purpose of Study

The purpose of this study is to produce viable and rational recommendations for international maritime security policy, which will produce numerous outcomes:

1) It will present a security policy plan, which can be safety and quickly implemented across the maritime shipping spectrum;
2) It will present a guaranteed effective solution to preventing pirates from hijacking commercial shipping vessels;
3) It will potentially save thousands of lives, and prevent harm to the environment;
4) It will save billions of dollars in lost economic resources, and other monetary resources;
5) It will prevent any close range engagements, or the mistaken identity of innocent fishermen for lethal pirates;
6) It will support the international community's concerns for safety and liability issues, and the International Maritime Organizations standards and guidelines for armed security, as set forth in MSC1/Circ. 1405/R2 (Dated 25 May 2012).

Theoretical Explanation for the Problem

The Routine Activities Theory thoroughly explains this criminal behavior (Dr. Aref M. Al-Khattar, personal communication, May 20, 2012). Dr.'s Lawrence Cohen and Marcus Felson's research suggested that patterns of behavior by people and organizations "contribute significantly to the both the volume and the type of crime found in any society." This theory's central idea is evidenced by facts that crimes will occur when a motivated criminal and a susceptible, or easy target of opportunity "converge", and the target lacks a "capable guardian"

(Schmalleger, 2006, pp.188-119). One example of a target lacking a capable guardian follows.

> If an elderly or frail woman visits an ATM machine in a poorly lit high-crime area late at night, with concealment for the criminal, she is highly susceptible to being robbed. If the woman adds a measure of physical security (sometimes known as target-hardening) by putting pepper spray in her purse, the pepper spray is ineffective if she cannot access the pepper spray quickly to fend off an attacker. Also, the pepper spray may not be effective enough to fend off a crazed or desperate thief. If she keeps coming back to the same ATM, with no additional or increased measures of protection, the risk of victimization is increased significantly (Schmalleger p. 118).

A capable guardian must consist of physical security measures that are effective at their very core and that a criminal is not able to counter. The security must be in the hands of properly trained, equipped, and organized individuals or teams. Criminals adapt quickly to various forms of physical security by employing a system that is more effective than the security measure countering their action and will overcome any defensive measures.

Many commercial shipping companies have integrated non-lethal modes of physical security measures such as water hoses, long range acoustic devices, lasers, GPS trackers, slippery foam, electronic fencing, evasive maneuvering, a policy of surrendering, and lock-down drills. Cases show that these methods are ineffective against pirates armed with heavy automatic weapons systems and anti-tank rockets. The non-lethal countermeasures are not protecting the crew from the assaults, terror and murders that have been an integral part of the pirate's tactics. The enormous costs associated with these methods have not negated the millions of dollars paid in ransoms. The pirates have extensive fire power, the will to use it, and a range advantage against the non-lethal measures. They have the ability to create heavy damage to any ship that fails to stop and allow boarding. The Liberian vessel *MV Biscaglia* was attacked by a pirate team on November 29, 2008. The security team on the ship employed a very expensive Long-Range-Acoustic-Device (LRAD) device to repel the pirates. The pirates were armed with assault rifles and rocket-propelled grenades. The security team was overwhelmed from incoming fire. The ship was seized; the unarmed security team abandoned ship and left the ship and crew to the pirates (Over-watch Maritime Security Services Limited, 2012). As this incident illustrates, pirates have learned to overcome the non-lethal LRADS by using hearing protection. The LRAD also has serious

deployment limitations, including mobility problems with a weight that can exceed 320 pounds, a limited effective range of 100 to 300 meters and limitations on operating temperature and humidity. The cost for an appropriate LRAD can range up to $50,000 (Agro-A Security, n.d.).

The seaborne criminals understand that there are an over abundance of soft targets with ineffective security. They are clearly aware that there is a high monetary payoff and a high probability of escaping unharmed and never being prosecuted. There are 12 to 15 million containers that are estimated to be on the world's oceans at one time. This includes an estimated six billion metric tons of oil and bulk commodities, as well as general cargo packed in containers and most importantly includes a large number of potential human hostages. There are nearly 6,600 terminals currently in operation that host larger commercial ships and this provides "pirates with an almost limitless range of tempting, high-payoff targets" (Chalk, 2008, Chapter 2, p. 10-11).

The pirates understand the capabilities of government forces and government officers. Many law enforcement and security organizations, including the leadership, can be saturated with corruption and many are known to work closely with pirate organizations (Chalk, 2008, p. 13). These are rich opportunities and the pirates can easily take advantage of them. The problem will not disappear with the current security policy in place. Maritime piracy will continue to cause an enormous loss of lives and a significant burden on our international economy, which leads to more crime and terrorism.

Primary Research Question

What viable, foolproof and safe international security policy can be implemented to prevent pirates from hijacking commercial vessels?

Methodology

The methodology used for this policy paper consisted of two designs. The first approach consisted of gathering and conducting case-study analysis on maritime commercial vessels that were targets of pirate criminal activity. Through these various case studies, pirate offensive tactics, weapons systems, ranges of attacks, and range of detection were evaluated. Also considered were the defensive tactics of the targeted ship, what tactics worked and what did not, and what could have been done differently to prevent the attacks—whether they were successful at boarding the vessel or not. This data was categorized, analyzed, and interpreted for policy recommendations. This policy study also included personal interviews of highly qualified professional snipers.

Input was garnered from professional consultants and technicians. The professionals responded to various forms of research questions. This methodology gathered information to determine the viability of the deployment of the .50 caliber sniper rifle on major commercial ships, and its effectiveness in supporting the following theory:

> If a highly trained sniper team, with a .50 caliber sniper system and appropriate optics, is responsible for the protection of a large commercial ship, then it will be nearly impossible for organized pirates to take over the ship, and no loss of live will occur in the process.

Current Security Policy

Most countries and organizations depend on the military navies to protect them from pirates. The US Navy spends an average of $83,000 per day, per US vessel, to combat pirates. The primary purpose of the US Navy is deterrence and response to major international crisis, such as fighting and preventing wars. The estimated costs for all sea vessels working the counter-piracy mission is $2 billion annually—and with very little success (Mudric, 2011, p. 6). "Current efforts are clearly not solving the problem" (Liss, 2008, p. 5). International Navies are limited in their authority and capabilities when dealing with pirates, including recapturing a vessel once it has been hijacked. The area of coverage is too large for adequate response and the targets (commercial ships) are too great in numbers. There are inadequate response capabilities, and the pirates are too organized to have any significant impact on the crimes (Liss, 2008, p. 5-6). The presence of warships in the general area does not have a significant impact on deterring pirate attacks. Attacks, such as occurred on the Korean trawler *Dong Won-Ho 628* in April of 2006, have taken place with warships in the area. The ship was captured and then quickly forced toward sovereign Somalia shores (Sekulich, 2009, pp.182-182). The pirates realize that the warships are ineffective based on the situation, tactics, capabilities, and international law.

There are numerous shipping companies that contract armed private security officers (PSO's) with a few light arms. However, these armed PSO's are at the forefront of any debate in security tactics. Some companies believe that putting armed security on ships "would increase the overall risks" (Sekulich, 2009, p.180). Some basic concerns include:

- Allowing armed security on ships will influence the pirates to become more armed, and more aggressive;
- Innocent people could be killed because of a fire fight between parties;

- Damage could be inflicted on the ship and could also result in environmental damage;
- Innocent fishermen could be mistaken for pirates and shot; and,
- Untrained private security could influence liability issues.

In reality, it will be just the opposite if the proper team is put in place. Official reports evidence that "no single vessel under armed protection has been hijacked" (Mudri'c, 2011, p. 19). However, we must upgrade the standards in this area of armed security—a precision-oriented, properly equipped and trained armed security team, consisting of a sniper and observer, will not mistake a threat for an innocent party. Their accuracy is unmatched in the world of marksmanship. The properly organized and equipped sniper security team will prevent a firefight and collateral damage. They will lower insurance costs because the pirates will be unable to take over a ship, and the company will be remain insured and not held liable for damages. Money does not need to be squandered on nonlethal tactics. Routes will not have to be re-directed or shipments delayed. The tactical advantages of precision, accuracy and range will not belong to the pirates. Billions of dollars, and many lives, will be saved. But these goals will require an extremely precision-oriented team—a highly trained sniper team with a .50 sniper rifle and appropriate optics and night vision capabilities. The accuracy, range and destructive capability of this system, along with a certified sniper team, and a reputable, licensed company, can basically guarantee that no ship will be taken over by pirates.

The Magic Bullet

Special Qualifications

The key to operational success in defeating maritime piracy lies in the organization, special training, and resources of the security team. The sniper/observer team in place must consist of highly qualified snipers. They must have been graduates of a highly credible, rigorous, accredited, and certification-providing sniper school. Models of excellence include the US Army Sniper School at Ft. Benning, GA., Marine Corp's Sniper Schools, Special Operations Target Interdiction Course, Seal Sniper School, Department of Energy, and the FBI sniper schools. There are also civilian and international sniper programs that are of high quality. Graduates of courses of lesser standards, accreditation, and rigor would not be acceptable to serve in this role. It would be value-added if the team was experienced and had served in an operational capacity that required real-world engagements following strict rules, with experience in target acquisition and in hitting moving targets

in a stressful environment. These qualifications would ensure that mistaken identity of the target would not occur and surgical accuracy when engaging the target area (Highly-skilled sniper operative, personal communication, August 14, 2012, personal communication/ interviews with the highly skilled sniper operatives and technicians. The sniper operators and technicians gladly provided information, based on the confidentiality of their identities.).

Equipment and Technology

Since range and accuracy are critical elements of tactical advantage for engaging maritime pirate operations the .50 caliber sniper weapons system is a necessity. The Barrett .50 or the McMillan Tac-50 sniper rifles are primarily used by military and other government agencies. The long range sniper rifle, caliber .50, was officially adopted by several military branches. The .50 sniper rifle can attach a high power target scope ranging from 10 to 20 times the magnification of the target. The semi-automatic versions are also equipped with a 10 round capacity magazine. However, numerous and newer versions are available with a variety of day and night optics for precision at long distances. The required equipment also includes laser range finders, technology for computing critical data for accuracy and high power spotting scopes. The maximum effective range of this .50 caliber system is 1,800 meters and 2,000 meters on equipment size targets such as pirate vessels. There are numerous recorded personnel engagements at over 2,300 meters, with 2,430 meters being the longest recorded confirmed sniper shot on enemy personnel (Longest Sniper Kill, n.d.). Gun manufacturers and military analysts consider or define the maximum effective range as the distance that an average trained sniper can effectively and consistently engage a "man-sized target" (Pearson, 2007). The United States Navy Seal Sniper course, defines the maximum effective range between 2,000 and 3,000 meters for the .50 caliber sniper rifle, using a 20 power scope (Special Warfare Sniper Course, p. 93). Therefore, pirate vessels or pirates can be engaged, under proper conditions, at over 1 mile away. This gives the sniper team the range and accuracy advantage over well armed pirates.

The heavier weapons of the pirate's arsenal, consists of the RPG 7 with an high explosive warhead, has an effective range of 300 meters, and will self-destruct at around 940 meters (Ng, 2012). They also use various versions of a Kalashnikov assault rifle, known as AK–47's, or general purpose machine guns. The AK–47's shoot an estimated 600 rounds per minute with an effective range (reasonable accuracy) of around 300 meters. The Kalashnikov's RPK or PKM general purpose

machine guns fire an estimated 650 rounds per minute with an estimated effective range up to 1,500 meters (Ng, 2012) during plunging or area fire (non-precision firing), and are capable of shooting down aircraft and doing extensive damage to shipping vessels.

The snipers also gain precision and accuracy with the use of high power optics (scopes) with 10 to 30 magnification power that can make a target 30 times greater than it original size. This ensures accuracy and identification of selected targets without the problem of mistaken identities. Laser range finders can be used that can compute ranges with pin point accuracy for several thousand meters. Sniper security teams also have night vision devices to engage and observe targets at night. With the proper night optics, targets can be engaged at a distance of up to 800 meters at night (Highly skilled sniper operative, personal communication, August 14, 2012). Another piece of necessary equipment is an infrared thermal imaging device that detects objects hotter than the surrounding area, such as engines or body heat (Jonsson, 2010, pp.72, 93, 67). Formulas and computers to compute wind, range, angle, barometric pressure, humidity, ballistic characteristics, and speed can all be computed to provide great shooting accuracy. The sniper team has the advantage of a large stable ship, elevation, and angle thus, a more leveraged and stable firing platform. The availability of tracer rounds helps to signal warnings and mark targets (Jonsson, 2010, Chapter 4). Pirates, although armed with lethal weapons systems and effective tactics would prove ineffective up against this type of security organization. The target would be identified as a threat or non-threat and handled appropriately before the pirates could respond. As soon as a threat was identified, the sniper team could either fire warning shots, engage the criminal's equipment (boat or engine) to render it inoperable, or eliminate the threat itself.

This tactic addresses the following concerns raised by the International Maritime Organization (IMO) and the international community:

1. prevents fire fights or armed engagements;
2. prevents escalation, since pirates cannot compete with this level of tactics;
3. serves as a powerful deterrent;
4. prevents unnecessary deaths and assaults on people/employees of the shipping companies;
5. prevents mistaken identity;
6. prevents poorly trained PSO's from working missions;
7. reduces insurance costs;
8. reduces shipping costs, thus, costs on the consumer;

9. reduces security costs from purchasing expensive non-lethal security measures that are ineffective ;
10. enhances economic conditions for law abiding citizens;
11. reduces impact on environment and helps prevent environmental disasters;
12. enhances collaboration and working agreements among the international community because of the safety and high standards enforced by the private security companies;
13. highly trained professionals understand and support a chain of command on the ship.

This tactic exceeds the standards recommended by the IMO and international parties because of the specialization and characteristics of the security team. Utilizing such a tactic will address any concerns associated with standards, safety, security, liability, or any unintended consequences. The IMO recognizes the seriousness and longevity of the threat, and realizes that only through shipping companies protecting their own interests can pirate hijacking end. Thus, the IMO has published MSC1/Circ. 1405/R2 (Dated 25 May 2012), "Revised Interim Guidance to Ship Owners, Ship Operators and Shipmasters on the use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area."

As part of this guidance, the IMO urges all sovereign governments, international organizations, and non-governmental organizations to implement, educate, and support all agencies, ship owners and operators, shipping companies, security companies, shipmasters and crews concerned with anti-piracy activities, on these standards (MSC1/Circ.1405/R2, 2012).

International Law and Consideration for Armed PSO's

Under the United Nations Convention on the Law of the Sea (UNCLOS) all members (including security) of the seaborne commercial vessel, must follow the laws of the sovereign state that hosts the ship, such as where the ship is flagged, or when traveling in national waters (12 miles of shore), or docked at the state's ports. However, commercial ships have the authority to carry armed security in international waters (Ng, 2012, Economist).

Rationally considering that there is no end to criminal piracy in sight, understanding the critical need to protect their own private interests to include company employees and inspired by the IMO, states and companies are seeking new rules and standards that will lead to international support of armed security on ships. Great Britain is calling

for a set of standards on accountability and practice by the end of 2012. Numerous other countries are quickly moving forward with private armed protection. The United States authorizes armed self defense of US-flagged ships, within acceptable rules of engagement. India has authorized armed guards; Greece is moving forward on accepting armed security. The Japanese government is developing standards, and reverting from their non-armed policy, to armed security on ships (Ng, 2012, Economist). This year, the United Arab Emirates will begin authorizing armed security teams while in international waters, including ports. Sri Lanka, Oman, Djibouti, and Yemen allow weapons storage and some forms of transportation for security companies while at port, or while at a port that does not allow weapons in their territory (Mudric, 2011, p. 22). Sovereign states and territories are quickly realizing that their economic survivability is at stake if piracy is not stopped or at the very least curtailed. Concerns about the unintended consequences of improperly trained, organized, and equipped security officers are rational ones. However, the employment of the specialized and equipped sniper team will address any concerns regarding safety and liability.

Costs in Security

Most of the companies providing armed security are British, typically with military experience. Military experience is useful, however, it does not replace the skills, precision, safety, and logistics inherent with a certified sniper team. While basic armed tactics are effective, the risk of close confrontation, mistaken identity, and armed engagements are still a concern (Ng, 2012, The Economist). The cost of armed security could range from $20,000 to $100,000 for short periods of protection through high risk areas, such as the Strait of Malacca (Sekulich, 2009, p.180). This is a serious security gap, based on the fact that pirates are hijacking ships 1,100 nautical miles off shore (IMB, 2012).

A two person sniper team, along with the officer on deck or captain using standard radar communication or receiving reports on the local situation would be sufficient to keep the pirates at bay. The officer on deck would listen to warning reports, watch the radar, and scan the area 360 degrees within several miles around the ship to give sufficient early warning. The sniper team could be on call, running drills, target practicing and honing their skills. A team could be hired for $180,000 (the contracted company would get a percentage of this amount) as part of the crew for a full year to work as needed (Expert Interviewed, Personal Communication, May 29th, 2012). In comparison to the costs of piracy, this is a small expenditure and could be recouped by the savings

in insurance. The team would supply their equipment which could be a designated standard in the security contract.

Security Policy Recommendations

Commercial shipping companies must take responsibility for their own safety and security, both for their employees, and their property. This can only be guaranteed through the use of highly specialized and armed security sniper teams. Shipping and security companies must seek an agreement with sovereign areas and seek permission to have armed PSOs on board while at port or in a foreign nation's territory. This must be negotiated, supported, and coordinated with the assistance of the International Chamber of Commerce, the International Maritime Organization, the United Nations Security Council, and legitimate, law abiding governments. All participants must seek to adopt accepted standards as depicted in MSC1/Circ. 1405/R2 (Dated 25 May 2012). This will allow the armed policy to move forward for universal acceptance, evaluation, and continuous improvement in the standards.

Conclusion

The Routine Activities Theory states that crimes will occur when a motivated criminal and a target of opportunity converge and the target lacks a capable guardian. This theory is significantly supported as evidenced by the thousands of pirate attacks and the basic activities of the commercial maritime shipping business. The ineffectiveness of governments to protect private shipping companies, the lack of substantial security within the private shipping business, and the continuous, lethal, and lucrative, organized criminal activity of pirates cannot be denied—the extremely large number of attacks is clear evidence.

The 2011 statistics were higher in the same period of any past year's statistics. Between 2000 and 2006 there were nearly 2,500 pirate attacks (Rand, 2008, p.6). Most recently, in the first half of 2012, there were nearly 200 attacks worldwide; just for the Somalia area alone there were 70 attacks that resulted in 212 innocent people being taken hostage. Currently, in August 2012, there are 11 commercial shipping vessels and 174 people being held hostage by Somalia pirates. These statistics don't tell the full story, since only an estimated 50% of pirate attacks are reported. These attacks consist of innocent people being brutalized, terrorized and murdered in the harshest manner, until ransoms are paid. This is a major burden on our entire global society.

The key to successfully defeating these seaborne criminals is by integrating a highly trained, equipped and resourced sniper team into the

ship's crew. Repelling pirates at long ranges avoids confrontations, casualties, enhances safety, enhances the economic stability of our global society and virtually guarantees that no commercial ship will be taken over by pirates.

References

Agro- A Security (n.d.). Retrieved from http://www.argoasecurity.com/product_detail.aspx?productID=839).

Associated Press, Anita Snow, (2011). U.N. adviser describes growing piracy problem. Retrieved from: http://o.seattletimes.nwsource.com/html/nationworld/2014031688_apununsomaliapirates.html

Bowden, A. , Basnet, S., (2011). The Economic Cost of Somali Piracy, One Earth Future, Working Paper, p.1.

Center for Strategic and International Studies (2012). An Emerging Threat? Piracy in the Gulf of Guinea. Retrieved from http://csis.org/publication/emerging-threat-piracy-gulf-guinea

Chalk, P. (2008). The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States: Rand Corporation, p. no citations yet.

Corbet, P., Hill, R. P. (2009). A Modern Plaque of Pirates, Modern Piracy in the 21st Century - Protecting Your Ship and Your Crew - a Practical Guide for the Ship Master and Owner, Offshore and Marine Publications.

International Chamber of Commerce Crime Services (2011). As world piracy hits a new high, more ships are escaping Somali pirates, says IMB report. Accessed July, 2012 http://www.icc-ccs.org/news/710-as-world-piracy-hits-a-new-high-more-ships-are-escaping-somali-pirates-says-imb-report

International Maritime Bureau (IMB), (2012). Piracy reporting center. Retrieved from http://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map

International Maritime Organization, MSC1/Circ. 1405/R2. (2012, May 25). Retrieved from http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Guidance/Documents/MSC.1-Circ.1405-Rev2.pdf

Jonsson, F. C., (2010). Maritime Sniper Manual: Precision Fire from Seaborne Platforms. Boulder, CO: Paladin Press.

'Kenya opens fast-track piracy court in Mombasa'. BBC News, 24 June 2010, http://www.bbc.co.uk/news/10401413, accessed 22 July 2012.

Liss, C. (2008). Privatizing the Fight Against Somali Pirates. Asia Research Centre, Murdoch University: Perth, Austrailia, Working Paper No. 152.

Longest Sniper Kill (n.d.). Retrieved from htmhttp://en.wikipedia.org/wiki/McMillan_Tac-50

Maritime.Security Asia, (2012). Somalian pirates could make about 400 million dollars by 2015, p. 1.

McDaniel, M. (2005). Modern High Seas Piracy, Propeller Club 2005 Update, Propeller Club of the United States, Port of Chicago, 2005. d Association for Cooperative Education, New Plymouth, New Zealand. Retrieved from http://www.cargolaw.com/presentations_pirates.html 2012

Mudri'c, M. (2011). Armed Guards on Vessels: Insurance and Liability, Max Planck Research School for Maritime Affairs, November.

Ng, A. (2012, April). Piracy and private security: Laws and guns. Armed guards on ships deter pirates. But who says they are legal? The Economist.

Ng, A. (2012, May). RPG- Rocket Propelled Grenade Launcher: The famous RPG-7 is used in over 40 countries. Military Factory. http://www.militaryfactory.com/smallarms/detail.asp?smallarms_id=10 Accessed 5/6/2012

Over-watch Maritime Security Services Limited: Company Newsletter, Another hijacked tanker: http://overwatch2009.wordpress.com/recent-relevant-information/Accessed 7/22/2012

Pearson, C. (2007, April). Firearms Pedia. Maximum Effective Range. April 6, 2007, http://firearmspedia.com/maximum-effective-range/ Accessed 8/9/ 2012.

Schmalleger, F. (2006). Criminology Today: In Integrative Introduction (4th ed.). Upper Saddle River, New Jersey: Pearson Prentice Hall.

Sekulich, D. (2009). Terror on the Seas: True Tales of Modern-Day Pirates. New York: Thomas Dunne Books.

US Navy Special Warfare Sniper Course curriculum (2008). Special Operations, Lesson Outline, maximum effective of .50 caliber sniper rifle, Page 93.

Wade, J., (2012, January 19). Global Pirate Attacks Down Due to Naval Deterrence: Risk Management Monitor, pp. 2-9.

Winn, J. I., Govern, K.H., (2008). Maritime Pirates, Sea Robbers, and Terrorists: New Approaches to Emerging Threats. The Homeland Security Review, Vol. 2, No.2 (Summer 2008).Details

Commentary: New Approaches to Transnational Crime and the Law

BY ANDRAE MARAK*

We live in an increasingly globalized and connected world where more and more goods, people, and information cross national borders. Some observers, like Moisés Naím, argue that nation-states are overwhelmed by transnational criminal activities. These goings-on, closely interwoven into the fabric of legal economic activity, are spurred by peoples' willingness to take part in the underground economy. For instance, many women purchase knock off versions of name brand goods such as fake Gucci bags sold to them by men and women who have been trafficked. These purchases serve to funnel resources to criminal enterprises whose main goal is to maximize profits at multiple levels all the while avoiding the reach of the state.[1] Others, such as Alan Karras (in this issue), worry about the hollowing out of the state that results from the increasing number of people who engage in outright tax avoidance. Karras rightly notes a rise in a dangerous "rhetoric … which dismisses government as something that we can all live without."[2] In this anti-government environment, some officials find it increasingly effective to use the fear of the penetration of national borders by illegal goods and undocumented immigrants - though seldom legal goods entering illegally, such as untaxed cigarettes and alcohol - as grounds to expand the reach and power of some parts of the state at the expense of others. This might be an acceptable response except that there is little consideration of: 1) whether these policies adopted are actually effective, 2) if the actual penetration of the nation's

* Dr. Andrae Marak is the Chair of the Division of Humanities and Social Sciences and a Professor of History and Political Science at Governors State University in University Park, Illinois. He has published books on Mexican education and transnational crime as well as articles in the *Review of International Political Economy*, the *World History Bulletin*, the Journal *of the West, Paedagogica Historica*, the New Mexico Historical Review, and the *Journal of the Southwest*. His next book (with Laura Tuennerman), *At the Border of Empires: The Tohono O'odham, Gender and Assimilation, 1880-1934*, will be published by the University of Arizona Press in Spring 2013.

borders by these people and goods ought to be the highest priority of the state, and 3) what the people most impacted by these penetrations – the inhabitants of borderlands – think about these policies.

Let's begin by responding to Naím's claim that nation-states are the victims of unprecedented rises in transnational crime. Concerns over transnational crime have always been of central importance to nation-states, perhaps even more so in the past when nation-states typically garnered a higher percentage of their tax revenues from tariff collections.[3] We should, however, be cautious of claiming that nation-states are facing truly unique problems. H. Richard Friman notes that current narratives that focus on the rise of criminal networks and the never-before-seen levels of transnational criminal activity are often based on methodologically shaky grounds and can also be inflated due to the "public relations considerations" of otherwise reliable international organizations.[4] Borders and the economic and social inequalities that they create that provide the opportunities – both legal and illegal – of which the transnational entrepreneurs take advantage. In other words, borders and the laws put in place to enforce them create the opportunities to which nation-states "need" to respond. For example, smuggling would not exist if the transportation of certain goods (under certain conditions) across national borders were not illegal. Furthermore, as Peter Andreas notes, there is a symbiotic relationship between smugglers and nation-states; it is the perception that smuggling of goods and/or people is a "growing threat that is most critical for sustaining and expanding law enforcement."[5] Michael Kenney makes a similar point in regards to the War on Drugs, noting that if federal law enforcement officials successfully eliminated the transnational criminal organizations engaged in growing, processing, and transporting illegal drugs, they would put themselves out of business. Instead, these officials have become more and more tactically effective, even as their strategies have failed to reduce the quantity, cost, or quality of drugs on American streets.[6] Naím also recognizes the benefit to governmental authorities of adopting highly visible responses to transnational crime issues, even when these highly visible responses are ineffective. Focusing on combating crime in sending countries, Naím argues, is "politically profitable" and tools such as "helicopters, gunboats, heavily armed agents, judges, and generals" are more "telegenic" than focusing on curtailing global demand for these products – be they trafficked sex slaves, cocaine, marijuana, or Gucci bags.[7]

Instead of falling victim to the myth of nation-states engaging in a valiant struggle against transnational crime we should make a distinction between what nation-states deem to be legitimate (i.e., what is legal) and what different groups of people, especially those in the areas

most effected by transnational crime, think is legitimate (i.e., what is licit).[8] Doing so would help us move beyond the use of borderlands policing as a tool to construct "an image of state authority" that communicates "moral resolve" even as it does little to solve real extent issues.[9] Doing so would also grant us insights into why certain groups of people seem to have no problem with breaking certain laws. David Kyle and Christina A. Siracusa note, for example, that many non-criminals see nothing wrong with breaking immigration laws.[10]

Coming to understand these issues might help government officials become more tactically effective in enforcing existing law, as one FBI agent suggested to me at a recent national security conference. Better yet, they might be used to modify our laws to make them more fair, equitable, and, hence, easier to enforce. Finally, and in line with Chip Coldren's commentary, we might use these insights into addressing the impacts that our policies have had on victims of transnational crime. Lest we forget, even if purchasing knock off Gucci bags serves to funnel resources to transnational criminal organizations, the U.S.'s focus on fighting those forces in sending countries has meant that the majority of victims – like the countless people murdered in Ciudad Juárez since 2008 – have been outside of our borders, and all too often, out of our minds.[11]

ENDNOTES

[1] Moisés Naím, *Illicit: How Smugglers, Traffickers, and Copycats are Hijacking the Global Economy* (New York: Bantam, 2005).

[2] Alan Karras, "Commentary", *Homeland Security Review* 6:1 (2012).

[3] Elaine Carey and I focus on bringing history back evidence back into the debate surrounding transnational contraband, crime, and vice in our volume *Smugglers, Brothels, and Twine: Historical Perspectives on Contraband and Vice in North America* (Tucson: University of Arizona Press, 2011).

[4] H. Richard Friman, "Crime and Globalization," in *Crime and the Global Political Economy,* ed. Friman (Boulder, CO: Lynne Rienner, 2009), 2-5.

[5] Peter Andreas, "Smuggling Wars: Law Enforcement and Law Evasion in a Changing World," in *Transnational Crime in the Americas,* ed. Tom Farer (New York: Routledge, 1999), 94.

[6] Kenney makes a similar point regarding the War on Terror, noting that U.S. policymakers, "in their level-headed desire to protect Americans from attacks by violent extremists, are creating counterterrorism bureaucracies with a vested interest in magnifying the threat posed by Islamic extremism." See Michael Kenney, *From Pablo to Osama: Trafficking and Terrorist Networks, Government Bureaucracies, and Competitive Adaptation* (University Park: Pennsylvania State University Press, 2007), 222-7.

[7] Naím, *Illicit,* 234-5.

[8] Itty Abraham and Willem van Schendel, "Introduction: The Making of Illicitness," in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of*

Globalization, ed. Van Schendel and Abraham (Bloomington: Indiana University Press, 2005), 153.

[9] Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca: Cornell University Press, 2000), 30.

[10] David Kyle and Christina A. Siracusa, "Seeing the State Like a Migrant: Why So Many Non-Criminals Break Immigration Laws," in Illicit *Flows and Criminal Things,* ed. Van Schendel and Abraham, 153. See also, Robert Chao Romero, "Chinese Immigrant Smuggling to the United States via Mexico and Cuba, 1882-1916," in *Smugglers, Brothels, and Twine,* ed. Carey and Marak, 13-23.

[11] On the War on Drugs in Mexico, see: http://www.slate.com/articles/news_and_politics/longform/2012/06/mexican_drug_cartels_stories_of_corruption_and_murder_from_longform_org_.html (viewed July 6, 2012).

Commentary

BY ALAN KARRAS[†]

Whatever one's views about the Department of Homeland Security's various roles in American society, virtually all of us see at least one of its functions as essential. We might not agree on the way that immigration control is carried out, just as we might disagree about how the border between Mexico and the US, or between Canada and the US, should be protected. But all of us subscribe to the idea that *some* border security is essential. We may be indifferent to the importation of *ganja* or heroin to our shores or we might care deeply about it. We might want to guarantee the quality of the Chinese steel being imported to seismically fix the San Francisco-Oakland Bay Bridge, just as many of us want to ensure that weapons are not packed into containers labeled children's toys and imported into the country. Many of us, too, would be outraged if we knew that government agents were reading all of our email and scanning our computer files. Yet, at the same time, we realize that such scans might be enough to foil terrorist plots.

It would be just as easy to say that all of us want to drive on roads that are free from potholes. We want someone to come to our street and fix the uneven and rutted surfaces; we don't care who, really, as long as it gets fixed. If we are mugged, then we want the police to find the person who mugged us. If, as unfortunately happens too regularly, someone is murdered, we want the police to track down the murderer and imprison him or her. If our houses, or forests, catch on fire—for any reason—we want the security of knowing that firefighters will put

---

[†] Alan Karras is Associate Director of International and Area Studies (IAS) at UC Berkley. He teaches world history, classical political economy, Caribbean history, and the history of transnational crime. And he also directs the IAS Honors Program. His research interests are in the eighteenth-century Atlantic world, and global interactions more broadly, especially as they relate to transnational transgressions like smuggling, fraud, and corruption. He is the author of *Smuggling: Corruption and Contraband in World History* (2010), *Sojourners in the Sun: Scots Migrants in Jamaica and the Chesapeake, 1740-1800* (1993), and the coeditor, with John R. McNeill, of *Atlantic American Societies: From Columbus through Abolition, 1492-1888* (1992). He serves as one of the editors for the forthcoming *Cambridge Dictionary of World History* and is also on the board for Cambridge University Press's multi-volume *World History Encyclopedia*.

out the blaze quickly, with minimal damage to our property, whether public or private.

The point is this: though of each of us has a different idea about the role that government agencies, whether the Department of Homeland Security, local police, or the Department of Streets and Sanitation, ought to play in our daily lives, every one of us—in every society—has an idea about which of the many governmental functions is absolutely indispensable. However, any duty of the state that provides anything for its citizens or subjects requires money to compensate those members of civil society who actually carry out the actions that the public demands. The mechanism for government to get this money is, of course, taxation.

Taxation is central to paying for the things we like about living in civil society or, as Oliver Wendell Holmes is once claimed to have said, "I like to pay taxes. With them, I buy civilization." These taxes are collected in various forms, whether as sales taxes, property taxes, income taxes or, going back to homeland security and border controls, import (and export) duties. Tariffs, as these latter taxes are typically called, are collected when each of us brings back to the United States more than a certain value of goods, either for our personal consumption or for resale. They are also collected from businesses that import products produced abroad that they plan to distribute. In theory, tariffs are built into the price of the articles when they are sold in retail markets. Consumers therefore pay for the goods that they consume, but the price includes a surcharge, which the government collects at the time that the products crossed an international border. What could be fairer?

But here's the rub. Many people in our society avoid paying taxes. They underreport their income, they make false declarations on their customs forms. They pay in cash, in order to avoid sales taxes, by keeping their purchases off the books. They find ways to smuggle products across legal frontiers. Through this tax avoidance, lawbreakers deprive the state of revenue it needs to provide the services that members of civil society, including themselves, demand. In short, though the public demands services, many members of it refuse to pay for them through tax evasion.

This is disastrous for all of us, as the longer the state acquiesces in allowing taxes to be avoided, the longer that government negotiates with those who break its laws, the more hobbled the state becomes in its ability to do what citizens actually *want* it to do. The cognitive dissonance is breathtaking, as most members of civil society do not see themselves as being part of the problem. But that is almost certainly wrong; if they are not directly avoiding taxes in one form or another, they are consuming something that avoided taxes on its path to them.

There is a rhetoric now in the United States, and in many other places, which dismisses government as something we can all live without. This discourse is dangerous and will lead, if unchecked, to a society that cannot provide even basic protections for its members. But there is an alternative, one that ought to draw a consensus among even the most skeptical amongst us. It requires increased enforcement of existing laws. And it also requires the public to be made aware of the myriad services that government provides. Doing so, will require not just signage touting who is fixing the roads, but more direct government responsiveness to individual and local concerns. In short, we need to learn to trust government again, so that we are not tempted to shirk our responsibilities as members of civil society. Doing so requires us to think outside of ourselves, and our private interests; we are all connected through civil society. We need, once again, to see problems from the point of view of others, forge agreements with those with whom we can find common cause, and most importantly provide government the resources that it needs to provide the services that we demand. We need to pay our taxes.

Commentary: Transnational Crime and Restorative Justice

BY JAMES R. "CHIP" COLDREN, JR.[‡]

Most discussions or explanations of transnational crime begin with the concepts of globalism (the process through which goods and services, including capital, move more freely within and among nations[1]), globalization (generally, the growth and expansion of globalism), and the increasing interconnectedness of people, organizations, economies, and institutions worldwide. This is the way of the world these days, we are told, and it rings true. Today, what happens in our, relatively small, personal worlds is influenced by economic, political, and multimedia communications from different parts of the world more than was the case 50, 20, or 10 years ago. Today, for example, the availability of goods and services from many countries and many areas of the world is greater than it ever has been in the past. We are also told that these developments provide the opportunity for both positive and negative social, political, environmental, and other outcomes. With the increased commerce in goods and services come increased opportunities for fraud, theft, corruption, and even piracy. Crime, as a social phenomenon and a social construction, has taken on a global, transnational character. This too rings true to those of us who care

---

[‡] James R. "Chip" Coldren, Jr., Ph.D. recently joined the faculty of Governor's State University as a tenured Professor and Academic Program Coordinator in the Criminal Justice Department. Mr. Coldren served in several capacities at the University of Illinois at Chicago -- Director of the Center for Research in Law and Justice and of the Institute for Public Safety Partnerships. Prior to joining UIC, Coldren was a Deputy Director with the Project on Human Development in Chicago Neighborhoods, a longitudinal prevention-oriented research project of the Harvard University School of Public Health. Mr. Coldren also served for seven years as Director of Research for the Justice Research and Statistics Association (JRSA) in Washington, DC. Dr. Coldren holds a Master and Doctorate in Sociology from the University of Chicago. He currently serves as Chair of the Illinois State Bar Association Standing Committee on Corrections and Sentencing, member of the Capital Punishment Reform Study Committee, Vice Chair of the Institutional Review Board (IRB) of the Illinois Criminal Justice Information Authority, member of the Institute for Public Safety Partnerships Policy Board, Associate Editor for Evaluation Review, and on several committees and working groups relating to public safety and corrections.

about and study crime, delinquency, and deviance from a variety of philosophies and perspectives.

Transnational crime is perhaps best understood as the globalization of crime, delinquency, and deviance, recognizing such phenomenon as the transporting of illegal goods across borders, crossing borders to conduct criminal acts, illegal activities in one location that victimize people in others, and any form of harmful, illegal, destructive, dehumanizing, criminal, or deviant behavior that in any way, shape, or form involves actions and impacts in more than one national, cultural, or sovereign jurisdiction. That is a broad and crude, definition, to be sure, but it encompasses the basic notion that harmful and illegal behaviors can cross jurisdictions of different kinds in different ways, more so now than in the past. Once the nature of crime, delinquency, or deviance ceases to be a strictly national (internal to boundaries) phenomenon, it becomes trans-national. We should also recognize that transnational crime, or at least its causes and influential factors, is not a new phenomenon; rather, globalization in its many forms and influences has greatly increased the possibilities for transnational crime. If transnational crime has increased in frequency, or severity, or in its impact on our emotions (fear, anger), then so to have the traditional responses to crime and deviance that we find so often within our own boundaries - suppression, containment, multijurisdictional task forces and other collaborative approaches. Increasingly, the application of research and analysis is to bring focus to these crime fighting, crime control activities.

This commentary begins with these assumptions (some of which have been fairly well documented by research) and looks toward another global phenomenon, Restorative Justice, for policy guidance for addressing emerging transnational crime problems. This commentary also suggests that we consider whether the very characteristics of transnational crime and the conditions that make it possible open the door to more restorative, preventive, and collaborative approaches to solving transnational crime problems. If the expansion of the world economy, growth in immigration and heterogeneity, and advances in communication and technology provide for the greater possibility of transnational crime, they probably provide for the greater possibility of preventing or reducing the harmful consequences of transnational crime. Whatever resources or possibilities exist pertaining to the problem of transnational crime, we have the wherewithal to mitigate or exacerbate the problem utilizing the resources and social forces at hand… what's good for the goose is good for the gander.

Let's consider two examples of transnational crime – human trafficking and urban gang links to terrorism.

Human trafficking has emerged in recent years (decades actually) as a transnational crime of great concern. In its various forms it involves fraud, deceit, theft of services, slavery, kidnapping, sexual exploitation of minors, forced labor, and more. Also troublesome is the complicity of family members, the justice system, and the seemingly large international public appetite for the victims of this crime, and the profits from their victimization. There are some concerns and debates regarding whether human trafficking enforcement has in some instances redefined prostitution and other crimes under a new name, thus suggesting that the great concern regarding this transnational crime is somewhat misplaced. Still, there should be little doubt that, as the transnationalists suggest, globalization has increased the possibility for human trafficking to occur, and coupled with the public appetite for deviance in this form, it has indeed increased.

The involvement of U.S. gangs in terrorist groups or activities, or the immigration of terrorist groups into the U.S. (as gangs) has occupied the concerns of many in law enforcement. This is certainly plausible. U.S. gangs may seek out terrorist connections for any number of reasons (new markets, new products, access to weapons and new tactics), and terrorist groups may seek out relationships with U.S. gangs for similar reasons, or as a means of gaining footholds. Permit me one anecdote here. A southwest city with a reputation for solid gang intelligence launched a new initiative to address gang problems in a certain sector of the city. In particular, the concern was with gang members from a region of Africa know to be involved in international terrorist operations. However, upon taking a closer look at the problem, and upon shoring up their gang intelligence a bit, they came to the conclusion that whatever the gang problem was, it probably did not involve terrorism or links to terrorists in Africa. They did discover a local appetite for a particular drug from the region in Africa they came from (and, thus, some importation of illegal substances), but they did not discover any concerted attempts to market the drug locally and profit from it; they were mostly users in a small drug market. The point of this example is that a bit of good research and analysis can quickly shed light on the veracity of assumptions about transnational crimes; there may not always be a there, there.

Restorative Justice is probably best known in the United States through the writings and teachings of Howard Zehr and a number of his colleagues, protégés, and followers. Simply put, Restorative Justice concerns itself with harms done or caused, identifying those responsible for the harms and damages they have caused, while providing an empowered role for victims in the process, and ultimately having those who caused harms and damages repair what they have done

(or remunerate victims as much as possible), while also building capacities in communities and individuals to both repair harms, prevent them, and better hold people accountable for their actions. This description of Restorative Justice is often contrasted to 'traditional' justice systems, characterized as systems that seek to identify the guilty and punish them accordingly, with less concern for victims and less concern for crime prevention than one might find in restorative approaches. A close look at the traditional justice system will probably reveal restorative aspects and restorative practices (e.g., youth diversion programs, community policing, offender reentry programs), but the distinction between the two models of justice is instructive and rings true at some level.

If transnational crime is a global phenomenon, so too is Restorative Justice. Its popularity is growing in the U.S., and elsewhere, in Canada, in the UK, in Europe, in Africa, and probably in other places. It is also true that the roots of Restorative Justice are found in ancient, tribal community justice practices in many different cultures, to the extent that we have come to learn about them. Thus, Restorative Justice is a global, historical, cross-cultural phenomenon. If it is growing in popularity, application and sophistication, which it seems to be, this is in part due to the same social forces that foster globalism and transnational crime.

Finally, if the forces of globalism are so strong and pervasive, then proponents of policy approaches to transnational crime should use these forces to their advantage. A restorative approach to transnational crime would, for example, promote and expand multi-national collaborations and problem-solving approaches to transnational problems like human trafficking. They would explore, in-depth, the institutional, social, and cultural forces that seem to contribute to the problem, or that stand in the way of efforts to mitigate the problem. They would look for victim-oriented approaches that give voice and power to victims in defining the problems and crafting the solutions, while at the same time learning from offenders about their motivations, their introduction to the illegal markets and lifestyles, and their capacities to repair harms they have done. They would also adopt a truly collaborative multicultural spirit in their work, recognizing that the consumers of the products of transnational crime have as much of a role to play in the problem as the purveyors. They would make good use of international networks and communication strategies, and they would rely on the increasing interconnectedness of all peoples to protect victims and enhance the capacities of others who might become purveyors of transnational crimes and harms to take a different life course.

And yes, these perspectives and approaches do exist in the world today. They are found in the Peace Corps and the United Nations, in indigenous cultures in Africa, in South Africa's transition from apartheid government, in Truth and Reconciliation Commissions in Latin America, in school-based Restorative Justice practices in Australia and other parts of the pacific, and in many other parts of the world, big and small.[3] My point here is that Restorative Justice should be viewed as a global force and a global strength so that its philosophy permeates all approaches to the prevention and reduction of transnational crime.

ENDNOTES

[1] Powell and Udayakumar. 2000. "Race, Poverty, and Globalization," at Global Exchange, http://www.globalexchange.org/resources/econ101/globalization.

[2] Finkenauer, J. 2000. "Meeting the Challenge of Transnational Crime," National Institute of Justice Journal.

[3] See Restorative Justice Online, Restorative Practices around the World (http://www.restorativejustice.org/university-classroom/02world) for these and many other examples.

Gunrunners and Drug Traffickers: A Research Note on Historical Contingency

BY ELAINE CAREY[§]

The fallout from Operation Fast and Furious has demonstrated the desperation of the U.S. government to deal with the flows of drugs and drug violence from Mexico. Yet at the heart of Operation Fast and Furious are guns: AK-47s, AR-15s, FN Five-sevens, and AK variants that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) permitted to pass into the hands of gun smugglers so the arms could be traced to the upper echelons of Mexican drug cartels. These traceable firearms have been linked to many crimes including an estimated 150 Mexicans murdered by weapons linked to Fast and Furious as well as the shooting death of a border patrol agent.[1] The operation now ensnares the FBI, the DEA, and the Justice Department in hearings and investigations.

Undergraduates and the general public assume one studies history to learn from previous mistakes. This is far from the truth. The decades long war on drugs has ensured that the guns and drug tropes have also a long history. The US-Mexico border has long been a space where drugs flowed north and guns flowed south. In 1977, the concern about U.S. guns fueling drug violence south of the Rio Grande became central in the U.S. Senate hearing "Illicit Traffic in Weapons and Drugs

[§] Elaine Carey is an Associate Professor at St. John's University in Queens, NY. Her research and teaching interests include Latin America, Borderlands, Mexico, history of crime and drugs, human rights, and gender. Elaine has received numerous grants, including Fulbright-García Robles fellowships 1996-97 and 2007-2008 and funding from the National Endowment for the Humanities. She is the author of *Plaza of Sacrifices: Gender, Power, and Terror in 1968 Mexico* (2005). Her work has also appeared in *History Compass*, *Journal of Women's History*, *NACLA Report on the Americas*, and *Post-Identity*. From 1998-2002, she taught Latin American and women's history at the University of Detroit Mercy. While at UDM, Elaine co-founded the James Guadalupe Carney Latin American Solidarity Archive (CLASA), an activist and teaching archive on Latin American solidarity and human rights movements. Continuing her work on human rights, she serves as an expert witness for gender-based violence asylum claims from Mexico and Central America. Currently, she is completing a book entitled *Selling is more of a Habit: Women and Drug Trafficking in North America, 1900-1970,* and an edited volume with Andrae Marak, *Transnational Contraband and Vice in North America*.

across the United States-Mexican Border." The hearing, chaired by Georgia Senator Sam Nunn, (1972-97), sought information regarding weapons flows to various criminal organizations in Mexico. With the present focus on U.S. gun flows to Mexico due to Operation Fast and Furious, the senate hearing in 1977 offers a glimpse into a perfect partnership between gunrunners, disreputable gun dealers, and drug traffickers. In 1977, the gun smugglers were not sanctioned by the ATF or other government entities. The hearing took place more than thirty years ago, but a close reading yields various echoes into the present again proving that lessons of the past continue to go unheeded.

Senator Nunn opened the hearing arguing that the U.S. should be gravely concerned about gun running. He mentioned journalist Hal Moore's article "Drug Smugglers Trading Dope for Weapons" published in the *Washington Star* on January 8, 1977. Moore focused on the drug culture of Culiacan Sinaloa as his case study. He asserted that 20,000 of the 300,000 city occupants were involved in drug trafficking, and many received their guns from the U.S. and Asia. He discovered that an AK-47 sold for $2,000 in 1977 in Mexico, and it had the value of a ton of marijuana. One AK-47 for a ton of marijuana was a highly profitable exchange. Currently, an AK-47 costs approximately $450.00 in Mexico.

The investigation was in part triggered by the arrest of Alberto Sicilia Falcón, one of the 1970s most successful marijuana and cocaine traffickers. A Cuban national, Falcon built a highly sophisticated organization that moved in elite circles and across borders. Falcón dated Irma Serrano, the ex-lover of a Mexican president.[2] The investigation into the Falcón organization's drug conspiracy case uncovered information regarding the U.S. arms traffic to Mexico. At the time of the hearing, Falcón was in prison in Mexico, and many of his U.S. associates had also been arrested. Peter Bensinger, a DEA agent who testified at the hearing, argued that fifteen percent of the known arms smugglers were also drug smugglers.

Sicilia Falcón was no exception except he took an audacious step. With his associate, Gastón Santos, they negotiated with a U.S. firm for manufacturing rights to an automatic assault weapon in clear defiance of Mexican gun laws. Representatives of this company met with the two drug traffickers and showed them two films that demonstrated an automatic pistol, fully-automatic pistol, an assault rifle, and a fully automatic assault rifle with rocket launcher[3]. When asked if Falcón could afford to manufacture such weapons, Bensinger's response was a definitive yes.

Rex Davis, then director of the ATF, testified that legal gun dealers may have also contributed to gun smuggling. From a six month study of 36 gun dealers in New Mexico and Texas, Davis argued that out of the 9.1 million rounds of .22 caliber and handgun ammunition over

8.1 million rounds were sold to people with addresses in Mexico.[4] He argued that per dealer, 2,000 rounds were sold. Davis acknowledged that a survey of licensed dealers led to investigations of only a few who sold the largest amounts of ammunition to Mexican nationals. One in Brownsville, Texas, sold 12 million rounds in one year. The investigation found that the gun shop owner falsified his records since he sold the majority of the rounds to nine Mexican residents. In the other investigations, those few gun dealers responsible for the majority of illegal sales had also falsified their records.

Like with drug traffickers, gun runners too reconfigured their cars and trucks to smuggle guns from the U.S. into Mexico. A truck seized by ATF agents from a group of California gun smugglers yielded 66 M1 carbines, 240 M1 carbine magazines, and 8,425 rounds of 30 caliber ammunition.[5] The Mexican mark up on arms was not as significant as compared to cocaine or heroin, but weapons still yielded large profits. In 1977, Davis argued that sporting rifles sold for 35 percent above US retail price and ammunition sold 50 percent above.

Because of the profit to be made, by 1977 ATF had indentified 710 people, organizations, and businesses allegedly involved in gun smuggling to Mexico. The question remained: were some of the 710 actually swapping arms and ammunition for drugs to then resale in the U.S? Of the 710, Davis argued that 108 were identified in both gun and drug smuggling, with 24 classified by the DEA as class 1 drug violators and 14 as class 2 drug violators.

The perfect partnership was further substantiated by Senator Lloyd Bentsen of Texas who stated: 'When I see the evidence of smugglers flying monthly into the United States with planeloads of heroin and returning with planeloads of M-16 automatic rifles, Mr. Chairman, I am convinced that our faulty weapons security policy is not only a threat to our security, it is—indirectly—a threat to our moral fiber as well."[6]

Bentsen captured a problem of licit economic acts fueling illicit activities that have had dramatic consequences. Gun vendors and dealers had the legal right to sell firearms and ammunition. In the hearing, licit acts of legal gun selling became illegal when undertaken by citizens of other countries who then trafficked legally purchased firearms into Mexico. That movement of guns was and is an illegal act. Those gun dealers who sold the most firearms and ammunition falsified their records. In turn, they too committed an illegal act. The case of Silicia Falcón's attempt to purchase manufacturing rights remains all the more disturbing because it highlights the relationship of wealth to a licit act in which a wealthy resident of Mexico wishes to manufacture firearms. By engaging in those negotiations, a U.S. based company engaged in a multitude of illicit acts that went undetected until the

impunity of Silicia Falcón was so great that it drew the attention of the DEA. Nunn, Bentsen, and the ATF and DEA agents who testified at the hearing recognized the harm that could have occurred if Silicia Falcón had gained manufacturing rights or gun shops continued to sell large amounts of weapons that were trafficked.

On June 13, 2012, the *New York Times* published an expose of the Treviño brothers who are leaders of the brutal Los Zetas. They used their "legal" horse racing enterprise to launder money while winning major races. How dramatically different are these two cases, though more than 35 years apart? The Treviño brothers' illegal acts routinely intersected with legitimate businesses and business people on both sides of the border. As one trainer quoted in the article stated, "Everyone knows who José Treviño is, but all they cared about was whether his checks would clear."[7]

A close reading of the hearings in 1977 provides perspectives about the multiple contingencies of the past in relations to guns and drugs. Silicia Falcón was a drug trafficker, but a U.S. company sought to profit from his ill-gotten gains. The gun vendors in Texas and New Mexico also profited from the illegal acts of others while committing their own cover-ups to generate profit. José Treviño was able to move into the elite racing circles because few questioned how a bricklayer could purchase such expensive horses. In Fast and Furious, we again see that the tragic consequences of sets of decisions that ignored or downplayed multiple possibilities of violence that could occur by allowing firearms to flow across borders further fueling the violence.

ENDNOTES

[1] For an overview of Fast and Furious, see ATF's Fast and Furious scandal, *Los Angeles Times*, web story gallery, accessed June 10, 2012, http://www.latimes.com/news/nationworld/nation/atf-fast-furious-sg,0,3828090.storygallery. Also, see the website affiliated with the Committee on Oversight and Government Reform, "Operation Fast and Furious," May 10, 2012, http://issues.oversight.house.gov/fastandfurious/.

[2] Iram Serrano and Elisa Robledo, *A calzón armado* (México,D.F.: Avelar Hnos. Impresores, 1978). Serrano is a Mexican actress who claimed to have had an affair with President Gustavo Díaz Ordaz. In the 1990s, she served as a senator.

[3] "Illicit Traffic in Weapons and Drugs across the United States Mexican Border." Hearing before the permanent subcommittee on investigations of the committee on government operations, US Senate, January 12 1977 (Washington, DC: GPO, 1977), 43.

[4] Ibid., 65.

[5] Ibid., 68-69.

[6] Ibid., 106.

[7] Ginger Thompson, "A Drug Family in the Winner's Circle," *New York Times*, June 13, 2012.

SUBSCRIPTION INFORMATION

In publication since Winter of 2005, *The Homeland Security Review* is a peer reviewed, interdisciplinary journal devoted to the discussion and analysis of issues related to the subject of Homeland Security. *The Review* publishes feature articles, book reviews, commentaries and articles focusing on the field of Homeland Security.

The Review is published by the Institute for Law and Public Policy of California University of Pennsylvania. The Institute was established to bring academic and practical expertise in the area of law and justice, law and public policy, applied jurimetrics and related fields relevant to the American legal and justice system.

Mail Subscription Form To:

The Institute for Law and Public Policy
California University of Pennsylvania
250 University Avenue
Box 103
California, PA 15419

Please enter my subscription for *The Homeland Security Review.*

Ship to:

Name: _____

Address: _____

City, State, Zip: _____

Method of Payment: _____ cash/check—I've enclosed a check/money order for $199.00 (domestic)/$219 (foreign) (circle one) payable to the Foundation for California University of Pennsylvania.

Please charge my _____ Visa _____ Mastercard for $199.00 (domestic)/$219 (foreign) (circle one)

Card No. _____

Expiration Date: _____

E-mail: _____

CALL FOR PAPERS

The *Homeland Security Review* is a peer reviewed, interdisciplinary journal devoted to the discussion and analysis of issues related to the subject of Homeland Security. *The Review* seeks scholarly articles from a broad spectrum of academic disciplines including criminal justice, security studies, political science and law, engineering and computer science, forensic applications and other fields. *The Review* publishes feature articles, book reviews, commentaries and articles focusing on the field of Homeland Security.

The Review is published by the Institute for Law and Public Policy of California University of Pennsylvania. The Institute was established to bring academic and practical expertise in the area of law and justice, law and public policy, applied jurimetrics and related fields relevant to the American legal and justice system.

For specific submission guidelines, questions or comments, please contact the Institute's Assistant Director and Assistant Editor, Hope Coddington-Haywood at haywood@calu.edu. You may reach the Institute by phone at 724-938-4762. Complete submission guidelines are also available on our website at http://institutes.calu.edu/ilpp.