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THESIS

U.S. - MEXICO MILITARY TO MILITARY COOPERATION REVISITED

by

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By the mid 1990s drug trafficking from Mexico to the United States was exacting a high political, economic and societal toll on both countries and severely straining diplomatic ties. U.S. and Mexican officials crafted the *US/Mexico Bi-National Drug Strategy* in 1997 to fight this debilitating menace together. *Strategy* initiatives proved successful in dismantling trafficking cartels, eradicating substantial tracts of illicit crops, and interdicting large quantities of processed drugs. The *Strategy's* emphasis on transparency and accountability also served, if inadvertently, to bolster Mexico's trek to full democracy – an equally important and mutually reinforcing U.S. foreign policy goal.

The military forces of both nations were among the *Strategy's* initial supporting institutions. In spite of their key role in individually countering the drug threat in their respective countries, however, U.S. – Mexico military cooperation proved contentious and transitory. This thesis argues that military cooperation is worth reviving to promote U.S. policy goals in fighting drugs and nudging Mexico's military away from its authoritarian past and towards its proper role in a democratic society. The thesis further argues that the National Guard is the most appropriate U.S. military entity for this mission, and suggests a rationale and basic framework to encourage and guide such cooperation.

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U.S.- MEXICO MILITARY TO MILITARY COOPERATION

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ABSTRACT

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I. INTRODUCTION

This thesis proposes a revived program of U.S. – Mexico military-to-military cooperation. By cooperating on common trans-border issues on the basis of support to civilian authorities, the combined efforts of the U.S. and Mexican militaries will prove more effective in fighting drug trafficking, responding to border area natural disasters, and deterring terrorists. Engaging the National Guard for this duty can mitigate Mexican military reticence to engage in cooperation and can set a good example on the proper role of the armed forces in a democratic society.

The strength and viability of Mexico's democracy is a major concern of the United States for political, economic and security reasons. Political or economic turmoil and instability could accelerate Mexico's already unfortunate status as the source of most illegal immigrants and illicit drugs to the United States, or could otherwise damage extensive trade relationships upon which many U.S. jobs depend. A healthy democratic framework operating within the rule of law, on the other hand, is the best guarantor of a society wherein economic conditions stand a better chance of improvement, discontent can be expressed through peaceful means, and public safety concerns such as drug trafficking are more likely to be checked.

On the U.S. side of the border, the trafficking and use of illicit drugs continues to pose a significant burden on society. Drug use and its ill effects are estimated to

cost Americans a recurring $160 billion annually.[1] This is a staggering diversion of resources that could be better channeled in support of more productive pursuits. The National Drug Control Strategy outlines a three-pronged effort to confront this economic drain and societal menace – stopping use before it starts, healing America's drug users, and disrupting the market.[2]

The market for drugs is satisfied through a number of channels including abuse of legally prescribed drugs or other substances, domestic cultivation or clandestine manufacture, and importation from foreign sources. Mexico has been identified as either the source or conduit for the majority of foreign-produced drugs consumed in the United States.[3] Cocaine and heroin originating in Colombia along with heroin, marijuana and methamphetamine from Mexico itself are smuggled across the U.S. - Mexico border to supply a large share of America's drug-using public.

In the mid-1990s the Clinton administration, in the midst of attempting to convince many skeptical Congressional legislators and various other labor elites on the merits of a free trade agreement with Mexico (and Canada), had to contend with the distracting issue of large scale drug trafficking across the Southwest border. Furthermore, drug trafficking was fueling Mexican

1 The Economic Costs of Drug Abuse in the United States, 92-98, p. 3, U.S. Government Printing Office, Washington, D.C., SEP 2001. http://www.whitehousedrugpolicy.gov/publications/pdf/economic_costs98.pdf

2 National Drug Control Strategy (2003), p. 3, U.S. Government Printing Office, Washington, D.C., February 2003. http://www.whitehousedrugpolicy.gov/publications/policy/ndcs03/index.html

3 International Narcotics Control Strategy Report, 2002, p. V-31, U.S. State Department, March 2003. http://www.state.gov/documents/organization/18170.pdf

corruption and undermining the legitimacy of many Mexican officials and institutions - as well as promoting black market economies, money laundering, arms trafficking, violence, and addiction. To remove this issue as a distracter of pending free trade legislation, to help bolster the efficacy and legitimacy of Mexican governmental and financial institutions, and to counter domestic critics of his administration's policy towards seeming Mexican inability or unwillingness to curb trafficking, President Clinton agreed with President Zedillo of Mexico to jointly combat the problem.

A framework to guide the terms of this counterdrug cooperation was initiated by Presidents Clinton and Zedillo in the Declaration of the United States – Mexico Alliance Against Drugs. A specific plan of action was subsequently formalized in the US/Mexico Bi-National Drug Strategy (hereafter, "the *Strategy*"), a document that laid out a road-map for cooperation based on the principles of sovereign equality, integrity of national territory, non-intervention in internal affairs, shared responsibility, adoption of an integrated approach, balance and reciprocity. From 1997 until shortly after the inauguration of President Bush, the *Strategy* fueled cooperative counterdrug effort by the interagency equivalents of both nations. Even though the *Strategy* as a formal instrument has expired, the basic principles of counterdrug cooperation outlined therein are still very much in force.

An unanticipated benefit of counterdrug cooperation was the strengthening of Mexico's democratic institutions. Thanks to the various structural and operational terms of

the cooperative framework crafted to fight drugs, a number of reforms were enacted that led in Mexico to the dismantling of drug-cartel power, greater vertical and horizontal accountability and transparency of government functions, and energetic initiatives to deepen civil society. These outcomes cultivate political and economic stability that advances trade, discourages immigration due to economic distress, resolves political discontent in a peaceful manner, and constrains drug trafficking and other criminal behavior.

Regrettably, two key agencies involved in countering trafficking on either side of the border – the U.S. and Mexican militaries - broke off initial cooperation after disagreements and misunderstandings proved insurmountable. Little military-to-military cooperation has been attempted since then. The simmering hostility and reticence that scuttled military cooperation did not manifest itself for the first time over counterdrug matters. This hostility is deeply rooted in a history of military intervention by U.S. forces in Mexican affairs – not the least of which was the expansion of the United States westward at Mexico's territorial expense and various interventions culminating with General Blackjack Pershing's lengthy and substantial "punitive expedition" in the early 1900s.

Mexican military reticence to engage with the United States on counterdrug matters is unfortunate, inasmuch as reasonable cooperation and collaboration could likely bolster each side's chances of success. As demonstrated by the successful outcomes of other executive branch agencies on both sides of the border with like-minded missions, cooperation produces results. The commonality of the U.S.

and Mexican military's counterdrug mission is clear. In the United States, the Department of Defense is tasked with detecting and monitoring the trafficking of illicit drugs into the country[4] and the National Guard supports law enforcement agencies and community based organizations engaged in disrupting drug trafficking and use.[5] The Mexican Army, conversely, is tasked with anti-drug operations as one of its four major missions.[6]

Military-to-military interaction and cooperation would not only better leverage military efforts to deter, detect and disrupt trafficker activity on either side of the border, but could also lend key support to civilian officials in addressing a spectrum of trans-border issues. Forest or grassland fires that cross into one nation from the other, area flooding, drought or snow-pack affecting border communities, and search and rescue of lost personnel are a few examples of situations that could benefit by military cooperation in the context of support to civilian authorities. Coordinating these efforts in a transparent and accountable fashion would not only increase operational effectiveness but could help dampen drug-financed corruption as well as influence greater civilian control of the Mexican military.

To realize the benefits to be gained by military cooperation, this thesis will review U.S. ties with Mexico, explore the benefits of counterdrug cooperation in general and propose military-to-military cooperation involving the

4 United States Code, Title 10, Subtitle A, Part I, Chap 3, Sec 124

5 United States Code, Title 32, Chap 1, Sec 112

6 Mexican military doctrine is based on 4 pillars including external defense, domestic security, public works, and support to civilian authorities. http://www.sedena.gob.mx

National Guard as the appropriate U.S. military organization of choice for this assignment. The case will be made that bilateral military effort will not only result in increased effectiveness in operations involving military support to civilian authorities, but will help strengthen Mexico's civilian control of its armed forces by lessening the opportunities for drug-related corruption, increasing accountability and transparency, and fostering the tenet of civilian control. Prior Mexican military reticence to engage in this process can be overcome by devolving responsibility from the federal U.S. government to the four border states and their defense force – the National Guard. Mexican support for the idea is expected due to the similarities in roles and missions between the National Guard and the Mexican military and the focus on practical trans-border cooperation in areas unfettered by larger policy disputes centered on trade, immigration, drug certification and so forth.

Chapter II will briefly review the relationship of the United States with Mexico in terms of counterdrug cooperation overall. The beneficial outcomes of the *Strategy* (directly in terms of dampening drug trafficking and indirectly by strengthening Mexico's democracy) will be explored. These benefits will be cited as justification for using this template of cooperation to guide proposed military-to-military interaction.

Chapter III will examine the military's role in combating drugs on both sides of the border and the short-lived attempt at cooperation in the late 1990s. Benefits of cooperation will be proposed to establish why a revived military-to-military relationship is worth reconsidering,

and how obstacles that scuttled prior cooperation can be avoided. Suggestions for specific arenas in which cooperation can occur will be made. Reasons why the National Guard should be the U.S. military organization of choice for this assignment based on its tradition of military support to civilian authorities will be discussed.

The concluding chapter will summarize the key elements of this proposal and list the benefits of cooperation that should appeal to every relevant actor – along with a timeline to implement an agreement. A rationale for involving the good offices of Governor Bill Richardson of New Mexico (owing to his stated policy goals, special background and international qualifications, and his cordial relationship with Mexican officials) in concert with the State of Chihuahua and the federal forces garrisoned there will be proposed.

Specific terms and conditions of cooperation are beyond the scope of this thesis and should be negotiated by all parties involved. It is simply the goal here to show what cooperation can achieve, why the relevant actors should be supportive, and what principles and lessons learned can be employed to guide its operation. Hopefully this thesis will stimulate interest in military-to-military cooperation - a venture that makes sense, accrues value to all the actors involved, and in the final analysis stands to support the national security interests of both the United States and Mexico and the well-being of citizens on both sides of the border.

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II. U.S. - MEXICO COUNTERDRUG COOPERATION

A. INTRODUCTION

A long common border, tumultuous shared history and the economics of trade make for a complex interdependence between the United States and Mexico. For example:

- Mexico is the second largest trading partner of the United States, and conversely the United States is (by far) Mexico's largest trading partner.
- Mexico is the source of the largest number of legal and illegal Mexican immigrants in the United States.
- Mexico is the source or conduit for the majority of foreign-produced illicit drugs destined to satisfy the demand of users in the United States.

Recognizing that drug trafficking was trans-national in nature and required a cross-border approach, the United States and Mexico in the mid-1990s embarked upon unprecedented bilateral cooperation to counter the problem. This cooperation was formally taken under the diplomatic cover of international agreements involving the United Nations, the Organization of American States, and the Summit of the Americas.[7] The greater weight of domestic concerns also likely motivated the United States and Mexico, as support for NAFTA was chronically undercut by critics of alleged inaction regarding Mexico's status as a major supplier or trans-shipment nation of illicit drugs to the United States.

A strategy to establish the objectives and guide the conduct of cooperative counterdrug effort was therefore

7 Spurred in no small part by the Single Convention on Narcotic Drugs, the Covenant on Psychotropic Substances, and the United Nations Convention Against Trafficking of Illicit Drugs, as cited in the U.S./Mexico Bi-National Drug Threat Assessment, "Introduction", p. 1, May 1997.

negotiated and formed the basis of bilateral efforts for several years. This bilateral cooperation produced several direct counterdrug outputs. Cooperation arguably also contributed, if inadvertently, to the mutually reinforcing and equally important action of helping Mexico consolidate and bolster its democratic institutions. This was accomplished directly by the nature of cooperation and indirectly by support of other factors that abated cartel power and influence, promoted norms of transparent and accountable behavior by Mexican officials, and deepened civil society. While the *Strategy* may no longer form the linchpin of U.S. - Mexico bilateral counterdrug efforts, its legacy still offers a viable framework for present-day and future efforts, including a revived attempt at military cooperation.

B. THE TIES THAT BIND

Mexico and the United States are neighbors, sharing over 1800 miles of border that spans the continent from the Gulf of Mexico to the Pacific Ocean. From California through Arizona and New Mexico, the border crosses desert terrain while from El Paso to the Gulf of Mexico the two nations are separated by the Rio Grande. Four states on the U.S. side border six states on the Mexican side.

By 2010 it is estimated that Americans of Hispanic descent will form the largest "minority" population in the United States,[8] and the preponderance of those will be of Mexican descent. This demographic reality will figure prominently in the political calculus in the United States, as Hispanics of Mexican descent will make up a substantial proportion of the voting public. The growing numbers of

8 Population Projections of the United States. http://www.census.gov/prod/1/pop/p25-1130/p251130a.pdf

media outlets and the popularity of musical and culinary salsa[9] are highly visible manifestations of the Hispanic culture's impact on American society.

Mexico is the United States' second largest trading partner (Canada being our largest). One in ten American jobs depends on current levels of trade with Mexico.[10] Since steady employment requires steady trade, which in turn requires a stable economy, it is clear that the United States has a vested interest in Mexico's stability. The American public and policy makers are also concerned about the economic and societal impact of illegal immigrants and illicit drugs. Mexico is the largest source or conduit for both.

While U.S. citizens fret about immigrants and drugs, Mexican attitudes toward the United States may be colored by the legacy of Manifest Destiny. Approximately half of what was once Mexico now comprises all or most of ten Western states, or close to one third of the continental United States. Taken by annexation of the Texas Republic, the Treaty of Guadalupe Hidalgo and the Gadsden Purchase, these appropriations left an enduring if muted resentment by many Mexicans of U.S. power, hegemony and wealth. Mexican annual median income is $5500 versus $48,300 in the United States.[11]

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9 Salsa reportedly supplanted catsup as the largest selling American condiment. http://www.texmextogo.com/SalsaFacts.htm

10 Mexico accounts for 10% and 12% of U.S. imports and exports, respectively, while 88% and 74% of Mexican exports and imports respectively are to and from the United States. Direction of Trade, International Monetary Fund, Washington, D.C., 2000.

11 U.S. Census Data. http://www.census.gov/hhes/income/4person.html and Mexico Economic Information. http://www.acdi-cida.gc.ca/CIDAWEB/webcountry.nsf/VLUDocEn/Mexico-Factsataglance

C. TRANS-BORDER DRUG TRAFFICKING AND ITS ILL EFFECTS

The voracious hunger of U.S. citizens for illicit drugs and the money to be made in supplying that appetite helps explain impoverished Mexico's role as a major supplier or conduit. While a large share of the $160 billion bill imposed on the United States by drug trafficking and use ends up in Mexican cartel pockets, however, the lion's share of that economic hemorrhage actually results from lower workplace productivity, higher injury and illness claims, huge criminal justice expenditures, and the price of supply and demand reduction programs and initiatives.[12] Substance abuse is cited as the leading cause of preventable injury, illness and death in the United States today - greatly straining the nation's healthcare system. Nearly half a million emergency room episodes are drug related and drug users are considered to be core transmitters of tuberculosis, AIDS, hepatitis and many (if not most) sexually transmitted diseases.

Leading the world (second only to Russia) in incarceration of its citizens per capita,[13] approximately 1 in 200 U.S. adults are behind prison walls at any given time. Over two thirds of those incarcerated committed a drug-related violent or property crime. A particularly despicable crime, nine out of ten cases of child abuse or neglect are drug-related. Of undetermined value is the lost human potential or the accumulated misery of those

12 These and following statistics are taken from The Economic Costs of Drug Abuse in the United States, 92-98, http://www.whitehousedruppolicy.gov/drugfact/index.html, and various statistics cited in http://www.whitehousedrugpolicy.gov/drugfact/sources.html#consequences

13 World Prison Population List. http://www.homeoffice.gov.uk/rds/pdfs/r88.pdf

whose addiction leaves them unable to contribute fully as responsible citizens, employees or family members.

The U.S. public and government have periodically been aroused to action by the disturbing effects of escalating drug use.[14] The mushrooming drug culture of the 1960s and 1970s, punctuated by accounts of bizarre, violent and destructive behavior, stimulated a public backlash that resulted in the appointment of a so-called "Drug Czar" (actually the Director of the Office of National Drug Control Policy) and the drafting of a National Drug Control Strategy (NDCS). The NDCS has evolved during the past decade or so, but the fundamental thrust of attacking the drug problem has remained constant - to decrease the demand for drugs, restrict the supply of drugs, and rehabilitate those addicted to drugs.

Restricting the supply of drugs from Mexico is a daunting challenge – with over 1800 miles worth of possible crossing points and voluminous legitimate trade and traffic. In its role as supplier or conduit of drugs to the United States, Mexico does not escape unscathed. A growing number of Mexican citizens are being ensnared by drug abuse. Cocaine use in Mexico increased a dramatic 500% between 1991 and 2000 and marijuana use doubled.[15] Powerful and cash-rich drug trafficking organizations acting with impunity severely compromised numerous public officials and have sparked a wave of crime and violence.

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14 For example, the Harrison Narcotics Act of 1914 and subsequent anti-narcotics legislation was basically stimulated by growing public alarm at the consequences of cocaine and heroin addiction in the late 19th and early 20th centuries.

15 DEA Resources for Law Enforcement Agencies, "Intel Reports, Mexico Country Brief." http://www.usdoj/dea/pubs/intell/02035/02035.html

This in turn has undermined Mexican law enforcement, the judiciary, the political process, and an institution once thought to be incorruptible – the armed forces.

Mexican drug trafficking organizations have acquired large and potent arsenals of firearms ranging from small handguns to lethal automatic weapons, alarming Mexico's law enforcement community, military, and political leadership. Drug-related money laundering serves to further corrupt individuals and institutions, foster black market economies, and otherwise fuel criminal activity in other areas. The flow of large quantities of illicit drugs is introducing growing numbers of Mexican citizens to these drugs along with the attendant consequences of use and addiction – crime, illness and injury. These are costs and consequences that Mexico is ill equipped to pay. Furthermore, the identification of Mexico as a "source country" aggravates relations with the United States – especially in the matter of "certification," which is currently in suspension but has traditionally been viewed as an affront to Mexican sovereignty and national pride.

D. BENEFITS OF COUNTERDRUG COOPERATION

In 1997 Presidents Clinton and Zedillo signed the Declaration of the United States - Mexico Alliance Against Drugs – identifying drug trafficking and use as a common threat to both nations and pledging bilateral effort against the problem. To "consolidate, organize and rationalize"[16] the U.S. - Mexico counterdrug effort, a High Level Contact Group for Drug Control (HLCG) was chartered, headed up by the U.S. Secretary of State and Attorney General and their Mexican counterparts. Members of the

16 US/Mexico Bi-National Drug Threat Assessment, p. 2, Washington, D.C., United States Government Printing Office, May 1997.

HLCG included the Secretary of Health and Human Services, Secretary of Treasury, Director of the Office of National Drug Control Policy and representatives from the Department of Defense and their Mexican counterparts as well. This group met annually from 1996 to 2001 to identify issues and track progress, and was supplanted by other mechanisms such as the Bi-National Commission and the Senior Law Enforcement Plenary Group to ensure continued high level attention.

The HLCG in 1997 tasked the interagency of both nations to create the US/Mexico Bi-National Drug Threat Assessment to identify the drug threat and its impact on the United States and Mexico. Based on the findings of the threat assessment, the HLCG directed the interagency to complete a US/Mexico Bi-National Drug Strategy, published a year later in 1998 with commitment to 16 specific collaborative programs based on the 16 Alliance Points agreed to by Presidents Clinton and Fox. The Strategy laid out collaborative principles including sovereign equality, integrity of national territory, non-intervention in internal affairs, shared responsibility, integrated approaches, and balance and reciprocity. Both nations committed to generate performance measures of effectiveness for the *Strategy* as the next milestone.

After intensive interagency effort, performance measures of effectiveness were developed for each of the 16 programs identified in the *Strategy*. These performance measures of effectiveness were published in 1999, and consisted of a grid to annually gauge the status of cooperation. This grid had four elements. First was the action to be taken, second was a baseline to establish the

beginning status of each action, third was the target or what the desired end state of the action should be, and fourth was the measurement to be used in judging if progress was being made towards the desired end state. A fifth column was later added – status of the action that was updated periodically as progress was made.

Three key elements of this substantial and sustained bi-national cooperation stand out. The first key element is that cooperation did not necessarily mean interaction. In other words, each nation committed to counterdrug activity but this activity would often be undertaken solely by the responsible element of government in the sovereign territorial confines of each nation. The second key element to note is that cooperation involved political leaders at the highest levels of government, constrained not only to meet and interact with their counterparts from the other nation but also with their peers within their own respective interagency. The third key element was the pressure to show "results" by the existence and transparency of published measures of effectiveness, reviewed annually, for anyone to see whether or not tangible progress was being made.

These three key elements fueled a successful process that achieved many positive outputs. Most notably, cooperation helped Mexico and the United States fight drugs more effectively and it contributed to the strengthening of democracy in Mexico, which in turn served as a further bulwark against the drug trade.

1. Cooperation Helps Fight Drugs More Effectively

Cooperation under the US/Mexico Bi-National Drug Strategy resulted in fulfillment of the *Strategy's* primary

goal – to increase the effectiveness of drug control efforts. The highly publicized death of Amado Carrillo Fuentes (notorious cartel boss) on the operating room table in an attempt to change his appearance, and the shootout leaving one of the Amezcua brothers (major drug trafficking family) dead contrasts dramatically with the days when major known drug kingpins openly frequented restaurants, bull-fighting arenas and other public places and who otherwise operated with impunity. Large tracts of cultivated marijuana and opium poppy have been eradicated and large quantities of processed drugs on their way to market seized. The Mexican judicial system for the first time ever has begun extraditing Mexican citizens wanted in the United States under drug-related charges. Various judicial, penal and banking reforms are underway as a consequence of the pressure of counterdrug agreements – reforms that cannot help but have salutary effects on the overall legitimacy and efficacy of these institutions.[17]

2. Cooperation Strengthens Democracy

According to Adolfo Aguilar Zinser, former Mexican National Security Adviser, cooperation also generated benefit beyond the original intent of fighting drugs. He notes that

> It has been amazing how these relations complement and give momentum to the establishment of these new [democratic] concepts … in the past, the relations between our two countries have been centered on the control of drug trafficking. All of the institutions of bilateral cooperation have dealt with drug trafficking.[18]

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17 See International Narcotics Control Strategy Report – 2002, http://www.state.gov/documents/organization/18170.pdf

18 Adolfo Aguilar Zinser, "Mexico's New Security Challenges," Woodrow Wilson Center Update on the Americas, December 2001.

U.S. – Mexico bilateral counterdrug cooperation did not directly set out to strengthen democracy, but as a consequence of its nature has indirectly supported and reinforced the work of many other pro-democracy actors.

> Indirect support cannot be expected to foster democratic rule directly, but in tandem with domestic actors, it can strengthen civil society, encourage pluralism, and inform the decisions of pro-democracy elites.[19]

This section details three major ways in which bilateral counterdrug cooperation between the United States and Mexico has indirectly strengthened Mexico's democracy. According to Larry Diamond there are three distinctive characteristics of a consolidated (vs. simple electoral) democracy – absence of reserved domains of power by unaccountable actors, vertical and horizontal accountability by office-holders, and civic pluralism.[20] The process of cooperation has indirectly strengthened all three of these characteristics.

a. Dismantles Reserved Domains of Power

In the case of dismantling reserved domains of power, significant forces have been working for some time now to release the PRI's stranglehold in the political sphere. Little can be claimed by counterdrug cooperation with the United States for progress made on that account. The drug cartels, however, are another matter. These cartels had considerable success in carving out a substantial domain of corrupting influence and power in the

19 Denise Dresser, Beyond Sovereignty … Collectively Defending Democracy in the Americas, pp. 336-337, The Johns Hopkins University Press, 1996.

20 Larry Diamond, Developing Democracy, Toward Consolidation, p. 10, The Johns Hopkins University Press, 1999.

law enforcement, judicial, banking, regulatory, political and military spheres.[21]

As noted before, drug trafficking organizations expanded in scope and influence and operated with impunity and no accountability to law enforcement or any other state institutions. The scope of power wielded by these drug trafficking organizations has recently been significantly curtailed, however. Since the US/Mexico Bi-National Drug Threat Assessment was published, a number of the highest profile trafficking organizations have been severely disrupted. Indicators of this are the absence of brazen drug trafficker impunity and increased law enforcement willingness to apprehend them at every level up to and including the leadership.[22] While the complete elimination of Mexican drug trafficking organizations is far from achieved, cartel power (unlike pre-*Strategy* days) is under sustained and significant attack.

b. Promotes Accountability

Diamond's second democracy indicator is the level of accountability by elected leaders to their constituency and supervisory chain on a "vertical" level – as well as between officeholders to one another on a "horizontal" basis. Accountability measures in the US/Mexico Bi-National Performance Measures of Effectiveness hold the executive branch, up to the President himself, accountable for specific action bounded by published milestones.

21 Maria Toro referred to that influence as the formation of "states within a state." Cited in The United States and the Americas … A Twenty-First Century View, p. 185, W.W. Norton & Company, 1999.

22 Tim Weiner reports that Amezcua brother Frankie, who "bribed every policeman and politician in sight," is in prison and brother Ramon was killed by police. Although the "death" may be a ruse, the point remains – these traffickers can no longer operate with impunity. "The Bloodstain's Secret: Is Cartel Enforcer Dead?," New York Times, February 28, 2002.

Scrutiny was magnified by the transparency of instruments used to judge progress, especially since the majority of activity being measured was unclassified and readily available to the media, legislative authorities and political opponents. With national pride and prestige at stake, it is difficult to picture a Mexican president willing to report a lackadaisical effort against a menace previously identified as the "most serious threat to … national sovereignty."[23] As an added incentive to succeed in a highly transparent system, governing officials can cite counterdrug accomplishments to demonstrate regime performance and effectiveness to their constituency. Reform of corrupt, predatory, inefficient or incompetent law enforcement and judicial institutions, higher perceptions of public safety from drug-related violence and crime, and moves to counter money laundering and arms trafficking may go far to justify regime legitimacy to the electorate.[24]

What is true for vertical accountability is also true for horizontal accountability between office-holders, at least in the limited but influential set of appointed office-holders within the executive branch. Each of the major executive branch actors (for example, in the United States there was the State Department, the Treasury Department and the Transportation Department - and their subordinate agencies such as the Drug Enforcement Administration, the United States Coast Guard, and so

23 US/Mexico Bi-National Drug Threat Assessment, p. 2, U.S. Government Printing Office, 1997.

24 A criminal justice system that is "corrupt, abusive, unaccountable, or even lazy and incompetent … cannot but affect popular perceptions of the authority and legitimacy of the state." Diamond, p. 94.

forth), were constrained to identify quantifiable milestones in achieving their respective objectives as noted in the *Strategy* and the *Strategy's* performance measures of effectiveness and to report periodically to the other members of the interagency on progress being made and ultimately to all major actors in a semi-annual convocation of the HLCG. This "peer pressure" to show results energized and motivated responsible agency personnel to work together on overlapping areas of concern and to exchange information, ideas and effort. This in turn established a level of accountability and transparency that may not have otherwise manifested itself, and served as a check and balance against irresponsibility and ineffectiveness. Efficiency, efficacy, legitimacy, responsibility and accountability are the hallmarks of a beneficial bureaucracy – a bureaucracy that serves in turn to strengthen and enable the function of good government.

As an example of the salutary effects of counterdrug reform, checks and balances designed to uncover drug-related corruption of elected and appointed officials will also flag corruption from other sources as well – with a net effect of decreasing the likelihood or pervasiveness of corruption overall. Law enforcement agencies that vet, train and periodically screen their personnel to prevent the corruptive influences of drug trafficking organizations will fashion a higher quality workforce that is also responsible for other laws and statutes related to the general welfare. Judicial reforms to prevent corruption or intimidation of judges help to stabilize the criminal justice system across the board. Financial instruments and auditing mechanisms designed to disrupt money

laundering also dissuades other financial crime, dries up the funding stream for black market economies, and discourages financial hanky-panky in general.

Accountability and openness also works in the criminal justice system to ensure fair, consistent and non-discriminatory enforcement of the law of the land overall (one key aspect of what are commonly referred to as "human rights"). As Diamond noted, freedom and pluralism can only be secured through an equitable and fairly applied rule of law with legitimate due process – which he argues is the only way to "reasonably minimize human right abuses."[25] Many of the Alliance Points in the *Strategy* relate to law enforcement activity or the judicial process, and it is primarily in this arena that drug traffickers seek to compromise or corrupt. The inherent scrutiny of a transparent and accountable system, however, provides incentive to forego corruption or compromise. As a result of enhanced counterdrug-related reform, wholesale purges of law enforcement agencies have taken place, the first-ever extraditions of Mexican citizens to the United States on drug-related charges have occurred, and drug traffickers for the first time are receiving stiff sentences in Mexican courts – all indicative of pressure to adhere to exacting standards of rule of law.[26]

c. Deepens Civil Society

Effective rule of law sets a peaceful and law-abiding stage for the deepening of civil society (voluntary, collective action by concerned citizens to express preferences, achieve collective goals, or make

25 Diamond, p. 43.

26 International Narcotics Control Strategy Report – 2002. http://wwwl.state.gov/gf/inl/rls/nrcrpt/2001/rpt/8478.htm

demands on the state). It is here especially that the demand reduction side of U.S - Mexico cooperation came into play. There is mounting evidence that certain risk factors such as illiteracy, poverty, and family dysfunction must be confronted in order to reduce the demand for drugs. In the United States there are programs and media campaigns to strengthen family and community life. Grants are made for community coalitions, neighborhood revitalization efforts and “safe-houses” in “high-risk” neighborhoods where youth can come for recreation and educational opportunities.

There is a corresponding growth of such community-based coalitions and organizations in Mexico. To provide alternatives to drug use, these groups teach vocational skills, computer use, reading, and many similar beneficial activities. Many grass-roots organizations have sprung up with various approaches to engaging civil society in dealing with drug addiction and its underlying factors.[27] Topics covered at the U.S. – Mexico Drug Demand Reduction Conference held in April of 2000 in Phoenix, Arizona included *Families and Communities, Child Development Programs, Drugs and Violence, Therapeutic Communities, Faith-Based Treatment, Developing and Implementing Community Awareness, Bridging the Public Health and Public Safety Systems*, and various other themes[28] that indicate cross-over from drug-related issues to wider areas of structural concern – tangible evidence of an expanding civil society.

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27 Numerous such organizations presented their programs at the 2000 Bi-National Drug Demand Reduction Conference in Phoenix, Arizona. http://whitehousedrugpolicy.gov/publications/international/binational_2000

28 http://www.whitehousedrugpolicy.gov/international/usmex2000.html

Strong civil society is a necessary democratic attribute for many reasons, not the least of which is to prevent a vacuum of capacity into which the military might be tempted or called upon to fill. With few options to cope with the escalating consequences of drug trafficking, and mounting U.S. criticism and diplomatic sanction based on Mexico's status as a major drug corridor, the Partido Revolucionario Institucional Party (PRI) increasingly looked to the military for help. This in turn led to a dramatic increase in funding, power, and influence for this authoritarian institution. In an environment of growing disaffection by the population with the PRI and a lack of fully effective civilian control, expanding military clout was a recipe for military encroachment into the political arena.[29] Vibrant grass-roots action spurred by counterdrug intent therefore not only fills a vacuum against the scourge of drugs, but also against further encroachment by the military into the civilian sphere.

3. Democracy as a Bulwark Against Drugs

The common denominator in cultivating or smuggling drugs (or immigrating northward) is the health of Mexico's economy. A shaky Mexican economy not only means lost jobs in Mexico and the United States, but likely means more drugs and immigrants aiming for the border. A healthy and resilient democracy in Mexico is therefore in the best interest of the United States, according to Juan Linz, because "under democracy, economic reform appears to be the

29 A weak civil society is one of three attributes that could draw the armed forces into the political arena, according to Rudolf Joo. The other two are a fragmented political party system and a lack of effective government – fragile Mexican attributes in light of the tenuous economy and still-emerging political parties. Rudolf Joo, "Who Guards the Guards? – A Fundamental Question for Democratic Regimes," The Democratic Control of Armed Forces: the Experience of Hungary, p. 32, Institute for Security Studies, Western European Union, 1996.

most effective, coherent, and sustainable over the long run when it uses democratic processes of deliberation, consultation, representation and coalition building."[30] Linz's "democratic processes" of deliberation, consultation and coalition building are cornerstone principles in pursuing counterdrug cooperation. The process of cooperation informed by these principles therefore helps foster economic reform which in turn dampens the financial incentive of Mexican citizens to cultivate or traffic in drugs or head to the United States in search of work.

In sum, in a manner unforeseen by the architects of the *Strategy* or by early critics of the so-called "drug war" like Cottam who feared the consequences of U.S. intervention,[31] counterdrug cooperation is generating positive direct and indirect results.[32] Since this framework of cooperation is self-imposed through negotiated agreement with the United States, it is not perceived as interventionist or unilateral and thus resisted.[33] Since Mexico and the United States derive benefit from these effects, it is in the best interest of both countries to sustain the existing relationship and to explore other areas for such mutually beneficial cooperation.

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30 Juan Linz, Totalitarian and Authoritarian Regimes, Lynne Rienner Publishers, 1975.

31 Martha L. Cottam worried that the so-called drug war would be "the most likely U.S. adventure in Latin America to lead the country toward disaster." Images and Intervention … U.S. Policies in Latin America, p. 3, University of Pittsburgh Press, 1994.

32 Dresser contends that "by not interfering directly, international forces can make positive and worthwhile contributions to democratic governance in Mexico," p. 340.

33 Cottam defines intervention as "involvement … with the aim of determining the … policies in the target country," p. 4.

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III. MILITARY-TO-MILITARY COOPERATION

A. INTRODUCTION

The historically troubled and oftentimes uneasy relationship between the United States and Mexico does not necessarily preclude collaboration on issues of mutual concern, as the passage of NAFTA and successful counterdrug cooperation can attest. The same can be true for military-to-military cooperation. Both nations stand to benefit by an enhanced capacity to stop drug traffickers and by helping Mexico's military distance itself from corruption and an authoritarian past.

To understand how cooperation can help achieve these benefits, the individual counterdrug responsibilities of both militaries in their own nations will be examined to identify mission commonalities that can be leveraged as a foundation for future interaction. The abortive attempt at cooperation in the late 1990s will be examined to understand the likely root causes for its failure. Causes of cooperation's failure can reasonably be traced to Mexican military reticence based on historical animosity and unwelcome present-day scrutiny in a time of mounting criticism over its role in fighting insurgency. Furthermore, this military reticence was apparently accepted at face value by the central government in a display of what can only be described as a lack of political will to compel the military to press on.

To overcome military reticence and lack of policy-maker support from hindering future cooperation, this chapter recommends devolving responsibility to the border states and their National Guard. Employing the Guard for

this mission should overcome Mexican military reticence to cooperate by focusing on effort spanning a whole spectrum of activities involving military support to civilian authorities. The Guard can show by example (and by the terms of cooperation) how military forces can successfully serve in a support capacity to civilian authorities in areas outside the military's traditional warfighting mission. This approach should win strong political support by engaging the military's extensive capabilities while simultaneously helping distance it from corruption's temptations and its autonomous and authoritarian past.

B. MILITARY INVOLVEMENT IN COUNTERING DRUGS

1. Mexican Military

Acting autonomously or not, there is no denying the Mexican military's key role in staunching the trafficking of illicit drugs. From eradicating vast tracts of illicit crops, interdicting large loads of processed drugs, and pursuing and actually arresting traffickers and kingpins, the military is squarely in the fight. The military's already substantial involvement in counterdrug activity increased in 1995 with the publication of President Zedillo's "National Drug Control Program" which provided a legal framework for a national drug strategy involving the military. More recently, however, Mexico's President Vicente Fox expressed reservations over the use of the military in domestic roles, such as drug control, due to the potential negative impact on civil liberties.

Prior to Partido Accion Nacional Party (PAN) candidate Fox's election as president, the fortunes and loyalties of Mexico's military had been closely linked to the PRI, in power since the Mexican Revolution. The defeat of Porfirio

Diaz and his heavily militarized regime in the Mexican Revolution informed the PRI on the need for a capable and competent armed force to help maintain domestic order (especially against regional warlords) as well as to deter foreign intervention. Conversely PRI leaders also observed the importance of ensuring the loyalty of the armed forces and took pains to establish unquestioned civilian supremacy. Rotating commanders bi-annually to different geographical postings would lessen the chances those commanders could build a significant following among their subordinates or otherwise ingratiate or connect themselves to local politicians or strongmen.

Subordination of the military to civilian authority worked well – Mexico is one of the few Central or South American countries that have not experienced coup or military dictatorship since 1917. In fact the subordination may have worked too well, in a manner of speaking, because the military became closely associated with the ruling organ of the state – the PRI. It appears the PRI increasingly came knocking on the barracks door for help during the last two decades of crisis for the party, as evidenced by the doubling of the military's size and budget.[34]

This increase in size and budget reflected the PRI's reliance on the military for help with domestic security issues such as quelling the Chiapas uprising and to counter

34 The Changing Face of Civil-Military Relations in Mexico on Eve of Presidential Elections: Cause for Alarm? http://www.coha.org/Press_Releases/00-15-Mexican%20Militry.htm

the trafficking of drugs.[35] While marijuana smuggling from Mexico to the United States had been a staple feature of border life for some time, Mexican drug trafficking organizations (DTOs) suddenly and dramatically expanded in scope and influence in the late 1980s and early 1990s through franchising the delivery of Colombian cocaine. The resulting rapid expansion of Mexican DTO power and wealth bred unprecedented levels of corruption in the Mexican law enforcement and judicial systems, alarming Mexican political authorities – whose seeming inability or unwillingness to fight trafficking drew the ire of U.S. officials. Scrambling for an effective tool after numerous failed efforts to root out or reform corrupt officials, the Mexican government turned to the military – a vast reserve of disciplined, motivated and (it was thought) largely incorruptible manpower. The military for a time did seem to be a potent force for good – racking up impressive reports of illicit crop eradication, interdiction of processed drugs and arrest of traffickers. The image of immunity to corruption suffered a substantial blow, however, when General Jesus Gutierrez Rebollo (Director of the National Institute to Combat Drugs – INCD) was arrested for drug-related corruption just days after U.S. "Drug Czar" Barry McCaffrey referred to him as a man of

35 The National Defense Secretariat identified "the fight against drug trafficking" as the military's 4th major mission (Defense Plan 1 encompasses war plans aimed at defending the nation against a foreign enemy, Plan DN-II focuses on eliminating internal security threats, Plan DN-III provides for disaster relief, and Plan DN-IV organizes and legitimizes the army's role in the anti-drug campaign). http://www.sedena.gob.mx

"impeccable integrity."[36] Subsequent revelations have demonstrated the corrosive effects of narco-dollars on other military members.

While President Fox may have few choices in his box of state tools to confront the drug menace, he has expressed reluctance to use the military because of concerns regarding the issue of militarization in his country overall – especially the use of troops to quell the insurgency in Chiapas. This is likely due to public outcry and adverse publicity over alleged military heavy-handedness and complicity in human rights violations against the indigenous populations involved in the insurgency. To conciliate a growing chorus of critics over the military's proper role in a democratic society, President Fox announced in his inaugural address, "We're saying goodbye to military logic and embracing political logic" and promptly pulled back troops from forward positions in Chiapas to demonstrate the point.[37]

Other observers agree with President Fox's desire to step back from relying on "military logic" to answer civil and political questions. "In order to consolidate a democratic and transparent regime," according to Andrew D. Selee of the Woodrow Wilson Center, "President Fox will also need to address … reform in a number of areas. The most significant of these is national security, which continues to follow the logic of an authoritarian past."[38]

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36 Stephen Handelman, "Latin Generals Return to Corridors of Power," The Toronto Star, December 10, 1996.

37 "Fox works toward peace in Chiapas," Central America/Mexico Report, December 2000. http://www.rtfcam.org/report/volume_20/No_5/article_2.htm

38 Andrew D. Selee, Mexico in Transition, p. 4, Woodrow Wilson International Center for Scholars, 2002.

Public security, the criminal justice system and the military, according to Raul Benitez, must all develop new mechanisms for transparency to bolster Mexico's emerging democratic institutions.[39] In spite of these concerns, however, President Fox's countervailing need to curry favor with the United States (to promote important domestic concerns such as obtaining immigration concessions, avoiding certification sanctions, and promoting trade) has prevailed in keeping the military engaged in drug control efforts.

2. U.S. Military

In the United States, the military was drafted into supporting the National Drug Control Strategy in 1989. The active-duty component was given primary responsibility for detecting and monitoring the movement of illicit drugs into the United States while the National Guard was to support domestic law enforcement agencies (to disrupt the trafficking of illicit drugs) as well as community based organizations (to reduce the demand for drugs). Substantial active duty involvement has been focused in support of source country eradication and interdiction along the transit zones of the Caribbean, the eastern Pacific and the border with Mexico. Guard support is fairly diffused across all 50 states and 4 territories, with extra emphasis along the Southwest border.

Engaging the military for counterdrug purposes generated both skeptics and supporters. Supporters viewed the military's extensive assets, geographical dispersion, manpower pool and inherent capabilities as a decisive

39 Raul Benitez, "The Urgent Need for Reform in Security Policy," p. 42, Mexico in Transition, Woodrow Wilson International Center for Scholars, 2000.

measure destined to tip the drug fight in law enforcement's favor. Opponents saw a sinister or cynical effort by a military complex using the pretext of a new "war" to justify budgets and force structure in an era of declining tensions with the Soviets and their proxies. Involving the military in what had traditionally been a law enforcement matter seemed to the critics to be an unwarranted and troubling intrusion of military influence into the civilian sphere. Within the military itself were those who feared their involvement would dull the warrior ethos and otherwise distract from the primary mission of fighting and winning the nation's wars.

Military involvement was ultimately justified on the premise that drug trafficking and use constituted a national security threat, and a threat on such a scale that warranted the use of the armed forces and other national assets at multiple levels. Some of the military's misgivings were mitigated by tying its involvement to coincide with previously scheduled training or by requiring that the mission provide relevant training value in its execution. The guarantees of Posse Comitatus were cited to show how the military was constrained to supporting civilian authorities that would retain (except in extraordinary or exigent circumstances) their traditional law enforcement prerogatives.[40] Furthermore the active-duty

[40] The "POSSE COMITATUS ACT" (18 USC 1385) is a Reconstruction Era criminal law proscribing use of Army (later, Air Force) to "execute the laws" except where expressly authorized by Constitution or Congress. Limits also apply to the Navy by regulation. Additional laws were enacted (codified 10 USC 371-78) clarifying permissible military assistance to civilian law enforcement agencies especially in combating drug smuggling into the United States. Clarifications emphasize supportive and technical assistance (e.g., use of facilities, vessels, aircraft, intelligence, tech aid, surveillance, etc.) while generally prohibiting direct participation of DoD personnel in law enforcement (e.g., search, seizure, and arrests).

military focused much of its effort “beyond the Rubicon” so to speak in operations outside the continental United States and away from interaction with U.S. citizens. This employed a less-controversial use of military troops against “foreign” efforts to invasively smuggle illicit drugs into the United States. What remained of domestic active duty operations involved the vetting of law enforcement support requests through a civilian-led agency known as Operation Alliance, and in any event were sharply curtailed in 1997 when Marines on counterdrug patrol fatally shot a teen-age goat herder in Redford, Texas.

The National Guard also required a support request from law enforcement, and like the active duty could not unilaterally engage in counterdrug operations without civilian oversight. Although not proscribed by Posse Comitatus because its personnel are under the command and control of the Governor, nevertheless its rules of engagement clearly limit exposure to the public and even suspected drug traffickers. The National Guard’s strength in conducting domestic counterdrug activity is based on its ubiquitous presence across the nation. With over 3000 Guard locations nationwide, it was felt that citizen soldiers with strong community ties and affinities would render a potent mix of motivated, well-integrated, sober-minded and sustained support to best address local conditions. Additionally, the concept of supporting drug law enforcement officials seemed a natural extension of an accepted and long-established history of Guard support to civilian authorities. The concept has been generally well received.

3. History of Military Cooperation

Military cooperation between the United States and Mexico, on the other hand, has never been well received – at least by the Mexican military.[41] In the shadow of its northern Colossus neighbor, Mexico has long steered an independent course in foreign affairs.[42] The military followed the PRI's lead and rarely entered into defense treaties or other military entanglements with U.S. armed forces. Some of that reticence might also be traced to an unwillingness to bring too much attention to its internal affairs and prerogatives.

In spite of its nationalistic and independent-minded streak, the PRI by the mid-1990s faced a mounting loss of power and needed to demonstrate regime legitimacy to an increasingly disenchanted public. It agreed to cooperate with the United States against drugs to help overcome the serious threat posed by the cartels, and to deflect domestic U.S. opposition to NAFTA (with its much hoped for economic benefits). In bringing to bear all agencies of the government in support of this effort, the PRI also brought the military to heel in agreeing with U.S. plans to shut down the Colombian cocaine express through Mexico. Military-to-military cooperation ensued with the transfer of some U.S. military hardware including several UH-1

41 In fact, Mexican military planning for external threats (until fairly recently) focused on Guatemala and the United States. Wesley A. Fryer, "Mexican Security," (24 August 1993), Research paper sponsored by the U.S.-Mexico Commission for Educational and Cultural Exchange.

42 See Peter A. Hall and Rosemary C.R. Taylor in "Political Science and the Three New Institutionalisms," Political Studies (1966), XLIV, p. 939. The argument is that behavior may not be strictly strategically calculated, but rather bounded by a certain worldview.

(Huey) helicopters and provision of U.S.-based training of Mexican service personnel.

4. Why Military Cooperation Failed

Unintended or not, the U.S. military opened itself to charges that it did not adhere to the *Strategy* principles of non-intervention, reciprocity and adoption of an integrated approach – but rather attempted to impose a U.S. priority instead (stopping airborne Colombian drug loads through Mexican territory) and then criticized the military's use of U.S. supplied equipment. By the time American hardware was transferred to the Mexicans the Colombians had re-routed a lot of their trafficking to Caribbean and Eastern Pacific routes, or had otherwise handed off their overland trafficking efforts to Mexican smugglers. Meanwhile, a highly publicized insurgency was undermining the PRI's already tenuous hold on regime legitimacy and tarnishing the military's reputation as a benevolent protector.

The military thus found itself between a rock and a hard place. On the one hand was an armed insurgency under its very nose and on the other was a beehive of human-rights groups watching their every move. The uninvited and unwelcome scrutiny that came with the transfer of U.S. equipment, and accusations of its misuse in counterinsurgency operations, was not worth its military value. The formal excuse given to return the helicopters what that they proved to be too low powered for high-altitude eradication and interdiction operations. In addition, military training in the U.S. was abandoned with the pronouncement that training was no longer necessary. In reality, further training was probably declined due to

the “School of the Americas syndrome” – the oft repeated charge that U.S. counterdrug training was actually designed or otherwise abused to perpetrate human rights abuses on insurgent movements. This kind of scrutiny and criticism the Mexican military could do without. The effective end to nascent military cooperation was heralded in a New York Times article that reported “an ambitious U.S. effort to help train and equip Mexico’s armed forces to pursue drug smugglers is in a shambles.”[43]

5. Guidelines for Successful Future Cooperation

Certain steps can be taken to avoid the obstacles that plagued and eventually doomed the previous effort at military-to-military cooperation. These obstacles centered on perceived meddling by the United States in internal Mexican affairs and the lack of political will to overcome and work through differences or disagreements that may arise. Preventive action to avoid these obstacles in crafting a future agreement to cooperate must recognize the historically and structurally based resentment or lingering hostility by the Mexican military to the United States, stress the advantages to be gained by the Mexican military in cooperating, and demonstrate cooperation’s benefits to the Fox administration. Preventive action to smooth the way to viable cooperation is not complex or difficult and can be accomplished by employing the following guidance.

Mexican concern over U.S. effort to unilaterally impose operational expectations or preferences (such as the focus on interdicting Colombian cocaine) can be deflected by agreement on a set of broad common objectives. Those objectives will form the basis upon which specific actions

43 Tim Golden, “US Plan to Help Mexican Military Fight Drugs is Faltering,” The New York Times, December 23, 1998.

to be taken can be planned and carried out in joint fashion. Examples of *Strategy* objectives that could be applied to counterdrug cooperation (the specific details of which would have to be negotiated along with performance measures of effectiveness), include:

- Reduce production and distribution of illegal drugs
- Enhance cooperation along both sides of the border
- Improve capacity to interrupt drug shipments
- Implement training and technical programs

These broad objectives and others similarly structured regarding natural disaster and emergency support could guide the planning for initial operations and interaction in a phased effort commonly referred to as 'crawl, walk, run.' Such cooperation in the crawl phase simply seeks to synchronize existing assets and ongoing operations. The main purpose of this is to acquaint each party with the other and provide a foundation of trust and shared experience upon which further engagements can be built.

To begin this process, operations already being performed by each military should be scrutinized to determine if and how cooperation could enhance each nation's individual efforts. Potential counterdrug activities for cooperative effort include reconnaissance and observation of suspected drug trafficking areas, corridors and plantations; inspection of vehicles for concealment of contraband; intelligence support for efforts to identify and dismantle drug trafficking organizations; area or perimeter defense; and engineering help for law enforcement projects to better enforce the nation's drug laws.

These operations are for the most part already being conducted by both militaries.[44] A key distinction between the two, however, is the status of forces while on mission. U.S. forces serve in a support role to a lead law enforcement agency under a set of clearly prescribed rules of engagement. The Mexican military, on the other hand, normally works autonomously and independently or infrequently in coordinated effort with other Mexican agencies such as the Attorney General's office.[45] To better achieve the desired outcomes of military-to-military cooperation related to the military's proper role in a democracy, actual cooperation should be limited to operations involving support to civilian authorities versus unilateral action by the military. Under this proviso counterdrug cooperation would serve

> … as a tool for our (U.S.) soldiers and airmen to perform as a compelling example of military subordination to civilian authority, emphasizing the apolitical role of the military in a democracy. They also (would) serve as a valuable example of peacetime utility of the military under control of civilian authorities for domestic emergency services, an added benefit to emerging democracies with limited funds. Long term community-to-community and people-to-people relationships aid in building a stable environment for emerging democracies.[46]

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44 Lt Col Alden M. Cunningham states that the Mexican military's civic action programs include "…security backup to police, disaster relief, anti-narcotics operations, …" and a host of other functions not too dissimilar from what the National Guard of the United States accomplishes in its state mission. "Mexico's National Security in the 1980s-1990s," taken from The Modern Mexican Military: A Reassessment, p. 174

45 "Intel Reports, Mexico Country Brief," DEA Resources for Law Enforcement Agencies. http://www.usdoj/dea/pubs/intell/02035/02035.html

46 International Affairs Directorate Annual Review. http://www.ngb.dtic.mil/staff/ia/fy00_review.shtml

The advantages of the U.S. approach are two-fold. Both of these advantages should draw executive branch support from President Fox and his administration and fuel the political will to sustain and encourage military-to-military cooperation. The first advantage is mitigating concern over "militarization" by distancing the military from direct law enforcement activity. With the military in a support role, the lead law enforcement agency will structure the operation in terms of due process and other applicable legal protections – limiting the military's otherwise valuable contribution to that of force-multiplier or provider of mission critical capabilities either in short supply or otherwise unavailable.

The second advantage is that accountability is enhanced. Military members or law enforcement agents charged with corruption by narco-traffickers either:

- Take bribes to look the other way, or
- When seizures are made the drugs are often re-sold to the highest bidder, or
- In extreme cases the military provides "security" for traffickers from competing organizations or even civilian law enforcement agencies.

By subordinating effort to a law enforcement agency with law enforcement agents present as a condition of support, there is greater accountability on the part of all involved. While not eliminating the possibility of corruption altogether, this arrangement certainly reduces its chances. Furthermore, strict rules of engagement involving chain of custody of seized contraband as the responsibility of the law enforcement agency will further remove the military from the temptation to compromise.

If these conditions stimulate strong political support by President Fox to initiate and sustain military-to-military cooperation, the Mexican Army's chain of command might quietly welcome the help in quelling corruption and distancing itself from law enforcement duty – phenomena which have both served to diminish the military's reputation as benevolent protector of the people's interests. The military would also likely welcome the positive attention as a force-multiplier for scarce civilian capacity in times of disaster.

These beneficial outcomes can best be achieved if the National Guard is engaged with its obvious wealth of tradition and experience in military support to civilian authorities (MSCA) – a tradition not shared to any extensive degree by active duty soldiers. The active duty, in any event, is and will be focused on other administrative priorities related to the war on terror. The Guard's emphasis on domestic homeland security and its MSCA background make it the best U.S. military organization to help steer Mexico's military from autonomous civil action to a more democratically-aligned posture of supporting civil authorities. Beyond serving as a good example, the Guard can underscore the MSCA theme by limiting the terms of agreement and interaction to operations related to MSCA activity. Furthermore, engaging with citizen soldiers (many of them of Mexican descent with common border-area family, language, and cultural ties) should go far in deflating any antipathy that Mexican troops might harbor against their U.S. counterparts.

Specific and achievable first-steps that can be taken to build trust and confidence between participating U.S.

and Mexican military members are an exchange of visits by high-ranking officials, dual training in responding to natural disasters, coordinated exercises on both sides of the border in support of civilian law enforcement operations, and the possible exchange of liaison officers to observe and coordinate effort. Areas of focus, besides counterdrug operations, could be support for trans-border fire fighting, drought relief, search and rescue, and response to earthquake, flood, snowpack or other similar disasters. Specific and detailed terms and conditions of this coordination would have to be determined in negotiations.

IV. CONCLUSIONS AND A RECOMMENDED TIME LINE

With drug trafficking continuing to bedevil the United States and Mexico, military-to-military cooperation promises to enhance the otherwise individual and unconnected efforts of each nation's military in helping quell the problem. Cooperation based on the non-intrusive principles laid out in the US/Mexico Bi-National Drug Strategy in a framework of support to civilian authorities can help nudge the Mexican military away from its authoritarian past towards increased accountability and civilian control. The net effect of this cooperation will be to fight trans-border drug trafficking and its debilitating and corruptive effects more effectively, strengthen Mexico's democratic underpinnings, and provide practical help in responding to trans-border issues such as natural disaster. These outcomes will serve to stabilize Mexico, where grievous economic or political volatility could otherwise lead to chaotic and highly undesirable consequences for the United States.

To reach the goal of military-to-military cooperation as proposed in this thesis, the National Guard is recommended as the U.S. military organization of choice. The Guard, however, when not in federal service is considered to be the state's militia. The governor's support and approval is therefore necessary for engaging the Guard in military-to-military cooperation. Two reasons present themselves for recommending New Mexico as the first state to enter into such a cooperative military agreement. First is its status as one of the four states bordering Mexico. Second is that its present Governor has a unique combination of policy preferences, personal background and professional qualifications that will energize high-level attention and emphasis to promote successful cooperation.

New Mexico's governor Bill Richardson is the son of a Mexican mother, fluent in Spanish, well-respected in Mexico

for his key role in NAFTA's passage, has national clout and Washington insight as a former member of the House of Representatives and Energy Department Secretary, and carries international standing as the former U.S. ambassador to the United Nations. Combined with his stated desire to build a stronger trade relationship with Mexico, and specifically with the State of Chihuahua, these attributes form a strong basis to propose a model program through his good offices.

Governor Richardson has stayed on message about his intent to enhance New Mexico's relationship with Mexico, especially the state of Chihuahua that directly borders New Mexico. For example, in his inaugural address he spoke about promoting closer ties "with our vecino [i.e., neighbor] Mexico, to the south,"[47] and spoke of his already blossoming friendship with Chihuahua Governor Patricio Martinez who attended Governor Richardson's inauguration to "symbolize his commitment to a stronger, more profitable"[48] relationship. In his state of the State address on 21 January 2003 Richardson again mentioned his priority of building up the "bonds between our people"[49] and recommended funding for a Border Authority and Economic Development Commission to promote trade with Chihuahua.[50] Governor Richardson subsequently met with Mexican president Vicente Fox on 26 January 2003 at the World Economic Forum in Davos, Switzerland, where they discussed "a variety of issues of interest and importance to both Mexico and New Mexico."[51]

A military-to-military relationship between Governor Richardson's citizen-soldier militia and corresponding

47 Governor Bill Richardson's Inaugural Speech, 01 January 2003. http://www.governor.state.nm.us/pdf/inaugural.pdf

48 Ibid.

49 Governor Bill Richardson's State of the State address, 21 Jan 03. http://www.governor.state.nm.us/pdf/inaugural.pdf

50 Ibid.

51 Governor Bill Richardson's Press Release, January 27, 2003. http://www.governor.state.nm.us/2003/news/jan/012403_1.pdf

Mexican military units in Chihuahua fits in well with his intent to deepen the state-to-state relationship. With a focus on support to civilian officials in times of natural disaster such as helping fight forest or grass-land fires, hauling water to isolated drought-stricken communities, bringing in feed stocks for subsistence cattle-herds threatened by snow-pack or flooding, searching for lost or missing citizens, and countering drug trafficking - there are a number of trans-border issues where cooperative military support would foster good will and provide practical help to citizens on both sides of the border.

To initiate this cooperative venture with its promising salutary effects, the following timeline is suggested to inform the actors involved and obtain their support. The likely benefits of military cooperation to encourage the support of these actors are cited to help guide the approach taken in briefing them and soliciting their buy-in. The proposed timeline, certainly, depends on the actual time required by the individual agencies to vet and comment on the idea.

MONTH 1

Step 1: Staff the proposal through affected offices in the New Mexico Department of Military Affairs for mission impact and funding implications.

Propose concept plan to Adjutant General for approval.

Focus on:

- Enhanced capacity to succeed in counterdrug mission
- Support for Commander-in-Chief's (Governor Richardson) policy goal of strengthening ties with Mexico
- Warfighting and multi-national interaction training value

- Expanded ability to address trans-border natural disaster or emergency
- Bolstered protection against terrorist infiltration

Step 2: If approved by the Adjutant General for continued action, advise National Guard Bureau (State Partnership Program and Counterdrug Offices). Request technical advice and legal opinion.

Step 3: After review by NGB, give "heads-up" notice to ONDCP through the NGB counterdrug liaison assigned there. Indicate that if the Governor gives final approval to proceed, a formal opinion from ONDCP will be sought.

Month 2

Step 4: Have the Adjutant General propose the concept to the Governor. Request the Governor staff the proposal through required channels.

Focus on:

- Military-to-military cooperation supportive of the Governor's policy of increasing interaction and rapport with Mexico
- The practical value of cooperation in the event of trans-border disaster or emergency
- The domestic political value of demonstrating action against trans-border drug traffickers

Month 3

Step 5: Upon the Governor's approval, route the proposal to ONDCP for their review and comment.

Focus on:

- The support that military cooperation will provide in disrupting the market for illicit drugs
- The expected hardening of Mexico's military against corruption and its strengthening as a democratic institution[52]

Step 6: With expected ONDCP concurrence, have a high-ranking delegation from Governor Richardson's staff brief the International Desk of the State Department and request their concurrence and guidance.

Focus on:

- Support for the 3rd pillar of the National Drug Control Strategy[53]
- Enhanced capacity for deterring terrorists
- Beneficial effects in helping the Mexican military transition from its authoritarian past

***Step 7*:** Concurrently with advising the State Department, have the Adjutant General brief DoD, Office of Counter-Narcotics, with NGB State Partnership Program (SPP) and Counterdrug Office representation. Note that while a New Mexico – Mexico agreement would not be conducted under the auspices of the SPP, the fundamental mission objectives and execution of military cooperation would be informed by the SPP's extensive experience in that arena. Request the proposal be vetted and staffed through the appropriate DoD offices.

Focus on:

52 ONDCP observes that, "… institution-building in Mexico and a reduction in corruption promises the greatest impact on reducing the flow of drugs to the United States." Bilateral Cooperation with Mexico, ONDCP Fact Sheet. http://www.whitehousedrugpolicy.gov/publications/internatinal/factsht/Mexico.html

53 President Bush said, "My administration will continue to work … to stop the flow of drugs into America … working in close cooperation with Mexico [as] a priority." Ibid.

- Enhanced capacity to fulfill statutory counterdrug mission
- Concurrent value in deterring or defeating terrorist infiltration through Mexico
- Positive effects in promoting closer military ties with our immediate Southern neighbor

Month 4

Step 8: If at this point all U.S actors are in agreement, Governor Richardson should advise Chihuahua's governor of the plan and seek his support. In the absence of any readily identifiable reservations, and in light of Governor Martinez's agreement with Governor Richardson on increasing bilateral ties, there is little reason to doubt such support will be forthcoming.

Step 9: Once Chihuahua's governor is on board, request a State Department sponsored meeting with all principals from both sides of the border. Included would be Governors Richardson and Martinez, the U.S. Ambassador to Mexico and the Mexican Ambassador to the United States, New Mexico's Adjutant General and the appropriate Mexican military representative (perhaps the commander of troops in the zone encompassing Chihuahua State and someone from their higher headquarters), and representatives from ONDCP and the equivalent Mexican agency.

The Adjutant General can brief the concept on behalf of Governor Richardson and request consensus to formulate a Working Committee of technical and diplomatic experts to draft a proposed cooperative agreement after the Mexican contingent has had sufficient time to review and (hopefully) concur with the proposal.

Focus on:

- Enhanced ability to leverage existing military capability and ongoing missions through cooperation on trans-border issues overall, especially in support of initiatives related to:
  - Natural disaster or emergency
  - Counterdrug support[54]
  - Counterterrorist support
- Inherent training value of collaborative action
- Ancillary benefits of hardening Mexico's military against corruption and exposure to a military model strongly rooted in support to civilian authorities without crossing over into direct law enforcement

Month 5

Step 10: The Working Committee convenes to craft the proposed agreement.

Month 6

Step 11: The Working Committee reports back to the principals with a proposed agreement that spells out the terms and conditions of military-to-military cooperation.

Step 12: Upon agreement, military cooperation on a trial basis is officially launched. Other border states

54 Justifying an optimistic expectation of Mexican government support, President Fox's administration has displayed "an unprecedented willingness to cooperate with U.S. officials, and the government of Mexico has significantly improved bilateral cooperation." Ibid.

are officially notified and invited to send observers to witness the execution of the agreement.

A unique confluence of factors has set the stage for a renewed attempt at military cooperation. By employing an aggressive schedule as suggested above, there is substantial reason to anticipate an agreement for cooperation can be initiated well within one year of its initial proposal for consideration. This author sincerely hopes the actors cited in this thesis will feel equally persuaded, and will seize the historic moment to reinvigorate a mutually beneficial program of U.S. – Mexico military-to-military cooperation.

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