

USAWC STRATEGY RESEARCH PROJECT

THE DOMESTIC COUNTERDRUG MISSION: INCREASE DOD SUPPORT?

by

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ABSTRACT

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There is no question the terrorist attacks of 11 September 2001 changed our national security environment. The operational tempo of the United States military, as a result of the Global War on Terrorism and other international contingencies and deployments, is at an all-time high. At the same time, drug trafficking and use inside our borders continue to have an extreme negative impact on our communities and neighborhoods. Although some experts argue the United States has made progress in the war on drugs, illegal drugs continue to be a threat to our national security. In fact, there are those throughout our country that believe drug trafficking and addictions pose a greater threat to national security than terrorists do. More importantly, the two threats become closely related, or integrated, when terrorists become involved in drug trafficking both to gain addicts to raise profits to fund their terrorist network and to weaken our will to resist them. What more can our federal government do to combat this cancer to our society? Should the Department of Defense (DoD) increase its support to the domestic counterdrug mission, or is DoD stretched to the point in which it cannot provide more support to this vital mission as it has done in the past? This analysis considers the alternatives and risks of whether or not the U.S. military should provide more support to the domestic counterdrug mission. It will also review the current U.S. national drug policy objectives as they pertain to DoD involvement and the employment of the U.S. military. It considers the methods the military can use in the domestic war on drugs.

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THE DOMESTIC COUNTERDRUG MISSION: INCREASE DOD SUPPORT?

We know the drug trade is a business. Drug traffickers are in that business to make money, and this National Drug Control Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can. Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children.¹

—President George W. Bush
National Drug Control Strategy

INTRODUCTION

Illegal drugs continue to be one of the most dangerous threats to our national security. Some experts argue the United States Government has made consistent progress in curbing the drug problem in our country and should divert its limited resources to other critical areas. However, others contend that drug trafficking and use are on the rise, so we should do more in this national fight against drugs. Many agencies are currently contributing to the national counterdrug program, such as the Drug Enforcement Agency (DEA), the Organized Crime Drug Enforcement Task Force, Department of Homeland Security, Department of Justice, Department of State, Department of Defense, and many others.² But are these agencies doing enough to keep drugs from entering our borders, our streets, and keeping drugs out of the hands of our citizens – especially our children? Advocates of a greater effort in the war argue the Department of Defense (DoD) and our U.S. military could contribute a lot more in the domestic counterdrug mission. In his recent article, *The “Militarization” of the Anti-Drug Effort*, Chad Thevenot, Research Manager for the Criminal Justice Policy Foundation, indicates some advocates claim, “military involvement is necessary to counter sophisticated and well-armed drug traffickers.”³

However, in the ongoing fight against terrorism, our U.S. military currently faces a sustained high operational tempo; our soldiers and military are spread across the globe, unlike any other time in its history. Additionally, DoD is burdened with supporting an ongoing domestic and international counterdrug mission. DoD continues to scrutinize its role in the fight against drugs. This analysis considers the alternatives and risks of whether or not the U.S. military should provide more support to the domestic counterdrug mission. It will also review the U.S. national drug policy objectives, as they pertain to DoD involvement and the employment of the U.S. military. It considers the methods the military can use in the domestic war on drugs. The analysis begins with a brief historical perspective on the development of our current national

counterdrug strategy citing military involvement and the restrictions placed on the military from the Posse Comitatus Act.

HISTORICAL PERSPECTIVE

Throughout the 1990s, our national drug control strategy focused on reducing the drug use among our young people. By 2001, survey data confirmed that drug use by high school students reached record levels. However, recent surveys indicate an encouraging downward trend in high school drug use. Starting with the 2000-2001 school year as the baseline, the five-year goal as outlined in the *National Drug Control Strategy* calls for a 25 percent reduction in current use of illegal drugs by high school students and adults age 18 and older.⁴ Although there has been a downward trend, illegal drug use in our country remains alarmingly high, and we must continue to combat illegal drug use. Along with stopping drug use before it starts and providing treatment for drug users, our national priorities in the war on drugs also include disrupting the market and attacking the economic basis of the drug trade. Since the Reagan presidency and the end of the Cold War, the U.S. military has gradually increased its role in disrupting the drug market. Under President Reagan's Administration, Congress deliberated about using the military in the counterdrug effort in a number of hearings and revisited the inherent restraints of the Posse Comitatus Act on the military. The Posse Comitatus Act of 1878 (and subsequently amended several times) was our legislative response to civil liberties violations committed by the military after the Civil War during Reconstruction. It states:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both. 18 U.S.C. 1835.⁵

Although the Posse Comitatus Act was originally passed to prohibit misusing the military (this was often done by civilian law enforcement and elected officials during Reconstruction) in active law enforcement, the Congress and the President have sponsored several subsequent amendments since 1980 that significantly eroded the military prohibitions of the Act, thereby enabling them to meet a variety of law enforcement challenges.⁶

The following timeline summary extracted from Thevenot's article outlines the military's increasing involvement in the domestic counterdrug effort:⁷

December 1981 – Military Cooperation with Law Enforcement Statute (10 USC 371-380)

- Allow military assistance to civilian law enforcement agencies generally outside U.S.
- Combat drug smuggling in the U.S.

- Provide technical and support assistance (facilities, vessels, aircraft, intelligence, translation and surveillance)
- Prohibit direct involvement of soldiers in law enforcement

1983-1988 – Military role in counterdrug operations grows slowly due to Pentagon's reluctance to this unfamiliar mission

- Limited funding from Congress
- Caspar Weinberger, Secretary of Defense under President Reagan, stated "reliance on military forces to accomplish civilian tasks is detrimental to both military readiness and the democratic process"⁶
- Navy and Air Force involved in drug interdiction activities in the Caribbean, in the Gulf of Mexico, and along the coasts

1989 – President Bush names Dr. William Bennett as his "drug czar"

- Congress more than doubles DoD's counterdrug budget
- Amendments to National Defense Authorization Acts designating the Pentagon as lead federal agency for anti-drug intelligence, integrated command, control, communications and intelligence; provide greater role for the National Guard
- Joint Task Force 6 (JTF-6) is established to coordinate military and law enforcement anti-drug operations along the U.S.–Mexico border

1996 – President Clinton names General (Retired) Barry McCaffrey to the cabinet as the Director of the Office of National Drug Control Policy (ONDCP)

- DEA officials estimate 70 percent of illegal drugs now smuggled into U.S. via U.S. – Mexico border
- Congress votes for Traficant Amendment to put up to 10,000 troops along the 2000 mile border (later curtailed because of an unfortunate shooting accident that will be explained later in the paper)

Since the formation of the Department of Homeland Security, the enactment of the Patriot Act, and the preemptive strategy in the fight against terrorism as outlined in the *National Security Strategy*, it is absolutely essential for the Posse Comitatus Act to be revised to allow a more comprehensive and extensive role of the military in domestic counterdrug operations. The primary justification is that the military has critical personnel and assets that many civilian law enforcement agencies do not have. Although many of the southern Border States, such as Texas, Arizona, New Mexico, and California, and cities have robust counternarcotic programs, their respective state National Guard should play an important role to protect along the border and assist civilian law enforcement agencies in other drug interdiction missions. Additionally,

it's widely known the State of Florida historically has been a hub of command and control for drug traffickers from South America and the Caribbean region. Its extensive coastline, to include the Florida Keys, and multiple airports make it easy for drug smugglers to gain access to our mainland. During the last few decades, when law enforcement became successful in deterring drug trafficking in the Florida area, this caused the drug smugglers to shift to the U.S.-Mexico border, and vice versa. Clearly, the Florida National Guard could play a pivotal role in this drug interdiction scenario. In the September 2000 *National Counternarcotics Center Training Program: South Florida Needs Assessment*, the report indicates "as the drug threat and U.S. reactions to it changed over the last three decades, the personnel involved in South Florida drug interdiction operations also changed. Many federal, state, and local individual law enforcement careers were made in the Miami Vice-like heyday of South Florida drug interdiction during the period from the late 1970s to the late 1980s."⁹ Presently, however, continuity is the problem. Today, many of the original law enforcement personnel, instrumental in the early days of drug interdiction, have retired. It is now more common for new federal, state, and local law enforcement to "regularly rotate in and out of South Florida drug interdiction assignments."¹⁰ Florida National Guardsmen, with experience in counternarcotics training, would provide valuable continuity of support in the State's drug interdiction efforts. Let's look at the issues that affect the "militarization" of domestic counterdrug operations.

ISSUES

What are the consequences of military involvement in domestic law enforcement, long considered the job of civilian law enforcement agencies? What is the right military force structure to fight the domestic war on drugs, to say nothing of the international war on drugs? Can our military continue an increasing operational tempo and engage in more counterdrug missions? What funding is required to make progress in the domestic anti-drug effort? What additional training is required to properly involve the military in domestic drug eradication and enforcement? Lastly, what are the risks involved? These are just a few issues that must be addressed to determine whether or not the U.S. military is capable and ready to increase its domestic counterdrug mission.

ANALYSIS

Since the 9/11 terrorist attacks, our country has relied heavily on the armed forces to defend our national interests in the Global War on Terrorism, both at home and abroad. Protection of our borders is critical to prevent terrorist infiltration and future attacks. Our *National Security Strategy* declares: "Defending our Nation against its enemies is the first and

fundamental commitment of the Federal Government....To defeat this threat we must use every tool in our arsenal – military power, better homeland defenses, law enforcement, intelligence, efforts to cut off...financing.”¹¹ Certainly our enemies include drug traffickers. This Strategy explicitly commits us to use military force to counter drug traffic. Use of the military in this endeavor is also implied in our current *National Military Strategy (NMS)*, *National Strategy for Homeland Security* and the *National Drug Control Strategy*. According to the *NMS*, “In this increasingly dangerous and uncertain security environment, Defense Strategy requires U.S. Armed Forces to protect and advance U.S. interests and, when necessary, to defeat those threats to those interests. It places a wide range of demands on the military...and dissuade adversaries from pursuing courses of action that threaten U.S. interests or developing dangerous capabilities.”¹² This wide range of demands on the military includes disrupting the drug trade in the U.S.; it warrants further revision of the Posse Comitatus Act.

The U.S. policy objectives (ends), set forth in the *National Drug Control Policy* are to stop the use of drugs before it starts, to heal America's drug users, and to disrupt the market.¹³ This analysis focuses on the third objective. In order to disrupt the drug market, the military must devise courses of actions (ways) to disrupt the market. One course of action is to maintain military presence at the borders and assist law enforcement agencies such as U.S. Customs and the U.S. Border Patrol in the conduct of their duties. The military also provides vital personnel, intelligence and equipment that law enforcement agencies cannot bring to the fight. Finally, DoD must acquire the resources – money and personnel (that are not otherwise being used elsewhere due to the heavy operational tempo and deployments in the global war on terrorism and other contingencies) – to have any significant effect on the counterdrug effort.

One of the main issues regarding military involvement in the domestic counterdrug mission is that once forces are committed, it will be hard to define an end state. Where and when should the role of the military stop in the counterdrug mission? But the end is not in sight, for there are more drugs coming into our borders than are being stopped. So the military will play a vital role in the foreseeable future. We have already seen this trend in DoD's role in the international counterdrug mission in Columbia and in certain policy recommendations from Secretary of Defense Rumsfeld. The U.S. military, to include the Reserve Components, is stretched thin as it is. So how can we justify this additional mission when the operational tempo is so high?

Thevenot further contends the “militarization” of domestic law enforcement is risky because soldiers are not trained in the application of constitutional liberties, which is an important aspect of all police training.”¹⁴ Critics argue the military should stick to warfighting and

leave the drug fighting to the civilian law enforcement agencies. If the military committed units to a counterdrug mission, might it have potential adverse effects on its military readiness and warfighting schools? However, justification for using the military to counter drugs resides in the fact that illegal drugs in the U.S. remain a serious threat to our national security. Arguments against using the military in counterdrug operations apparently have not changed congressional opinion. In fact, in *Defending Sovereignty: Domestic Operations and Legal Precedents*, U.S. Army Colonel Sean J. Byrne claims "research shows that under pressure to respond in a very visible way to the drug and crime problem, the Congress saw how the use of the Armed Forces would solve several needs: the military analogy fit the drug war image; the vast military resources of personnel, procurement authority, skills and equipment would be an immediate infusion of resources into the problem requiring only limited additional funding."¹⁵ Regardless of the arguments against using the military, Colonel Byrne points out "the counterdrug mission was going to be DoD's because of the threat drugs pose to our national security and values and the political sensitivity of the issue."¹⁶

In order to disrupt the illegal drug market, the *National Drug Control Strategy* points out that we must locate trafficker's vulnerabilities: Where is the agricultural source of the drugs? What is the drug market management structure? How do the drug traffickers process and transport the drugs? How is drug trafficking financed? Obviously, the military cannot respond to each of these areas. But with proper training and in partnership with civilian law enforcement agencies, the military can play a vital role. An example of this was the employment of Fort Hood's 4th Infantry Division's aviation brigade assets in 2000 as part of a JTF-6 counterdrug task force working side by side with California law enforcement agencies. Assault helicopter battalion personnel and assets were used to augment several Sheriff's Department's in drug interdiction. JTF-6 is currently assigned to Joint Force Headquarters, Homeland Security, under U.S. Northern Command. Its counterdrug support area covers the entire continental United States. Although JTF-6 "has no permanently assigned supporting military personnel or units to accomplish its mission, the command depends on ...active duty and Reserve component individual augmentees and units from all branches of the Department of Defense."¹⁷

What kind of military structure is required to fight the war on drugs? In my opinion, battalion size and smaller elements would be the optimal force to disrupt the market and exploit vulnerabilities. Units and augmentees would be tasked under the operational control of a joint task force, such as JTF-6, or an interagency task force such as Joint Interagency Task Force East (JIATF-East), South, and West. These agencies provide command and control, transportation and intelligence in international counternarcotics agencies. These interagencies

must expand their efforts to include domestic counterdrug operations and include representatives from DoD and the Department of Homeland Security. As the JIATF web site points out, fully integrating and organizing these agencies would enable the military to “capitalize on the force multiplier effect of the various agencies.”¹⁸ This would enable unity of command and easier coordination with civilian law enforcement agencies. For future counterdrug operations, special skills and equipment will be required to integrate all capabilities. The military, which includes active and reserve forces from the Army, Navy, Air Force, Marines and Coast Guard, would continue to refine its warfighting skills but would add to its current mission essential task list training in counterdrug operations (constitutional liberties, drug eradication, law enforcement techniques, etc.).

If the military is to participate in the domestic counterdrug war, it must seriously train to make a true positive impact. The following negative example shows what happens when a unit is not adequately prepared for the role of force multiplier in the war on drugs. In May 1997, DoD, curtailed military border controls along the U.S. – Mexican border because of a shooting incident involving Marines and an 18-year-old man who allegedly shot at them. This immediately raised questions about whether or not the military understood their rules of engagement; whether they received the appropriate training for the mission; and whether there was proper coordination between the Marines and the U.S. Border Patrol.¹⁹

CURRENT DOD POLICY ON MILITARY SUPPORT TO DOMESTIC LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERNARCOTICS ACTIVITIES

The current DoD policy, recently signed in October 2003 by Deputy Secretary of Defense Paul Wolfowitz, calls for a complete program review and a restructuring of the domestic counterdrug program. As a consequence of the post-9/11 security environment, the high operational tempo of our military, and the formation of USNORTHCOM, the Department had to respond and reassess its role in the domestic war on drugs.²⁰ Essentially, the policy outlines three main objectives that enable the military to continue to provide support on domestic counterdrug activities. First, to lessen some of the mission requirements and to avoid the over commitment of Title 10 (active duty and reserve) forces, much of the responsibility to conduct domestic counterdrug activities will be shifted to Title 32 (National Guard) forces. Secondly, many of the domestic law enforcement agencies do not possess a full complement of skills and capabilities needed to perform all the tasks necessary to be set up for success in drug interdiction. The policy mandates the military will only provide support on those unique skills that the law enforcement agencies do not have. The last objective states the Department “will employ those measures designed to detect, interdict, disrupt, or curtail any activity that is

reasonably related to narcotics trafficking. This includes, but is not limited to, measures taken to detect, interdict, disrupt, or curtail activities related to substances, material, weapons or resources used to finance, support, secure, cultivate, process, or transport illegal drugs.”²¹ The policy further stipulates that military personnel will not accompany or directly participate with law enforcement activities due to the possibility of civilian casualties. Lastly, the military may not provide advanced military training, such as sniper and military operations in urban terrain (MOUT), to domestic law enforcement agencies. This should be a matter for further investigation. If the military was allowed to provide advanced training to domestic law enforcement agencies, it would enable law enforcement to obtain valuable skills they do not presently possess, and it would alleviate some of the demand for the military to provide support. As the Global War on Terrorism continues to dominate the national security environment, and a link can be made between drug trafficking and terrorist activity, the Department may have to again reassess their role. Once again, the Posse Comitatus might need further amendments.

NATIONAL GUARD ROLE

In recent years, the National Guard has taken the lead in supporting law enforcement agencies in the war on drugs. They take this mission seriously, providing needed skills such as foreign language specialists, crop eradication, transportation, maintenance, communications, surface/aerial reconnaissance, cargo/mail inspection, engineering, map-making and intelligence – all to support civilian law enforcement agencies.²² This trend will continue as per the current DoD policy.

There are several overarching benefits to DoD through the use of the National Guard in support of law enforcement agencies in counterdrug operations. Benefits include:²³

- Increased combat readiness (improving military occupational specialty, higher retainability, and higher training attendance);
- Improvement of inter-service cooperation skills;
- Improvement of leadership and soldier skills (better survivability on the battlefield and experience in military operations other than war); and
- Broadening military skills knowledge base (force multiplier in Homeland Security; personnel and equipment ready to respond to national emergencies).

Program budget figures show the FY2004 DoD counterdrug program allocation for the National Guard to be \$252.2 million. Approximately 80 percent of this figure goes to State plans. This budget figure has relatively stayed the same and is predicted to increase slightly over the next five years.²⁴

According to the National Guard Bureau Counterdrug Office, the National Guard is “leading a proactive effort to integrate emerging technologies into its operations and to adapt its capabilities and missions to the changing drug-threat environment.”²⁵ The National Guard has an incredible array of specialized equipment at their disposal to support law enforcement agencies in the war on drugs. As technology improves, these systems will receive upgrades. The following is a partial list of equipment:

- C-26 Reconnaissance/Observation Aircraft – located in 11 different states (Each aircraft is outfitted with day TV camera and spotter scope; night thermal imaging – FLIR; photo reconnaissance; and a solid communication package)
- Modified OH-58 Scout Helicopters organized into 37 Counterdrug Reconnaissance and Aerial Interdiction Detachments (CD-RAID). Each CD-RAID helicopters are equipped with FLIR, NITE-SUN search light; night vision system capabilities; high skid gear (for unimproved areas); global positioning system; and a solid communication package)
- Light Armored Vehicle (can hold 8-12 personnel with compatible communication package)
- Mobile Vehicle and Cargo Inspection System (MVACIS) (a self-contained gamma-ray imaging system; can detect concealed cargo, narcotics or explosives; system can be rapidly deployed and set up where needed)

OPERATION ALLIANCE

There are a number of law enforcement strategies that supplement the President's counterdrug strategy and guide counterdrug operations. Operation ALLIANCE, established in 1986 by the National Drug Policy Board, and Project NorthStar are coordinating centers with strategies for dealing with drug trafficking. The former covers a four-state region of the U.S. southwestern border, the high threat counties of Texas, New Mexico, Arizona, and California, and the latter along the U.S./Canadian border.²⁶ According to Assistant Chief Patrol Agent William Hirzel, from the Border Patrol Special Coordination Center and Operation ALLIANCE, El Paso, Texas (shares the same compound with JTF-6 headquarters), Operation ALLIANCE covers the Southwest Border High Intensity Drug Trafficking Area (HIDTA), and its task is to facilitate coordinated federal, state and local counterdrug actions in the area of operation mentioned above. The coordination center is staffed with personnel from the headquarters of ten federal agencies, the U.S. Coast Guard, JTF-6 and the National Guard.²⁷ Additionally, the mission of Operation Alliance is to “develop, administer, and coordinate the prioritization and

provisions of DoD support to civilian law enforcement throughout the U.S., Puerto Rico, and the U.S. Virgin Islands. This is done in conjunction with JTF-6 and the National Guard Bureau.”²⁸

In reference to DoD counterdrug support, Agent Hirzel provides the following comments that clearly make a case for increased military support:²⁹

- This support does not affect a military unit’s availability for deployment. The unit is not directly tasked, but instead volunteers for counterdrug missions.
- The civilian law enforcement agencies understand the military unit can cancel at anytime should they need to deploy on a DoD mission.
- Counterdrug missions are training events. It is clearly understood that a unit must train somewhere, whether it is on a military range or providing support to law enforcement agencies. If units conduct training, why not train in a real life situation and at the same time provide counterdrug support? The country gets a double bang for the buck, training for the unit and counterdrug support. In actuality, these missions better prepare a unit for any overseas deployment.
- The military has cutting edge technology that requires constant upgrade and training. It is unrealistic for a law enforcement agency to try to duplicate and maintain assets that the military already possesses given the amount of expertise and funding that is required to maintain the programs (unmanned aerial vehicles, Aviation forward-looking infrared radar, ground surveillance radar, airborne surveillance radar, etc). Note, as previously mentioned, the current DoD policy mandates the military will only provide support on those unique skills that the law enforcement agencies do not have.
- DoD Engineering support to construct a border enforcement infrastructure is critical. In order to control our borders, an infrastructure of such things as roads, lights, fences and vehicle barriers are required. To contract for the construction would be extremely expensive given the fact that a great deal of the infrastructure is required in isolated environments along the border.
- Engineer units must train. Why not allow them to train by constructing a border enforcement infrastructure? The Border Patrol funds the cost of construction materials.

PROJECT NORTHSTAR

Project NorthStar is the US-Canada border counterpart to Operation ALLIANCE. It is a “multi-agency coordinating headquarters that operates through East, Central, and Western

Regional Joint Coordinating Groups. Membership includes law enforcement organizations from Canada and federal, state and local drug law enforcement elements across the Northern U.S.”³⁰

In an interview with Sheriff Richard Randall, who wears two hats – one as a prominent elected County Sheriff in Illinois, and the other as the United States Quad Chair for State and Local Law Enforcement for Project NorthStar, he points out the main objectives of this coordinating center:

- Identify issues hindering law enforcement initiatives along the U.S./Canadian border
- Enhance communication, cooperation and partnerships between Canadian and U.S. law enforcement
- Promote best practices and a more effective utilization of resources
- Per the 2001 Cross-Border Crime Forum – continue the rejuvenation of Project NorthStar

According to Sheriff Randall, there were several key issues raised at the Cross-Border Crime Forum, which was hosted by U.S. Attorney General and Canadian Solicitor General.³¹ These issues included:

- Use of firearms - with geographic inhibitors and exigent circumstances, on the border
- Communications interoperability
- Information sharing
- Review of bilateral agreements and memorandums of understanding that are outdated
- Military involvement along the border

Sheriff Randall indicated there is a Canadian uneasiness of involving the U.S. military in a broad brush of enforcement issues, especially in counterdrug operations. Without the direct connection with terrorism, use of the military is a major concern. His explanation for this was that utilization of equipment and manpower might be very intimidating unless there is a direct connection with terrorism. He recommended that support in the intelligence side, such as specialized equipment training, translators, and analysts, etc., may be the way to go.³² Regardless, the implications raised by the Canadians could impact the option to use the military.

Sheriff Randall, like Agent Hirzel of Operation ALLIANCE, is an advocate for the military to conduct training exercises to improve their mission essential task list in conjunction with counterdrug operations. He is definitely aware of the constraints the DoD is under due to the high operation tempo the U.S. military is currently engaged in. But, in terms of Homeland Security, military personnel and equipment should be made available as law enforcement agencies are also stretched thin. His final comment was that, in his estimation, some of the profits generated from the illegal drug trade are now funding terrorism. Drug traffickers are

crippling our country and others, not only by money that they generate, but also by the amount of devastation they are causing with the victims of drug abuse.³³

DRUG TRAFFICKING AND TERRORISM: IS THERE A LINK?

There are those throughout our country that believe drug trafficking and addictions pose a greater threat to national security than terrorists do. More importantly, the two threats become closely related, or integrated, when terrorists become involved in drug trafficking both to gain addicts to raise profits to fund their terrorist network and to weaken our will to resist them. In recent years, it has become increasingly evident that terrorism and drug trafficking are intertwined. The terms "narco-terrorism" and "narco-terrorists" are now common in describing the link between terrorist organizations and drug smugglers. In the recent National Youth Anti-Drug Campaign, the Office of National Drug Control Policy (ONDCP) Director, John Walters, said, "Drug use hurts our families and our communities. It also finances our enemies. To fight the terror inflicted by killers, thugs, and terrorists around the world who depend on American drug purchases to fund their violence, we must stop paying for our own destruction and the destruction of others."³⁴

The following characteristics reveal a clear linkage between terrorist and drug trafficking organizations:³⁵

- Both operate globally and benefit from trends associated with globalization and an open, deregulated environment
- Terrorists and drug traffickers thrive in countries and regions lacking strong government control
- Both exploit porous U.S. borders and seek loopholes in U.S. immigration controls
- Terrorists and drug traffickers rely heavily on technology to network and avoid detection, including use of the internet, encryption technology, satellite and cell phones, GPS technology, and surveillance and eavesdropping technology
- Both utilize individual cell operations, allowing them to change tactics and personnel literally overnight
- Terrorists and drug traffickers both rely on the services of the criminal underworld. They needed forged documents, safe houses, stolen cars, guns and money laundering.
- Terrorist and traffickers target civilian populations with violence and killings. Traffickers compound the violence by targeting civilian populations with drugs.

- Terrorists and traffickers rely on set routes. One concern is that either might smuggle a CBRNE in over these routes from the tri-borders area of South America
- Both types of organizations target youth – either for recruitment into drug use or recruitment into terrorist cells

As the U.S. continues to fight the Global War on Terrorism, there is a clear case to be made for DoD to expand the military's role in domestic counterdrug operations – especially when there is a direct linkage to terrorism. Federal and local law enforcement agencies cannot possibly cover the spectrum of the narco-terrorist's attacks. As the military continues to transform into a more relevant, reliable, and ready force, it will need to be prepared and postured to support the domestic counterdrug fight.

ROLE OF JOINT TASK FORCE - 6 (JTF-6)

JTF-6 is a multi-service headquarters located at Fort Bliss, Texas, that integrates and synchronizes DoD support to domestic counterdrug operations. Established in 1989, JTF-6, formerly a component of Joint Forces Command (JFCOM), is now a component of U.S. Northern Command (USNORTHCOM) under the operational control of Standing Joint Headquarters, Homeland Security along with Joint Task Force Civil Support.³⁶ The role of JTF-6 in the counterdrug effort is articulated in its mission statement. JTF-6 “synchronizes and integrates DoD operational, training, and intelligence support to domestic law enforcement agency counterdrug efforts in the continental U.S. to reduce the availability of illegal drugs; and when directed, provides operational, training, and intelligence support to domestic agencies’ efforts in combating terrorism.”³⁷

There is a specific support request cycle for domestic civilian law enforcement agencies to obtain military personnel and/or equipment support. The cycle starts with a request from a law enforcement agency specifically seeking DoD support in counterdrug efforts. The request is sent to Operation ALLIANCE headquarters where it is processed, prioritized for execution and forwarded to JTF-6. JTF-6 reviews the request to verify the request's “counterdrug nexus” and legal aspects. Can the National Guard handle the mission? Upon Commanding General approval, JTF-6 seeks volunteer units from active and reserve forces to meet requirements, such as border detection, aviation operations, logistics operations, engineering operations, intelligence support, and training support.³⁸ Again, the current DoD policy mandates a shift from active duty and reserve forces (Title 10) to National Guard forces (Title 32) to meet our domestic counterdrug support. One of the advantages using Title 32 forces is that the National Guard, as state militia, is not subject to the restrictions of the Posse Comitatus Act while not in federal

service. This gives the Guard more flexibility than federal forces in conducting counterdrug operations.

FUNDING

The National Drug Control Budget Summary indicates a DoD FY 2004 request for \$817.4M dollars to support counterdrug operations. This figure is approximately \$54.5M dollars less than FY 2003. The decrease in budget can be attributed to the increased deployments and other contingencies the military is involved with. However, in many cases, the supported civilian law enforcement agency will reimburse military cost expenditures, and there is little impact on the defense budget.

RISKS

How will the safety of forces be jeopardized? How do we mitigate the operational risks the military will face when providing support to domestic counterdrug operations? First of all, there must be solid coordination between DoD and their supported federal, state and local partner. When new capabilities, operational concepts, and organizational design are introduced, this may enhance security without increasing the force structure. Secondly, there must be interoperable command and control architectures between all agencies. Lastly, counterdrug operations can be a good vehicle for units to conduct training. The more proficient the military is in conducting counterdrug operations, the more it can mitigate the risks involved. Large-scale paramilitary counterdrug operations may well be inadequate if they do not support a long-term interagency strategy for economic development, social reform, institutional development and professionalism, and law enforcement.

CONCLUSION

This paper has considered the alternatives and risks of whether or not the U.S. military should provide more support to domestic counterdrug operations. It also traced the history of counterdrug policy in the U.S. and provided a review of the current U.S. national drug policy and objectives. The paper included the major highlights of DoD's current domestic counterdrug policy and objectives. Lastly, it considered the methods the military can use in the domestic war on drugs.

Based on the analysis indicated in this paper, on balance the Bush Administration should continue to utilize the military in support of the *National Drug Control Strategy*. As active and reserve component unit schedules permit, with relief from present worldwide deployments, units should be inserted in the counterdrug mission flow to support joint interagency task forces such

as JTF-6. As USNORTHCOM is stood up as part of the Department of Homeland Security, the war on drugs will continue and the military will increase its role. The Posse Comitatus Act must be revised to support the expanded military role. Committed units must receive the required training in domestic counterdrug operations to set them up for success.

Still, there will still be those that believe the military should have no involvement in domestic counterdrug operations. The former Drug Czar during the Clinton Administration and retired four-star Army General Barry McCaffrey said "There are some things we can do effectively and some that are not appropriate...We have a major concern in not involving the armed forces in direct law enforcement in the U.S. We would rather build law enforcement groups – the Border Patrol, Customs, the Immigration and Naturalization Service –adequate to protect the people."⁹⁹ However, America's borders, despite increased efforts by the Department of Homeland Security to prevent drug smuggling and terrorists from entering our country, remain relatively wide open and are just too permeable. Without DoD support, illegal drug use among Americans will continue to jeopardize national security.

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ENDNOTES

¹ George W. Bush, *National Drug Control Strategy* (Washington, D.C.: The White House, February 2003), Introduction Letter to Congress.

² Ibid, 45. The agencies listed were found in Appendix A.

³ Chad Thevenot, "The 'Militarization' of the Anti-Drug Effort," July 1997; available from <<http://www.ndsn.org/july97/military.html>>; Internet; accessed 4 September 2003.

⁴ This information was paraphrased from the *National Drug Control Policy*, Bush, 1.

⁵ Charles Doyle, "The Posse Comitatus Act & Related Matters: The Use of the Military to Execute Civilian Law." Received through the Congressional Research Service Web, 1 June 2000, 1.

⁶ Craig T. Trebilcock, "The Myth of Posse Comitatus," October 2000; available from <http://www.homelandsecurity.org/journal/articles/Trebelcock.htm>; Internet; accessed 15 September 2003, 2.

⁷ The dates and events outlined in this paper were extracted from Thevenot, 1-3.

⁸ Thevenot, 2.

⁹ Florida International University, *National Counternarcotics Center Training Program: South Florida Needs Assessment* (Miami: Florida International University, September 2000), 4.

¹⁰ Ibid, 4.

¹¹ George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: The White House, September 2002), Introduction Letter.

¹² Richard B. Myers, *National Military Strategy (DRAFT)* (Washington, D.C.: U.S. Joint Chiefs of Staff, 19 September 2002, ii.

¹³ The U.S. objectives (ends) for the war on drugs are derived from Bush, *National Drug Control Strategy*, 7.

¹⁴ Chad Thevenot, "Crisis of the Anti-Drug Effort – 1999," 18 March 1999; available from <http://www.cjpf.org>; Internet; accessed 15 September 2003, 5.

¹⁵ Sean J. Byrne, "Defending Sovereignty: Domestic Operations and Legal Precedents," available from <<http://www.intellnet.org/documents/500/060/560.htm>>; Internet; accessed 4 September 2003, 5.

¹⁶ Ibid, 5.

¹⁷ Armando Carrasco, "Army: JTF-6 Commander to Lead Transition to NORTHCOM," *The Officer* 78 (September 2002): 2.

¹⁸ "Joint Interagency Task Force (JIATF) South Fact Sheet," available from <<http://www.jiatfe.southcom.mil/index.html?cgFact>>; Internet; accessed 13 September 2003.

¹⁹ The border incident was summarized from Linda D. Kozaryn, "Counterdrug Mission Under Review," *Soldiers* 52, no. 10 (October 1997): 28.

²⁰ This information was summarized from DoD's recent policy update signed by Deputy Secretary of Defense Paul Wolfowitz, "Domestic Support to Domestic Law Enforcement Agencies Performing Counternarcotics Activities," policy memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, General Counsel of the Department of Defense, Inspector General of the Department of Defense, Director, Administration and Management, and Chief, National Guard Bureau, Washington, D.C., 2 October 2003.

²¹ Wolfowitz, 1.

²² The role of the National Guard in counterdrug operations was paraphrased from Russell C. Davis, Jr., "New Roles Emerging in the Total Force," *The Officer* 77, no. 1 (January/February 2001): 56-60.

²³ Mark Tipmongkol, "National Guard Counterdrug Programs: State Plans," briefing slides, Pentagon, National Guard Bureau Counterdrug Office, 2 February 2004.

²⁴ Ibid.

²⁵ Russell C. Davis, "New Roles Emerging in the Total Force." *The Officer* 77, no. 1 (January/February 2001): 59.

²⁶ Information on Operation Alliance and Operation NorthStar was paraphrased from William W. Mendel, "Counterdrug Strategy – Illusive Victory: From Blast Furnace to Green Sweep," December 1992; available from <http://leav-www.army.mil/fmso/fmsopubs/issues/illusive.htm>; Internet; accessed 1 March 2004.

²⁷ Information on Operation Alliance is summarized from William R. Hirzel, Hirzel@dhs.gov, "Operation Alliance Info," electronic mail message to John Dumoulin <john.dumoulin@us.army.mil>, 20 January 2004.

²⁸ Ibid.

²⁹ The Information provided is summarized from email message comments from Hirzel.

³⁰ The information provided is paraphrased from Mendel.

³¹ County Sheriff Richard Randall, United States Quad Chair for State and Local Law Enforcement for Project NorthStar, telephone interview by author, 12 January 2004.

³² Summary of comments from telephone interview with Sheriff Randall.

³³ Summary of comments from telephone interview with Sheriff Randall.

³⁴ "New Media Campaign Stresses Link Between Drugs and Terrorism," 3 February 2002; available from <<http://usinfo.state.gov/topical/pol/terror/02020501.htm>>; Internet; accessed 2 March 2004.

³⁵ "Terror, Violence and the Drug Trade;" available from <http://www.drugstory.org/pdfs/DandT_Fact_Sheet.pdf>; Internet; accessed 2 March 2004.

³⁶ Mark L. Edmonds, "JTF-6/JIATF-North," briefing slides with scripted commentary, El Paso, Joint Task Force 6, 26 January 2004.

³⁷ The mission statement of JTF-6 was contained in the briefing slides, Edmonds, slide 4.

³⁸ Edmonds, slide 6.

³⁹ Bradley Graham, "Military Role in Drug War Debated: Dole Would Reverse Administration's Shift Away From Interdiction," *Washington Post*, 30 August 1996, p. A.06.

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