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## How Legalizing Marijuana Is Securing the Border

The Border Wall, Drug Smuggling, and Lessons for Immigration Policy

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### EXECUTIVE SUMMARY

President Trump has repeatedly cited drug smuggling to justify a border wall. Because it is difficult to conceal, marijuana is the main drug transported between ports of entry where a border wall would matter. However, Border Patrol seizure figures demonstrate that marijuana flows have fallen continuously since 2014, when states began to legalize marijuana. After decades of no progress in reducing marijuana smuggling, the average Border Patrol agent between ports of entry confiscated 78 percent less marijuana in fiscal year (FY) 2018 than in FY 2013.

As a result, the value of all drugs seized by the average agent has fallen by 70 percent since FY 2013. Without marijuana coming in between ports of entry, drug smuggling activity now primarily occurs at ports of entry, where a border wall would have no effect. In FY 2018, the average inspector at ports of entry made drug seizures that were three times more valuable overall than those made by Border Patrol agents between ports of entry—a radical change from 2013 when Border Patrol agents averaged more valuable seizures. This is because smugglers

bring mainly hard drugs through ports. By weight, the average port inspector seized 8 times more cocaine, 17 times more fentanyl, 23 times more methamphetamine, and 36 times more heroin than the average Border Patrol agent seized at the physical border in early 2018.

Given these trends, a border wall or more Border Patrol agents to stop drugs between ports of entry makes little sense. State marijuana legalization starting in 2014 did more to reduce marijuana smuggling than the doubling of Border Patrol agents or the construction of hundreds of miles of border fencing did from 2003 to 2009. As more states—particularly on the East Coast—legalize marijuana in 2019, these trends will only accelerate. The administration should avoid endangering this success and not prosecute state-legal sellers of marijuana. This success also provides a model for addressing illegal immigration. Just as legalization has reduced the incentives to smuggle marijuana illegally, greater legal migration opportunities undercut the incentive to enter illegally. Congress should recognize marijuana legalization's success and replicate it for immigration.

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## INTRODUCTION

Cross-border drug smuggling is a primary justification for President Trump’s calls to hire 5,000 additional Border Patrol agents and build a massive border wall. However, the evidence indicates that legalization of marijuana has more effectively controlled the illegal trafficking of marijuana than interdiction and enforcement alone. From 2003 to 2009, Border Patrol doubled its agents, constructed more than 600 miles of fencing, and introduced new surveillance technologies. Despite this, the annual rate of marijuana seizures between ports of entry by Border Patrol remained unchanged at about its average of 115 pounds per agent through FY 2013.

Following the full legalization of marijuana sales in six states beginning with Colorado and Washington in FY 2014, the rate of seizures by Border Patrol declined 78 percent, from 114 pounds per agent in FY 2013 to 25 pounds per agent in FY 2018. Total marijuana seizures by all Department of Homeland Security (DHS) agencies declined by nearly 2 million pounds from FY 2013 to FY 2017. Other drugs have not entirely substituted for this decline in marijuana. The street value of all drugs seized by the average agent between ports of entry also fell by 70 percent from FY 2013 to FY 2018.

Today, a border wall would have little effect on the most valuable drug smuggling. In FY 2018, the average inspector at ports of entry made drug seizures valued at about \$71,000, while the average Border Patrol agent made seizures valued at just \$23,000. Moreover, if the goal is to target “hard” drugs, spending resources between ports of entry would also be less effective than at ports of entry. Excluding interior checkpoints, Border Patrol agents between ports of entry accounted for just 8 percent of hard drug seizures by value in 2018.

Marijuana legalization provides a model for dealing with illegal border crossers. Legalizing immigration of lesser-skilled workers has similarly helped control human smuggling and illegal migration more effectively than immigration enforcement alone. During the last 60 years, a 10 percent increase in the number of

guest worker admissions was associated with an almost 9 percent decrease in apprehensions per agent. From 1986 to 2017, the number of guest worker admissions increased twenty-fold, while the number of apprehensions per agent declined 97 percent.

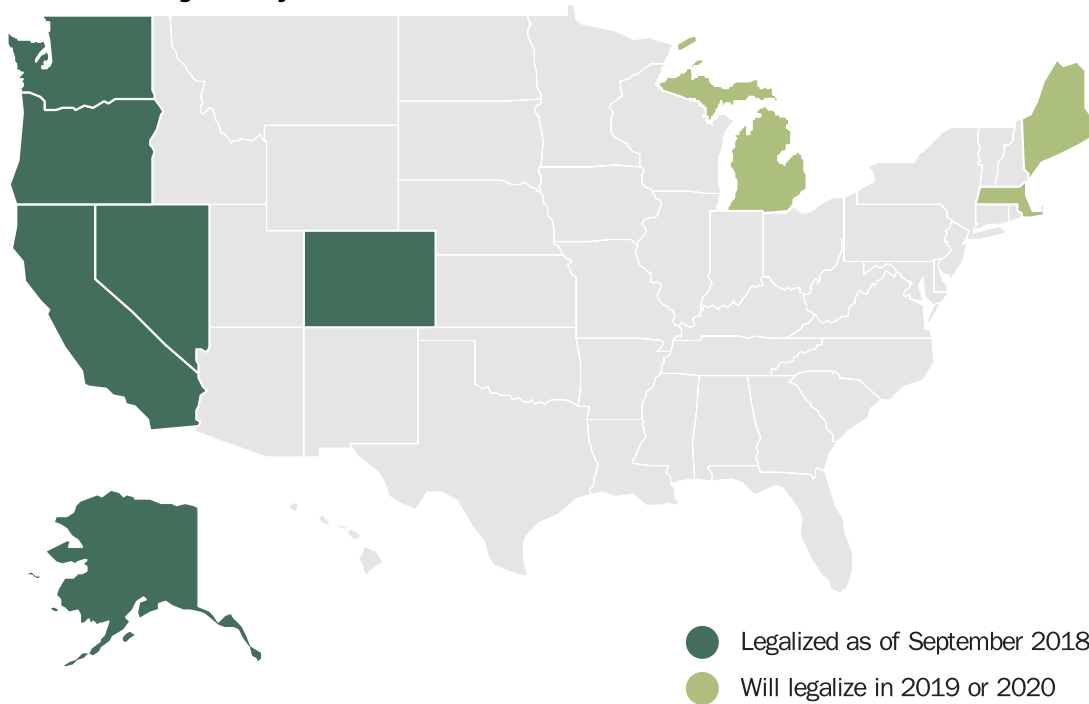
These findings call into question the efficacy and necessity of constructing physical barriers and surging additional border agents to control the flow of drugs and people *between* ports of entry. Instead, they indicate that a better approach to managing human and drug smuggling would be to hire more officers at ports of entry, increase legal channels for migration, and legalize marijuana nationwide. These alternative strategies have proved more effective than enforcement alone.

## MARIJUANA LEGALIZATION

The federal government currently prohibits the production, sale, and possession of marijuana (cannabis) by classifying it as a Schedule I drug, defined as “drugs with no currently accepted medical use and a high potential for abuse.”<sup>1</sup> Despite federal prohibition of marijuana, the United States has one of the highest use rates in the world, with nearly half of Americans reporting that they have consumed it at some point in their lives.<sup>2</sup> Almost 36 million Americans used marijuana in 2016, and the total marijuana market is valued at roughly \$56.1 billion.<sup>3</sup>

For decades, state laws complemented federal marijuana prohibition with separate state penalties. Starting in 2014, however, six states have allowed fully legalized recreational marijuana sales for adults for the first time since prohibition began in the 1930s (Figure 1).<sup>4</sup> Washington and Colorado first opened legal dispensaries in 2014. Oregon followed in July 2015, Alaska in October 2016, Nevada in July 2017, and California in January 2018. Maine and Massachusetts have also voted to legalize commercial marijuana sales, though delays in implementing regulations and issuing licenses will prevent any sales in those states until 2019. In 2018, Michigan voted to legalize

**Figure 1**  
States with legal marijuana sales



Source: National Council of State Legislatures, “Marijuana Overview,” November 13, 2018.

recreational marijuana, with the first legal sales expected in 2020.<sup>5</sup>

As of September 2018, one in six Americans lived in states with legal marijuana, and one in four lived either in or next to states with legal marijuana sales.<sup>6</sup> After legal sales open in Michigan, Massachusetts, and Maine, nearly one in four will live in states with legal sales, and almost two in three will either live in or next to those states.

While state-level legalizations do not prevent federal enforcement, the Obama administration adopted a practice—though not an official policy—of noninterference with state-legal marijuana sales.<sup>7</sup> The Trump administration has largely followed the prior practice, but former attorney general Jeff Sessions did rescind an Obama-era memorandum requiring federal district attorneys to consider state legality when determining which cases to pursue.<sup>8</sup> District attorneys in Colorado and California quickly issued statements stating that the rescission would not affect their prosecutorial practices.<sup>9</sup> While President Trump has publicly stated his opposition to cracking down on legal marijuana, former White House

press secretary Sean Spicer told reporters to expect “greater enforcement” of marijuana laws, and the White House Marijuana Policy Coordination Committee has launched a public relations campaign to undermine state legalization efforts.<sup>10</sup>

Before the wave of state-level marijuana legalizations, the United Nations Office of Drugs and Crime estimated that drug smugglers imported two-thirds of all marijuana consumed in the United States.<sup>11</sup> A 2010 study estimated that Mexican marijuana alone accounted for 40 to 67 percent of all U.S. consumption.<sup>12</sup> In 2013, the Drug Enforcement Administration (DEA) found that marijuana smuggling “has occurred at consistently high levels over the past 10 years, primarily across the US-Mexico border.”<sup>13</sup>

Legalized markets directly affect the illegal markets for marijuana. Not only is it easier to obtain domestically produced cannabis today, legal marijuana is also more uniform and of much higher quality than the illegal Mexican product.<sup>14</sup> One study for the Colorado Department of Revenue found that a “comparison of inventory tracking

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“CBP itself has hypothesized that one explanation for the decline in marijuana seizures could be that ‘legalization in the United States has reduced demand’ for Mexican marijuana.”

data and consumption estimates signals that Colorado’s preexisting illicit marijuana market for residents and visitors has been fully absorbed into the regulated market.”<sup>15</sup> Marijuana legally grown in states where it is legalized often supplies consumers in states where marijuana is still outlawed. In 2014, 44 percent of marijuana sales in Denver were to residents of other states.<sup>16</sup> The Colorado study found that “legal in-state purchases that are consumed out of state” are likely occurring.<sup>17</sup> This places further downward pressure on prices and has prompted lawsuits by prohibitionist states against Colorado.<sup>18</sup>

A prelegalization study estimated that after legalization, it would likely be more expensive to smuggle marijuana from Mexico to every state in the continental United States except Texas than to have it sent from Colorado and Washington.<sup>19</sup> This competition appears to be affecting Mexican marijuana prices. Mexican growers have reported that marijuana prices in Mexico have recently fallen between 50 and 70 percent after U.S. legalizations.<sup>20</sup> According to the DEA, *overall* domestic American production has grown because of the new state-approved marijuana markets.<sup>21</sup> Customs and Border Protection (CBP) itself has hypothesized that one explanation for the decline could be that “legalization in the United States [h]as reduced demand” for Mexican marijuana.<sup>22</sup> The fact that some cartels have taken to using drug tunnels to smuggle migrants—who are less profitable and more readily identifiable—is further evidence of the effects of legalization.<sup>23</sup>

## **EFFORTS TO COMBAT DRUG SMUGGLING**

Drug interdiction has a long history in the United States, dating back to alcohol prohibition. During the 1920s, the interdiction of bootleggers served as a principal justification for the creation of the Border Patrol. Labeling them “unscrupulous” and their traffic “nefarious,” government reports repeatedly called on Congress for more agents, money, and aircraft to interdict alcohol.<sup>24</sup> From 1926 to 1934, agents

intercepted nearly 2 million quarts of liquor.<sup>25</sup> Nonetheless, only the end of Prohibition brought about the collapse of the bootleg trade, which dropped 90 percent from 1930 to 1934 and finally disappeared entirely in 1935.

After alcohol prohibition, smuggling of other prohibited drugs has taken over as justification for increasing Border Patrol spending. Since 1951, the Border Patrol’s annual reports have highlighted its contributions to the “drive against narcotics,” particularly its seizures of Mexican marijuana.<sup>26</sup> While Mexico has also prohibited the cultivation of the plant since the 1920s, the relative lack of enforcement, the good growing climate, and the differences in economic development between that country and the United States have led Mexico to become the main supplier for its northern neighbor.<sup>27</sup> But in 1937, Congress effectively banned the sale of marijuana.<sup>28</sup>

Today, the Department of Homeland Security (DHS) has the primary responsibility for interdicting drug traffickers entering the United States. DHS divides its efforts between four agencies: the Coast Guard, which patrols the coasts of the United States; the Office of Field Operations (OFO), which inspects travelers entering legally through ports of entry; Border Patrol, which surveils the northern and southern borders; and Air and Marine Operations (AMO), which supports Border Patrol’s efforts between ports of entry with aircraft and marine vessels. OFO, Border Patrol, and AMO are all divisions of Customs and Border Protection (CBP). Together, these four agencies dedicate \$4.2 billion annually specifically to drug interdiction.<sup>29</sup>

Since 1965, Congress has invested \$64 billion to secure the border from illegal immigration as well as drug smuggling.<sup>30</sup> Some 82 percent of the spending has occurred in the last two decades alone. Border Patrol has a force of nearly 20,000 agents, a fivefold increase over the level in 1992.<sup>31</sup> AMO has an expansive fleet of 286 vessels, 246 aircraft, and 9 unmanned aerial drones designed to spot and interdict traffickers.<sup>32</sup> Since 2000, Border Patrol has constructed nearly 600 miles of

border fencing and barriers.<sup>33</sup>

In addition, CBP has nearly 1,500 canine teams used to detect drugs.<sup>34</sup> The agency has deployed an extensive system of surveillance equipment between ports of entry, including drones and towers, and adopted new scanners and other technology at ports of entry.<sup>35</sup> Despite these purchases, the DHS inspector general concluded in 2016 that the department “could not ensure its drug interdiction efforts met required national drug control outcomes nor accurately assess the impact of the approximately \$4.2 billion it spends annually on drug control activities.”<sup>36</sup> Similarly, none of its spending had any noticeable effect on the amount of drug smuggling prior to the legalization of marijuana in several states in 2014.

The White House has proposed several additional measures to deter drug smuggling along the border. These measures include a southwestern border wall with Mexico, which carries an estimated price tag of at least \$22 billion to construct.<sup>37</sup> In addition, the administration has requested that Congress fund the hiring of an additional 5,000 Border Patrol agents to patrol the southwest border.<sup>38</sup> President Trump and the White House have repeatedly connected these efforts to build a border wall with drug smuggling, in particular, the smuggling of opioids like fentanyl and heroin.<sup>39</sup>

## MEASURING DRUG FLOWS

Because illicit marijuana moves in the black market, no consistent and reliable data exist on the quantities that smugglers bring into the United States each year. The best available proxy for estimating *changes* in the flow is the amount that the government seizes at the border. This measure does not provide a reliable predictor of the absolute amount being smuggled, but it can capture trends in the flow. Although the total amount that makes it into the country is likely many times greater than the amount that the government seizes, a relationship will exist between seizures and inflows that allows an approximation of the trends up or down in total flows. In the

absence of any other changes that significantly improve or hamper the effectiveness of smuggling or enforcement, more drug smuggling will generally result in greater seizures.

The main possibility that could make seizures a poor proxy for relative flows between years is if the effectiveness of enforcement or smuggling is wildly inconsistent, resulting in a wide variance in the amounts of drugs that agents discover. For example, if most drugs seized at the border came from only a few seizures, or most drugs smuggled came from only a few attempts, the amounts could fluctuate so widely that they would be worthless in assessing changes in the level of smuggling over time.

But because the marijuana seized crossing the border is spread out over many seizures—more than 12,000 annually—chance is less of a factor in these overall trends.<sup>40</sup> Moreover, as seen in Figure 2 in the following section, the amount each agent seized was quite consistent before 2014 at an average of 115 pounds per year. Prior to legalization, the average year-over-year change from 2003 to 2013 was almost zero, compared to 25 percent declines from 2014 to 2018—greater than one standard deviation downward from the prelegalization trend each year.<sup>41</sup> Other data stretching back to the early 1990s support the conclusion that each agent has consistently seized a similar amount.<sup>42</sup> Variation in the effectiveness of enforcement or smuggling cannot explain the sudden and persistent decline in seizures over the last five years.

Another issue is that increased enforcement would likely lead to more seizures. It is possible, however, to control for the level of enforcement by focusing on the quantity seized *per agent*, rather than the aggregate amount for the entire agency (Figure 2). One difficulty with the per-agent measurement is that the effectiveness of agents could decrease with each new hire, so the result could measure just the declining utility of the marginal hire rather than a real decline in smuggling. When the agency doubled its labor force from 2003 to 2011, however, the rate of seizures per agent remained flat, while the agency slightly

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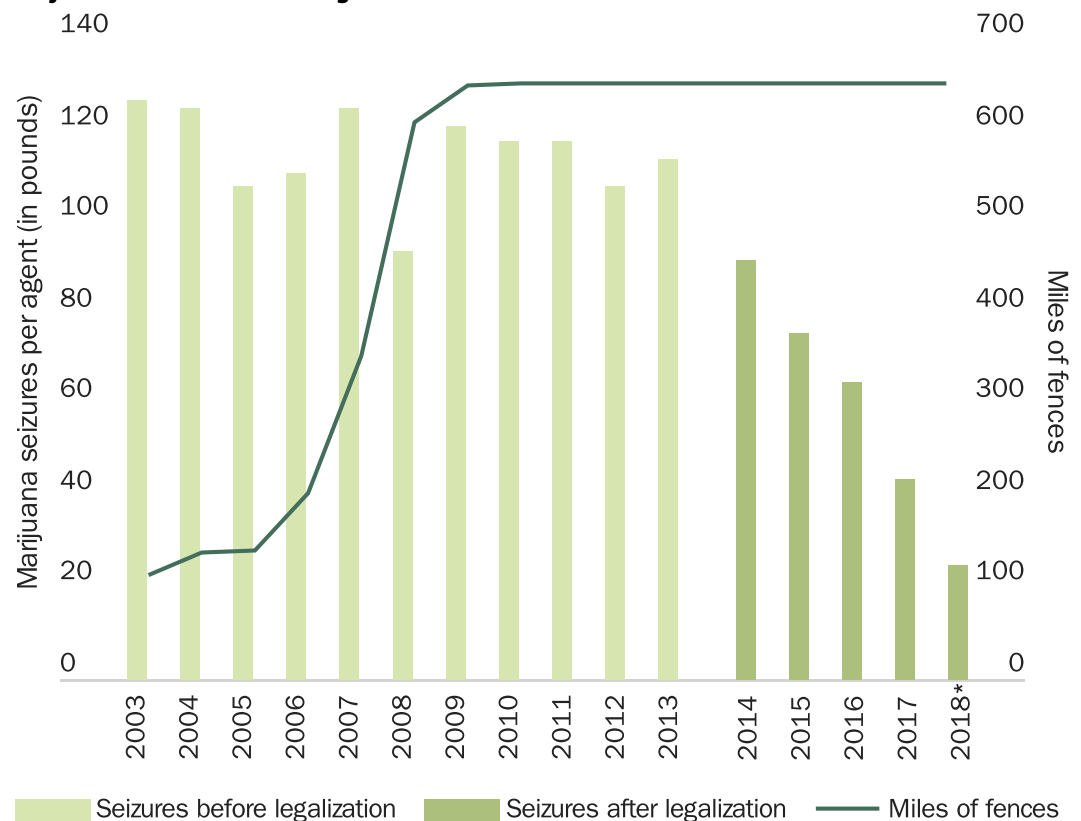
reduced the number of agents during the period of declining seizures from 2014 to 2018. These facts suggest that the decline in seizures per agent is not an effect of diminishing returns from increasing the size of the force.<sup>43</sup>

In the immigration context, researchers often use the number of apprehensions of border crossers per agent to estimate year-to-year trends in total inflows of illegal crossers of the southwest border.<sup>44</sup> The validity of this measure has recently received support from a 2017 DHS report that used survey data to estimate the number of total *successful* crossings for the 17-year period from 2000 to 2016.<sup>45</sup> Comparing these estimates to the per-agent apprehension figures during this time indicates that 86 percent of the variance in successful entries can be predicted by the number of apprehensions per agent, making apprehensions a very

strong predictor of the year-to-year trends in successful illegal crossings. Given the similarities between illegal entry of people and the illegal entry of drugs, the same is likely true for drug seizures and smuggling.

Seizures also fail to capture policy changes that could direct agents to prioritize or de-prioritize marijuana smuggling, though it is not clear how Border Patrol could, as a technical matter, target a specific illicit drug without also seizing other drugs in the process. In any case, formal policy on marijuana smuggling has not changed during the relevant period, and there has been no apparent change in informal policy priorities. Moreover, the decline in marijuana seizures has occurred across multiple agencies and administrations. These factors make informal policy priorities an unlikely explanation for the trends.

**Figure 2**  
Marijuana seizures and length of border fences, FY 2013 to FY 2018



\*Projected based on the first eleven months of the fiscal year.

Sources: U.S. Department of Homeland Security Office of Inspector General, “Independent Review of the U.S. Customs and Border Protection’s Reporting of Drug Control Performance Summary Reports,” 2008, 2011; Customs and Border Protection, “Sector Profiles,” 2012–2017; Customs and Border Protection, “Enforcement Statistics FY 2018,” August 31, 2018; Carla Argueta, “Border Security,” Congressional Research Service, April 19, 2016.

## LESS MARIJUANA SMUGGLING

State-level marijuana legalization has undercut demand for illegal Mexican marijuana, which in turn has decreased the amount of drug smuggling into the United States across the southwest border. Because it is so much more difficult to conceal than other drugs, marijuana prior to legalization was, according to the DEA, “predominately smuggled between, instead of through, the ports of entry.”<sup>46</sup> For this reason, the most important agency for marijuana interdiction is the Border Patrol, which patrols the areas between ports of entry.

Figure 2 reports the number of pounds of marijuana seized annually per Border Patrol agent and compares these figures to the total length of the border fences in a year. From FY 2003 to FY 2009, Border Patrol doubled its workforce and constructed hundreds of miles of fences, yet this increased enforcement did not reduce marijuana smuggling.<sup>47</sup> Each agent annually seized virtually the same quantity of marijuana through 2013, indicating roughly the same overall inflow of the illegal substance.<sup>48</sup> From 2013 to 2018, however, the amount of marijuana each Border Patrol agent seized declined by 78 percent.

Even within FY 2018, the first three months of the fiscal year—before California legalized sales in January—were 29 percent above the next eight months.<sup>49</sup> Marijuana smuggling has also not shifted toward entering through ports of entry. The total quantity of marijuana seized by the OFO, the agency that handles

admissions at ports of entry, has dropped by 34 percent from 2013 to 2018 (Table 1).<sup>50</sup> Seizures have decreased over water and airborne smuggling routes. While numbers for FY 2018 are not available yet, Air and Marine Operations interdicted 42 percent fewer pounds of marijuana in 2017 than in 2013.<sup>51</sup> Likewise, the Coast Guard has seen a 65 percent decline in marijuana seizures during that period.<sup>52</sup> Overall, all DHS agencies seized 56 percent less marijuana in 2017 than 2013.

Full legalization of marijuana in several states dramatically increased the amount of marijuana sales that occur legally in the United States. A relatively small amount of legal marijuana sales had occurred prior to 2014 under the auspices of legal medicinal use, and in 2013 and 2014, four states—Massachusetts, New Hampshire, Illinois, and Maryland—legalized medical marijuana. But these states account for just 4 percent of medical marijuana users nationwide, so it is unlikely that they changed the trends substantially.<sup>53</sup> Full legalization increased the amount of legal sales from about \$1.5 billion to \$9.7 billion from 2013 to 2017.<sup>54</sup> This increase coincided with a 66 percent drop in the street value of all DHS marijuana seizures—a decline from \$2.3 billion in 2013 to \$765 million in 2017 (Figure 3).<sup>55</sup>

The street values of a pound of marijuana estimated by CBP also highlight the increased availability of domestic marijuana. From 2012 to 2017, the average street value of a pound of marijuana seized by CBP declined by 40

“Hundreds of miles of fences did not reduce marijuana smuggling.”

**Table 1**  
Department of Homeland Security marijuana seizures (in pounds), FY 2013 to FY 2018

	2013	2014	2015	2016	2017	2018
Border Patrol	2,430,123	1,922,545	1,538,307	1,294,052	861,231	479,488**
Air and Marine	665,000*	996,431*	719,550	654,891	384,230	N/A
Office of Field Operations	469,995	437,950	602,795	515,382	361,564	308,819**
Coast Guard	81,571	108,108	77,161	48,502	28,219	N/A
DHS total	3,646,689	3,465,034	2,937,813	2,512,827	1,612,356	N/A

\*Approximation based on figures for all drug seizures.

\*\*Projected based on the first 11 months of the fiscal year.

Sources: U.S. Department of State, “Narcotics Control Reports,” 2014–2018; Customs and Border Protection, “Enforcement Statistics FY 2018,” August 31, 2018; Air and Marine Operations, Reports and Testimony, 2013; 2014; 2015; 2016; 2017.

“Drug cartels have responded to their declining share of the marijuana market by smuggling other drugs but have failed to make up for the decline in marijuana smuggling.”

percent, dropping from \$794 per pound in 2012 to just \$474 per pound in 2017.<sup>56</sup> Legal marijuana is competing with the drug cartels and lowering prices, which undercuts the financial incentive to smuggle across the border.

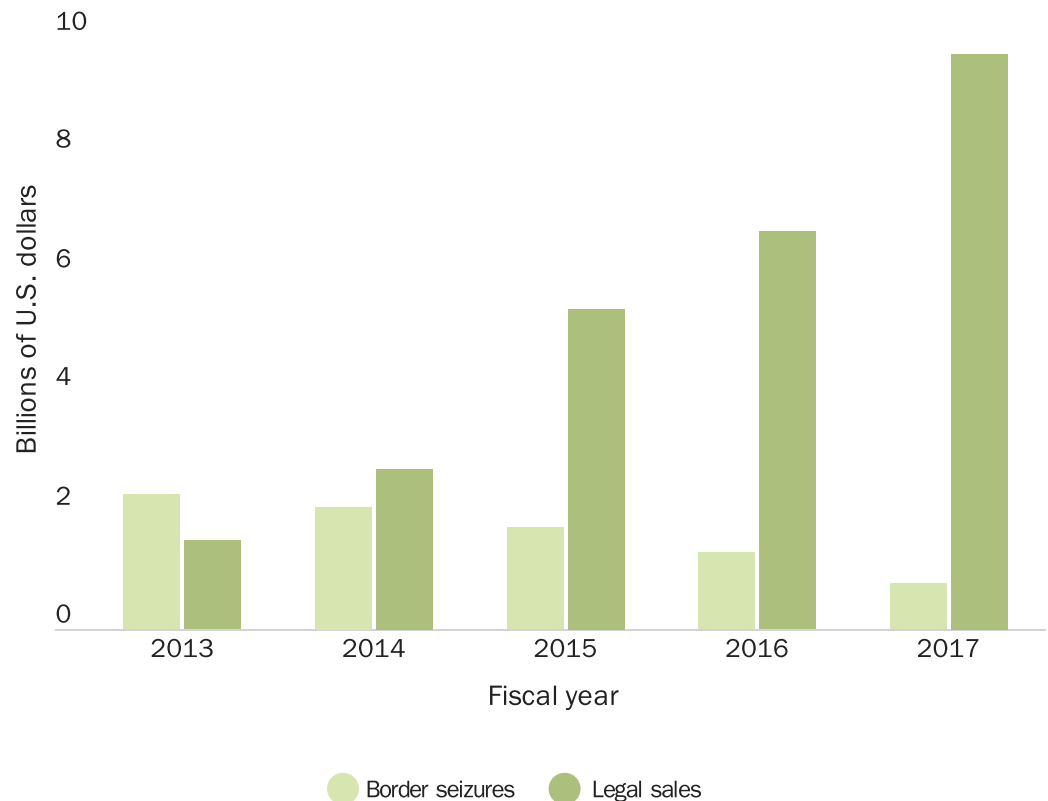
### OTHER DRUG SMUGGLING

Mexican drug cartels have responded to their declining share of the marijuana market by smuggling other drugs through ports of entry but have failed to make up for the decline in marijuana smuggling. Most drugs other than marijuana are smuggled through ports of entry because traffickers can more easily conceal them. For this reason, Figure 4 presents seizures both between and at ports of entry.<sup>57</sup> In FY 2013, marijuana accounted for 98 percent of all border and customs drug seizures—both between and at ports of entry—by weight. By

FY 2018, that percentage had declined to 84 percent.<sup>58</sup> While non-marijuana drug seizures have increased—indicating that cartels may attempt to compensate by switching drug type—the decline in marijuana seizures has resulted in a 68 percent overall decline in pounds seized per agent of all drugs since FY 2013.

Marijuana may still dominate by weight, but other drugs—methamphetamine (meth), heroin, cocaine, and fentanyl—are much more valuable per pound. Estimating the value of drug seizures is difficult because drug prices vary widely throughout the United States and no government agency consistently estimates a national average. Moreover, CBP does not report the purity of the drugs it seizes, making it impossible to use outside estimates to value its seizures. However, while the agency does not report the collective value of all the drugs it seizes, it does regularly issue press releases

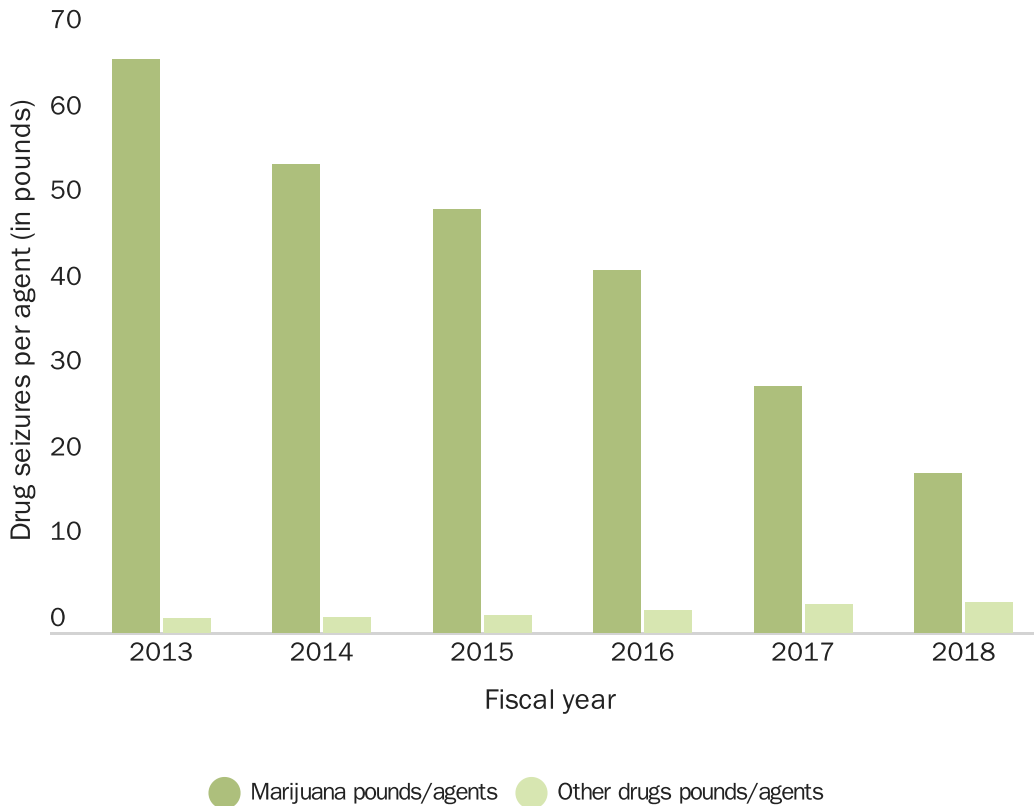
**Figure 3**  
Legal marijuana sales and street value of all DHS marijuana seizures, FY 2013 to FY 2017



Sources: Arcview Market Research, “The State of Legal Marijuana Markets,” 1st–6th editions; author’s calculations based on drug valuations and amounts from Customs and Border Protection, “Local Media Releases,” 2013–2018; U.S. Department of State, “Narcotics Control Reports”; Customs and Border Protection, “Enforcement Statistics FY 2018,” August 31, 2018; Air and Marine Operations, Reports and Testimony, 2013; 2014; 2015; 2016; 2017.



**Figure 4**  
Drug seizures per agent at and between ports of entry, FY 2013 to FY 2018



\*Projected based on the first eleven months of the fiscal year.

Source: Customs and Border Protection, "Enforcement Statistics FY 2018," August 31, 2018; Border Patrol, "Staffing Statistics," December 12, 2017; Fedscope, "Employment Cubes," 2013–2018.

that value individual seizures based on "the latest DEA statistics."<sup>59</sup> Aggregating this information provides the best estimate of how the agency values drug seizures.<sup>60</sup>

CBP reports the "street value" of a drug.<sup>61</sup> Street prices inflate the *absolute* values of drug seizures because drugs obtain those values only after crossing the U.S. border and arriving at their destinations.<sup>62</sup> However, the *relative* values between the different drugs and between different years are still useful for the purpose of comparison.<sup>63</sup> The tables in the Appendix contain the valuations, seizure amounts, and number of agents and officers at ports of entry and between ports of entry.

Figure 5 presents the street value of drug seizures made by both Border Patrol agents between ports of entry and by CBP officers at ports of entry, again showing the average amount seized per agent. By value, marijuana has fallen from about 57 percent of seizures to

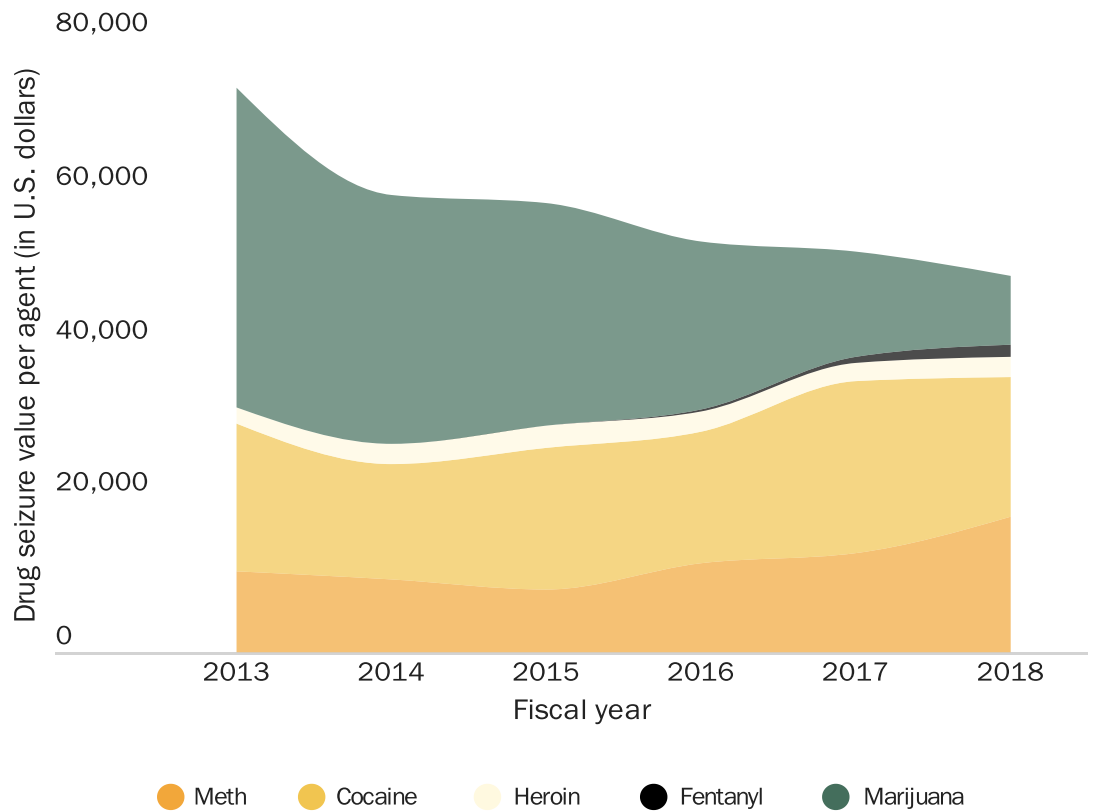
just 18 percent from FY 2013 to FY 2018. The absolute value of marijuana seizures at and between ports of entry has declined 79 percent from \$1.8 billion in FY 2013 to be on pace for just \$380 million in FY 2018. Overall, the total value of all drug seizures per agent (or officer) has declined by 34 percent from FY 2013 to FY 2018. Marijuana legalization appears to have cut *overall* drug smuggling.

All the decline in the value of drug seizures occurred *between* ports of entry. The value of all drug seizures between ports of entry fell by 70 percent on a per-agent basis from FY 2013 to FY 2018, while those at ports of entry increased by just 3 percent (Figure 6). In 2018, the drugs seized by OFO officers at ports of entry were three times more valuable than those seized by Border Patrol between ports of entry, while Border Patrol agents seized more valuable drugs in 2013. In 2018, the average inspector at a port of entry seized drugs

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**Figure 5**  
Value of drug seizures per agent at and between ports of entry by drug type, FY 2013 to FY 2018\*



\*Projected based on the first 11 months of the fiscal year.

Source: Author's calculations based on drug valuations and amounts from Customs and Border Protection, "Local Media Releases," 2013–2018; Customs and Border Protection, "Enforcement Statistics FY 2018," August 31, 2018; Border Patrol, "Staffing Statistics," December 12, 2017; Fedscope, "Employment Cubes," 2013–2018.

valued at almost \$71,000 compared to about \$23,000 for Border Patrol agents between ports of entry. This fact significantly undermines the argument for more Border Patrol agents or a wall to interdict drug smuggling *between* ports of entry.

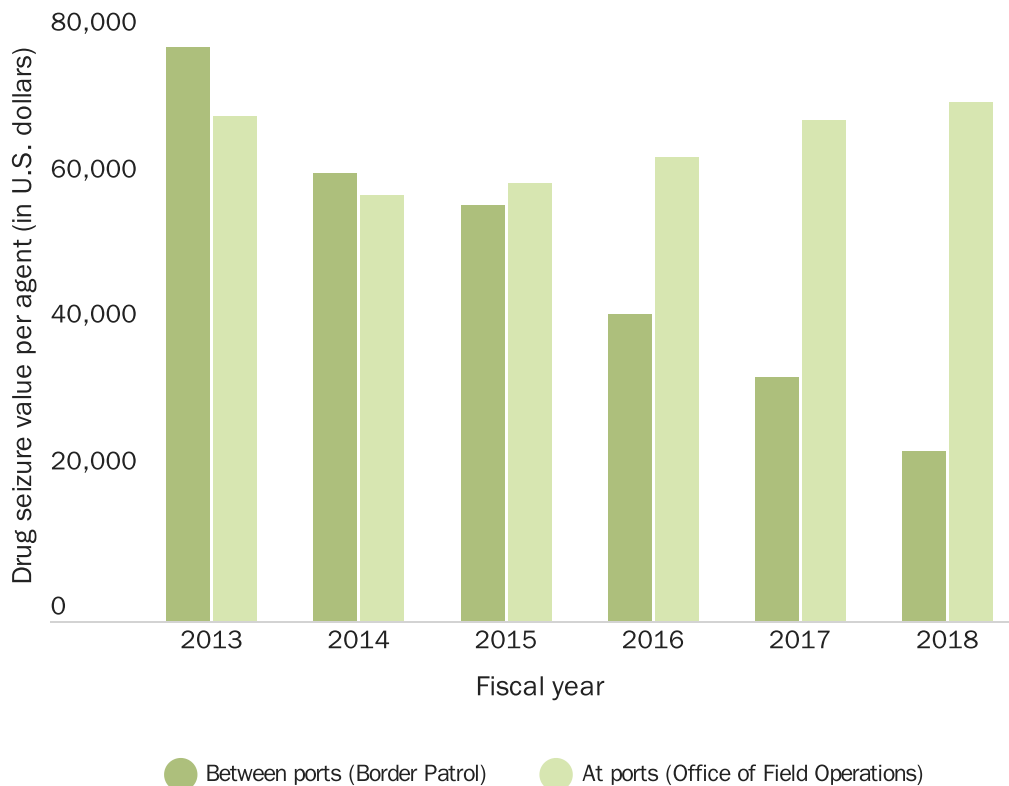
Given the focus of the political debate, it is important to note that drugs other than marijuana are almost entirely seized at ports of entry (Table 2). By value, CBP seized 87 percent of all hard drugs at ports of entry, not between ports of entry, in 2018. Stated another way, the hard drugs seized at ports of entry were seven times more valuable than those seized between ports of entry.

This fact becomes even more pronounced when considering that about half of all Border Patrol seizures of hard drugs in 2018 came at checkpoints in the interior of the United

States.<sup>64</sup> Drugs seized at checkpoints are already moving within the United States, primarily on major highways, where a border wall could do nothing. About two-thirds of Border Patrol seizures of heroin and meth and one-third of its seizures of fentanyl and cocaine came at checkpoints from April to August 2018—the only months that the agency has published data on checkpoint seizures. Separating out these seizures reveals that hard drugs seized at ports of entry were 11 times more valuable than those seized between ports of entry or those seized at interior checkpoints from April to August 2018—just 7 percent of the value of the non-marijuana seizures by OFO and Border Patrol occurred between ports of entry (Figure 7).

During this time, each OFO officer seized at ports of entry slightly more pounds of

**Figure 6**  
Value of drug seizures per agent by location of seizure, FY 2013 to 2018\*



\*Projected based on the first 11 months of the fiscal year.

Source: Author's calculations based on drug valuations and amounts from Customs and Border Protection, "Local Media Releases," 2013–2018; Customs and Border Protection, "Enforcement Statistics FY 2018," August 31, 2018; Border Patrol, "Staffing Statistics," December 12, 2017; Fedscope, "Employment Cubes," 2013–2018.

marijuana, while confiscating 8 times more pounds of cocaine, 17 times more of fentanyl, 23 times more of methamphetamine, and 36 times more of heroin than each Border Patrol agent seized at the physical border—that is, at noncheckpoint locations between ports of entry (Table 3).<sup>65</sup> In light of these facts, a surge of agents, technology, and infrastructure between ports of entry does not make sense as a strategy to control the flow of hard drugs into the United States.<sup>66</sup>

## LESSONS FOR IMMIGRATION POLICY

Since the imposition of strict numerical limits on legal immigration in the 1920s, federal efforts to prevent illegal immigration have been largely unsuccessful in limiting the illegal entry and residence of large numbers of immigrants, except when combined with large increases in lawful migration or a collapse in American demand for foreign workers, such as during the Great Depression. Today, Congress spends

**Table 2**  
Value of non-marijuana drug seizures by location of seizure (in millions of U.S. dollars)

	2013	2014	2015	2016	2017	2018*
At ports (Office of Field Operations)	\$1,211.5	\$1,033.5	\$1,017.8	\$1,183.2	\$1,392.8	\$1,473.8
Between ports (Border Patrol)	\$167.8	\$137.2	\$256.6	\$170.4	\$241.2	\$216.1
Total	\$1,379.3	\$1,170.7	\$1,274.4	\$1,353.6	\$1,634.0	\$1,694.3
Share at ports	87.8%	88.3%	79.9%	87.4%	85.2%	87.2%

\*Projected based on the first 11 months of the fiscal year.

Source: Author's calculations based on drug valuations and amounts from Customs and Border Protection, "Local Media Releases," 2013–2018; Customs and Border Protection, "Enforcement Statistics FY 2018," August 31, 2018.

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“Making it easier for immigrant workers to live and work legally in the United States has reduced the incentive of would-be illegal immigrants to cross the border.”

more money on the agencies responsible for federal enforcement of immigration laws than on all other federal law enforcement agencies combined—about \$187 billion from 1986 to 2013.<sup>67</sup> Since 2003, the federal government has deported about 1.7 million immigrants from the interior of the country and apprehended another 10 million at the borders.<sup>68</sup>

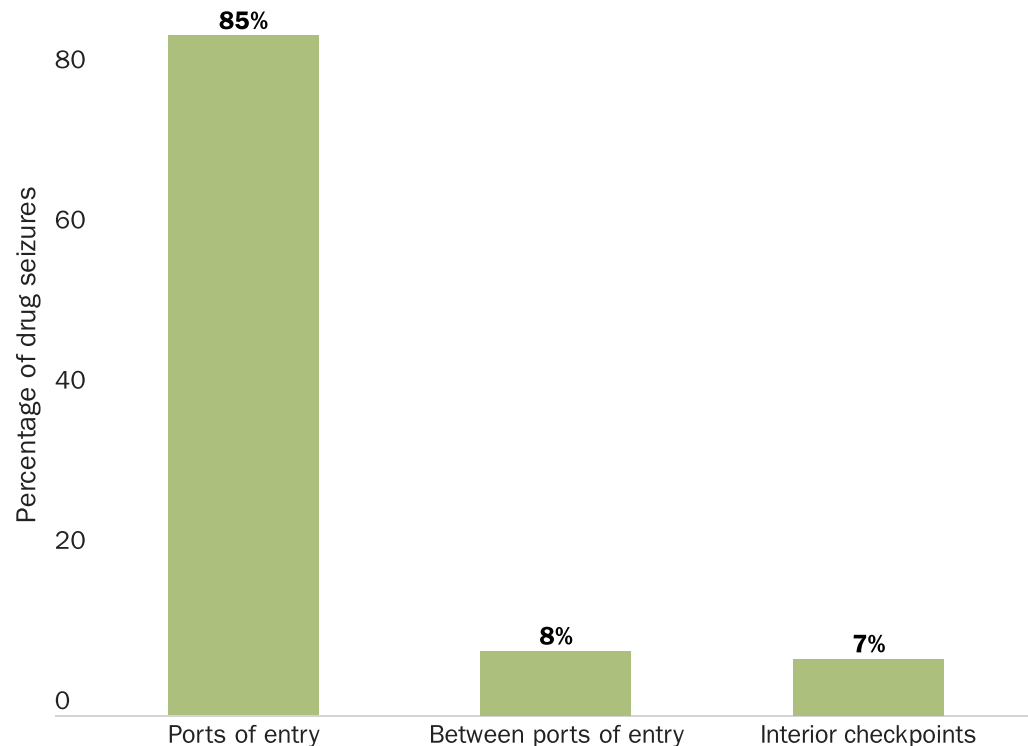
Just as legalization of marijuana has helped secure the border against illicit entry of marijuana, making it easier for immigrant workers to live and work legally in the United States has reduced the incentive of would-be illegal immigrants to cross the border. Over the last 70 years, the number of work visas is negatively correlated with illegal entries along the border.<sup>69</sup> In other words, more work visas mean fewer illegal entries. The best available indicator of illegal entries is the number of apprehended border crossers. All else being equal, the more people who attempt to cross, the more people

who are apprehended. Of course, increases in the number of agents could result in more apprehensions—just as more agents lead to more drug seizures—but as in the drug context, it is possible to control for the effect of increased enforcement by focusing on the number of apprehensions that the average agent makes.

Figure 8 presents the number of entries by lesser-skilled guest workers from 1949 to 2018 compared to the number of apprehensions per Border Patrol agent.<sup>70</sup> The number of apprehensions spiked in the 1950s, but Congress responded by ramping up the number of admissions under the Bracero guest worker program, and illegal immigration almost disappeared. Unfortunately, Congress terminated the program in 1965, and the number of apprehensions per agent rose to a high of 528 in 1986. Starting in the mid-1990s, more guest workers began to enter under the H-2A and H-2B temporary worker programs, shooting

**Figure 7**

**Percentage of total value of non-marijuana drug seizures by location, April to August 2018**



Source: Author’s calculations based on drug valuations and amounts from Customs and Border Protection, “Local Media Releases,” 2013–2018; Customs and Border Protection, “Enforcement Statistics FY 2018,” August 31, 2018; Customs and Border Protection, “U.S. Border Patrol Nationwide Checkpoint Drug Seizures in Pounds,” October 12, 2018.

**Table 3**  
**Drug seizures by location of seizure (pounds per agent), April to August 2018**

Drug type	Between ports of entry	Interior checkpoints	Ports of entry
Cocaine	0.102	0.632	0.854
Heroin	0.004	0.104	0.132
Marijuana	5.551	9.08	6.338
Methamphetamine	0.084	1.882	1.932
Fentanyl	0.002	0.009	0.03

Source: Author's calculations based on Customs and Border Protection, "Enforcement Statistics FY 2018," August 31, 2018; Customs and Border Protection, "U.S. Border Patrol Nationwide Checkpoint Drug Seizures in Pounds," October 12, 2018; Border Patrol, "Staffing Statistics," December 12, 2017; Fedscope, "Employment Cubes," 2013–2018.

up dramatically in the mid-2000s, while the number of apprehensions per agent collapsed.

Since 1949, apprehensions per Border Patrol agent were two-thirds lower in years with greater than 200,000 lesser-skilled guest worker admissions when compared with years with less than 200,000 admissions. During the same period, a 10 percent increase in guest workers was associated with an 8.8 percent decrease in apprehensions per agent. In recent years, the number of guest worker admissions increased twentyfold, from 26,014 in 1986 to 536,634 in 2017, while the average agent in 2017 apprehended 97 percent fewer people than in 1986.

Congress is already reducing illegal immigration by issuing more temporary work visas, thus reducing the incentive to cross illegally. Nonetheless, roughly 190,000 people still made it across the border illegally in 2015.<sup>71</sup> Congress could address this flow by repealing visa regulations that limit lesser-skilled workers to seasonal jobs and exclude them from year-round or permanent positions. In addition, the government issues only 5,000 permanent residency visas for employment in lesser-skilled occupations. Lifting this quota and creating a work visa for year-round positions would help secure the border.

Today, in addition to people entering mainly for the purpose of employment, the Border Patrol also stops many asylum seekers who have left their home countries, primarily in Central America, as a result of political instability and the world's highest rates of homicide.<sup>72</sup> Among these, there are also large numbers of individuals apprehended by

Border Patrol who are trying to reunite with their families in the United States.<sup>73</sup> While marijuana flows lack these noneconomic drivers, wage differences are still the best predictor of where asylum seekers ultimately end up.<sup>74</sup> This helps explain the consistency in the pattern of low levels of apprehensions during periods of high work-visa issuances.

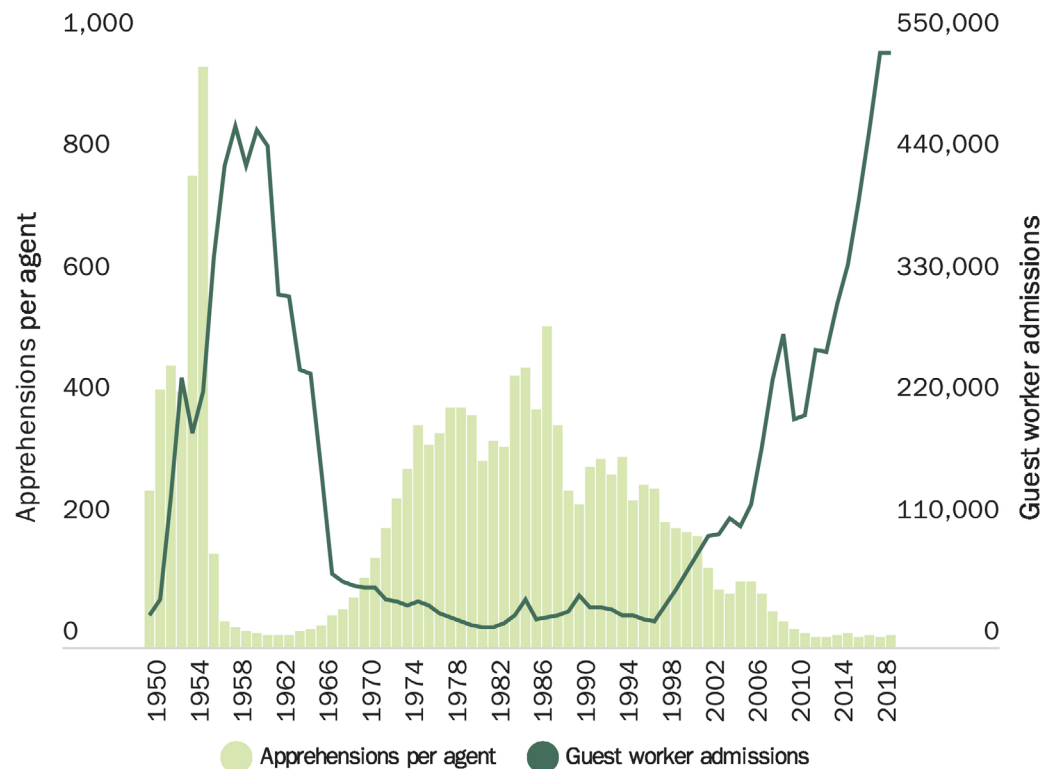
Of course, the United States is already home to more than 11 million illegal immigrants, most of whom entered before the increase in guest worker admissions in the mid-2000s.<sup>75</sup> These workers have built their lives here, and while most probably would have availed themselves of a more permissive temporary worker program had it existed, a temporary worker program is no longer likely to result in a mass exodus. Rather, the United States should do with illegal immigrants what many states have done with illegal marijuana: legalize them—that is, provide an opportunity for them to obtain permanent residency.

Current law not only offers just 5,000 green cards to lower-skilled workers but also bans anyone who crossed the border illegally from applying for a green card, including family-sponsored ones.<sup>76</sup> This prevents many illegal immigrants married to U.S. citizens, who would normally be entitled to permanent residency, from legalizing. Even if they return to their home countries, current law requires them to wait a decade before applying to be reunited with their American spouses—an unrealistic option. The only viable solution is a legalization program that allows them to get right with the law. Paired with more work visas, such a program could dramatically reduce

“Congress is already reducing illegal immigration by issuing more temporary work visas, thus reducing the incentive to cross illegally.”

“The United States should do with illegal immigrants what many states have done with illegal marijuana: legalize them—that is, provide them permanent residency.”

**Figure 8**  
Lesser-skilled guest worker admissions and apprehensions per Border Patrol agent\*



\*“Lesser-skilled” refers to Bracero admissions and H-2A and H-2B admissions; 2018 admissions estimated based on 2017. Sources: U.S. Citizenship and Immigration Services, “General Collection,” 1949–1995; U.S. Department of Homeland Security, “Yearbook of Immigration Statistics,” 1996–2017; Immigration and Naturalization Service, “History: Border Patrol,” 1985; TRAC Immigration, “Border Patrol Agents,” 2006; Border Patrol, “Staffing Statistics,” December 12, 2017.

illegal residence and allow for a regulated legal form of entry and residence.

In 1924, when Congress slashed legal immigration by roughly 80 percent, the Border Patrol immediately made the connection between the effects of alcohol prohibition and the effects of the legal immigration restrictions, labeling illegal immigration “bootlegging in aliens.”<sup>77</sup> In 1926, the commissioner of the Bureau of Immigration wrote to the secretary of labor that “as a consequence of more recent numerical limitation of immigration, the bootlegging of aliens . . . has grown to be an industry second in importance only to the bootlegging of liquor.”<sup>78</sup> In other words, the government immediately recognized itself as the cause of both illegal immigration and alcohol smuggling. Alcohol legalization eliminated one of the trades, but the other has still not subsided. Marijuana legalization provides yet another model for how to address the illicit cross-border flow.

## CONCLUSION

State-level marijuana legalization has significantly undercut marijuana smuggling. Based on Border Patrol seizures, smuggling has fallen 78 percent over just a five-year period. Because marijuana was the primary drug smuggled between ports of entry, where Border Patrol surveils, the value of the agency’s seizures overall—on a per-agent basis—has declined 70 percent. Now, smugglers seek to bring the most valuable drugs into the country through ports of entry rather than smuggling through the deserts of Arizona and New Mexico or across the Rio Grande. The average officer at ports of entry seized drugs valued at three times the amount of the average Border Patrol agent between ports of entry. A border wall or more Border Patrol agents would do nothing to stop most drug trafficking.

Marijuana legalization also provides a

model for addressing illegal immigration. The legalization of marijuana eliminated the incentive to smuggle it across the border. In the same way, the legalization of migration and employment by foreign workers in the United States would eliminate the incentive

to cross, live, and work illegally. The state-level legalization of marijuana has had a major effect on cross-border smuggling, implying that even modest reforms to legal immigration could have strong effects on illegal border crossers.

## APPENDIX: DRUG SEIZURE AMOUNTS AND VALUES

**Table A.1**  
Office of Field Operations and Border Patrol drug seizures at and between ports of entry

		2013	2014	2015	2016	2017	2018*
	All CBP agents	43,154	43,054	43,127	42,637	42,246	42,247
Cocaine	Lbs	43,771	45,866	49,365	58,276	71,677	59,311
	Lbs/agent	1	1.1	1.1	1.4	1.7	1.4
	Value/lbs	\$19,015	\$14,329	\$16,193	\$12,690	\$13,177	\$13,177
	Total value	\$832,302,260	\$657,192,733	\$799,385,097	\$739,513,602	\$944,456,283	\$770,733,882
	Value/agent	\$19,287	\$15,264	\$18,536	\$17,344	\$22,356	\$18,244
	Lbs	4,566	4,920	6,048	4,789	4,878	5,831
Heroin	Lbs/agent	0.1	0.1	0.1	0.1	0.1	0.1
	Value/lbs	\$20,985	\$22,268	\$19,672	\$22,963	\$20,868	\$20,868
	Total value	\$95,816,070	\$109,559,543	\$118,975,888	\$109,969,848	\$101,796,027	\$114,191,853
	Value/agent	\$2,220	\$2,545	\$2,759	\$2,579	\$2,410	\$2,703
	Lbs	2,900,118	2,360,495	2,141,102	1,809,434	1,222,795	788,307
	Lbs/agent	67.2	54.8	49.6	42.4	28.9	18.7
Marijuana	Value/lbs	\$622	\$594	\$584	\$513	\$474	\$474
	Total value	\$1,804,391,832	\$1,402,600,343	\$1,249,600,652	\$927,599,892	\$579,973,876	\$380,253,828
	Value/agent	\$41,813	\$32,578	\$28,975	\$21,756	\$13,728	\$9,001
	Lbs	24,319	27,164	35,444	45,928	60,897	84,735
	Lbs/agent	0.6	0.6	0.8	1.1	1.4	2
	Meth	Value/lbs	\$18,555	\$14,871	\$10,046	\$10,700	\$8,999
Total value		\$451,231,476	\$403,967,866	\$356,077,577	\$491,430,706	\$548,005,790	\$747,635,507
Value/agent		\$10,456	\$9,383	\$8,256	\$11,526	\$12,972	\$17,697
Lbs		0	0	0	440	1,377	1,991
Lbs/agent		0	0	0	0	0	0
Fentanyl		Value/lbs	\$0	\$0	\$0	\$28,835	\$28,835
	Total value	\$0	\$0	\$0	\$12,687,324	\$39,705,558	\$57,398,084
	Value/agent	\$0	\$0	\$0	\$298	\$940	\$1,359
	Lbs	72,656	77,950	90,857	109,433	138,829	151,867
	Lbs/agent	1.7	1.8	2.1	2.6	3.3	3.6
	Non-marijuana	Value/lbs	\$18,984.66	\$15,018.86	\$14,026.86	\$12,369.23	\$11,769.61
Total value		\$1,379,349,806	\$1,170,720,142	\$1,274,438,562	\$1,353,601,481	\$1,633,963,658	\$1,689,959,326
Value/agent		\$31,963.43	\$27,191.90	\$29,550.83	\$31,747.11	\$38,677.36	\$40,001.88

All drugs	Lbs	2,972,774	2,438,445	2,231,959	1,918,867	1,361,624	940,175
	Lbs/agent	68.9	56.6	51.8	45	32.2	22.3
	Value/per pound	\$1,070.97	\$1,055	\$1,131	\$1,189	\$1,626	\$2,202
	Total value	\$3,183,741,638	\$2,573,320,485	\$2,524,039,214	\$2,281,201,373	\$2,213,937,534	\$2,070,213,154
	Value/agent	\$73,776	\$59,770	\$58,526	\$53,503	\$52,406	\$49,003

\*Valuations for 2018 reflect 2017 average valuations; all 2018 estimates based on first 11 months of the fiscal year.

\*\*Insufficient data, uses 2017 average valuations.

Sources: Amounts—Customs and Border Protection, “CBP Enforcement Statistics FY2018,” August 28, 2018.

Values—Author’s calculation based on aggregating valuations from CBP press releases. Customs and Border Protection, “Local Media Releases,” 2013–2017.

Agents—Border Patrol, “Staffing Statistics,” December 12, 2017; Fedscope, “Employment Cubes,” 2013–2018.

**Table A.2**  
**Office of Field Operations drug seizures at ports of entry**

		2013	2014	2015	2016	2017	2018*
	OFO agents	21,763	22,191	22,854	22,809	22,809	22,810
Cocaine	Lbs	39,075	41,312	38,145	52,803	62,331	52,304
	Lbs/agent	1.8	1.9	1.7	2.3	2.7	2.3
	Value/lbs	\$19,015	\$14,329	\$16,193	\$12,690	\$13,177	\$13,177
	Total value	\$743,008,175	\$591,940,570	\$617,695,625	\$670,062,062	\$821,308,154	\$677,981,442
	Value/agent	\$34,140.89	\$26,674.80	\$27,027.90	\$29,377.09	\$36,008.07	\$29,722.99
Heroin	Lbs	3,990	4,314	5,530	4,223	3,925	5,251
	Lbs/agent	0.2	0.2	0.2	0.2	0.2	0.2
	Value/lbs	\$20,985	\$22,268	\$19,672	\$22,963	\$20,868	\$20,868
	Total value	\$83,728,892	\$96,065,014	\$108,785,824	\$96,972,786	\$81,908,447	\$103,073,172
	Value/agent	\$3,847.30	\$4,329.01	\$4,760.03	\$4,251.51	\$3,591.06	\$4,518.77
Marijuana	Lbs	469,995	437,950	602,795	515,382	361,564	308,819
	Lbs/agent	21.6	19.7	26.4	22.6	15.9	13.5
	Value/lbs	\$622	\$594	\$584	\$513	\$474	\$474
	Total value	\$292,420,908	\$260,228,817	\$351,806,231	\$264,208,746	\$171,490,458	\$145,431,178
	Value/agent	\$6,776	\$6,044	\$8,157	\$6,197	\$4,059	\$3,442
Meth	Lbs	20,739	23,234	29,001	37,704	50,569	73,409
	Lbs/agent	1	1	1.3	1.7	2.2	3.2
	Value/lbs	\$18,555	\$14,871	\$10,046	\$10,700	\$8,999	\$8,999
	Total value	\$384,805,690	\$345,523,097	\$291,349,899	\$403,433,708	\$455,065,189	\$645,803,996
	Value/agent	\$17,681.65	\$15,570.42	\$12,748.31	\$17,687.48	\$19,951.12	\$28,312.32
Fentanyl	Lbs	0	0	0	440	1,196	1,628
	Lbs/agent	0	0	0	0	0.1	0.1
	Value/lbs	\$0	\$0	\$0	\$28,835	\$28,835	\$28,835
	Total value	\$0	\$0	\$0	\$12,687,324	\$34,486,454	\$46,954,634
	Value/agent	\$0.00	\$0.00	\$0.00	\$556.24	\$1,511.97	\$2,058.51
Non-marijuana	Lbs	63,804	68,860	72,676	95,170	118,021	132,592
	Lbs/agent	2.9	3.1	3.2	4.2	5.2	5.8
	Value/lbs	\$18,988.51	\$15,009.13	\$14,005.05	\$12,432.03	\$11,801.02	\$11,115.40
	Total value	\$1,211,542,757	\$1,033,528,681	\$1,017,831,347	\$1,183,155,880	\$1,392,768,244	\$1,473,813,244
	Value/agent	\$55,669.84	\$46,574.23	\$44,536.25	\$51,872.33	\$61,062.22	\$64,612.59



All drugs	Lbs	533,799	506,810	675,471	610,552	479,585	441,411
	Lbs/agent	24.5	22.8	29.6	26.8	21	19.4
	Value/per pound	\$2,817	\$2,553	\$2,028	\$2,371	\$3,262	\$3,668
	Total value	\$1,503,963,665	\$1,293,757,497	\$1,369,637,578	\$1,447,364,626	\$1,564,258,702	\$1,619,244,422
	Value/agent	\$69,106.45	\$58,301.00	\$59,929.88	\$63,455.86	\$68,580.77	\$70,988.36

\*Valuations for 2018 reflect 2017 average valuations; all 2018 estimates based on first 11 months of the fiscal year.

\*\*Insufficient data, uses 2017 average valuations.

Sources: Amounts—Customs and Border Protection, “CBP Enforcement Statistics FY2018,” August 28, 2018.

Values—Author’s calculation based on aggregating valuations from CBP press releases. Customs and Border Protection, “Local Media Releases,” 2013–2017.

Agents—Fedscope, “Employment Cubes,” 2013–2018.

**Table A.3**  
**Border Patrol drug seizures between ports of entry**

		2013	2014	2015	2016	2017	2018*
	BP agents	21,391	20,863	20,273	19,828	19,437	19,437
Cocaine	Lbs	4,696	4,554	11,220	5,473	9,346	7,007
	Lbs/agent	0.2	0.2	0.6	0.3	0.5	0.4
	Value/lbs	\$19,015	\$14,329	\$16,193	\$12,690	\$13,177	\$13,177
	Total value	\$89,294,085	\$65,252,163	\$181,689,472	\$69,451,540	\$123,148,129	\$92,752,440
	Value/agent	\$4,174.38	\$3,127.65	\$8,962.14	\$3,502.70	\$6,335.76	\$4,771.95
Heroin	Lbs	576	606	518	566	953	580
	Lbs/agent	0	0	0	0	0	0
	Value/lbs	\$20,985	\$22,268	\$19,672	\$22,963	\$20,868	\$20,868
	Total value	\$12,087,178	\$13,494,529	\$10,190,064	\$12,997,063	\$19,887,580	\$11,118,680
	Value/agent	\$565.06	\$646.82	\$502.64	\$655.49	\$1,023.18	\$572.04
Marijuana	Lbs	2,430,123	1,922,545	1,538,307	1,294,052	861,231	479,488
	Lbs/agent	113.6	92.2	75.9	65.3	44.3	24.7
	Value/lbs	\$622	\$594	\$584	\$513	\$474	\$474
	Total value	\$1,511,970,924	\$1,142,371,527	\$897,794,421	\$663,391,147	\$408,483,418	\$234,822,650
	Value/agent	\$70,682.57	\$54,755.86	\$44,285.23	\$33,457.29	\$21,015.76	\$12,081.22
Meth	Lbs	3,580	3,930	6,443	8,224	10,328	11,326
	Lbs/agent	0.2	0.2	0.3	0.4	0.5	0.6
	Value/lbs	\$18,555	\$14,871	\$10,046	\$10,700	\$8,999	\$8,999
	Total value	\$66,425,786	\$58,444,769	\$64,727,678	\$87,996,998	\$92,940,601	\$101,831,511
	Value/agent	\$3,105.31	\$2,801.36	\$3,192.80	\$4,438.02	\$4,781.63	\$5,239.05
Fentanyl	Lbs	0	0	0	0	181	362
	Lbs/agent	0	0	0	0	0	0
	Value/lbs	\$0	\$0	\$0	\$0	\$28,835	\$28,835
	Total value	\$0	\$0	\$0	\$0	\$5,219,104	\$10,443,450
	Value/agent	\$0.00	\$0.00	\$0.00	\$0.00	\$268.51	\$537.30
Non-marijuana	Lbs	8,852	9,090	18,181	14,263	20,808	19,275
	Lbs/agent	0.4	0.4	0.9	0.7	1.1	1
	Value/lbs	\$18,956.96	\$15,092.57	\$14,114.03	\$11,950.19	\$11,591.48	\$11,213.65
	Total value	\$167,807,050	\$137,191,461	\$256,607,215	\$170,445,601	\$241,195,414	\$216,146,082
	Value/agent	\$7,844.75	\$6,575.83	\$12,657.58	\$8,596.21	\$12,409.09	\$11,120.34

	Lbs	2,438,975	1,931,635	1,556,488	1,308,315	882,039	498,764
	Lbs/agent	114	92.6	76.8	66	45.4	25.7
All drugs	Value/per pound	\$688.72	\$662	\$742	\$637	\$737	\$904
	Total value	\$1,679,777,974	\$1,279,562,988	\$1,154,401,636	\$833,836,748	\$649,678,832	\$450,968,732
	Value/agent	\$78,527.32	\$61,331.69	\$56,942.81	\$42,053.50	\$33,424.85	\$23,201.56

\*Valuations for 2018 reflect 2017 average valuations; all 2018 estimates based on first 11 months of the fiscal year.

Sources: Amounts—Customs and Border Protection, “CBP Enforcement Statistics FY2018,” August 28, 2018.

Values—Author’s calculation based on aggregating valuations from CBP press releases. Customs and Border Protection, “Local Media Releases,” 2013–2017.

Agents—Border Patrol, “Staffing Statistics,” December 12, 2017.

Note: In 2017, CBP valued fentanyl seized at about \$29,000 per pound, while valuing heroin about \$21,000 per pound.<sup>79</sup> CBP describes its valuations as the “street value” of the drugs “based on the latest DEA statistics.”<sup>80</sup> According to valuations from the DEA cited in news reports and elsewhere, smugglers can buy heroin in Colombia for about \$2,721 per pure pound and sell it wholesale in the United States for about \$36,287, while fentanyl can be bought in China for about \$2,267 per pure pound and cut into 7 to 11 pounds—each sold for as much as a pound of heroin (\$36,287) for a total value of about \$725,749 per pure pound.<sup>81</sup> Thus, the value of a pure pound of fentanyl is, according to these reports, about 20 times more valuable than heroin, while CBP’s valuations show that their seized fentanyl is only slightly more valuable than heroin. Only CBP knows the purity of the fentanyl that it seizes, and it would be surprising if CBP undervalues its own fentanyl seizures, but if it does—and the actual value of CBP’s fentanyl seizures is about 20 times more than heroin per pound—the total value of drug seizures at ports of entry since 2013 would have increased 50 percent, rather than 8 percent; the total value of drug seizures between ports of entry would have declined 65 percent, rather than 73 percent; and the total value of all drugs both at and between ports of entry would have declined 11 percent, rather than 35 percent. Overall, in this counterfactual, ports of entry would account for 79 percent of the value of all drug seizures rather than 78 percent. Thus, the general conclusions in this paper—that ports of entry are now the dominant means of entry for drugs and that marijuana legalization reduced the overall value of drug flows—still hold, even if CBP is massively undervaluing its fentanyl seizures.

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