

USAWC STRATEGY RESEARCH PROJECT

**SEALING THE BORDER WITH MEXICO:
A MILITARY OPTION**

by

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

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ABSTRACT

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The intent of this SRP is to study the feasibility of deploying the U. S. Army, Marines, or National Guard on the U.S. border with Mexico. The SRP will study whether such a deployment can effectively deter the smuggling of illegal narcotics and immigrants. The SRP will review the threat posed to U.S. national security by the smuggling of narcotics and aliens, especially after 9/11/01, the diplomatic impact with Mexico, the impact on local U.S. border communities, and the possible nature of the military's task. The SRP will analyze the pros and cons of a deployment of U.S. military units on the Mexican border and how it may be conducted in conjunction with the cooperation of civilian agencies such as DEA and the Border Patrol.

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SEALING THE BORDER WITH MEXICO: A MILITARY OPTION

The United States prides itself on being a nation based on the rule of law, on the energetic defense of civil liberties, on the absolute right to privacy of its citizens, and on possessing one of the world's most open and free societies. The country's emphasis on civil and individual liberty, however, often conflicts with combating crime, especially crime which is often seen by society as victimless. Included in these criminal activities are the smuggling and use of illegal narcotics and illegal immigration.

The use of illegal narcotics has long been a major problem facing the United States. Illegal drugs are produced in the United States, but most, such as cocaine, heroin, and marijuana, are imported into the country from foreign sources, especially source countries in Central and South America. Smuggling of illicit drugs is done via the sea, by speedboats darting in and out of America's extended coastal waterways, and by air, from small planes landing clandestinely in isolated areas or smuggled in on commercial and courier planes hidden with other cargo.

One of the clearest and easiest routes of drug smuggling lies along the 2,000 mile border the United States shares with Mexico. The United States maintains an essentially open and accessible border with its southern neighbor. Such a border facilitates the travel of persons and the transportation of commercial and trade goods, especially agricultural products, in both directions. A border that is relatively easy to cross is a cornerstone of the historic NAFTA, or North America Free Trade Agreement, currently in place between the U.S., Canada, and Mexico, and which has had such a demonstrably positive impact on the economies of all three countries. Nonetheless, an open border that encourages trade and tourism has also been abused by criminal elements intent on smuggling drugs and illegal immigrants into the U.S.

THE NATURE OF THE THREAT

Narcotics trafficking poses a very serious threat to the security and stability of the United States. The huge demand for drugs in the United States and the low income of many in Mexico is an ongoing trend that fosters the continued development of the drug trade.¹ The destructive impact of the smuggling and use of illegal narcotics is well known. The drug trade contributes to official corruption as some law enforcement and other public servants give surreptitious support to the drug traffic in exchange for financial rewards. Such support can be active, in the sense of actively facilitating the entry of contraband narcotics into the U.S., or passive, by purposefully ignoring profiles and other indicators of narcotics smuggling. In addition, the drug trade is

generally controlled by highly-organized criminal entities, often working with international partners, and which continue to enrich themselves from the profits of narcotics trafficking.

Another effect of the drug trade is the public health impact on the users in the United States. Addicts often are exposed to diseases, including HIV/AIDS, by sharing needles, develop psychological problems as a result of long use of their drugs, and otherwise place a burden on the nation's healthcare system. Other addicts become homeless or destitute and unable to care for themselves. To support their habits, addicts sometimes resort to crime - muggings, burglaries and other activities - to raise funds to maintain themselves and their habits. All these effects undermine civil society and produce a cynicism and callousness towards law enforcement among many members of society.

The openness of the Mexican border may encourage narcotics trafficking. According to recent Congressional testimony, "Mexico is the primary transit country for cocaine entering the United States, as well as a major source country for heroin, marijuana, and ...metamphetamine...According to the State Department, no country in the world poses a more immediate narcotics threat to the United States than Mexico".²

Illegal immigration poses an equally potentially serious threat to the security of the United States. While many illegal aliens originally entered the country on valid visas but overstayed their permitted period of time, many others entered the country illegally without visas or permission. Most of these are smuggled across the Mexican border by organized smuggling rings, which often have connections to narcotics traffickers and other organized criminal groups.

An increasing fear since September 11, 2001, is that foreign terrorists may attempt to use these criminal smuggling organizations to enter the United States. According to author Michelle Malkin, an Iraqi native headed an international crime ring that guided aliens from all over the world into the United States, usually across the Rio Grande river separating the U.S. from Mexico, and then arranged transportation and lodging for them once inside the U.S. At the smuggler's trial, the prosecutors introduced evidence that he was responsible for smuggling individuals with known ties to subversive or terrorist organizations.³ Ms. Malkin speculated that thousands of middle easterners have crossed the Rio Grande undetected.⁴ In his study of the U.S. - Mexican border area, Timothy J. Dunn stated that "even the issue of terrorism has been framed during the contemporary era as a border-control problem. ...federal officials sometimes drew a link between drug trafficking and terrorist threats".⁵

Illegal immigration will continue because "(T)he combination of the diverse economic policies in the past, the rapid population growth, and the proximity of economic disparities has

created a northward movement of migrants (from Mexico) that has become a major issue between the two nations.”⁶

Many positive aspects for the U.S. economy stem from illegal immigration. Employers using illegal immigrants pay low wages, keeping the cost of food or their other products low as a result. In addition, the United States is historically a nation of immigrants, and the immigrants, from whatever source, contribute significantly to the rich cultural mix and talent pool in the U.S. for generations to come.

The illegal immigrants themselves are often subject to crime and other abuse during their transit from Mexico to their destinations in the U.S., and to exploitation by unscrupulous employers and criminals once inside the U.S.⁷ Illegals are completely at the mercy of their smugglers during their arduous trek across the Mexican border, are often harassed for bribes or abused physically by law enforcement and other officials on both sides of the border, and are often transported by means that are highly dangerous to their safety. Every year there is at least one major story of a tragic discovery of illegal immigrants found dead in railroad boxcars, tractor trailers, or other compartments that were being used to hide their movements. In these instances, often the smuggler will abandon his charges rather than risk arrest or detection during the smuggling process.

Many other illegals and their families often become burdens on state health care and welfare systems after their arrival in the U.S. Many fail to seek proper medical attention to treat serious illnesses for fear that they will be deported to their home countries, and thus unwittingly facilitate the spread of disease in their adopted communities. During this author's tenure as U.S. Consul in Matamoros, Mexico, there was considerable discussion among public health officials on both sides of the border about the desirability of treating detained illegal aliens pending deportation for tuberculosis or other diseases prior to returning them to Mexico. Often the costs associated with long-term detention of aliens led to their deportation before effective treatment had been concluded. In many of these cases, the deported alien would linger in the border area, looking for an opportunity to return to the U.S., and thus possibly contaminate others in the process. If the alien successfully entered the U.S. again, his disease would not have been treated and he would serve as little more than a carrier to spread the disease wherever he may end up in the U.S.

The number of illegal immigrants present in the United States is unknown, but is estimated to be as high as 12 million individuals. Approximately 40 percent of these persons are from Mexico, and the majority of the remainder originated in Central or South America.⁸ How many are potential terrorists or criminals cannot be known, but the porous nature of the

southwest border with Mexico raises justifiable fears that foreign terrorists may use the busy ports of entry on the Mexican border to gain entry into the U.S. with the help of smugglers, fake documentation, or other means. "Illegal aliens... have taken part in almost every major attack on American soil perpetrated by Islamist terrorists, including ...the attacks of 9/11."⁹

A MILITARY SOLUTION?

How to deal with the threat posed by an apparently open border with Mexico, an open border that is too often used by narcotics smugglers and alien smugglers to threaten the security of the United States? Is this a threat that can be deterred by military means as opposed to more traditional law-enforcement methods carried out by civilian agencies? The current state of border affairs does not speak well for the capacity of the civilian law enforcement agencies to deal effectively with the problem. Despite their best efforts, and despite significant increases in personnel and resources, it is not likely that the civilian agencies, including the U.S. Border Patrol, U.S. Immigration and Naturalization Service, Customs, and others which recently joined together to form the Department of Homeland Security, can realistically do more than already achieved to stem the flow of narcotics and illegal aliens into the country from Mexico. According to Jeffrey Passel, there is substantial evidence that INS enforcement activities do virtually nothing to deter illegal entry across the Mexican border.¹⁰ There is also some question about the seriousness of the law enforcement agencies to deal with the illegal immigration problem and by implication with the potential terrorist threats posed thereby. For example, in May, 2002, Immigration and Naturalization Service Commissioner James Ziglar stated "No one likes the idea that people came into the country illegally, but it's not practical or reasonable to think that you're going to be able to round them all up and send them home". Ziglar's comments were made at a joint press conference with Mexican officials at the Tucson, Arizona, Border Patrol Station.¹¹

In regards to illegal narcotics smuggling, the General Accounting Office reported to Congress that "U.S. and Mexican (drug) interdiction efforts have had little, if any, impact on the overall flow of drugs through Mexico into the United States."¹² Despite increased expenditures to the War on Drugs effort, interdiction of imported drugs, particularly marijuana and cocaine, appears to be relatively ineffective, as the flow of cocaine imports increases at ever lower prices.¹³ The image of the U.S. -Mexico border region is that of a vulnerable zone in urgent need of numerous, serious security measures to repel an "invasion" of "illegal aliens", to win the War on Drugs, and to counter the threat of terrorism.¹⁴

Many different voices from different sectors of the political, business and private community have called publicly for the deployment of the U.S. Army or other military units on the border with Mexico to stem the tide of illicit drugs and illegal aliens into the U.S. One of the most prominent of such calls came from former Tennessee Governor and Presidential candidate Lamarr Alexander. Alexander suggested during his campaign for the Presidency in 1996 that the Army organize units to defend the Mexican border against illegal drugs and immigration.¹⁵ Numerous ranchers, businessmen and other residents along the border have also called on the government to allow the military to protect their property, and prominent political commentators, such as Bill O'Reilly of FOX News constantly call for the military to "seal" the border with Mexico. It is usually understood when these rhetorical calls are made that by military, they mean the deployment of ground troops as border guards, similar to military checkpoints at or near other international borders in almost every other region of the world. No one is intending to question the integrity of the motives of those who call for a greater, more visible military presence on the border. Ranchers in border areas have legitimate concerns about their property being trespassed and damaged by illegals and drug traffickers as they scatter into the U.S. Some landowners have taken the law into their own hands to deal with the problem.

Despite such rhetoric, however, a rational examination of the facts is necessary to determine the feasibility of an enhanced military presence on the border, to see if some type of a deployment may be effective against these problems, and to determine if the probable negative effects of such a deployment are outweighed by the expected, if any, reduction in the passage of illegal drugs and illegal aliens into the country.

ARGUMENTS IN FAVOR OF A MILITARY DEPLOYMENT ON THE BORDER

Upon initial consideration, the deployment of ground troops by the Army or National Guard may appear appealing in dealing with the problems caused by alien and narcotics smuggling. Cooperation between the military and the civilian agencies on the land border with Mexico is not unknown. This writer saw for himself, as Consul in Matamoros, Mexico, that Texas National Guard soldiers were deployed at land ports of entry to assist the INS and Customs Service inspectors in the aftermath of the 2001 terrorist attacks. The soldiers screened private and commercial vehicles seeking to enter the United States. They did not interview occupants of the vehicles or pedestrians, but brought indications of hidden compartments in the vehicles, or other suspicious evidence, to the attention of the civilian inspectors for further inquiry. After a period of several weeks, additional INS and Customs officers had been recruited, trained and deployed

at the ports of entry and the National Guard contingent was redeployed. It was unclear at the time if the National Guard had been federalized, but because they worked side by side with federal civilian officers, they presumably were in the federal service.

In addition, for many years, the Department of Defense has provided intelligence and conducted surveillance of sea and air vessels heading towards the U.S. to better detect narcotics smuggling. These operations have been successful in that the military worked smoothly with civilian counterparts in limited, well-defined roles. The Reagan and George H.W. Bush administrations (1981-1992) waged a highly publicized antidrug effort to limit the flow of illegal drugs into the U.S. Timothy J. Dunn interpreted this effort as amounting to border militarization.¹⁶ During this period, “immigration and drug enforcement efforts often overlapped”.¹⁷ The Defense Authorization Act of 1982 included alterations in the Posse Comitatus statute, loosening restrictions on the military’s role in law enforcement activities, and explicitly allowed military personnel to assist (not just support) civilian federal law enforcement agencies by operating and maintaining military equipment on loan to those federal agencies.¹⁸ Until the present day, the military has monitored flights of suspicious airplanes in the border area and provided other surveillance assistance to relay information to federal law enforcement officers to interdict drug smuggling activities. At no point, however, were soldiers employed on the border as ground troops with the explicit authority to actively participate in the enforcement of the narcotics and immigration laws.

The Department of Defense continues to contribute to drug eradication programs in Mexico and other drug-producing countries. Such efforts include the training of foreign military personnel in these nations and the funding of other anti-drug programs. These efforts, taken all together, however, do not appear to reflect the more energetic deployment of the military indicated by the call to “seal” the border as used in public debate. What appears to be suggested, again, is the deployment of ground forces in sufficient quantity and in a sufficiently long deployment to detect and apprehend narcotics smugglers and illegal aliens.

Calls to militarize the border likely envision a significant number of ground troops organized into patrol units along the border area, especially in areas used by alien and narcotics smugglers. According to Timothy J. Dunn, an Army major prepared a thesis discussing just such a military deployment. This major concluded that a brigade-size joint task force consisting of active and reserve forces from the Army, Air Force, Navy and Marines could conduct sustained counter-drug operations to support law enforcement agencies to interdict illicit drugs along the Southwest border.¹⁹ The discussions on television and radio news and talk shows implies the use of the military to establish a cordon sanitaire along the Mexican border, or

significant parts of it, to preclude anything or anyone from passing through without being screened. The units would patrol several key points along the border and perhaps into the interior of the U.S. as well. Any other suggested deployment of the military on the border would otherwise appear to be simply more of the same type of limited, specialized, assistance-oriented policy in present use. Author Michelle Malkin, in her 2002 book *Invasion*, states categorically that at the southern border, “we must be prepared to use our own soldiers to defend against acts of aggression...If we are willing to send American troops to the mountains of Afghanistan and the jungles of the Philippines to defend against foreign threats, we should be prepared to dispatch them...to help police the vulnerable, unguarded stretches of desert, forest, valley and sea here on the home front”.²⁰

PROBLEMS WITH A MILITARY SOLUTION

The arguments outlined above sound attractive to a public growing more and more concerned with the threats posed by terrorism, illegal immigration and narcotics trafficking. The presence of uniformed public servants in difficult situations often reassures the average citizen that the government has taken the ultimate step to ensure the public welfare. Many people with no association with the border with Mexico see no reason not to use the military to intimidate smugglers and regain control of a border that, especially in the aftermath of 9/11/2001, may be seen as vulnerable to criminal activity and terrorist abuse.

The reality, however, may be that the deployment of any size of military unit along the border will not produce the desired results on the war on drugs or on the efforts to stem illegal immigration. It should be noted that the Department of Defense itself does not welcome a deepened involvement in such border activities. A previous Secretary of Defense expressed his concern about the inefficiency and degraded readiness that could result from an expanded role on the border.²¹ Among other legislators, U.S. Congressman Silvestre Reyes (Texas) has declared that “every soldier...diverted to border duty would be removed from the military training responsibilities, and therefore unable to deploy for future missions...the continued wear on personnel and their families may result in difficulties retaining and recruiting high quality volunteers”.²²

Also of note is that in the two years since the terrorist attacks against the U.S., significant additional funding and personnel resources have been made available to the INS, Border Patrol and Customs Service, now under the umbrella of the Department of Homeland Security. A recent investigation by a reporter for the Associated Press concluded that this “crackdown” to prevent terrorists from entering the U.S. has not resulted in stopping even one known militant

from slipping into the U.S. Instead, according to this report, the tightening net of agents has slowed border crossings, snarled traffic, and cost American taxpayers millions, if not billions, of dollars. Instead of opening the border, the U.S. has closed it further. Trade has slowed, and the fallout from terrorism fears has wreaked havoc with border life, according to this reporter. Finally, he stated that "illegal migration dropped off significantly in the weeks after the terrorist attack but has since rebounded."²³ These conclusions, testifying to the ineffectiveness of enhanced border security programs, are shared by many residents of the border area, and cause concern with business and political leaders in Texas and other border states.

The Secretary of Homeland Security, Tom Ridge, also discouraged the use of troops along the border. At a recent conference addressing border community concerns, he stated that "Among allies and friends, you don't have a militarized border".²⁴ On another recent occasion, Secretary Ridge stated that "Because of the relationship we have and continue to develop and enhance every day with our friends in Mexico, the last thing we want to do is militarize the border between friends. We want them open, we want them mutually beneficial".²⁵

Using combat troops, in the form of ground troops, along the border with Mexico may simply not be a suitable mission for the military, at least at this time. Combat troops are not trained to be policemen. Author Timothy Dunn opined that "soldiers are not equipped to conduct civilian law-enforcement operations...they are trained to eliminate hostile threats."²⁶ Even the use of military units for surveillance and passive assistance to civilian agencies may not have proven to be an efficient counter-measure to drug traffickers. The General Accounting Office concluded in a drug control report to Congress that "at present, DOD's surveillance capabilities...are more costly than beneficial to the drug war...the majority of drug shipments continue to successfully transit Mexico."²⁷ Even given the relative weakness of air interdiction of narcotics entering the U.S., if the smugglers adapted to greater U.S. interdiction success in that realm, they may simply increase the flow of drugs across the land border. "Land smuggling across the U.S.-Mexico border and through ports of entry also present major problems. The land border is difficult to control against entry by individuals...given the need to maintain a smooth flow of commerce across the border, there is considerable reluctance to impose very strict inspection on much of the traffic flowing through ports of entry. Thus increased military contributions to the cocaine interdiction program could be largely negated by a shift to land and port-of-entry smuggling."²⁸ A final concern is that once deployed on the border, it may be difficult for the military units to be redeployed quickly where needed elsewhere in the world. The continuing War On Terror, the continued deployment of a large number of military units in Iraq in the aftermath of the capture of Baghdad, and the possibility that the U.S. will have to respond

elsewhere in the world to another terrorist threat mitigate the availability of troops to be deployed in the War on Drugs on the southern border.

THE CASE OF ESEQUIEL HERNANDEZ

Once deployed, however, the troops along the Mexican border area will undoubtedly interact with private citizens of Mexico, the U.S., and other countries. There is a danger in a possible confrontation between private individuals of unknown nationality and purpose and armed soldiers in a confusing, volatile environment. The tragic shooting death of Esequiel Hernandez is a special case in point. A U.S. citizen working as a shepherd, Hernandez was shot and killed by a Marine unit deployed on patrol to support the U.S. Border Patrol near the border in Texas.²⁹ Although the marines were exonerated because Hernandez fired first in the unit's direction, the incident is used by immigrant rights activists and other critics of border militarization to demonstrate the potential tragedies and human rights abuses that could occur should combat troops be posted along the border.

Accidental shootings by municipal police forces in confusing situations are not uncommon and often spark violent protests. Assigning armed soldiers to patrol in a poorly-defined situation along an international border that has traditionally been open and easy to cross, in rugged terrain and desolate areas, will put them in even more confusing situations. The soldiers will possibly confront smugglers and illegal aliens, but just as likely will interact with persons of different nationalities who may have every legal right to be present where they are, but who, because of language barriers, fear and confusion may react suspiciously when confronted by a military patrol. The patrol may lack the necessary training or expertise to determine the validity of the individual's documentation, if he has any at all, to try to ascertain his nationality and legality. Such an encounter is a recipe for disaster.

ECONOMIC CONSIDERATIONS

Communities on both sides of the border would likely protest against the deployment of U.S. troops in the border area because of the potential negative economic impact resulting from such an action. It has been this writer's experience as a consular officer in different parts of Mexico that reports or rumors of increased security at the border often result in a decrease in the number of Mexican nationals seeking to enter the U.S. to shop or visit relatives and friends. A decrease in border crossing traffic would also result from any action that adds time to the wait to cross the border, especially by vehicle, and that could also subject the visitor to increased scrutiny of his purpose for crossing and of his supporting documents. The U.S. border communities are heavily dependent on the Mexican shopper and predictions of financial doom

and gloom would almost certainly be forthcoming from chambers of commerce and civic and business leaders in these areas.

The national economy may also be affected by efforts to enhance screening of northbound commercial vehicles and individuals to detect drugs and illegals. Enhanced security of all types of vehicles crossing the border will significantly increase crossing times that will discourage some truckers. Delays associated with the transportation of perishable products, such as fruits and vegetables, will result in the degradation or destruction of the produce, and other goods essential to U.S. industries will be late in arriving for assembly or processing. Secretary Ridge was concerned about just this problem when he stated that one of the crucial issues he faced was the need to improve border inspection capacity and facilitate quicker crossings. He and others were mindful of the “devastating” effects that bottlenecks at border crossings subsequent to September 11, 2001, had on border economies. Mexico’s economy has similarly been hampered by clogged border crossings. Secretary Ridge and other administration officials have embraced the “Smart Border” plan which, among other features, will take into account that Mexico is the U.S.’s second largest trading partner after Canada, and that the U.S. is Mexico’s largest. Pre-screening of commercial and private vehicles to allow frequent border crossers quicker passage³⁰ would appear to run contrary to tighter security measures meant to deter the entry of dangerous materials or terrorists, not to mention drugs, into the country. Desirable as it may be, a more intense war on drugs that attempts to more effectively deter and detect the transportation of narcotics at the border may not be consistent with free trade and greater economic activity between the U.S., Mexico and other nations in the hemisphere.

THE DIPLOMATIC RESPONSE

As fierce as the criticism of the deployment of troops on the border may be from communities and business leaders, the most vociferous, and predictable, criticism will undoubtedly come from the Mexican government. Mexico remains very sensitive about the border. The border area encompasses the half of its national territory lost to the United States in the war of 1846. Subsequent military interventions by U.S. armed forces are remembered and resented still throughout the country. (It should be noted that the Pershing expedition into Northern Mexico in 1916 to find and punish Mexican General Pancho Villa was unsuccessful in locating him or his band of thousands of armed followers, testifying to the difficulty of tracking and locating even large groups in the challenging border terrain.)³¹ Using U.S. combat troops to deal with border security would surely raise the hackles of every Mexican politician, local or

federal, and resurrect the specter of and protests against “Yankee Imperialism”, one of the key traditional pillars of Mexican foreign policy. Mexico is very protective of its sovereignty and critical of any U.S. action that may be perceived as intruding on Mexican self-determination and nationalism, or that infringes on the rights of its nationals anywhere.

Mexican President Vicente Fox is believed to champion the dissolution of all borders in the Western Hemisphere. He is reported to have said “When we think of 2025, there is not going to be a border’ between the U.S. and Mexico. There will be a free movement of people just like the free movement of goods.”³² Former Mexican Foreign Minister Castaneda refused to endorse border security reform without a blanket amnesty of all illegal aliens from Mexico living in the U.S.³³

Protests would also likely arise from Mexico’s diplomats and consular offices because of their aggressive concept of protecting the rights of Mexican nationals in the United States, whether present legally or not. Mexico has 47 Consulates across the U.S., and all work diligently with their compatriots to protest any perceived threat to their safety. A multitude of such protests are already aimed at the U.S. Border Patrol and INS because of Mexican consulate concerns that the safety of the migrant is not their paramount concern. Increased efforts to apprehend illegal immigrants with the help of the Army would result in Mexican denunciations that the border is actually being made less secure. Mexico would resent the implication that it is a base for terrorists, and would undoubtedly invoke the name of Esequiel Hernandez as a warning of what may befall migrants and border residents.³⁴

Previous efforts by the U.S. to expand the role of the military in the counter-drug campaign have been denounced by Mexico as “offensive...unacceptable militarization of the border...and incompatible with constructive bilateral relations.”³⁵ Despite the Mexican government’s commitment to cooperate on the war on drugs, Mexico would react to even stronger efforts to deter narcotics trafficking as condescending and insulting, and would raise their rhetoric that the drug trade is so profitable because of the high demand in the U.S., and that the U.S. should do more to curtail consumption within its borders.

Even more serious diplomatic repercussions may arise from potential confrontations between American and Mexican military patrols, or other armed groups along the border. Incursions by Mexican forces, from police to military to criminal groups into U.S. territory were a major concern of the Department of State during this writer’s tenure as Consul in Northeastern Mexico. Several incursions by what were believed to be Mexican military units, ostensibly in pursuit of narcotics traffickers but allegedly assisting them instead, encountered elements of the U.S. Border Patrol at different locations along the border. Exchanges of gunfire with the Border

Patrol by parties unknown are common. The international border is sometimes obscure, especially after dark, and an accidental incursion into Mexico of an armed U.S. military patrol would result in embarrassing accusations. A regrettable, accidental encounter between armed soldiers of both countries could produce serious diplomatic consequences.

Some critics of the current state of border security may feel justified in discounting the diplomatic criticism likely to arise from Mexico. However, a deterioration of diplomatic relations over such an essential issue with the U.S.'s immediate southern neighbor would have serious repercussions to the future economic cooperation between the two countries, could result in increased harassment of U.S. citizens in Mexico, and could lead to the deterioration of diplomatic relations with other Central and South American countries whose nationals transit Mexico to reach the United States.

The negative diplomatic response that may arise from increased use of the U.S. military on the Mexican border may, nonetheless, be diffused by greater cooperation with the Mexican federal government and greater exchange of information. The U.S. can use an aggressive and proactive diplomatic approach with Mexico to address Mexico's concerns and ameliorate its reaction. Because the use of illegal narcotics is becoming a greater problem in Mexican society as well, Mexico, if appropriately consulted and if a successful partnership is created, may welcome stronger U.S. measures to close the border to illicit narcotics. Nonetheless, Mexico's concerns about the ability of its nationals to continue to enter the U.S. without undue harassment will present the biggest stumbling block to any policy that can be looked at as militarization of the border.

CONCLUSION - MILITARY ROLE NOT FEASIBLE AT THIS TIME

For the reasons cited above, it would appear that deploying U.S. soldiers along the Mexican border to deter narcotics trafficking and illegal immigration has significant benefits but many more disadvantages. Upon closer examination of the topic and the potential repercussions, the use of ground troops to "seal" the border with Mexico does not appear feasible in the present environment. Such a deployment of military units would dilute the military's essential mission of protecting the nation from military threats. Constitutional issues related to the Posse Comitatus Act would be raised, and while defensible, many would see changes to the Act as an infringement on citizens' constitutional protections. The deployment of the Army in almost any imaginable size of unit would be perceived by many in and outside the U.S. as an anti-immigrant stance at the same time that illegal immigrants contribute significantly to the economic prosperity of the United States.³⁶ Most importantly, it would appear unlikely

that a deployment of military units to border control duties would contribute significantly to the reduction of the availability of illicit drugs on the nation's streets. Narcotics traffickers and alien smugglers have easily adapted their procedures and routes when necessary and with no apparent interruption of their activities.

Supporters of a military solution to the smuggling of drugs into the U.S. may best be guided by the actions of retired General Barry McCaffrey, who served as President Clinton's head of the Office of National Drug Control Policy. General McCaffrey entered his office convinced, after his experience as military commander in Panama, that interdiction of narcotics trafficking would not make the strategic or decisive difference in the outcome of the war on drugs. He described proposals to step-up the use of the military for interdiction missions as sheer madness. He saw evidence that it may be unreasonable to expect that supply-reduction activities would eliminate or massively reduce the supply of drugs in the United States.³⁷ McCaffrey instead saw the illegal narcotics problem as a public-health issue and recommended programs to deter narcotics trafficking by assisting users to end their addictions, and by education efforts to deter America's youth from using drugs in the first place.

In regards to using the military to combat illegal immigration, General McCaffrey's inhibitions may be worth contemplating as well. Immigration issues are politically sensitive. Illegal aliens will continue to attempt to enter the U.S. as long as there are jobs for them. Policies to deter the demand for use of illegal aliens by employers in the U.S. are beyond the scope of this paper, but certainly the military may be the least feasible federal organization to be used in any effort to deter illegal immigration.

Controversial as McCaffrey's strategy for combating the illicit drug trade to the United States may have been, this paper concludes that the General was correct in his inhibitions on expanding the military's role in the war on drugs and border control. Troops on the border are not necessary to deal with problems that may best be dealt with by bolstering the federal and state civilian agencies already tasked with controlling immigration across the borders and deterring the transportation and consumption of illegal narcotics in the United States.

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ENDNOTES

¹Joaquin Garcia Silva, *Drug and Immigration Issues in the Mexico-US Relationship* (Alexandria, VA: Defense Technical information Center, June 1994), 1.

²General Accounting Office. *Drug Control: Observations on Counternarcotics Activities in Mexico* (Washington, D.C.: U.S. General Accounting Office, September 1996), 1.

³Michelle Malkin, *Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces to Our Shores* (Washington, D.C.: Regnery Publishing, Inc., 2002), 60.

⁴Ibid, 60.

⁵Timothy J. Dunn, *The Militarization of the U.S. - Mexico Border 1978 - 1992* (Austin, TX: Center for Mexican American Studies), 3.

⁶Juaquin Garcia Silva, 24.

⁷Jeffrey S. Passel, *Illegal Immigration: How Big a Problem?* (Washington, D.C.: The Urban Institute, September 1995), 6.

⁸Ibid, 3.

⁹Michelle Malkin, 30.

¹⁰Jeffrey S. Passel, 5.

¹¹Michelle Malkin, 31.

¹²General Accounting Office, 1.

¹³Peter Reuter, Gordon Crawford, Jonathan Cave, *Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction* (Santa Monica, CA: The Rand Corporation, 1988), v.

¹⁴Timothy J. Dunn, 3.

¹⁵ Geoffrey B. Demarest, "Review Essay: Border Patrol Enforcement Versus Militarization." Available from <<http://www-cgsc.army.mil/milrev/english/mayjun97/demarest.html>>; Internet; accessed 16 September 2003.

¹⁶Timothy J. Dunn, 103.

¹⁷Ibid, 104.

¹⁸Ibid, 106.

¹⁹Geoffrey B. Demarest.

²⁰Michelle Malkin, 233-234.

²¹General Accounting Office, *Drug Control: Heavy Investment in Military Surveillance Is Not Paying Off* (Washington, D.C.: U.S. General Accounting Office, September 1993), 13.

²²Silvestre Reyes, "Militarization of Borders Irresponsible, Detrimental to Border Communities and Homeland Security," 14 November 2002; available from <<http://house.gov/reyes/press/pr011114.html>>; Internet; accessed 16 September 2003.

²³Niko Price, "AP Investigation: Despite Costly Crackdown Along U.S.-Mexico Border, No Terrorists Caught," 02 November 2003; available from <<http://ap.examiner.net/pstories/20031102/1605302.shtml>>; Internet; accessed 03 November 2003.

²⁴Jonathan Treat, "A New, Improved U.S.-Mexican Border?," 28 March 2002; available from <<http://www.americaspolicy.org/commentary/2002/0203/immig.html>>; Internet; accessed 16 September 2003.

²⁵Michelle Malkin, 61.

²⁶Diana Washington Valdez, "Magazine Highlights Mexican Militarization of Border," 24 February 2003; available from <<http://www.borderlandnews.com/stories/borderland/20030224-80177.shtml>>; Internet; accessed 16 September 2003.

²⁷General Accounting Office, 28.

²⁸Peter Reuter, Gordon Crawford, Jonathan Cave, xiii.

²⁹Graham H. Turbiville, Jr., "U.S.-Mexican Border Security: Civil-Military Cooperation", July-August 1999; available from <<http://fmso.leavenworth.army.mil/fmsopubs/issues/border/border/html>>; Internet; accessed 16 September 2003.

³⁰Treat, 2.

³¹John S. D. Eisenhower, *Intervention* (New York: W. W. Norton, 1999). Eisenhower's entire book speaks eloquently to the historical problems confronted in trying to police the Mexican border and the difficulty of using the Army even as a deterrent military force, let alone a police force.

³²Michelle Malkin, 78.

³³Ibid.

³⁴Treat, 2.

³⁵Turbiville, 2.

³⁶John Barry, "U.S. -Mexican Borders: Can Good Fences Make Bad Neighbors?," 15 June 2000; available from <http://speakout.com/activism/issue_briefs/1370b-1.html>; Internet; accessed 16 September 2003. Barry states that Alan Greenspan admits that illegal immigrants play an increasingly essential "anti-inflationary" role in the U.S. economy, and make up 40 percent of California's workforce in the agricultural industry.

³⁷ John Burtin, *The General and the 'War' on Drugs: Barry McCaffrey and the Office of National Drug Control Policy* (Cambridge, MA: Kennedy School of Government Case Program, 1998), 14.

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