

Strategy Research

Dissertation

UNITED STATES BORDER SECURITY AND RESERVE COMPONENT FORCES

BY

LIEUTENANT COLONEL JEFFREY A. SMITH
United States Army National Guard

DISTRIBUTION STATEMENT A:

Approved for Public Release.

USAWC CLASS OF 2007

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



U.S. Army War College, Carlisle Barracks, PA 17013-

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE 30 MAR 2007		2. REPORT TYPE Strategy Research Project		3. DATES COVERED 00-00-2006 to 00-00-2007	
4. TITLE AND SUBTITLE United States Border Security and Reserve Component Forces				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Jeffrey Smith				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT See attached.					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

The U.S. Army War College is accredited by the Commission on Higher Education of the Middle State Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

USAWC STRATEGY RESEARCH PROJECT

UNITED STATES BORDER SECURITY AND RESERVE COMPONENT FORCES

by

Lieutenant Colonel Jeffrey A. Smith
United States Army National Guard

Dr. Anna T. Waggener
Project Adviser

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

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.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

AUTHOR: Lieutenant Colonel Jeffrey A. Smith
TITLE: United States Border Security and Reserve Component Forces
FORMAT: Strategy Research Project
DATE: 15 March 2007 **WORD COUNT:** 5949 **PAGES:** 21
KEY TERMS: Homeland Security, Border Protection, Customs, Task Force North
CLASSIFICATION: Unclassified

The 2002 National Homeland Security Strategy cited border and transportation security as one of the six critical mission areas for securing America from terrorist attacks. The Immigration and Naturalization Service (INS) was abolished in March 2003, and all its immigration-related functions were transferred into the Bureau of Customs and Border Protection (CBP) under the newly created Department of Homeland Security (DHS). This Strategic Research Project examines the history of border security, strategic implications of the new mission, practices, and policies of the CBP. Further, it analyzes the international border security agreements between Canada, Mexico, and the United States, and reviews the use of Reserve Components in Joint Task Force North and Operation Jumpstart. Finally, it discusses the volunteer Minuteman Civil Defense Corps and concludes with recommendations for improving border security.

UNITED STATES BORDER SECURITY AND RESERVE COMPONENT FORCES

The simple truth is that we've lost control of our borders, and no Nation can do that and survive. We ignore America's lost sovereignty at our peril.

—President Ronald Reagan
July 2, 1984

The United States border with Mexico includes approximately 2,000 miles of border. This border is penetrated by three primary smuggling corridors created by transportation routes, geography, and population centers. These corridors are the South Texas corridor, West Texas/New Mexico corridor, and the California/Arizona corridor. Over ninety percent of the one million annual arrests made by the Border Patrol occur in these smuggling corridors. There are many other areas not yet effectively controlled by the Border Patrol. Thousands of aliens from around the world attempt to cross these points every day and hundreds of aliens from countries of special interest are arrested each year. "One of the biggest concerns is that terrorists may exploit the current crossing procedures to make their way into the U.S."¹

The Canadian border also presents a significant challenge. Over ninety percent of the Canadian population lives within one hundred miles of the 5,000 mile U.S. border. Although there are far fewer arrests of illegal aliens along the Canadian border than the Mexican border, the border is penetrated by well-organized smuggling operations which terrorists can exploit to get themselves and their weapons into the U.S. Since 9/11 the number of U.S. Border Patrol agents has been increased from 350 to 1,000 along the Canadian border, still offering only a limited ability to detect, respond, and interdict illegal border crossings.

As early as 1998, Canada's Special Senate Committee on Security and Intelligence labeled Canada 'a venue of opportunity for terrorist groups: a place where they may raise funds, purchase arms, and conduct other activities to support their organizations and terrorist activities elsewhere.'²

The primary mission of the Border Patrol is to prevent terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States.³ This is a daunting challenge given the fact that the United States has over 6,000 miles of shared land borders with Canada and Mexico. Each year more than 500 million people enter the United States, 300 million of whom are non-citizens. In 2005, 1.2 million individuals were arrested for trying to illegally enter the country. The Border Patrol routinely seizes over 1 million pounds of marijuana, 15-20 tons of cocaine, and 2 tons of heroin every year.⁴ This Strategic Research Project focuses on securing the United States land border and describes the complex relationships between federal, state, and international agencies trying to secure these borders.

History of Border Security

Historical examples show how the focus and priorities of U.S. border security has changed since its inception in 1904. The Commissioner General of Immigration assigned a small group of 75 mounted guards to patrol the U.S. southern border in 1904. Their mission was to prevent the entry of Chinese immigrants who had been banned under the Chinese Exclusion Act of 1882 and Europeans who were unable to pass the immigration inspection at Ellis Island. This small group of 75 guards was unable to effectively control the vast area between inspection stations along the Mexican border.⁵

In 1914 a separate unit of border guards was established by Congress which added boat and car patrols to supplement the mounted patrols. However, these new guards were actually dual tasked Immigrant Inspectors who also attended to their own inspection stations along the border. Hence, the border control was ineffective and inconsistent. Occasionally, military troops stationed along the southwest border patrolled the border as a subordinate task to primary military training.

The Immigration Act of 1917 instituted a literacy test and an eight dollar head tax which contributed to widespread illegal border crossings. Prior to 1917, Canadian and Mexican citizens were not required to pay a head tax or pass a literacy test to gain U.S. citizenship, unlike their European counterparts. This further restricted the immigration of Asians into the United States.

At the conclusion of World War I, illegal entry and smuggling accelerated rapidly. The Bureau of Immigration made a concerted effort to close the northern and southern borders between the authorized ports of entry. The Commissioner General requested funds for a dedicated border patrol force in 1919, but his request was denied by Congress. Passage of the Prohibition Act in the same year added liquor smuggling to the growing border problem.

The first national limits on the number of people legally admitted into the U.S. were created by the Immigration Quota Act of 1921. It limited entry to three percent of the nationality living in the United States in 1910, thereby setting a cap of 350,000. Increasingly, those who refused to wait for immigration visas or denied a visa tried to enter the U.S. illegally. The Immigration Quota Act of 1924 reduced the total quota of immigrants to 164,000 by changing the population base from 1910 to 1890. The second provision used a base line of 150,000 and remained in effect until 1952.⁶ This policy created a need for a border patrol. In 1924 Congress passed the Labor Appropriations Act, which officially established the U.S. Border Patrol as an agency of the U.S. Department of Labor. In 1925, Border Patrol duties were expanded to patrol

the seacoast. The Border Patrol recruits came from organizations such as the Texas Rangers, local sheriffs, and deputies and grew to 450 personnel.

In 1932, the Border Patrol headquarters was divided between a Mexican Border Office in El Paso and a Canadian Border Office in Detroit. A majority of the Border Patrol officers were assigned to the Canadian border to combat increasing smuggling of liquor and illegal aliens. In 1933, President Roosevelt combined the Bureau of Immigration and the Bureau of Naturalization to form the Immigration and Naturalization Service (INS). In 1940, the INS was moved from the Department of Labor to the Department of Justice. During the war, the Border Patrol manned alien detention camps, guarded diplomats, and provided border security. Aircraft became a vital part of the Border Patrol operations. On 17 December 1943, the Chinese exclusion laws were repealed. By the end of World War II, the Border Patrol had grown to over 1,400 personnel.

The 1942 Mexican Contract labor program (Bracero program) was based on a temporary contract labor agreement between the U.S. and Mexico. It allowed experienced Mexican farm workers and unskilled laborers to enter the U.S. to work on railroad and agricultural jobs. The agreement was created to fill the United States labor shortage, and the workers typically returned home after the harvest season. The quotas grew to over 50,000 for the agricultural program and 75,000 for the railroad program. The railroad program was terminated in 1945 at the conclusion of WW II. However, the agricultural worker program continued until 1964 as modernization and machinery reduced the need for manual labor. The program also had an adverse effect on domestic workers who had to compete with Mexican citizens for low-paying jobs.⁷

The Immigration and Nationality Act of 1952 did several things including 1) made all races eligible for naturalization, 2) eliminated discrimination between sexes as part of the immigration process, 3) revised the Immigration Act of 1924 so that all countries had a minimum quota of 100, and 4) subjected illegal entrants traveling within the country to be arrested as a result.⁸ The U.S. government transferred 62 Canadian border units to the south in a large-scale effort to repatriate illegal Mexicans. The U.S. returned over 50,000 workers to Mexico by airlift, and the Mexican government offered free train rides to the interior. When funds ran out before the end of 1952, the U.S. Attorney General created a task force of 800 Border Patrol agents to return illegal immigrants in southern California to Mexico. However, the repatriation program proved to be too expensive and was eventually discontinued. Because the border was mostly unguarded, many deportees immediately attempted another border crossing. The legislation also required all aliens in the United States (including most temporary visitors) to annually report current

addresses to the INS. It also created a central index of all aliens in the United States for use by security and enforcement agencies. The Border Patrol mission grew again in the 1950s when a significant number of illegal aliens were attempting to enter the U.S. by private aircraft. The Border Patrol started cooperating with other federal agencies to track suspected aircraft. By the 1960s the mission grew again and the Border Patrol began assisting other agencies in intercepting illegal drugs from Mexico.⁹

In 1986, a large number of immigrants in the United States were illegal or unemployed. The Reagan administration perceived this number as detrimental to the U.S. economy. The Immigration Reform and Control Act (IRCA) made it unlawful for employers to hire or continue to employ unauthorized workers. IRCA mandated that the Border Patrol audit employers' Employment Eligibility Verification forms (I-9 forms) to ensure compliance. The law also established a one-year amnesty program for illegal aliens who had lived and worked in the U.S. since January 1982. An estimated 2.7 million aliens were legalized under the IRCA amnesty.

The Border patrol changed its strategy in 1994 to deterrence. This strategy called for the increased physical presence of Border Patrol agents on the Southwest border. A key tactic was to focus the resources and personnel in one or two areas each year. Over half the apprehensions along the Mexican U.S. border occurred on only eighteen miles of the border these apprehensions occurred along the five mile border between El Paso and Ciudad Juarez, Mexico, and the thirteen mile border between San Diego and Tijuana, Mexico. The Border Patrol increased the number of agents from 3,389 in 1993 to 6,213 in 1997. This strategy resulted in increased apprehensions until tapering off once a level of deterrence and control had been established.

The initial testing ground for deterrence was conducted in 1993 by El Paso Border Patrol Chief Sylvester Reyes. Operation Hold the Line placed agents 100 feet apart in downtown El Paso. The INS assisted Chief Reyes by assigning 54 additional agents to the El Paso sector in 1994. A similar strategy was used during Operation Gatekeeper, where the Border Patrol focused on the 14-mile stretch that provided easy access to transportation northward. This stretch started at the Pacific Ocean and terminated at the mountainous region on the east end that was difficult to cross. On the eastern end of the border at the port of San Ysidro another easy crossing point caused a spike in the number of illegal immigrants. The INS had anticipated the increase at San Ysidro and consequently increased their efforts resulting in a 40 percent rise in arrests. Laws were stiffened from no prosecution or a misdemeanor charge to a felony charge and a prison sentence of 5 to 20 years.

The effect of Operation Hold the Line and Operation Gatekeeper was to push immigration patterns eastward. The Border Patrol instituted Operation Safeguard on four critical miles of the Arizona border in 1995. These operations pushed illegal immigrant movement from urban areas to open areas where the Border Patrol could control illegal access more effectively. After 9/11, President Bush authorized the use of approximately 9,000 National Guard Soldiers to provide airport security at 444 airports from December 2001 to May 2002. In 2002, President George Bush used 1,300 National Guard Soldiers to assist the Border Patrol in conducting inspections at 52 sites along the Northern and Southern U.S. borders.

Mission/Strategy

The National Strategy for Homeland Security (July 2002) tasked the Department of Homeland Security (DHS) to manage who and what enters the homeland in order to prevent the entry of terrorists and the instruments of terror while facilitating the legal flow of people, goods, and services on which the economy depends. One major initiative proposed is the creation of “smart borders” which involves a layered system to improve visibility on vehicles, people, and goods entering or departing the U.S. Smart borders will require a coordinated national intelligence effort and international cooperation to screen goods and passengers before they reach the U.S. borders. The DHS will implement an entry-exit system to record the arrival and departure of foreign visitors and guests. The DHS will develop and deploy non-intrusive inspection technology for a more thorough screening of goods. The Department will track and monitor students and exchange visitors. It will use national law enforcement databases to deport high-risk aliens who stay in the United States longer than their visas authorize.¹⁰

A second initiative reforms the Immigration and Naturalization Service (INS). The DHS will implement the Enhanced Border Security and Visa Entry Reform Act, which includes the requirement that foreign visitors carry travel documents with biometric information. This reform will be managed by a new organization that administers immigration laws in an efficient and humane manner. It will serve more than 7 million annual applicants to ensure foreign visitors meet entry conditions. As of January 23, 2007, nearly all air travelers entering the U.S. are required to show their passports. Starting in January 2008, all travelers by land or sea will be required to show a passport. Homeland Security Secretary Michael Chertoff stated passports were chosen as the method of identification because “Right now, there are 8,000 different state and local entities in the U.S. issuing birth certificates and driver’s licenses...”¹¹ Congress passed legislation on September 29, 2006 to build more than 700 miles of reinforced fencing along porous sections of the Mexican border. President George W. Bush stated that fencing would be

erected “where there is a high vulnerability for people being able to sneak in.”¹² In areas without a fence, technology would be used to create a virtual wall. The technology to build a “virtual wall” is being developed by Boeing. Boeing was awarded the contract in September 2006 and is conducting operational testing in Arizona near the Sasabe Port of Entry. The Boeing technology solution includes “redeployable ground sensors, Unattended Ground Systems (UGS), and upgrades to existing Border Patrol vehicles and communications systems.”¹³

The strategic goal of the Border Patrol is to establish and maintain operational control of the border of the United States. Its primary mission is “to control U.S. borders to prevent entry into the United States of terrorists and terrorists’ weapons.”¹⁴ The traditional mission of stopping illegal aliens, smugglers, narcotics, and other contraband from reaching the United States remains important.¹⁵ Commissioner Robert C. Bonner of the U.S. Customs and Border Protection agency emphasized that the U.S. cannot stop the entry of potential terrorists without dramatically reducing illegal migration across its borders. According to the Commissioner Bonner, the core elements supporting the strategy include

Deploying defense-in-depth that make full use of interior checkpoints; coordinating and partnering with other law enforcement agencies; improving border awareness and intelligence; securing the right combination of personnel, technology, and infrastructure; improving mobility and rapid deployment to quickly counter and interdict based on shifts in smuggling routes; and strengthening the Headquarters command structure.¹⁶

Inspections Practices, Policies, and Issues

The federal authority for customs inspections and collecting of duties originated in 1789. Examination of all aliens entering the country dates back to law passed by Congress in 1892, and laws regarding plant inspections date back to 1912. The Department of Homeland Security has created a unified U.S. inspections program. This change in policy means that Customs and Border Protection inspectors are now responsible for examining people, goods, cargo, animals, and plants entering the country. The policy combines the three previously separate functions of immigration, customs, and animal and plant health, into “one face at the border.”

Inspectors are stationed at 317 official ports of entry (POE) into the United States. Geographically, there are 84 land POE along the northern border and 25 land POE along the southern border.¹⁷ Recognizing the vast amount of land between ports of entry that smugglers can exploit, the courts have recognized two provisions to the fourth amendment that allow border searches beyond the confines of the actual point of entry. The first provision stipulates that a “functional equivalent” of a border generally accepted as the first practical detention point after a border crossing or final port of entry. In the court case of the United States versus Hill, it

was determined that a search could be conducted at a border's functional equivalent when 1) a reasonable certainty exists that the person or thing crossed the border, 2) a reasonable certainty exists that there was no change in the object of the search since it crossed the border, and 3) the search is conducted as soon as practical after the border crossing. The second provision authorizes a warrantless search by applying a three-part test to ensure the suspect can be tied to a border crossing. According to the court case of the United States versus Teng Yang, the government official must 1) have a reasonable certainty or a high degree of probability that a border was crossed, 2) have reasonable certainty that no change has occurred in the object of the search between the time of the crossing and the search, and 3) have reasonable suspicion that criminal activity was occurring.

The Immigration and Nationality Act of 1952 (INA) was codified and amended as Title 8 of the U.S. Code. Title 8 charges the immigration officer to inspect aliens who are applicants for admission or are seeking entrance, readmittance, or transit through the United States. The officer may admit the applicant if the officer is satisfied the applicant is entitled to enter. If there is doubt about the applicant, the applicant may be detained pending a final determination by a immigration judge. Title 8 allows immigration officers to board any vessel, aircraft, railway car, or other conveyance that may transport an alien into the United States. Title 8 Section 1357 gives the immigration officer authority, without a warrant, to interrogate, arrest, and search aliens.¹⁸ Congress strengthened the INA anti-terrorism provisions in response to the 1993 World Trade Center bombing by shifting the role of the immigration officer from a service role to an enforcement role. In 1996, Congress mandated the creation of U.S.-VISIT an entry-exit system as "part of a continuum of security measures that begins overseas and continues through a visitor's arrival in and departure from the United States. It incorporates eligibility determinations made by both the Departments of Homeland Security and State."¹⁹ To give the immigration officers detection capabilities, Congress created the Enhanced Border Security and Visa Reform Act.

Another significant practice mandated since 9/11 requires airline carriers to provide the U.S. Attorney General with electronic passenger manifests prior to arriving in, or departing from, the United States. This early information allows immigration officials to perform background checks on travelers before plane departure.

U.S.-Canada Border

Extending over 5,000 miles, the border between Canada and the U.S. is the longest non-militarized border in the world. The International Boundary Commission (IBC) was established in

1925 as a permanent organization and is responsible for surveying and mapping the boundary. The IBC is also responsible for keeping the boundary clear of brush and vegetation for 20 feet on either side.²⁰ More than \$1.9 billion in goods and more than 300,000 people cross this border each day. According to the Center for Research and Information on Canada (CRIC), this border is protected by approximately 350 Canadian Citizenship and Immigration agents and 1,310 Canadian Customs and Revenue Agency inspectors.²¹ On the U.S. side, there are approximately 700 U.S. Customs inspectors, 512 Immigration and Naturalization Service inspectors, and 310 Border Patrol agents. There are approximately 130 border-crossing points, some of which are manned by a single unarmed agent. This totals nearly 1500 agents along the U.S.-Canada border in comparison with over 7,000 U.S. border security personnel on the Mexican border.

The Integrated Border Enforcement Team (IBET) concept was developed in 1996 in a joint U.S. – Canadian effort to target cross-border crime. Five core law enforcement partners share information with other local, state, and provincial enforcement agencies. They are the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), U.S. Customs and Border Protection/Office of Border Patrol (CBP/OBP), U.S. Bureau of Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard. IBET consists of 23 enforcement teams made up of 4,500 officers from the Canada Border Services Agency. The teams operate in 15 regions and cover the entire border of the country. According to the CRIC, the IBET mission is

To enhance border integrity and security at the Canada/United States border by identifying, investigating and interdicting persons and organizations which pose a threat to national security or are engaged in other organized criminal activities. IBETs will incorporate a mobile response capability.²²

The Canada-U.S. Partnership Forum (CUSP) was launched in October 1999 by Prime Minister Jean Chrétien and President Bill Clinton to promote high-level dialogue among governments, border communities, and stakeholders on border management. The leaders endorsed three key principles for border management 1) collaborate and streamline border policies and management; 2) expand cooperation and efficiencies in customs, law enforcement, and immigration; and 3) collaborate on threats outside Canada and the United States.

“In December 2001, Governor Tom Ridge and Deputy Prime Minister John Manley signed the Smart Border Declaration and associated 30-point action plan to enhance the security of our shared border while facilitating the legitimate flow of people and goods.”²³ The Canadian government started issuing a permanent resident card in June 2002 to all new immigrants arriving in Canada. The permanent resident card was designed as one of the most fraud-

resistant documents in the world. The two countries developed a common standard for biometrics and the use of compatible technology to read these biometrics. Both countries agreed to use these cards to enhance security and facilitate travel. Citizenship and Immigration Canada (CIC), in partnership with the Canada Border Services Agency (CBSA), began a six-month operational Biometrics Field Trial on October 19, 2006. Another example of the development of compatible technology was the creation of a common immigration database that could be accessed by both countries.

The Canada Border Services Agency (CBSA) was created in 2003 by merging the agencies of the Canada Customs and Revenue Agency, Citizenship and Immigration Canada, and the Canadian Food Inspections Agency. The CBSA is part of the Department of Public Safety and Emergency Preparedness and is Canada's counterpart to the U.S. Department of Homeland Security. The CBSA also stations Migration Integrity Officers (MIO) around the world to prevent human trafficking and smuggling. They identify and stop high-risk travelers before they can board planes for Canada. In the six years prior to 2004, they have stopped more than 40,000 people from boarding planes for North America.²⁴

The Canadian Parliament passed the Immigration and Refugee Protection Act in 2004, which provided for stringent penalties for people using or selling false documents. The Act allowed officials to deny access or refugee status for individuals identified as security threats. Parliament also passed stronger new laws for people smuggling and trafficking.

Canada's 2006 budget allocated \$101 million to begin arming border officers and eliminating single officer posts, with \$303 million to implement a border strategy that promoted low risk travelers while protecting Canadians from security threats.²⁵ As part of its 2004 National Security Plan, Canada implemented many reforms such as screening all refugee claimants immediately after claims were filed and issuing all Canadian citizens a Permanent Resident Card. Accordingly, Canada deployed a LiveScan digital fingerprint system at major border offices to verify the identity of individuals trying to enter the country. It implemented the Advanced Passenger Information program to perform a risk assessment on travelers destined for Canada. The CBSA implemented iris recognition technology in major airports to enable frequent pre-approved air travelers to clear customs and immigration quickly.²⁶

U.S.-Mexico Border

Open borders across North America are favored by former President of Mexico Vicente Fox. President Fox proposed in January 2004 to remove all immigration barriers between Mexico, the United States, and Canada, thereby freeing citizens to live and work in the country

of their choice.²⁷ An increase in travel and trade between Mexico and the United States is desirable according to Mexico's border czar Arturo Gonzalez Cruz. Mr. Gonzales was quoted in The Washington Times on September 27, 2004 when he said "I would like to see a border similar to the one that Europe has right now... where they have common, very common objectives,"²⁸ referring to policies that transcend the international borders.

In an interview with the Washington Post on March 17, 2005, President Fox stated that walls on the U.S.-Mexico border must be demolished because they are discriminatory and are against freedom. President Fox supported President Bush's proposal to establish a guest worker program which would allow Mexicans to work legally in the U.S. for several years before returning home. President Fox admitted it was impossible to prevent border crossings through the use of military or police patrols. "We can't keep them against their will by force."²⁹ President Fox implied that more job opportunities through economic development at home would reduce the number of Mexicans illegally entering the U.S. to find work.

In a interview with the International Relations Center in September 2001, Mexico's border czar, Ernesto Ruffo Appel, outlined a three point plan for economic development on Mexico's northern border to

- 1) improve infrastructure to sustain growth and create a favorable climate for investment, 2) create worker training programs to prepare workers for advanced manufacturing jobs, and 3) encourage businesses that assemble goods for exportation, known as the "maquilas," to relocate to Mexico's interior and southern regions.³⁰

The infrastructure problems in Mexico's northern border region include lack of potable water, sewage treatment, adequate housing, and paved roads. Mr. Appel estimated that it would require an investment of 187 billion pesos (approximate 17 billion U.S. dollars) over six years which is money the Mexican government cannot afford. Similar to Canada, Mexico signed a 22 point Smart Border agreement with the U.S. In 2006, Mexico's newly elected President Felipe Calderon made it clear that his plan is to focus on creating jobs to keep Mexicans at home. President Calderon stated that the only long lasting solution to the migration problem is a generation of well-paying jobs. He has also pledged to "fight corruption to make Mexico more attractive to foreign investors."³¹

Joint Task Force North

In the U.S., Joint Task Force North (JTF North) was created as Joint Task Force-Six in 1989 to fight the war on drugs. In 2004 it was renamed JTF North and its mission was expanded

to include homeland defense support. JTF North was realigned to report to the newly created U.S. Northern Command (USNORTHCOM).

JTF North is based at Biggs Army Airfield, Fort Bliss, Texas. This joint Service command includes active duty and reserve component Soldiers, Sailors, Airmen, Marines, and Department of Defense civilian employees and contracted support personnel. JTF North supports federal law enforcement agencies with unique military capabilities to interdict transnational threats to the nation such as terrorism, narco-trafficking, alien smuggling, and weapons of mass destruction. According to U.S. Army Colonel Paul Disney, Director of Operations for JTF North, assistance can be broadly grouped into three categories (1) intelligence support, (2) operational support, and (3) Theater Security Operations.³²

Operation Jump Start

Operation Jump Start came at the request of the Governors from California, Arizona, New Mexico, and Texas. The Governors signed a memorandum of agreement with the Department of Defense that defined the rules for employment and expressly prohibited the use of Soldiers for overt law enforcement. On May 15, 2006, President George W. Bush ordered 6,000 National Guard members to assist the Border Patrol's effort to secure the southern U.S. border by August 1, 2006. The President's plan was for a two year deployment to provide assistance until enough Border Patrol agents could be hired and trained to replace the Soldiers. The Border Patrol plans to enhance its border security with new technology that would include motion sensors, infrared cameras, and unmanned aerial vehicles (UAVs). The focus of this effort is to free Border Patrol agents from non-law enforcement activities such as logistical and administrative support. Examples of these activities include building patrol roads and vehicle barriers along the border. The National Guard Soldiers are manning surveillance platforms and observation posts and are required to summon agents to make arrests of immigrants trying to illegally enter the U.S. The National Guard Soldiers are mobilized under Title 32 status which is funded by the federal government, and directed by governors of the states who share a border with Mexico. Ramon Juarez, the Border Patrol chief for the San Antonio district, said that

Most people coming into this country are law-abiding people. The challenge is to find the potential troublemakers without upsetting the innocent, and to keep border traffic and commerce flowing.³³

Mr. Juarez stated that the visible presence of the National Guard Soldiers provides the perception that the country is serious about preserving its borders. Border Patrol Chief David Augilar stated in July 2006 that the National Guard has been able to assist in all three facets of technology, personnel, and infrastructure of the comprehensive border security.³⁴

Border States Create Own Security Plan

Several states are frustrated by the inaction of the federal government in securing the U.S.-Mexico border. Specifically, Texas, New Mexico, Arizona, and California have taken action to secure the border in order to meet this challenge. "Arizona and New Mexico this month (JAN 07) declared immigration emergencies, saying that tens of thousands of illegals were bringing border security to the point of collapse. The moves allowed the states' governors to tap into millions of dollars to shore up porous borders with Mexico."³⁵

In October 21, 2005, Texas Governor Rick Perry introduced a border security plan for Texas. Governor Perry said "I offer this plan, not because it is the state's responsibility to control the border, but because the State of Texas cannot wait for the federal government to implement the needed border security measures."³⁶ Governor Perry said he has an obligation to protect the citizens of Texas. Highlights of the governor's plan include funding increases to hire additional law enforcement officers and provide officer overtime funding for increased patrols. Texas will create four rapid deployment teams consisting of 50 state troopers to react to hot spots. The plan will increase radio interoperability and develop an All-Hazards Response Plan with Mexico. At the start of the 2007 legislative session, Texas lawmakers filed numerous bills "that would deny public assistance and other benefits to children of illegal immigrants, tax money transfers to Mexico and the rest of Latin America, and sue the federal government for the costs of state border control."³⁷ Texas State Representative Burt R. Solomons said frustration with the federal government's inaction has forced the state to crack down on illegal immigration.

Arizona Attorney General Terry Goddard used a state law to seize money transfers of human smugglers. A Maricopa county judge ruled that the state did not have the right to seize money transfers into Mexico since it violated interstate and international protection commerce protected by the U.S. constitution. Mr. Goddard said the state will appeal the ruling. "Arizona prosecutors say they will rely on such standard tactics as wire taps and surveillance to crack down on human traffickers as the annual surge begins this week."³⁸

New Mexico Governor Bill Richardson successfully worked with Governor Jose Reyes Baeza of Chihuahua, Mexico, in 2005 to demolish the abandoned town of Las Chepas. Governor Richardson said that Las Chepas had long been a staging area for immigrant and drug smuggling into Columbus, New Mexico. Governor Richardson was working with the federal government to provide a "path of legalization for immigrants who are paying taxes, learning English, and contributing to our society."³⁹

California Governor Arnold Schwarzenegger has agreed to deploy 1,000 National Guard soldiers in support of Operation Jump Start, "But make no mistake about it this is a federal responsibility and we need comprehensive reform of U.S. immigration policy so our sovereignty and public safety are protected."⁴⁰ Governor Schwarzenegger and Governor Richardson have co-sponsored a joint declaration which "envisaged the creation of a task force to target human traffickers, drug smugglers and other serious criminals."⁴¹

Private Volunteer Border Groups

The Minuteman Project Inc. was founded on October 1, 2004 by Jim Gilchrist to ask volunteers to monitor the border and alert the Border Patrol when it detected unauthorized crossers. According to Mr. Gilchrist, the mission was to halt the flow of illegal immigration by bringing continued national awareness to the crisis which threatens the future of the U.S. According to the Minuteman Project, "The Minuteman Project is not a call to arms, but a call to voices seeking a peaceful and respectable resolve to the chaotic neglect by members of our local, state and federal governments charged with applying U.S. immigration law."⁴² The group declaration asked for increased Border Patrol funding, a wall to span the entire southern border, and recognition as a model for volunteer action groups. According to Associated Press Writer Duncan Mansfield, "at least 40 anti-immigration groups have popped up nationally, inspired by the Minuteman Project."⁴³ Both President Bush and Mexico's former President Fox have criticized the group as vigilantes. A Department of Homeland Security spokesman stated that

Homeland security is a shared responsibility, and the department believes the American public plays a critical role in defending the homeland. But as far doing an investigation or anything beyond giving us a heads-up. That should be handled by trained law enforcement.⁴⁴

Recommendations and Conclusions

The challenge of the U.S. is to tighten the border security while at the same time facilitate the legitimate flow of people and goods. The amount of trade that crosses U.S. borders every day is enormous. In 2001, trade was estimated at \$1.35 trillion in imports and \$1 trillion in exports.⁴⁵ Illegal immigrants are causing serious financial pressure on U.S. schools, courts, and health care systems. Providing these services to illegal immigrants costs the American taxpayers an estimated \$70 billion a year. Experts estimate there are as many as 12 million illegal immigrants in the United States.

To develop a comprehensive long term federal solution to the problem requires focusing the problem on large income differentials between Mexico and the U.S. The U.S. should assist

Mexico in securing low-interest loans from the World Bank to finance infrastructure improvements that would attract foreign investments and raise the Mexican quality of life. The U.S. military could assist Mexico by building roads and digging wells similar to nation building efforts in the Honduras and many other parts of the world.

The U.S. should develop a system for employers to validate the applicant's documentation. Legislation should be proposed that would put illegal immigrants on the path to U.S. citizenship. A grace period should be given to those who apply for citizenship and after the grace period expires, there should be a concerted effort to police the rolls of U.S. employers. The U.S. Congress should pass the bill proposed by Texas Democrats to provide \$850 million to train the Mexican police and judicial officials in combating drug cartels and border violence.⁴⁶ The intelligence community should be given the responsibility for detecting known terrorists and should better integrate operations with various law enforcement agencies. Funding for these recommendations could be achieved by imposing a security fee for land border crossings similar to charges for air and sea travel.

The U.S. intelligence community should collaborate with Canadian counterparts to focus on the terrorist threat. Additionally, the U.S. should use technology developed in the Smart Border Initiative to create a virtual wall in high traffic areas. Finally, the U.S. should increase the number of Border Patrol agents on the Canadian border to ensure both adequate screening and the flow of commerce at ports of entry.

Endnotes

¹ Faye Bowers, "US-Mexican border as a terror risk," Christian Science Monitor, 22 March 2005 [newspaper on-line]; available from <http://www.csmonitor.com/2005/0322/p01s01-uspo.html>; Internet; accessed 5 December 2006

² The Report of the Special Senate Committee on Security and Intelligence (The Honourable William M. Kelly, Chairman, Ottawa: Special Senate Committee on Security and Intelligence, January 1999).

³ CBP Border Patrol Overview, 11 January 2006; available from http://www.cbp.gov/xp/cgov/border_security/border_patrol/overview.xml; Internet; accessed 15 January 2007.

⁴ Ibid.

⁵ U.S. Border Patrol History. 15 July 2003; available from http://www.cbp.gov/xp/cgov/border_security/border_patrol/history.xml; Internet; accessed 12 January 2007

⁶ Populating a nation: a history of immigration and naturalization. June/July 2003; available from http://www.cbp.gov/xp/CustomsToday/2003/june_july/ins_history.xml; Internet; accessed 10 December 2006

⁷ Mexican Immigrant Labor History, available from <http://www.pbs.org/kpbs/theborder/history/timeline/17.html>; Internet; accessed 21 January 2007

⁸ Jana Evans Braziel, "History of Migration and Immigration Laws in the United States," Spring 2000; available from <http://www.umass.edu/complit/aclanet/USMigrat.html>; Internet; accessed 12 January 2007

⁹ U.S. Border Patrol - Protecting Our Sovereign Borders, available from http://www.cbp.gov/xp/cgov/toolbox/about/history/bp_historcut.xml; Internet; accessed 16 December 2006

¹⁰ George W. Bush, National Strategy for Homeland Security, July 2002

¹¹ Beverly Lumpkin, "Air travelers entering U.S. will need passports Jan. 23," The Patriot-News, 22 November 2006.

¹² David Montgomery, "Bush promises fence, 'virtual wall' along border," The Patriot-News, 12 October 2006.

¹³ Secure Border Initiative Monthly, December 2006; available from http://www.customs.gov/linkhandler/cgov/border_security/sbi/sbi_newsletter.ctt/sbi_newsletter.pdf; Internet; accessed 26 January 2007

¹⁴ National Border Patrol Strategy, 2005; available from http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/national_bp_strategy.ctt/national_bp_strategy.pdf; Internet; accessed 26 January 2007

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Border Security: Inspections Practices, Policies, and Issues; 26 May 2004; available from <http://www.fas.org/sgp/crs/RL32399.pdf>; Internet; accessed 26 November 2006

¹⁸ Ibid.

¹⁹ US-VISIT Program; available from http://www.dhs.gov/xtrvlsec/programs/content_multi_image_0006.shtm; Internet; accessed 15 January 2007.

²⁰ The International Boundary; available from <http://www.internationalboundarycommission.org/ibcpg2.htm>; Internet; accessed 12 January 2007.

²¹ Canada-U.S. Border; available from http://www.cric.ca/en_html/guide/border/border.html#management; Internet; accessed 29 October 2006.

²² Integrated Border Enforcement Teams (IBETs); available from http://www.rcmp-grc.gc.ca/security/ibets_e.htm; Internet; accessed 29 October 2006.

²³ Canada-U.S. Border; available from http://www.cric.ca/en_html/guide/border/border.html#management; Internet; accessed 29 October 2006.

²⁴ Immigration Intelligence - Irregular Migration; available from <http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2004/0128migration-e.html>; Internet; accessed 10 January 2007

²⁵ Building a Better Canada: Security; available from <http://www.fin.gc.ca/budget06/bp/bpc3de.htm>; Internet; accessed 10 December 2006.

²⁶ Canada Border Services Agency (CBSA); available from <http://geo.international.gc.ca/can-am/washington/defence/cbsa-en.asp>; Internet; accessed 14 December 2006.

²⁷ Audrey Hudson and James Lakely, "Fox seeks to open U.S. borders," *The Washington Times*, 12 January 2004 [newspaper on-line]; available from <http://www.washtimes.com/national/20040112-123619-8557r.htm>; Internet; accessed 6 January 2007.

²⁸ Jerry Seper, "Mexican official seeks open border," *The Washington Times*, 27 September 2004 [newspaper on-line]; available from <http://www.washtimes.com/national/20040927-012753-6418r.htm>; Internet; accessed 5 December 2006.

²⁹ Kevin Sullivan, "Fox Says Walls Along Border Must Be Razed," *Washington Post*, 17 March 2005 [newspaper on-line]; available from <http://www.washingtonpost.com/wp-dyn/articles/A41812-2005Mar16.html>; Internet; accessed 5 December 2006.

³⁰ Jonathan Treat, "Border Czar Gives Progress Report," *International Relations Center*, 1 September 2001; available from <http://www.irc-online.org/content/1828>; Internet; accessed 5 December 2006.

³¹ Olga R. Rodriguez, "Mexican president welcomes migrants returning home for the holidays," *Associated Press*, 20 December 2006.

³² Statement of Colonel Paul R. Disney, USA Director of Operations Joint Task Force North Before the House Armed Services Committee; 1 August 2006; available from <http://www.house.gov/hasc/schedules/8-01-06DisneyStatement.pdf>; Internet; accessed 10 December 2006.

³³ Bob Haskell, "On the Border," *Soldiers Magazine*, August 2002; 41

³⁴ Linda Kane, "National Guard Deploys to Southwest to Help 'Jump Start' Border Patrol Build-up", August 2006; available from http://www.cbp.gov/xp/CustomsToday/2006/aug_sep/natl_guard_jumpstart.xml; Internet; accessed 30 October 2006.

³⁵ Joseph Curl, "Bush assures states border security to be boosted," *The Washington Times*, 30 August 2005 [newspaper on-line]; available from <http://www.washingtontimes.com/national/20050829-113701-6976r.htm>; Internet; accessed 3 January 2007.

³⁶ Gov. Perry Announces Comprehensive Border Security Plan for Texas, available from <http://www.governor.state.tx.us/divisions/press/pressreleases/PressRelease.2005-10-12.2500/view>; Internet, accessed 18 January 2007.

³⁷ Ralph Blumenthal, "Texas Lawmakers Put New Focus on Illegal Immigration," *The New York Times*, 16 November 2006.

³⁸ Jacques Billeaud, "Ariz. looks for ways to battle smugglers," *The Washington Times*, 18 January 2007 [newspaper on-line]; available from http://ap.washingtontimes.com/dynamic/stories/I/IMMIGRATION_ENFORCEMENT?SITE=DCTMS&SECTION=HOME; Internet; accessed 18 January 2007.

³⁹ "Bill Richardson's Speech on Comprehensive Immigration Reform," *On the Issues*, 7 December 2006; available from http://billrichardsonforpresident.com/issues/issues_immigration/; Internet; accessed 12 January 2007.

⁴⁰ "Gov. Schwarzenegger Tours California-Mexico Border, Receives Briefing from U.S. Border Patrol Officials on National Guard Deployment," available from <http://gov.ca.gov/index.php/press-release/1023/>; Internet; accessed 14 February 2007.

⁴¹ Federal governments urged to strengthen U.S.-Mexican border security, *People's Daily Online*, 24 August 2006 [newspaper on-line]; available from http://english.peopledaily.com.cn/200608/24/eng20060824_296386.html; Internet; accessed 14 February 2007.

⁴² The Minuteman Project Home Page, available from <http://www.minutemanproject.com/default.asp?contentID=2>; Internet; accessed 27 January 2007.

⁴³ Duncan Mansfield, "Volunteer group fighting illegal immigration spreads far from Mexican border," *Casper Star Tribune*, 13 November 2006 [newspaper on-line]; available from <http://www.casperstartribune.townnews.com/articles/2006/11/13/news/national/832f2e354412402c872570410077aa5f.txt>; Internet; accessed 12 January 2007.

⁴⁴ *Ibid.*

⁴⁵ *Border and Transportation Security*, available from <http://www.whitehouse.gov/homeland/book/sect3-1.pdf>; Internet; accessed 13 January 2007.

⁴⁶ Associated Press, "Texas lawmakers seek federal aid to assist Mexican drug war," *Star-Telegram*, 18 January 2007 [newspaper on-line]; available from <http://www.dfw.com/mld/dfw/news/state/16487970.htm>; Internet; accessed 18 January 2007.

