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United States Deportation Legislation as a Primary Factor Contributing to the Rise of Gang Violence in El Salvador

by

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Abstract

This thesis discusses, by chapter, the following topics: the rise of gang violence in El Salvador, the structure of gangs in El Salvador, contributing factors to the rise of gang violence in El Salvador, United States deportation legislation, and the deportation of Salvadorans and the nature of their re-assimilation into El Salvador.
Chapter 1: Introduction-The Rise of Gang Violence in El Salvador

During my semester abroad at La Casa de Solidaridad in San Salvador, El Salvador, gangs increasingly became the topic of conversation among students, facilitators, and directors. Our developed interest in gangs and gang activity was more than just a response to newspaper coverage of the topic, or even to recent gang-related policies implemented by the Salvadoran government. Indeed, our interest in gangs had less to do with keeping abreast of the country’s current events and issues, and more to do with learning about and understanding a disturbing reality, the effects of which we were beginning to feel on a personal level.

From the beginning to the end of my brief, four-month stay in the tiny Central American country of El Salvador (August 2005-December 2005), the level of gang violence in the country rose substantially and noticeably. Certain communities to which my classmates and I had traveled twice weekly during the first half of the semester were no longer safe enough to visit by the latter half, the communities having been the sites of multiple murders. Public transportation, which was deemed sufficiently safe to ride to and from these communities during our semester in El Salvador, was considered too dangerous by the following semester. Students now take private busing, which is arranged by the study abroad program, to and from their praxis sites. Saying good-bye to communities mid-semester, after having formed relationships with their members, was emotionally draining. Arriving at these communities via a mode of transportation different than those Salvadorans with whom we were supposedly living in solidarity would have been frustrating, to say the least. It is also striking for me to consider how relatively safe I felt traveling to El Salvador in August of 2005 compared with the hesitation I would feel in returning there now, in April of 2007. It is incredible to think of the extent to which El Salvador’s gang
situation has deteriorated, and by connection the extent to which the level of safety one can expect to enjoy there has fallen, in only a year and a half.

What is causing this surge in gang violence? And what, if anything, is being done about it? What exactly is the nature of gangs and gang membership in El Salvador? What explanations are traditionally offered to account for the rise of gang membership and violence? Are these explanations adequate? Does United States deportation legislation have anything to do with the rise of gang membership and violence? Under what circumstances and in accordance with which pieces of U.S. legislation are Salvadorans deported? What is the nature of their re-assimilation into El Salvador? Is there any connection between changes in U.S. deportation legislation and the rise of gang membership and violence in El Salvador? Answers to these questions will be explored in the following chapters.

To begin, it is necessary to establish that levels of gang membership and gang violence in El Salvador have indeed increased significantly over the course of the past decade. It will also be necessary to introduce the two main, and rival, gangs that currently operate in El Salvador, Mara Salvatrucha and Mara 18 (Eighteenth Street Gang), both of which are branches of Los Angeles-based gangs. In addition, relevant statistics regarding gang membership and the criminal activity of gangs will be presented.

That gang violence has increased in El Salvador over the past decade or so is indisputable. The truth of this claim is supported primarily by increasing levels of criminal activity and by governmental and non-governmental measures specifically aimed at curbing gang violence. The rise of gang violence is also illustrated by the increasing danger in which students and teachers find themselves at school and, indirectly, by the worsening economic situation of the country. While a single and concrete explanation for this unfortunate phenomenon is
difficult to pinpoint and even more difficult to agree upon, El Salvador is unarguably plagued by and suffering from a rise in gang violence.

Corresponding to, and as a consequence of, the rise of gang violence, levels of criminal activity in El Salvador are also rising. For example, El Salvador recorded a total of 552 murders in January and February of 2005 alone.\(^1\) The first eleven months of 2005 saw 23 percent more murders in El Salvador than all of 2004.\(^2\) Of course, one cannot be certain that the entirety of these murders, or even the additional murders, is the work of gangs. According to the Salvadoran National Police, however, of an estimated 2,756 homicides committed in the country during 2004, 60 percent were gang-related.\(^3\)

According to the Pan American Health Organization, El Salvador’s per capita homicide rate in 1998 was 150 per 100,000, the highest rate in the hemisphere, surpassing even Colombia. If the annual homicide rate is used to define violence (it is the most commonly cited measure of violence and crime), then the level of violence in El Salvador during this time was even greater than it was during the civil war in the 1980s.\(^4\)

Jose Miguel Cruz of the University of Central America conducted a long-term study in which he enrolled 20 gang members in 1996. Ten years later, in 2006, only five of these gang members were still alive.\(^5\) This unfortunate statistic is striking evidence that the problem of gang violence is indeed real and is very severe.

Common forms of gang-related criminal activity include extortion, human trafficking, drug trafficking, and kidnapping. In the countries of El Salvador, Honduras, and Guatemala,

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these gang-related criminal activities account for between 20 and 50 percent of violent crime. There are also reports, though less commonly, of even more brutal forms of violence by gang members such as beheadings.⁶

Not only gang violence, but also gang membership, has increased in El Salvador during the past decade. It is estimated that between 25,000 and 30,000 Salvadoran youth belong to gangs.⁷ The two most prominent gangs currently operating in El Salvador are Mara Salvatrucha (MS-13) and Mara 18, both of which are branches of Los Angeles-based rival gangs in the United States.

That gang violence and, in conjunction with it, gang membership are on the rise will be quite obvious to anyone who picks up a Salvadoran newspaper. One topic in particular about which much has been written recently has to do with the extent to which students, and even teachers, are subject to gang violence while they are at school. At the beginning and end of the school day, it is increasingly common for gang members to frighten young students into giving them money or other possessions. The primary aim of these gang members, however, is to recruit new members into their gang, especially children who appear to be leaders amongst their peers.⁸ This active recruitment of youth into gangs is not only disturbing, but also evidence of the fact that gang membership in El Salvador is increasing.

The increase in gang violence that the country is facing is also evidenced by the attention given to the issue by the National Council of Public Security and by the actions taken by teachers. According to the security council, for instance, there are currently 83 schools considered to be specifically at risk of being subjected to gang violence. This reality has

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⁶ Ibid, p. 23.
necessitated that more strict security measures be implemented by the schools and their teachers.\textsuperscript{9}

The criminal activity of gangs no longer exists solely between members of rival gangs. Innocent bystanders are increasingly made victims of this epidemic. In 2006 alone, four gang-related homicides at schools were registered; one teacher in San Marcos died and three students in San Salvador. Incidentally, the gang violence seems to be increasing at schools in neighborhoods with minimal police presence and exceptionally high levels of poverty.\textsuperscript{10}

The rise of gang violence in El Salvador is also reflected in governmental efforts, often referred to as “get tough” policies, to reduce not only gang violence, but also gang membership. Perhaps the most notable policy to have been implemented was Mano Dura, or “Heavy Hand.” As its name suggests, this is an aggressive policy and one that incorporates zero-tolerance anti-gang measures. This plan has aggravated the criminalization of and violence against youth.\textsuperscript{11} To be fair, it is not clear to what extent these “get tough” policies have been enacted solely in response to increasing gang violence versus to what extent they have actually contributed to the rise in gang violence.

Salvadoran President Antonio Saca initiated Mano Dura in July of 2004, shortly after the start of his five-year term in June of 2004. Notably, combating gang violence was one of the top three challenges Saca viewed himself as facing upon taking office, in addition to restarting a stagnating economy and passing legislation in a relatively unstable and polarized political environment. The package of anti-gang reforms is sometimes also translated as “Super Firm Hand.” One of the most significant of the policy’s reforms is the stiffening of penalties for gang membership – up to five years in prison for gang members and up to nine years in prison for

\textsuperscript{9} Ibid.
\textsuperscript{10} “Bajo Riesgo 83 Centros Escolares,” op. cit.
gang leaders. According to the Congressional Research Service (CRS) Report for Congress, the policy resulted in a 14 percent drop in murders in the country in 2004.\(^{12}\)

The Mano Dura Plan, although put into effect by Saca during his own term, was initially introduced by his predecessor, Francisco Flores. Flores justified the plan’s implementation of militarization by citing the scale of the country’s gang problem, which had been worsening significantly over the course of the decade leading up to the plan. During its first three months, the plan resulted in over 3,000 arrests. However, approximately 80 percent of the people arrested were later released due to a lack of evidence.\(^{13}\) These mistaken arrests are likely due to the fact that the plan, which makes gang membership illegal, also permits the police to detain people only suspected of belonging to a gang. The police, who rely on visible signs such as tattoos in order to identify gang members, are unable to distinguish between presently active gang members and former, rehabilitated gang members.\(^{14}\)

While Saca’s “Super Firm Hand” plan was unanimously approved in El Salvador as a means of coping with the rising scale of gang violence, the legislation was vehemently opposed by the United Nations, as well as by various religious and humanitarian groups. Their criticism rested on the fact that tough anti-gang provisions were in violation of human rights standards; they repeatedly cited the fact that the plan would allow the convictions of minors under the age of twelve.\(^{15}\)

In February 2005, as a complement to its existing anti-gang measures, El Salvador’s Legislative Assembly passed an amendment aimed at tightening gun ownership laws, an amendment meant specifically to be applicable to youths. A month later, on March 18, 2005,

\(^{14}\) Ballve, op. cit., p. 48.
President Tony Saca, along with President Oscar Berger of Guatemala, decided to put into operation a joint security force that would patrol gang activity along their shared border. In April 2005, the Federal Bureau of Investigation (FBI) set up a liaison office in San Salvador, the capital city of El Salvador. The office was created for the purpose of coordinating regional information-sharing and anti-gang efforts.\textsuperscript{16}

The rise of gang violence in El Salvador has met with two general types of responses. The first and more prominent response, as illustrated above, consists of anti-gang initiatives that focus on stiffened penalties for criminal gang activities and improved law enforcement. The second response has come from non-governmental organizations that urge the Salvadoran government to consider shifting their focus to the rehabilitation of gang members, as opposed to the enactment of harsh measures that criminalize young gang members and, consequently, violate human rights.

One rehabilitation program that is attempting to recognize and cope with the rise of gang violence in El Salvador is Homies Unidos, a non-governmental organization founded in 1996 by 22 youth gang members in El Salvador. The organization is transnational, with branches located in both San Salvador and Los Angeles. Likely hinting at the government’s “get tough” policies, Rocio Santacruz, director of the program’s international human rights campaign, explained in a 2004 press release, “Homies seeks policies that work toward rehabilitation and reintegration of poor youth rather than result in the violation of their human rights.”\textsuperscript{17} Specifically, the program focuses on alternative education, leadership development, self-esteem building, and health education.

\textsuperscript{16} Ibid., p. 4.
\textsuperscript{17} Ballve, op. cit., p. 48.
In response to the mistaken arrests of people suspected of belonging to a gang based on their tattoos, Homies Unidos has initiated a weekly tattoo removal program. This program, which is conducted with the assistance of local health clinics, requires attendance at a 10-week alternative education program in order to be admitted into the program. The alternative education curriculum includes, but is not limited to, sessions in anger management, drug and alcohol education, and life skills development. Lastly, in an effort to meet the needs of a society plagued by increasing gang violence, Homies offers free classes geared toward preparation for the high school diploma equivalency exam.\textsuperscript{18}

The rise of gang violence in El Salvador is not only costly to individuals’ lives, but also to the developing country’s economy. According to a study run by the United Nations Development Program (UNDP), for example, violence cost El Salvador $1.7 billion in 2003. This figure is equivalent to 11.5 percent of the Gross Domestic Product (GDP).\textsuperscript{19}

The level of gang violence in El Salvador does not appear to be reaching a plateau. Limited police resources, corruption and lack of cooperation within the law enforcement system, small and only mildly successful rehabilitation programs, and overflowing jails make it unlikely that gang violence in El Salvador will fade any time soon.

In conclusion, as evidenced by studies, statistics, and innocent deaths, gang-related criminal activity is on the rise in El Salvador. Corresponding to this increase in gang violence, and not surprisingly, has been an increase in gang membership, brought about in some cases by the recruitment of school-age youth. So severe is the problem that the National Council of Public Security has acknowledged it and is openly addressing it. The Salvadoran government has responded with a combination of “get tough” policies and legislative amendments, the results

\textsuperscript{18} Ibid, p. 48.
of which are debatable and the substance of which faces criticism. An alternative response has come from human rights-oriented organizations, which have tried to approach the problem from a different direction than has the government and which, in some cases, has even responded directly to the effects brought about by governmental policies (the tattoo removal program to prevent mistaken arrests of suspected gang members). The rise of gang violence is not only visible in the social realm, but also in the economic realm, where the problem is coming at a great financial cost to an already financially unstable government. Finally, regardless of the efforts of the government, such as Mano Dura, and of rehabilitation programs, such as Homies Unidos, the rise of gang violence in El Salvador does not appear to be leveling off; there is no plateau in sight.

Now that the rise of gang violence in El Salvador has been established, the next chapter will focus on the structure of these gangs - how they are organized, how they operate, and how their members view belonging to a gang. The next chapter will also compare and contrast the structure of Salvadoran gangs with the structure of Los Angeles gangs.

Factors contributing to the rise of gang violence in El Salvador will be discussed in Chapter Three. Two theories traditionally offered for the rise of gang violence concern the Salvadoran Civil War and the poor economic and political infrastructure of El Salvador. It will be argued, however, that both of these theories shift the blame away from the United States and entirely onto El Salvador, failing to account for the close ties between Salvadoran and U.S. gangs and the vast number of Salvadoran criminal immigrants deported from the U.S. each year.

There will then be a chronological presentation of significant pieces of U.S. immigration and deportation legislation in Chapter Four. The focus will be on recent changes in this
legislation and on how these changes might be responsible for the rise of gang violence in El Salvador.

Lastly, Chapter Five will begin with a description of deportation itself, specifically the process of deportation hearings. It will then attempt to shed light on the reality of deportees’ re-assimilation into El Salvador, emphasizing factors that complicate, and in many cases prevent, successful re-assimilation. Ultimately, it will be argued that the complexities surrounding re-assimilation, which is necessitated by deportation, makes gang membership appealing, thereby causing an increase in both the levels of gang membership and gang violence in El Salvador.
Chapter 2: Structure of Gangs in El Salvador

This chapter will describe the nature of gangs and gang membership in El Salvador, drawing on the Public Broadcasting Service (PBS) Wide Angle documentary *18 With a Bullet*. The documentary, which focuses specifically on the Eighteenth Street Gang, will be used to explain the hierarchy that exists within gangs, the process of initiation into gangs, the punishments inflicted upon gang members, the criminal activity of gang members, the imprisonment of arrested gang members, and the perspectives of individual gang members.

The process of initiation into gangs, at least as *18 With a Bullet* presents it, is not a pleasant experience. The documentary begins by showing the brutal initiation of a young female prospective gang member. She casually walks out into the middle of what looks to be an outdoor, concrete basketball court with a group of gang members, and she is subsequently beaten for a count of 18 seconds. The beating consists of repeated punching and kicking, and she is not allowed to defend herself. Also part of the process of initiation into the Eighteenth Street Gang is having the number “18” tattooed on your body, often times in multiple places. For many gang members, this ritual provides a powerful sense of identity.

There is something noteworthy about the juxtaposition of the casual conversation made by this girl and the gang members as they walk onto the court and the harsh beating that ensues. Membership in gangs is often equated to membership in a family, the absence of the latter even explaining the entrance into the former. This analogy or explanation, however, seems to fail in light of this opening scene of violence. For however justified or understandable gang membership may have seemed for young people lacking strong family units, the 18 second-long beating is difficult to digest.

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These beatings are not unique to instances of initiation into the gang. Gang members undergo similar beatings, also for a symbolic count of 18 seconds, as a means of punishment. For serious crimes, such as “snitching” to the cops or consorting with enemy gangs, execution is a possibility.\textsuperscript{22} The Eighteenth Street Gang has a set of strict rules that warrant these beatings. Crack cocaine and comparably strong drugs, for example, are prohibited. Gang members do, however, smoke copious amounts of marijuana. In general, gang members are required to respect one another and to adhere to the word of gang leaders.\textsuperscript{23}

There is the sense, however, that the beatings are more than just a punishment. It is not, after all, your enemy who delivers the punishment, who beats you, but rather your friends, your family. In this way, you are not simply being punished for a mistake, but you are being held accountable for your actions by a group who cares enough to do so. After delivering a punishment-beating, the gang members offer their hands to help up the person they have just knocked to the ground and beaten repeatedly.\textsuperscript{24} It makes little sense within the frameworks of family and punishment that most people have, yet maybe only to the extent that it involves \textit{physical} punishment.

The Eighteenth Street Gang and its rival Mara Salvatruch\-a are virtually at war in El Salvador. They are battling for territory throughout the country, and they are, therefore, involved in a cycle of killing. Not only is murder not forbidden for gang members, but instead it is considered a duty. Killing members of their rival gang, their “enemies,” defines their membership in their own gang. Remorse is not a point in the cycle. Sochi, a 17-year-old member of the Eighteenth Street Gang, describes his hatred of MS-13, saying “Because they

\textsuperscript{22} DeCesare, op. cit., p. 27.
\textsuperscript{23} Pollack, op. cit.
\textsuperscript{24} “18 With a Bullet,” op. cit.
aren’t like us – they rape their own grandmothers and they’re dirty.”\textsuperscript{25} As a result of these perceptions, there exists a continuous cycle of murder and revenge.

The documentary also gives a glimpse into the Salvadoran prison system. Corruption within the prison system is a reality. Moreover, and somewhat ironically, the lives of imprisoned gang members are by no means clearly “worse” than they were before entering prison, and for some, the living conditions might be considered preferable.

The reality of prison life, at least as the documentary presents it, does not seem wholly unpleasant. Imprisoned gang members get to live with fellow gang members; in other words, they get to live with their friends and “family.” For many, this type of communal living is very similar to what they experienced before going to prison. Most significantly, however, is that the prison seems to function very much like a school educating in gang membership and violence. An entire prison in Chaletenango, El Salvador, for instance, is reserved for members of the Eighteenth Street Gang. Given visits from family and fellow gang members twice a week, imprisoned gang members are easily able to keep abreast of gang activity while they are in jail. When appropriate given their roles in the gang, imprisoned gang members can even direct gang activity while serving their sentences.\textsuperscript{26} What would traditionally be thought of as a means of stopping gang violence, at least in individual cases, prisons actually lend themselves quite well to the continuation of gang activity and violence.

The prison system in El Salvador, like many of the law enforcement systems in Central America, is filled with corruption. Very little discipline exists within Salvadoran prisons. The guards are not, and in some sense cannot be, strict because not only are they paid not to be so, but also they themselves and their families are often threatened. Given the close connections that

\textsuperscript{25} Pollack, op. cit.
\textsuperscript{26} “18 With a Bullet,” op. cit.
imprisoned gang members are able to maintain with fellow gang members on the streets, these threats are very real.\textsuperscript{27}

It is interesting to note that throughout the documentary, numerous gang members express their fears of being caught by the police. It is difficult and anxiety-causing, they say, to constantly live in fear of having their true identities uncovered or of being stopped on the street and apprehended. In interviews with already imprisoned gang members, however, ones who likely shared similar fears before being sentenced to jail, there seems to be a sense of relief.\textsuperscript{28} Their biggest fear, being caught by the police, had been simultaneously realized and erased. They can thus carry out their gang activity, albeit indirectly from prison, in the absence of the greatest fear in which they formerly lived.

There is also a surprising and impressive hierarchical structure of leadership present within the Eighteenth Street Gang. This power hierarchy extends into Salvadoran prisons where, occasionally, gang members from both Eighteenth Street and Mara Salvatrucha who have been deported from the United States band together as “fellow Americans.” The hostile environment in prison prompts this temporary shift in allegiance.\textsuperscript{29}

It is relevant to consider gang members’ own perceptions of their gang membership and gang activity. Miguel Cruz, a professor at the University of Central America, trained gang members to be investigators for public opinion surveys of gangs. Over 1,000 gang members from both the Eighteenth Street and Mara Salvatrucha gangs were surveyed. The results clearly showed that not only are gang members seeking a replacement family and a sense of identity when they join a gang, but they are also seeking friendship and respect. When asked what they viewed as their “biggest problem,” twice as many gang members responded that they considered

\textsuperscript{27} Ibid.
\textsuperscript{28} “18 With a Bullet,” op. cit.
\textsuperscript{29} DeCesare, op. cit., p. 23.
it to be drug addiction as those that considered it to be unemployment. When contemplating their dreams for the future, most members listed jobs, followed by a stable family. Somewhat ironically given the sense of excitement that the turf war between the two gangs seems to induce, over 80 percent of the youth interviewed claimed that violence is a negative part of gang life, and one that they wished would cease. Perhaps the fact that half of those interviewed had been injured seriously enough to require hospitalization or the fact that nearly 70 percent of those interviewed had experienced the murder of a family member or close friend accounts for the ironic statistic.30

It is not uncommon to hear that youth join gangs in the hope that they will provide refuge from home, an alternative family, financial security, and street protection. In an article entitled “The Children of War: Street Gangs in El Salvador,” Donna DeCesare points out a lesser known fact that may contribute to gang membership. She notes that some gang members in both Los Angeles and in El Salvador were themselves child combatants in El Salvador’s civil war, serving on both sides.31 This fact suggests another experience in the lives of Salvadorans that might prompt them to join a gang.

Forced to run away from home at age 13 because his family treated him so poorly, 17-year-old Sochi is now a member of the Eighteenth Street Gang and is an example of a youth who joined a gang in search of an alternative family. He says that he loves his gang much more than he loves his mother. He explains, “When I needed my mother she wasn’t there for me but the gang always will be. They are my family and give me the love of a family.” Looking ahead to his future, Sochi predicts “Maybe I’ll live till I’m 37, or if God wants, even older. Then I can be

30 DeCesare, op. cit., p. 24.
31 DeCesare, op. cit., p. 25.
an old man and still in the gang.” The reality, however, is that if he is not arrested first, Sochi, like most gang members, will not survive to the age of 30.32

Gang membership is not, however, solely restricted to teenagers. There are many gang members in their twenties and thirties as well, many of whom joined their gang as a teenager living in the United States before being deported. The leader of the Eighteenth Street Gang at the time that *18 With a Bullet* was filmed, for example, was married and was the father of three children. Throughout the documentary, he repeatedly expressed his desire to live a peaceful life with his family, free from the fear of being identified and arrested, yet he expressed a simultaneous sense of hopelessness. Given his criminal history and activity as a leader of his gang, he could conceive of no way out of the vicious cycle in which he was living. Efforts to stop using drugs, leave the gang, and turn his life around never lasted long and ultimately failed. By the end of the documentary, after narrowly avoiding arrest by the police at least once, he was living in jail, keeping in close contact with members of his gang who were still on the streets. He faced thirty years in prison, and his wife and three young boys faced that same length of time without a reliable husband or father figure.33 This story represents a lose-lose situation, both for this man and for his family. It seems difficult, if not impossible, for an individual man in such a situation to turn his life around; and it is yet worse to think of the situation spiraling and worsening from one generation to the next.

In conclusion, gang membership, even given the brutal process of initiation, the risk of death, and the fear of imprisonment, is not wholly unattractive to many Salvadoran youth. Outweighing these harsh cons is a list of valuable pros: friendship, identity, refuge, family, respect, protection. These values provide sufficient incentive for many Salvadoran youth to join

32 Pollack, op. cit.
33 “18 With a Bullet,” op. cit.
gangs. Gangs, too, are composed of middle-aged men who have been members of their gang for as many as twenty years and who have lived the majority of their lives in the United States, where they first joined their gang.

Membership in a gang, however, comes at the price of not only a brutal initiation and potentially brutal punishments, but also of participation in what can only be considered a war, between rival gangs Mara Salvatrucha and Eighteenth Street. Within the cycle of killing that ensues, murder is a duty and one’s own life and the lives of his friends are in jeopardy.

Intrinsically linked with the reality of Salvadoran gang life is the reality of the Salvadoran prison system. The latter, which is characterized largely by corruption, on one hand offers gang members an opportunity for communal living and education in gang culture and on the other hand serves as a source of anxiety for many gang members who dread being caught by the police and imprisoned.

As with all things, it is important to listen to the voices of those specifically involved in and responsible for the rise of gang violence in El Salvador—in this case, gang members, especially Salvadoran youth. It is they who are deciding to, and at times being forced to, join gangs, participate in their activity, and rise through their hierarchy. It could easily be argued that, given the unstable family lives of many young Salvadorans, membership in a gang is not a choice, but a survival strategy. According to the survey conducted under the supervision of Miguel Cruz, violence is far from the gang’s most attractive quality; in fact, many members wish to avoid it altogether. Nonetheless, at least up until this point, violence and criminal activity have been just as much staples of gang life as have been friendship, respect, and identity, those qualities that many Salvadoran youth evidently long for.
This chapter having described the nature of gang life in El Salvador, the following chapter will discuss several theories that are traditionally offered to explain the rise of gang violence at this particular point in the country’s history.
Chapter 3: Contributing Factors to the Rise of Gang Violence in El Salvador

Why, at this particular point in the country’s and the world’s histories, is the level of gang violence escalating so steeply and rapidly in El Salvador? Which factors, unique to El Salvador or characteristic of the age, contribute to the rise of gang violence in El Salvador, among other Central American countries? To what extent is the rise of gang violence linked to the aftermath of the Salvadoran Civil War? To what extent is it linked to the economic situation of the country?

This chapter will talk about several theories that are often used to explain the rise of gang violence in El Salvador. One such theory is that the current surge in gang violence among Salvadoran youth is part of the aftermath of the Salvadoran Civil War. Another broader theory is that the poor economic and political infrastructure of El Salvador results in increased gang membership and violence. Both of these theories shift the blame away from the United States and onto El Salvador. They also both fail to account for the close ties between U.S. and Salvadoran gangs and for the vast number of gang members that have been deported from the U.S.

First, there is debate about the origins of the two main gangs presently operating in El Salvador, Mara Salvatrucha and the Eighteenth Street Gang. Some police, for instance, claim that the rival gangs were founded in El Salvador during or before the 1970s. Others, however, claim that they emerged from the Salvadoran immigrant community living in central Los Angeles during the early 1980s. More precisely, some argue that the two originally Los Angeles-based rivals re-initiated their battles in El Salvador only after the Immigration and Naturalization Service (INS) began to deport convicted gang members back to their native

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countries early in the 1990s. These deportations may have conveniently coincided with the end of the Salvadoran civil war in 1992, thus confusing the reason for the escalation in gang membership and gang violence.

President Francisco Flores, who introduced the Mano Dura Plan that was discussed earlier, theorized that the rise of gang violence in El Salvador is related to the country’s civil war. He justified, for example, the militarization that the plan called for by blaming the magnitude of the gang problem on the dismantling of military security forces that took place at the end of the civil war in 1992. During the course of the Salvadoran civil war, roughly 75,000 Salvadoran citizens died, while over 1 million Salvadoran citizens fled the country. While some fled to neighboring Honduras, the majority fled to Los Angeles and other major U.S. cities.

It is not uncommon for theories to somehow link the rise of gang violence in El Salvador with the aftermath of the Salvadoran civil war, as did President Flores in his justification for the Mano Dura Plan. It is often argued that El Salvador’s gang problem exists because the country is still recovering from a decades-long civil war. It is also worthwhile to note that there is a vast amount of weapons left over following the civil war, many of which fall into the hands of young gang members. While this theory makes a certain amount of sense, Nicaragua, a Central America country that also endured a long civil war, does not have a gang problem comparable to that of El Salvador. Thus, for some, it makes more sense to acknowledge that the Peace Accords ended the civil war in 1992, but, because of widespread poverty and the deportations of

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36 Creedon, op. cit., p. 1.
37 Banks, op. cit., p. 23.
Salvadorans from the United States, the level of gang violence in El Salvador has escalated dramatically since then.\(^\text{39}\)

Some theories use a combination of the Salvadoran civil war and United States deportation policy to account for the rise of gang violence. According to these theories, the influx of deported gang members from U.S. inner cities, primarily Los Angeles, to Central America, including El Salvador, fuels the worsening gang problem. Despite the fact that gangs existed prior to the repatriations, the end of the civil war in conjunction with the importation of United States gang culture certainly guarantees their proliferation.\(^\text{40}\)

In accord with these theories that attribute the rise of gang violence to multiple factors, Rodrigo Avila, who is the director of El Salvador’s National Civilian Police, holds that gang members deported from the United States constitute only one factor contributing to the rise of gang violence. Other factors, according to Avila, include crime rings, the increase of drug trafficking, and an abundance of weapons left over from the civil war. Exacerbating these factors is the inability of police to contain crime. Avila is encouraged, however, that defining who the criminals are will become easier with the implementation of a computerized system for tracking criminal cases. The system was begun in Santa Ana, El Salvador in 1997 with assistance from the International Criminal Investigation and Training Program (ICITAP), a police training program of the United States Department of Justice. Given the fact that the new system will allow for the tracking of cases from the initial call of complaint through the investigation, arrest, and conviction stages, Avila is hopeful that more complete and accurate

\(^{39}\) Banks, op. cit., p. 23.
\(^{40}\) Ballve, op. cit., p. 48.
crime data will become a realistic possibility and that police efforts will become more effective in general.  

Yet another theory attributes the rise of gang violence to governmental policies as well as to the realities of the country’s law enforcement and prison systems. Jose Miguel Cruz of the University of Central America in San Salvador theorizes that gang violence is rising in El Salvador due to get-tough policies of the government. Moreover, similar to Avila, he points out that the country’s police resources are considerably stretched (and in some places are non-existent) and the country’s prisons are stuffed to nearly twice their capacity. Thus, gangs can organize while in prison, becoming stronger and more violent. Likewise, rehabilitation programs, which could potentially slow down the growth of gangs and the rise of gang violence, tend to be small and to have a very low success rate.

Another set of theories focuses more heavily on economics than does the civil war theory. It is argued that neoliberal social and economic policies, which have hindered the expansion and improvement of education, may very well have contributed to the rise in gang violence, if only indirectly. The World Bank, for instance, has implemented reforms that seek to minimize the role of the government in the business of higher education. Instead, they seek to allocate to primary schooling the already small percentage of the government’s budget that is marked for education. Thus, many young people, without the advantage of a university education, face unemployment. The unemployment rate in El Salvador is currently 6.5 percent. However, the country has much underemployment. While university education and jobs are

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41 DeCesare, op. cit., p. 22.  
not a viable option for many young people living in El Salvador, some do still manage to find work in the maquiladoras, the fastest-growing sector in the country. However, they can only hope to make approximately $4 a day, hardly enough to ensure basic survival.  

Other neoliberal economic reforms, besides cuts in government spending, have included the privatization of state-owned enterprises and the adoption of the dollar as El Salvador’s national currency. Considered the 12th most open economy in the world, El Salvador, which once posted strong growth rates in the 1990s, now registers only 2 percent economic growth. Quite specifically, and possibly significantly, El Salvador became the first country in Central America to ratify DR-CAFTA (United States-Dominican Republic-Central America Free Trade Agreement) on December 17, 2004. Given that 48 percent of the population lives in poverty and that over 25 percent of the population reports feeling that they must move abroad in search of work, the average Salvadoran has by no means benefited from neoliberalism. What economic growth there has been has not been distributed equitably; the richest 10 percent of the population receives incomes 47.4 times higher than does the poorest 10 percent.

It is possible that El Salvador’s economic system fuels the gang problem in areas other than education and unemployment. The economic instability of the country places enormous economic restraints on individual families as well. Thus, it might not only be the case that individuals are prompted to join gangs in light of their own lack of education and corresponding unemployment, but it could also be the case that individuals suffer from their parents’ unemployment. Lack of financial resources at home is a significant burden for a family to bear, easily creating stress and possibly creating an unpleasant environment in which to live and grow up. Adolescents, lacking the support and discipline they crave from stressed and sometimes

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abusive or alcoholic parents, are forced to seek these staples elsewhere. In El Salvador, gangs are an obvious place to look, thus causing levels of gang membership and, correspondingly, gang violence to rise.

Statistically, nearly half of El Salvador’s population is under the age of 18 and three quarters of the children in El Salvador live in poverty. More specifically, 800,000 youths between the ages of 13 and 18 make up 14 percent of the country’s total population. Of this group, the United Nations Children’s Fund (UNICEF) estimates that only 40 percent attend school and only 29 percent work. It is unknown how the remaining 31 percent, approximately 249,000 adolescents, spend their time.\(^47\) It is highly probable that at least some of these young people join gangs.

The struggling economy of El Salvador may contribute to the rise of gang violence in yet another way. This theory is one of economic dislocation, referring to the replacement of traditional economies by new crack cocaine markets. At one time during its history, El Salvador had no internal market for cocaine other than its small elite class; today, the country has crack houses in its slums. Smoking joints of crack mixed with marijuana (called *primos*) is a typical part of gang life. So, too, is selling drugs in order to support one’s own drug habit. This reality, combined with cultural dislocation and the triumph of advertising and consumerism over politics, helps to explain El Salvador’s tragic gang problem.\(^48\)

The economic explanation for the current rise of gang violence in El Salvador seems considerably more plausible than does the post-civil war explanation, or at least a more predominant contributing factor. The timing of neoliberal reforms and policies, such as the

\(^{47}\) DeCesare, op. cit., p. 23.

ratification of DR-CAFTA for example, seems to coincide with and explain the rise of gang violence more so than does the termination of the country’s civil war.

In conclusion, not only is there debate surrounding the cause of the rise of gang violence in El Salvador, but there is also debate surrounding the origin of the two rival gangs that are primarily responsible for creating the violence. Some hold that the gangs originated in El Salvador following the country’s civil war, while others hold that the gangs are products of U.S. gangs, brought to El Salvador by U.S. deportees.

The first main explanation for the rise of gang violence in El Salvador has to do with the country’s twelve-year-long civil war, from 1980 until 1992. The “civil war” theory holds that the rise of gang violence takes place in the aftermath of the war because of the dismantling of military forces and the abundance of remaining weapons. Some theories, perhaps some of the most realistic ones, cite both U.S. deportation policy and the civil war as contributing factors to the rise of gang violence that El Salvador is experiencing.

Other theories claim that the very things that are intended to deal with the gang problem are contributing to its escalation, or at least failing to adequately manage it. These things include tough governmental policies such as Mano Dura and only moderately successful rehabilitation programs such as Homies Unidos. In addition, overcrowded prisons that facilitate the organization and education of gangs and limited police resources exacerbate the country’s gang problem.

Even more convincing than the “civil war” theory is that which primarily attributes the rise of gang violence in El Salvador to the country’s new neoliberal economic policies, especially DR-CAFTA. These polices trigger a lack of access to higher education, increased unemployment, and an ever-widening gap between the country’s rich and poor. Each of these
effects in turn spurs an increase in the number of poverty-stricken families, the children of which often resort to participation in a gang and gang violence. The expanding drug market then fuels further an already growing gang problem.

In many ways, the emergence of gangs in El Salvador that have ties to gangs in Los Angeles reflects changing U.S. immigration policy. Having touched in this chapter on deportation as a factor contributing to the rise of gang violence in El Salvador, the following chapter will discuss United States deportation policy in greater depth. Through a chronological account of significant pieces of U.S. immigration and deportation legislation, a connection will be established between these legislative policies and the recent rise of gang violence in El Salvador. In addition to describing these pieces of legislation, the next chapter will make comparisons and distinctions between older and more recent legislation, suggesting that these changes may be responsible for the current surge in gang membership and violence in El Salvador.
Chapter 4: United States Deportation Legislation

Which pieces of United States legislation allow for the deportation of Salvadorans or affect the manner in which and circumstances under which they are deported? Having cited deportation as a contributing factor to the rise of gang violence in El Salvador, the primary aim of this chapter is to name and explain relevant pieces of U.S. immigration and deportation legislation. This will be done chronologically. In addition to describing these pieces of legislation, some comparisons and distinctions will be made between older and more recent legislation, suggesting how these changes in legislation may be responsible for the rise of gang violence in El Salvador.

In general, changing U.S. immigration policy has affected immigrants, and their families and communities, in three main ways. First, there has been a significant increase in INS and other official policing, both of immigrant neighborhoods in particular and of Latino border communities more generally. Second, there has been an expansion in definitional scope and a corresponding increase in INS deportations, or removals. Third, there have been elevated and binding income requirements for the sponsors of legal immigrants.49

“Deportation,” admitted the Supreme Court, “may result in the loss of all that makes life worth living.”50 Deportation almost inherently involves the criminalization of the migrant, at the very least, his dehumanization. It is a much simpler and more justifiable task, after all, to deport “aliens,” especially ones guilty of crimes, than it is to deport people, especially ones with families. Most criminal aliens are deported for drug convictions and immigration violations, such as attempting to cross the border with false documents. In 1999, for example, drug

convictions accounted for 47 percent of criminal-alien removals, immigration violations for 13 percent, assault convictions for 6 percent, and burglary convictions for 5 percent.\textsuperscript{51} In conjunction with a variety of pieces of legislation set forth by Congress and dealing with deportation, the INS instituted the Violent Gang Task Force, which targets immigrants with criminal records for deportation to their countries of origin.\textsuperscript{52}

The first and earliest piece of legislation relevant to this discussion is the 1917 Immigration Act. An excerpt follows:

any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry;...any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime of misdemeanor involving moral turpitude.

Crimes “involving moral turpitude” included fraud, aggravated (but not simple) forms of assault, murder, and manslaughter. Several years later, with the Immigration Act of 1924, the national origins quota system was put in place for the first time.\textsuperscript{53}

In 1988, as part of the country’s so-called “war on drugs,” Congress passed the Anti-Drug Abuse Act, which facilitated the deportation of immigrants who were convicted of drug-trafficking crimes. Two later pieces of legislation, the Immigration Act of 1990 and the 1994 Crime Bill, limited the amount of relief available to “criminal aliens” and attempted to expedite their deportation.\textsuperscript{54}

The Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) was passed in 1996 and is intended to restrict and reduce the flow of both legal and illegal

\textsuperscript{51} Páez, op. cit., p. 195.
\textsuperscript{52} “Latin American Youth: Anger and Disenchantment on the Margins,” op. cit., p. 20.
\textsuperscript{53} Johnson, op. cit., p. 113.
\textsuperscript{54} Ibid, pp. 114-116.
immigrants into the United States. It also intends to limit their access to public services, including education, healthcare, and welfare. The act calls for an acceleration in the deportation process of immigrants, again both legal and illegal, who are convicted of felonies; the act neglects to take into consideration the length of time that these immigrants have lived in the U.S. The act signaled a more coordinated effort on the part of the government to cease the flow of illegal immigration, and it is considered part of a much larger effort to fight terrorism.\(^\text{55}\) Also in 1996, for instance, Clinton signed the Anti-Terrorism and Effective Death Penalty Act (AEDPA).\(^\text{56}\)

With the enactment of the Immigration and Nationality Act Amendment of 1965, United States immigration laws had increasingly granted rights and privileges to immigrants. This changed, however, with the passage of the IIRIRA in 1996, which represented an exclusionary shift in post-World War II immigration policy. The act not only restricts public services for immigrants, but also limits immigrant sponsors and significantly expands border and criminal-alien enforcement activities. The act also changed the term *deportation* to *removal*, thereby including not only people deported from the interior of the U.S., but also people formally excluded at the border.\(^\text{57}\)

The vast majority of immigrants to whom the Illegal Immigration Reform and Immigration Responsibility Act applies were admitted entry to the United States under the status of political refugees during the civil wars of the 1980s, in which the U.S. played a very large and

\(^{56}\) Johnson, op. cit., p. 117.  
\(^{57}\) Páez, op. cit., p. 194.
active role. Also in 1996, the U.S. Congress capped the number of individuals who could be granted hardship asylum at 4,000.  

The Immigration and Nationality Act (INA) was effectively amended by IIRIRA and AEDPA, such that, under it, the United States district courts now have the jurisdiction to order the removal of immigrants at the time of their sentencing. This is a change from the past, when U.S. district courts had to wait until the INS deported the immigrants in a separate administrative proceeding.

Shortly thereafter, in November 1997, the United States Congress enacted legislation that permitted up to 150,000 immigrants to remain in the U.S. and that granted them automatic permanent residency. This particular piece of legislation, however, included substantially fewer Salvadorans and Hondurans, the United States having been the ally of both El Salvador and Honduras during their respective civil wars.

It has been said that the United States began to implement more restrictionist policies, such as the expedited removal process, as a result of perceived threats not only to their economy, but also to their cultural homogeneity. From the point of view of the U.S., immigrants are not only a drain on public resources, but their influx stimulates an increase in crime. It is often under the guise of controlling the flow of drugs and apprehending gang members responsible for directing the drug trade that substantial numbers of legal and illegal immigrants from Central America are deported.

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58 Noguera, op. cit., p. 7.
60 Noguera, op. cit., p. 8.
62 Noguera, op. cit., p. 11.
Since 1997, the INS has regularly conducted raids, known as “surveys,” to apprehend legal permanent residents who were previously convicted of crimes that the IIRIRA now lists as “aggravated felonies,” of which there are 28 separate offenses. Not surprisingly, the net result of these policy and procedural changes has been the deportation of more and more people. The dramatic increase in the number of deportations is due largely in part to the expedited removal process, which was devised to remove immigrants lacking proper documentation at official ports of entry. These expedited removals are enforced in the absence of rights to appeal or any formal procedures.\(^{63}\)

A 2001 ruling by the Supreme Court stated that habeas corpus review is to stay in tact, despite provisions made in the immigration laws restricting judicial review for immigrants who are convicted of “aggravated felonies.” This ruling was necessitated by the fact that the executive branch had aggressively opposed judicial review of decisions made to deport migrants for drug convictions. Previously, under pre-1996 law, migrants had been eligible for relief for such drug convictions.\(^{64}\) The position held by the executive branch makes sense in light of the war on drugs that the country is currently waging.

In 2002, the Third U.S. Circuit Court of appeals ruled that an immigrant ought not to be deemed an “aggravated felon,” and thereby immediately deported, on the sole basis of a state court felony drug charge unless the crime would also be considered a felony according to federal law.\(^{65}\)

In 2003, the Supreme Court ruled that legal immigrants facing deportation due to a past conviction could be automatically jailed without bail. This ruling applies to immigrants who

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\(^{63}\) Páez, op. cit., p. 194.

\(^{64}\) Johnson, op. cit., p. 119.

have the status of “permanent resident” and who have been convicted of a crime that warrants deportation. Once released from prison, these immigrants can be taken into custody immediately while they wait for United States immigration officials to decide whether to deport them. Government officials justify this procedure by arguing that such mandatory detention of convicted immigrants is necessary in order to ensure that the immigrants attend their deportation hearings. Convicted immigrants can also be detained without a hearing in order to determine if they are dangerous or if they constitute a flight risk. This Supreme Court decision reversed the decisions of four U.S. appeals courts, each of which ruled that this no-bail statute deprives a person of liberty without the necessary due process of law.  

On January 6, 2005, the United States government passed legislation extending the Temporary Protected Status (TPS) of undocumented Salvadoran immigrants living in the U.S. until September 9, 2006. This ruling affected an estimated 290,000 Salvadorans who were living in the U.S. at the time.  

In conclusion, independent of the United States legislation that requires it, deportation of immigrants invariably requires non-legislative elements, such as the criminalization and dehumanization of the immigrants. Moreover, it is not only legislation that facilitates the deportation of immigrants, but also specific programs, such as the Violent Gang Task Force initiated by the INS. In general, even legal immigrants face limited rights and greater punishments. United States deportation legislation, or at least the spirit behind it, seems to overlap to some extent with the country’s war on drugs and war on terrorism. Arguably the most significant piece of legislation, the Illegal Immigration Reform and Immigration Responsibility

Act of 1996 resulted in a significant increase in the number of deportations of immigrants and a corresponding decrease in the number of public services available to immigrants. Occasionally, Salvadorans benefit less and are more burdened by U.S. immigration and deportation legislation than do immigrants from countries with whom the U.S. did not side during their respective civil wars. INS raids and the expedited removal process have also contributed to an increase in the number of deportations.

The Supreme Court has interpreted both positively and negatively the immigration and deportation legislation passed by the U.S. Congress. On one hand, the court ruled to re-instate habeas corpus for immigrants convicted of “aggravated felonies.” It also ruled that, in order to be considered an “aggravated felon,” an immigrant must be convicted of a crime that is not only considered a felony under state law, but also under federal law. On the other hand, the Supreme Court also ruled that convicted immigrants can be automatically jailed without bail, thus guaranteeing their attendance at deportation hearings and allowing time to decide whether to deport them.

The following chapter will begin by giving a first-hand account of the process of deportation hearings, as witnessed in the Arizona Federal Court. The remainder of the chapter will be devoted to the reality of deportees’ re-assimilation into El Salvador, focusing on those factors that either complicate or prevent successful re-assimilation. Ultimately, these factors will be used to explain why many deportees, upon leaving the United States and returning to El Salvador, find gang membership attractive, if not essential.
Chapter 5: Deportation of Salvadorans and Their Re-assimilation into El Salvador

This chapter will begin with a brief description of deportation itself, focusing specifically on the process of deportation hearings. This description will be based on my own experience of sitting in on deportation hearings in Tucson, Arizona as well as on an interview with one of the attorneys following the hearings. The purpose of this portion of the chapter is to give a more detailed and personal account of an otherwise vague and removed reality.

The remainder of this chapter will discuss the reality of deportees’ re-assimilation into El Salvador. Emphasis will be given to the factors that complicate and/or prevent successful re-assimilation. These factors will then be used to explain why many deportees find gang membership attractive, if not essential.

On a trip to the sister and border cities of Nogales, Mexico and Nogales, Arizona, I had the opportunity to attend court proceedings on deportations at the U.S. District Court of Arizona, located in Tucson. These court proceedings for migrants take place daily and begin each morning at 9:15 A.M. We arrived in time to watch the volunteer lawyers (about four) confer with the migrants (about twenty-five). The lawyers explained to the migrants their rights, and they encouraged them to plead guilty. On the particular day that we were there, four of the migrants were being charged with documentation fraud, and the rest were being charged with illegal entry into the country or criminal activity.

When the proceedings began, the judge explained to the migrants their rights, and she asked them individually if they pled guilty to the crimes with which they were being charged. There was an interpreter to assist with the language barrier. Each migrant was given the chance to speak, and only one did. He recounted a previous experience in the United States, though one that was irrelevant to the crime for which he was presently being tried. Lengths of prison stays
having been settled prior to the court proceedings, the migrants left to serve their sentences, the majority ranging from 30 to 90 days, though with at least one as long as 180 days. These lengths of sentences presumably correspond to the crimes committed by the migrants, though as one of the lawyers pointed out afterward, they are often arbitrary.

Following the proceedings, two of the lawyers spoke to our group about the migrant hearings, the way in which they are conducted, and the results that most often ensue. One lawyer explained that the lawyers who volunteer to handle these immigration cases usually do so once or twice a week, with the need for their services having grown exponentially in recent years. They receive the file folders of those migrants whom they will be defending on the day before their hearings are scheduled to take place. Depending on their schedules, they can try to meet with the migrants prior to the hearings by visiting with them in prison. This, however, requires a considerable block of time given the distance of the prison. More often, the lawyers sit down to examine the cases on the night before the hearings; the woman with whom we spoke had devoted a total of an hour and a half to the cases of the six migrants whom she would be defending. She said that the migrants nearly always agree to plead guilty. When they cannot make a decision quickly enough, however, they can request to move the date of the hearing back a few days in order to give them more time.

We asked her where she found hope in work of this nature, or at least the will to persist in it. She answered that merely explaining to the migrants the rights and realities of their situation in a language that they can understand is important. Sometimes, she said, they even express genuine gratitude for her time and concern. And, very rarely, there comes along someone who has a legitimate right to be in the country, if only the necessary cases are called upon and
documents drawn up. Nevertheless, it is difficult not to be overwhelmed by the apparent futility of the daily exercise.

Who, precisely, is being deported from the United States: undocumented immigrants, permanent residents, criminals? For what reasons, including which types of criminal actions, are they being deported? In the case of deported Salvadorans, what is the nature of their re-assimilation into their “native” country? Is it such that membership in a gang seems desirable or even necessary? To what extent do Salvadorans bring U.S. gang culture with them into El Salvador?

Attitudes toward Salvadorans living in the United States changed following the end of the Salvadoran Civil War in 1992. Once considered refugees, Salvadorans were then seen as immigrants and, therefore, were more likely to be deported. This shift in sentiment occurred on both the state and federal levels. California best illustrates the shift on the state level. There, a spirit of “zero tolerance” for crime sprung up, and the criminalization of immigrants became commonplace. Governor Pete Wilson of Los Angeles, for example, centered his winning 1994 re-election campaign on undocumented immigrants. In particular, he backed harsh citizen initiatives that would deny health care, education, and various other social services to undocumented immigrants and that would put three-time offenders in jail permanently. On the federal level, immigration policy of the INS favored immediate deportation for inner-city gang members who had supposedly acquired fluency in survival warfare.

The deportation of criminal undocumented immigrants and permanent residents of the United States to El Salvador is equivalent to “exporting the undesirable.” Former president Bill Clinton spoke on behalf of his Central American counterparts: “political leaders from the region have warned that any mass return would destabilize their fragile, job-scarce countries.”

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68 Banks, op. cit., p. 24.
country wants possession of or responsibility for these vulnerable people. The United States wants to retain jobs and services for its own citizens, while El Salvador is not nearly sufficiently equipped to deal with any substantial influx of deportees. Rick Craig, a Barbadian diplomat, explains, “…the sophisticated crimes which these deportees bring to the region are beyond the capabilities of law enforcement agencies in these small countries. They present new dangers to these societies…” Freddie Kissoon, a Guyanese political scientist, reiterates Craig’s point, “If the U.S. can’t cope with them, what about these small countries? They are desperate people trained in sophisticated, but violent crimes and this will destabilize these societies.” Actually, it would be more accurate to say that this deportation will further destabilize these societies, considering that they have a relatively uncertain level of stability in the first place.

Statistically, according to the Immigration and Customs Enforcement (ICE) agency, 30 percent of the gang members that the agency apprehends in the United States are arrested and criminal charges are subsequently placed against them. The remaining 70 percent face deportation. As a result, the U.S. government flies dozens of gang members to Central America on a weekly basis. Once in El Salvador, if there is no evidence with which to try them for their crimes, these gang members are free. In 1997 alone, according to the INS, 1,500 Salvadorans with criminal records were deported from U.S. streets and prisons.

In the fiscal year 1999, the INS deported a total of 62,359 criminal immigrants. That statistic put the rate of criminal deportation up 72 percent since Congress expanded the types of crimes that warrant deportation with the IIRIRA in 1996. Non-violent crimes, such as shoplifting, as well as crimes that people committed decades ago and for which they already served their sentences suddenly began to result in deportation. The list of causes of deportation grew

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69 Noguera, op. cit., p. 19
71 DeCesare, op. cit., p. 24.
dramatically to include drug possession or drug dealing, violation of immigration law, assault, burglary, robbery, larceny, traffic offense, weapons offense, sexual assault, and stolen vehicles. What is more, the law prohibits those convicted of “aggravated felonies” from applying for deportation waivers.\textsuperscript{72}

Most Salvadoran deportees are not eligible for legal return to the United States for between five and twenty-five years.\textsuperscript{73} Many deportees, however, reenter the United States illegally even though they risk re-imprisonment followed by deportation if they are caught.\textsuperscript{74}

Thus, young Salvadorans, having been convicted of crimes, are forced to return to their native country, bringing their ties to U.S. gang culture along with them. Upon returning home, they are at a distinct disadvantage. Not only are they less fluent in Spanish and in Salvadoran traditions, but they also tend to take for granted the basic human rights that are protected in the United States, though not necessarily in El Salvador.\textsuperscript{75}

When Salvadoran deportees enter El Salvador, many are doing so for the first time since they were young children. They arrive uneducated in Salvadoran customs and culture, yet fluent in American gang culture. Having left their families behind, they often lack an obvious network of support upon returning to El Salvador other than that branch of the gang to which they belonged while living in the United States.

It is not uncommon, despite the fact that many criminal deportees are free once they arrive in El Salvador due to lack of evidence, that deportees are required to finish serving their prison terms upon returning to El Salvador and are therefore incarcerated immediately. When this is not the case, deportees’ fates are almost equally as troublesome. Plagued by their

\textsuperscript{72} “As More are Deported, A ’96 Law Faces Scrutiny.” Migration World Magazine Jan. 2000: 11.
\textsuperscript{73} Banks, op. cit., p. 24.
\textsuperscript{75} Banks, op. cit., p. 23.
reputations as convicted felons, deportees’ opportunities for employment are severely limited.\textsuperscript{76} This fate, combined with their lack of familiarity with the Salvadoran language and cultural norms and their corresponding lack of access to many social networks, makes the healthy re-assimilation of deportees into El Salvador extremely difficult, if not impossible. It is an undeniable fact, after all, that deportees return to El Salvador with an orientation toward life that has been drastically altered and shaped by their time and experiences in the United States.\textsuperscript{77} It begins to appear as though deportation itself, at least in the case of the Salvadorans in question, prevents significant and sufficient re-assimilation. As a result, many Salvadoran deportees who were once members of Los Angeles street gangs organize local chapters of their parent Los Angeles gangs when they return to El Salvador.\textsuperscript{78}

Upon their return, deportees are typically stigmatized by Salvadoran society. They are often viewed as property-like, and they are practically always viewed as threatening. This perception applies especially to deportees who have tattoos and to deportees who belonged to gangs in the United States, making both groups increasingly subject to police actions. Because deportees are sent back to a country they may not remember or may never have known and because it is nearly impossible to take up lives again that they abandoned when they emigrated, their status as “native citizen” of any country is virtually lost.\textsuperscript{79}

In addition to stigma, deportees face more concrete cruelty upon returning to El Salvador. As part of the 1992 Peace Accords that ended the civil war, older security forces associated with repressive military regimes were replaced with the National Civilian Police, which is meant to provide democratic and nonpartisan law enforcement. However, police agents with ties to those

\textsuperscript{76} Noguera, op. cit., p. 18.
\textsuperscript{77} Ibid., p. 23.
\textsuperscript{78} “Latin American Youth: Anger and Disenchantment on the Margins,” op. cit., p. 20.
repressive military regimes, known as Black Shadow vigilantes, remained. In 1995, three Black Shadow vigilantes were arrested for the murders of three members of Mara Salvatrucha. Rarely investigated and often unnoticed, such criminal violence by death squads continues to affect young Salvadoran gang members. There is a remarkable level of support for the Black Shadow on the part of Salvadoran citizens who are enraged and alarmed by the rising homicide rates in the country.\(^\text{80}\)

Related to the re-assimilation of deportees into El Salvador is the concept of transnational identity. Salvadoran immigrants are deported to El Salvador as though that is where they belong, as though they are exclusively Salvadoran. On one hand, deportees are citizens of their countries of birth (in this case, El Salvador); on the other hand, they are members of families and communities, albeit typically marginalized ones, in the deporting country (in this case, the United States). Thus, in a sense, they have multiple origins, one of which is invariably denied full legal recognition.\(^\text{81}\)

For many, the experience of being deported, with its concomitant experience of culture clash, provokes something of an identity crisis. Weasel moved from El Salvador to Los Angeles when he was five-years-old, and he was deported from the United States to El Salvador when he was twenty-seven-years-old. “Weasel said being deported to El Salvador felt like being sent to Mars. And once in El Salvador, Weasel refashions himself as the Martian, the alien he is made to feel by the stares, reactions, and disapproval of the people around him.”\(^\text{82}\)

Of course, gangs against an American backdrop and gangs against a Salvadoran backdrop constitute two very different realities. Although El Salvador’s civil war has been over for a decade and a half, the country still lacks a political and economic infrastructure comparable to

\(^{80}\) DeCesare, op. cit., p. 22.  
^{81}\) Coutin, op. cit., p. 179.  
^{82}\) Zilberg, op. cit., p. 769.
that of the United States. In short, the small Central American country with its very violent history is not well-equipped, or even moderately well-equipped, for the influx of criminal deportees that it receives from the United States each year. Moreover, in comparison to their “developed” counterparts, specifically those in Los Angeles, third world gangs often lack the proper equipment for urban warfare, such as drive-by shootings. In fact, some of the worst casualties result from amateur weapons.83

The result is that U.S. deportation policy ends up governing much of Salvadoran geography and many Salvadoran political boundaries. Salvadorans who grew up in different sections of Los Angeles, and likewise were members of rival gangs, are enemies once they return to El Salvador. “But upon deportation to the streets of San Salvador, this concientización (consciousness-raising) as Latino and as sureño, is more often than not overwhelmed by the reproduction of divisions between barrios in San Salvador, reworked as they are by those in Los Angeles.”84

In conclusion, the deportation process itself, namely the hearings, appears to be somewhat of a formality and somewhat futile and, as has been hinted at in earlier chapters, quite dehumanizing. This description of deportation corresponds to United States attitudes toward many Salvadorans living in their country; once compassionately viewed as refugees, they are now irritatedly viewed as immigrants. In fact, many Salvadoran immigrants living in the U.S. are not only unwanted by this country, but also by their home country, El Salvador, the former desirous of keeping jobs for its own citizens and the latter quite simply unequipped to deal with the crime that often accompanies these immigrants when they are deported.

83 Banks, op. cit., p. 23.
84 Ibid, p. 765.
The number of deportations of criminal immigrants from the United States to El Salvador has risen dramatically over the course of the past decade. Some of these deportees are free once they arrive in El Salvador, and some illegally try to re-enter the U.S. and risk imprisonment for doing so. Moreover, once in El Salvador, deportees are at a distinct disadvantage socially and culturally, can possibly be jailed, and face unemployment given the stigma surrounding their criminal status. Also as a result of stigma, deportees are increasingly subject to unwarranted police action.

In their attempts to re-assimilate into their native country, the very concept of “native country” is upended. Many deportees are conscious of having a transnational identity; they virtually have multiple origins, only one of which enjoys legal recognition. These factors, in conjunction with the general lack of a support network, result for many deportees in an identity crisis.

The healthy and natural re-assimilation of criminal deportees into El Salvador is extremely difficult, if it is ever successfully achieved. Frequently, therefore, deportees bring and implement U.S. gang culture into El Salvador. Deportation, therefore, could be said to, on one hand, prevent healthy re-assimilation and, on the other hand, to fuel the gang problem in El Salvador, a country hardly equipped to deal with the influx of deportees and the crime that follows.

The nature of deportation and the circumstances that typically surround it make re-assimilation a very arduous task. Salvadoran deportees who are returned to El Salvador are often regarded as “aliens” just as much as they were in the United States. Furthermore, it calls into question the very concept of a “native” country, while at the same time bringing into being the concept of a transnational identity. It can be argued that the United States is exporting its gang
culture into Central American countries, including El Salvador, which are wholly unprepared to and are incapable of dealing with it. Given the living situation from which Salvadoran criminal deportees are coming, in conjunction with the living situation into which they are entering, it becomes possible to say that membership in a gang seems highly desirable, if not altogether necessary.
Chapter 6: Conclusion

As evidenced by increasing levels of criminal activity, by the implementation of governmental procedures aimed at punishing gang membership, and by the need for and presence of non-governmental organizations focused on the rehabilitation of gang members, the levels of gang membership and gang violence in El Salvador have risen dramatically over the course of the last decade. This violence frequently occurs between the two rival Los Angeles-based gangs that currently operate in El Salvador, Mara Salvatrucha and the Eighteenth Street Gang. Victims of the violence, however, are not limited to members of the gangs; many innocent citizens, increasingly teachers and students, are also subjects of gang violence.

The structure of gangs in El Salvador can be better understood by watching the PBS documentary *18 With a Bullet*, which illuminates the hierarchy that exists within gangs, the process of initiation into gangs, the activity of gang members, the punishments inflicted on gang members, the perspectives of individual gang members, and the imprisonment of arrested gang members. Given the high number of members in a particular gang and the great distance at which some of these members live from the capital city, there is a surprising level of organization and hierarchical structure present within Salvadoran gangs. The processes of initiation into gangs and of punishment for wrongdoing both involve corporal beatings. Imprisonment, although a chief fear of most gang members, does not put an end to, but only places limitations on, the criminal activity of arrested gang members. Many young gang members cite lack of familial support and hopelessness in the face of their futures as reasons for joining a gang and participating in the gang’s criminal activity.

A variety of theories, and oftentimes a combination of said theories, is used to explain the rise of gang violence in El Salvador. One theory states that the current rise of gang violence,
specifically among Salvadoran youth, is attributable to the Salvadoran Civil war, at the end of which there were many leftover weapons. Broader theories look to the weak economic and political infrastructures of El Salvador to explain the rise of gang membership and violence. These theories, unlike that which cites United States deportation legislation as a principle cause of the rise of gang violence in El Salvador, focus the blame on El Salvador rather than the U.S. In doing so, the theories neglect to account for the close ties and similarities between U.S. gangs and Salvadoran gangs, including the fact that the latter most likely sprung out of the former in more recent years.

The United States Congress has enacted numerous pieces of immigration and deportation legislation, the most significant of which to this discussion is the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), which was passed a little over a decade ago in 1996. By not only limiting the number and type of public services for which immigrants are eligible, but also by increasing the number and type of crimes that are considered aggravated felonies and by accelerating the deportation process, the law caused an increasing number of Salvadoran immigrants, many of whom are criminals, to be deported from the United States to El Salvador during the past decade.

The re-assimilation process for Salvadoran immigrants who are deported from the United States is made complicated by, and arguably prevented by, a variety of factors. These factors include, but are not limited to, a lack of familiarity with the culture and language of their native country, stigmatization based on their criminal status, a lack of employment opportunities, and an inadequate network of familial support. In an effort to cope with these debilitating factors, many Salvadoran deportees turn to gang life, finding its accompanying family-like structure and discipline both comforting and fulfilling. The nature of the re-assimilation process for
Salvadoran deportees makes it possible to argue that United States deportation legislation is in part to blame for the rise of gang violence in El Salvador.

Of course, the discussion of the structure of Salvadoran gangs that is presented here is incomplete. It is, after all, based largely on a single documentary and not on first-hand accounts or interviews with gang members. Likewise is the discussion of the re-assimilation of Salvadoran deportees incomplete. There is much more that could be said about the experiences of Salvadoran immigrants upon being returned to their native country, including stories of deportees who do not elect to join gangs, even if these deportees do represent a minority. In no way, however, do these and other gaps in the method of research undermine the essential argument—that deportation is a contributing factor to the current rise of gang violence in El Salvador. Even in the absence of first-hand interviews and in the recognition that not every Salvadoran deportee becomes a member of a gang, it is fair to say that deportation complicates a healthy re-assimilation into the native country to the degree that gang membership is an appealing option.

As was discussed in the Introduction, efforts have been made on the part of the Salvadoran government and on the part of Salvadoran non-governmental organizations to handle the problems of increasing levels of gang membership and rising levels of gang violence in El Salvador. Theses efforts reflect the reality that, regardless of who or what is responsible for the gang crisis plaguing El Salvador, the problem is primarily a Salvadoran one, to the extent that it negatively affects the safety and well-being of Salvadoran citizens and jeopardizes the economic and political stability of the country. Unfortunately, neither the governmental nor non-governmental efforts have been overly effective or efficient in reducing gang membership and gang violence. It is much more likely that a “solution” to El Salvador’s gang problem would
require structural changes in not only the social and political spheres, but in the economic one as well.

Ultimately, however, the United States is just as responsible, if not more responsible, for the gang situation in El Salvador and its chances of being remedied than is El Salvador. Even if one persists in the theory that El Salvador’s gang crisis is a product of the country’s decade-long civil war, the United States is not absolved from guilt. The United States did, after all, contribute significantly, if not with men then with finances ($4 billion dollars in military aid) and training, to the Salvadoran government during the civil war in the 1980s.85

If one accepts the theory that El Salvador’s rising gang problem stems from the country’s economic instability, then the United States is still not absolved from guilt. Free trade agreements, such as CAFTA (Central American Free Trade Agreement), which mirrors NAFTA (North American Free Trade Agreement), result in a widening gap between El Salvador’s rich and poor. The resultant levels of unemployment and poverty contribute to many Salvadorans’ decisions to immigrate to the United States in the first place. It is in the United States that many Salvadorans seek work unavailable in their native country and a means of supporting their families’ basic and educational needs.

While it is likely that the aftermath of the Salvadoran civil war and the economic instability of the country indirectly fuel El Salvador’s rising gang problem, it is United States’ deportation legislation and policies that fuel it most directly. The United States is, quite literally, exporting its gang members, gang violence, and gang culture to El Salvador, a country far from equipped to deal adequately with such a huge dilemma. The United States is especially culpable when it deports criminal Salvadoran immigrants who have the status of permanent resident, thus making them legal inhabitants of the U.S. What may constitute a crisis for the U.S. only in select

85 DeCesare, op. cit., p. 24.
cities has proved far more widespread and devastating for El Salvador, further jeopardizing the economic stability of Salvadorans and greatly endangering their physical, personal, and social well-being as well. As writes Gabrielle Banks, a writer based in San Francisco, California, “it is no longer possible for the United States to absolve itself of guilt for the culture of violence it exports.”86

86 Banks, op. cit., p. 28.