

MILITARY SUPPORT TO LAW ENFORCEMENT AGENCIES  
ALONG THE UNITED STATES SOUTHWESTERN BORDER

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MASTER OF MILITARY ART AND SCIENCE  
Homeland Security

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

MILITARY SUPPORT TO LAW ENFORCEMENT AGENCIES ALONG THE UNITED STATES SOUTHWESTERN BORDER, by Major Christopher L. Schilling, 81 pages.

Military support to law enforcement agencies is a key piece of solving the problem that exists along the southwestern border.

Military support along the southwestern border has existed since the initial westward expansion of the United States. Changes that have occurred since initial support pertain to the regulations and authorities that the military operates within, supported agencies and the threat itself. With the decrease of Department of Defense forces from Iraq in the next year, there should be an increase in the support given to law enforcement agencies along the southwestern border. This increase alone will not solve the problem, but other measures taken in coordination with this will greater increase the probability of providing a suitable environment.

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## ACRONYMS

|            |                                                       |
|------------|-------------------------------------------------------|
| DHS        | Department of Homeland Security                       |
| DoD        | Department of Defense                                 |
| DTO        | Drug Trafficking Organization                         |
| GWOT       | Global War on Terror                                  |
| JTF-6      | Joint Task Force Six                                  |
| JTF North  | Joint Task Force North                                |
| MSCLEA     | Military Support to Civilian law Enforcement Agencies |
| OCONUS     | Overseas Continental United States                    |
| PCA        | Posse Comitatus Act                                   |
| USNORTHCOM | United States Northern Command                        |

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# CHAPTER 1

## INTRODUCTION

### Purpose

The intent of this paper is to examine how the Department of Defense currently provides support in its role to support law enforcement agencies in the prevention of narco-terrorism from entering the homeland. This paper will show that the Department of Defense is an invaluable asset in providing support to law enforcement officials enabling them to better protect the homeland through the use of military assets. This thesis will reveal through analysis a review of pertinent regulations and authorizations of homeland defense, how the Department of Defense has been utilized in the past along the southwestern border, what the military is currently doing in that area, and the threat that is endangering the security of the United States.

As a result of this analysis, a recommendation will be made that the Department of Defense is currently providing an adequate amount of support to law enforcement agencies. However; during 2011 the Department of Defense needs to examine its allocations of forces and utilize those forces no longer being utilized in the overseas continental United States (OCONUS) supporting the Global War on Terror (GWOT). Those capabilities need to then be placed into strategic locations along the southwestern border that will increase the effectiveness of support to law enforcement agencies.

### Issue

Over the past several years, and especially since 2006, Mexico has experienced an accelerated increase in drug-related violence and a corresponding deterioration of internal

security. As part of what might be described as a multi-sided narco-insurgency, well-financed cartels are doing battle with the government and one another for control of the drug corridors into the United States.<sup>1</sup> In addition to drug trafficking, Mexican cartels have been tied to both human and arms trafficking, auto theft, and kidnapping.<sup>2</sup> As a result of the Mexican drug cartels proximity to the southwestern border and the ability to operate in an unrestricted environment, it is vital that the United States secures and defends itself from the spillover of violence.

### Problem

Because of the vast distance of the southwestern border between the United States and Mexico and only 32 permanent checkpoints there exist gaps in the security of our nation.<sup>3</sup> These gaps between checkpoints or points of entry are prime areas for the flow of illegal persons and products crossing the border into the United States. One of the clearest indicators the United States has minimal control of its southwest border is the ease with which thousands of tons of drugs and millions of illegal aliens are crossing the U.S. border on an annual basis.<sup>4</sup> In order to combat this President Obama announced in May 2010 that he would reinforce the already monitoring 340 National Guard troops, along the southwestern border, with and additional 1,200 to assist in combating drug trafficking that may evolve into narco-terrorism.<sup>5</sup>

The United States Army has conducted security missions along the Mexican border since the mid-19th century. These operations that the military undertook in the past are very similar to the task given to our National Guard soldiers of the present ranging from patrolling, reporting incursions and protecting citizens from criminal organizations. Events since 11 September 2001, such as the recent deployment of

National Guard Soldiers to the Mexican border, are only the latest manifestation of this long tradition.<sup>6</sup>

When the United States military conducts operations in support of law enforcement within the United States in areas such as the southwestern border, they are restricted by the Posse Comitatus Act. This act in conjunction with other laws and regulations such as the Stafford Act, which forbids the direct participation ~~by~~ a member of the Army, Navy, Air Force, or Marines in a search, seizure, arrest, or other similar activity” during support activities to civil law enforcement agency.<sup>7</sup> National Guard troops are also subject to these regulations except in extraordinary situations in which they have been approved to participate in search or capture of individuals.

Congress passed the baseline authority for the military in 1981 with the approval of Chapter 18 of the Title 10 U.S. Code – Military Support for Civilian Law Enforcement Agencies. In 1989, Congress began to expand the military’s support role. For example, Congress directed DoD, to the maximum extent practicable, to conduct military training exercises in drug interdiction areas, and made DoD the lead federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.<sup>8</sup>

Along the southwestern border, military units command relationship will be tactical control (TACON) to Joint Task Force North. The Joint Task Force North (JTF North) website states that its mission is to ~~eo~~coordinate military support to law enforcement agencies in order to deter and prevent transnational threats to the homeland.” Once an agency has developed a need for a capability, it would send a request and a threat assessment to Joint Task Force North and in return a military

capability is tasked to provide support to that agency if the capability exists. Among the agencies that military units can anticipate supporting are Customs and Border Patrol and Immigration and Customs Enforcement through the use of operational, intelligence, engineering, general support and interagency synchronization and technology integration.

Success and failure of past operations along the southwestern border in which military units have supported civilian law enforcement is difficult to quantify. There have been examples of both, but unlike a battlefield where there is a winner and a loser; there is no measure of performance. There have been instances of good and bad media events that have been highlighted to the population of both the United States and Mexico. A paradigm change occurred when U.S. Marines fired and killed a man that was shooting his gun while target practicing and the team believed they were being fired upon. This situation resulted in the military not being allowed to carry weapons while patrolling the border. On the good outcome of situations, you can find examples of military teams supporting civil law enforcement and working together to produce outcomes that result in weapons and drugs being seized through observation and reporting mechanisms.

The military has the capability to utilize all means necessary to accomplish the task of supporting law enforcement while operating along the southwestern border. The difference that exists is the laws in how they can be used and in what means within the United States versus on foreign land. According to the authorizations and regulations the military can only observe and report except by exception in extreme circumstances.

### Scope

This paper focuses on the support to law enforcement agencies that the Department of Defense provides along the border of the United States, specifically the

southwestern border from the western edge of California to the eastern border of Texas. Support capabilities range from the use active duty Special Forces teams to the use of Predator unmanned aerial platforms to assist in the support. The timeframe will of support spans from the US Army of Occupation in 1845 to the most recent activation of US Army National Guard soldiers in 2010. A review of authorities and authorizations will also be examined in order to gain an understanding of the capabilities and limitations that the Department of Defense must follow while supporting law enforcement agencies.

### Assumptions

During the process of writing this paper, there are assumptions that have been made while conducting research of this topic. The critical assumption made is the Department of Defense will continue to fulfill requests for support to law enforcement agencies at the rate that is currently being filled. Mexican drug cartels along Northern Mexico will continue to operate as they currently are, and the situation will evolve into a worse situation. Lastly, another critical assumption made is that the Government of Mexico will remain a legal and stable government that is not overturned through influence of the drug cartels.

### Significance

Since the events of 11 September 2001, the American public have until recently not given the southwestern border of the United States the attention that it deserves. We have for the past number of years been more concerned with a terrorist threat that comes directly to the U.S. soil from Europe or the Africa. With the recent illegal immigration issues that have developed as a result of the violence in Mexico and the Arizona

immigration laws, the American public has once again become aware that we need to monitor the gate to our backyard. This large stretch of land that, for the vast part is unobserved makes it ideal for a cartel to safely traffic drugs, humans and weapons to become narco-terrorist organizations from the utilization of those funds raised by the selling of those products. In a worst case scenario, these narco-terrorists can utilize their border crossing knowledge to move terrorist into the United States to execute terrorism abroad within our borders.

### Roadmap

This paper has five chapters. Chapter 2 is the literature review, displaying the result of the research on this topic starting with the role of the Department of Defense from the US Army occupation of the Texas/Mexican border in 1845 to the use of Department of Defense assets up to October of 2010. Research data on Mexican drug cartels that operate along the southwestern border is also examined. Authorizations and authorities on how the Department of Defense assets that are operating along the southwestern border are discussed in order to demonstrate the capabilities and limitations of those assets supporting law enforcement agencies. Chapter 3 outlines the research methodology utilized to conduct research. Chapter 4 provides an analysis of homeland security and the situation along the southwestern border and its affect the United States. Chapter 5 recommends the support the Department of Defense is currently providing an adequate amount of support to law enforcement agencies. During 2011, the Department of Defense needs to examine its allocations of forces and utilize those forces no longer being utilized in the overseas continental United States (OCONUS) supporting the Global War on Terror (GWOT). Those capabilities need to then be placed into strategic locations

along the southwestern border that will increase the effectiveness of support to law enforcement agencies.

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<sup>1</sup>Hal Brands, *Mexico's Narco-Insurgency and U.S. Counterdrug Policy* (U.S. Army War College: Strategic Studies Institute, 2009).

<sup>2</sup>Colleen Cook, *Mexico's Drug Cartels* (Washington, DC: Congressional Research Service, 2007).

<sup>3</sup>United State Government Accountability Office, "Border Patrol Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness," <http://www.gao.gov/products/GAO-09-824> (accessed 19 September 2010).

<sup>4</sup>Jameson Taylor, "Illegal Immigration: Drugs, Gangs and Crime," John W. Pope Civitas Institute website, <http://www.nccivitas.org/2007/illegal-immigration-drugs-gangs-and-crime/> (accessed 18 September 2010).

<sup>5</sup>M. Shear, "President Obama to send more National Guard troops to U.S.-Mexico border," *The Washington Post*, 26 May 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/25/AR2010052503227.html> (accessed 17 September 2010).

<sup>6</sup>Matt. M. Matthews, OP22, *The US Army on the Mexican Border: A Historical Perspective* (Ft Leavenworth, KS: Combat Studies Institute, 2007).

<sup>7</sup>Chuck R. Mason, *Securing America's Borders: The Role of the Military* (Washington, DC: Congressional Research Service, June 2010).

<sup>8</sup>*Ibid.*, 4.

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

The topic of this paper deals specifically with the support that is currently being given to law enforcement agencies however; historical references must be known to allow the research to form an understanding of why and how the support is being provided currently. A literature review is necessary to evaluate existing literature relevant to the thesis and identify any shortcomings. Most media discusses homeland security and those agencies that conduct that role versus homeland defense in which is covered by the Department of Defense. The majority of the publications discovered about homeland defense and the Department of Defense's role in this mission are written by authors that represent those assets that are providing the support.

This study breaks the research into four distinct areas: (1) U.S. Military Deployments to the Southwestern Border region prior to the 1980, (2) U.S. Military Deployments to the Southwestern Border from 1980 until 2001, (3) U.S. Military Deployments to the Southwestern Border from 2001 until October 2010 and (4) key Mexican drug cartels having the ability to transform into a narco-terrorist organization.

Since the terrorist attacks on 11 September 2001 and the most recent debates on immigration laws in Arizona national media has focused on the southwestern border of the United States. This renewed interest in the border has drawn more interest into the crime, murders drug smuggling and other issues that the Mexican government must contend with and the possibility of its spill over into the homeland. As the literature is

reviewed, the documents reveal elements of problems that exist currently are strikingly similar to issues that the U.S. military faced as long ago as 1845.

### U.S. Military Deployments to the Southwestern Border prior to 1980

There are numerous resources that facilitate the research of the use of military forces to this area of the United States from the early days of our country's history. There are many books, and articles written on this topic and they highlight the various missions and roles that the military was tasked with as it operated in this environment. The most informative one being ~~the~~ 22nd Occasional Paper in the Combat Studies Institute (CSI) Long War Series, *The US Army on the Mexican Border: A Historical Perspective*, by CSI historian Matt M. Matthews, which reviews the lengthy history of the US Army on the Mexican border and highlights recurring themes that are relevant to today's ongoing border security mission."<sup>1</sup> This document provides a detailed description of military involvement from the late 1800s to early 2000.

On 29 June 1845, [Brigadier General Zachary] Taylor's long wait ended. Anticipating Texas ratification of the annexation resolution, acting Secretary of War George Bancroft (temporarily filling in for William L. Marcy), under orders from President Polk, ordered Taylor to move his Army of Observation into Texas ~~on~~ or near the Rio Grande."<sup>2</sup> Brigadier General Zachary Taylor, Commander of the US forces, may have been the first to command US troops along the southwestern border of Texas, but he would not be the last. His mission was not to provide support to what we today describe as homeland security, but actually to defending the newly annexed state of Texas from the threat of the Mexican army. According to historian K. Jack Bauer, ~~This~~ [total forces

deployed along the southwestern border] represented approximately half the total strength of the army and was the largest force assembled since the War of 1812.”<sup>3</sup> General Taylor’s forces were deployed in a defensive posture to protect the homeland from a military threat.

After the annexation of Texas, the new border with Mexico stretched more than 1,900 miles over rough and difficult terrain. Starting at the Gulf of Mexico near the towns of Brownsville and Matamoros, the border followed the Rio Grande for 1,254 miles to a point just north of El Paso, Texas.<sup>4</sup> The entire 1,952-mile border was diverse but could generally be characterized by deserts, rugged mountains, abundant sunshine and by two major rivers—the Colorado River and the Rio Grande (Rio Bravo del Norte)—which provide life-giving waters to the largely arid but fertile lands along the rivers in both countries.”<sup>5</sup>

During the time period from the end of the Army Occupation around the 1850s until the 1860s, the Army was tasked to perform security operations along the expanded southwestern border of the United States. The US Army’s ability to defend the US-Mexican border was hindered by a paucity of troops.<sup>6</sup> The US Army’s expanded fort system had little effect on border security. Infantry was of little use in chasing down mounted raiders, while US Army mounted forces were spread so thinly they, too, proved practically worthless.<sup>7</sup> This time period is also the first example that can be found of U.S. Army support to a law enforcement agency, the Texas Rangers. Using the doctrine of hot pursuit to cloak a slave-hunting expedition into Mexico, Captain Callahan and his Rangers, accompanied by a party of American mercenaries, crossed the Rio Grande near Eagle Pass on 1 October 1855.<sup>8</sup> After a battle with Mexican soldiers, Captain Callahan

occupied the Mexican town of Piedras Negras, as Matthews describes it in his article –Captain Callahan urgently requested the assistance of US soldiers at nearby Fort Duncan to cover his river crossing. Captain Sidney Burbank responded by moving cannons into position to protect Captain Callahan’s crossing site.” Captain Callahan was not able to cross the river due to high water and reattempted to do so on October 6th, but this time the Army did not support the Rangers. Were it not for Burbank’s reassessment of the implications of US Army involvement in Captain Callahan’s scheme, the United States and Mexico might once again have been brought to the brink of war.<sup>9</sup> This period displayed the first lessons that the military learned while conducting operations along the border in a security role and additionally being asked to support a law-enforcement agency.

In 1862, as Union and Confederate forces battled for supremacy in the United States, French, British, and Spanish troops landed in Veracruz, Mexico, intent on forcing Juarez’s liberal government to pay them the money they were owed. Not content to merely recoup his foreign loans, Napoleon III of France sought to expand his imperial domain and conspired to capture all of Mexico.<sup>10</sup> With the outcome of the U.S. civil war, General Ulysses S. Grant ordered General Phil Sheridan to gain control of the situation along the southern border. To further inflame imperialist angst, Sheridan demanded the return of Confederate munitions that ex-Confederates gave the Mexican imperialist commander. Not wanting to anger the Americans, the commander quickly complied with Sheridan’s demands.<sup>11</sup> –These demands,” Sheridan recalled, –backed up as they were by such a formidable show of force, created much agitation and demoralization among the

Imperial troops, and measures looking to the abandonment of northern Mexico were forthwith adopted by those in authority.”<sup>12</sup>

Simultaneously during this era, with the ever-present problem of Indian raids originating from Mexico, the U.S. Army began conducting cross-border operations. Knowing full well that simple patrolling and static defense could do little to combat the constant incursions, Brigadier General O.C. Ord [the new Commander of the Department of Texas], ordered Shafter [Lieutenant Colonel William R. “Pecos Bill” Shafter] to prepare for offensive operations inside Mexico.<sup>13</sup> These raids conducted along the border into Mexico were highly discouraged by the Mexican government, but forced them to deal with their internal security problems.

As this problem is compared to today’s support along the border, there continues to be vast areas of open terrain that are not be supported currently and an issue that remains inside of the Mexican border. The groups that operate there have weapons and equipment acquired within the United States. The organizations using those weapons create conditions for both sides of the borders that the governments must contend with and resolve. By giving support to not only the law enforcement agencies on the United States area of the border, U.S. military forces can also support the Mexican military through the use of Foreign Internal Defense to support the Mexican military in combating the internal threat.

Immigration of illegal Mexicans became more noticeable in the 1920s, and the government decided that a policy needed to be implemented. This policy became known as the “revolving door” policy, in which the government regulated the flow of immigrations into the United States as well as the deportation of illegal immigrants. To

help regulate this policy, the US Government established the US Border Patrol in 1924.<sup>14</sup> Operation Wetback was launched in 1954 within the United States in an attempt to deport massive amounts illegal immigrants. In an attempt to support the Border Patrol, the U.S. Army was asked to provide support during this operation. The Army denied support to the operations claiming such an operation would ~~seriously~~ disrupt training programs at a time when the administration's economy slashes were forcing the service to drastically cut its strength."<sup>15</sup> According to Matthews, by the end of Operation Wetback, a total of approximately 100,000 illegal immigrants were deported back to Mexico. Matthews also states that as a result of the negative public relations outcome, it is possible that ~~perhaps~~ a wise decision on the part of the US Army to avoid participating in Operation Wetback."

#### U.S. Military Deployments to the Southwestern Border from 1980 until 2001

During the research of this topic area, I discovered enormous amounts of information on this topic from not only internet sources, but also lessons learned from Joint Task Force – 6, which is still operating today under the title Joint Task Force North. Articles written during that time period deal mostly with operations with individual states such as Operation Gatekeeper in California, Operation Hold-the-Line in Texas, and Operation Safeguard in Arizona.

By the late 1900s, the physical terrain of the southwestern border has changed drastically. The large space still existed, but now the urban development of the land on both sides of the border has created population centers. Dense populations only hindered the problems that already were present; at the forefront were the continuing influx of illegal aliens and the explosion in drug smuggling.<sup>16</sup>

The recommitment of US Army forces to the Mexican border began gradually in the early 1980s with the passage of the Defense Authorization Act of 1982.<sup>17</sup> This deployment was focused on battling the war on drugs coming from the south into the United States. According to Dunn:

During the 1980s the military was called on to take a new and expanding role in antidrug efforts in the border region, one which centered on providing high-tech equipment and conducting surveillance operations and training exercises. The Defense Department was apparently slated to become extra ‘eyes and ears’ for civilian agencies engaged in drug enforcement activities and, at least on occasion, in playing this role it also aided immigration enforcement efforts on the border.<sup>18</sup>

Dunn’s belief on the Posse Comitatus Act is that it ~~g~~greatly enhanced the military’s capabilities in the War on Drugs, it did not allow Active-Duty military personnel to directly participate in law enforcement activities.”<sup>19</sup>

In 1986, the US Government launched Operation Alliance to help stem the flow of illegal drugs from Mexico. The United States military played a key role in this endeavor, helping with airborne surveillance, equipment loans, and training.<sup>20</sup> During 1989, the war on drugs continued to be an issue within the United States. The newly approved Defense Authorization Act allowed U.S. forces to loan equipment to law enforcement agencies that were involved on the war on drugs.

Joint Task Force-Six (JTF-6) was created in 1989 to serve as the planning and coordinating operational headquarters to support local, state, and federal law enforcement agencies within the Southwest border region to counter the flow of illegal drugs into the United States.<sup>21</sup> JTF-6’s original area of operations consisted of the four border states of California, Arizona, New Mexico and Texas—a land area of more than 660,000 square miles.<sup>22</sup>

With the formation of JTF-6 and the declaration of the war on drugs as a high priority mission, troops were deployed to the southwestern border region to assist in stopping the flow of drugs into the United States. According to Dunn:

[The new missions] . . . took myriad forms in the U.S.-Mexico border region. These included conducting small-unit and long-range reconnaissance patrols in hard-to-cover areas; providing, deploying, and monitoring electronic ground sensors, providing intelligence support; clearing brush and improving roads along the border; training law enforcement personnel in intelligence analysis and survival skills; providing air transport of law enforcement personnel in interdiction and eradication efforts; staffing listening and observation posts; using remotely piloted reconnaissance aircraft; staging military exercises in suspected drug trafficking zones; conducting radar and imaging missions; providing operational planning assistance and providing DOD personnel to develop data bases as well as mapping and reconnaissance folders for Border Patrol sectors.<sup>23</sup>

From JTF-6's creation until 1997, they [JTF-6] performed 799 anti-drug missions with ground troops.

#### U.S. Military Deployments to the Southwestern Border from 2001 until mid-2010

This time period of military support to law enforcement agencies in the southwest border contains a large amount of information papers from such institutes as the Woodrow Wilson International Center for Scholars (Mexico Institute) ranging from *Combating Organized Crime and Drug Trafficking in Mexico* to *Securing America's Borders: The Role of the Military*. There are numerous resources available discussing the Merida Initiative developed along the same lines as Plan Colombia was in previous years as a means to assist the Colombian government dealing with their internal strife as a result of narco-terrorism issues. Other publications such as *Small Wars Journal* articles and "The National Guard on the Southwestern Border Operation Jump Start 2006-2010" by Michael Doubler discuss the role and effect that the military is having on the supporting operations with law enforcement agencies.

Following the attacks on 11 September 2001, the possibility of a new way to attack the United States became more apparent. There are very few published examples of military support to law enforcement along the southwestern border following the attacks of 11 September 2001 until 2006. In response to requests for support enforcing federal immigration laws from the governors of Arizona, California, New Mexico, and Texas, President George W. Bush announced the deployment of up to 6,000 National Guard troops along the southern border to support the Border Patrol.<sup>24</sup> During 2006–2008, more than 30,000 individuals participated in the mission Operation Jump Start.<sup>25</sup> The Guard units, serving pursuant to Title 32 of the U.S. Code, remained under the control of the respective governors, but were fully funded by the federal government and were not involved in direct law-enforcement activities.<sup>26</sup> Operation Jump Start officially concluded on July 15, 2008.<sup>27</sup>

In 2004, JTF-6 title was changed to Joint Task Force North (JTF North). JTF North's mission as stated on their website states "Joint Task Force North supports Drug Law Enforcement Agencies in the conduct of Counter Drug/Counter Narco-Terrorism operations in the USNORTHCOM area of responsibility to disrupt trans-national criminal organizations and deter their freedom of action in order to protect the homeland."<sup>28</sup>

These support requests from law enforcement agencies are processed by JTF North assuming the support is appropriate and in compliance with the statutory guidelines for the domestic employment of military forces, JTF North seeks military units to volunteer to provide the requested operational support.<sup>29</sup> JTF North then becomes the liaison element for the unit providing planning and coordination with the supported agency.

Instances where the governors of southwestern States activated their National Guard forces and desired to activate them are present due to the threat across the border. After the murder of Arizona rancher Robert Krentz on 27 March 2010, the day after the Border Patrol seized 290 pounds of marijuana near his ranch; there have been calls for increased security along the border.<sup>30</sup> Following the murder of Robert Krentz, Governor Bill Richardson of New Mexico ordered the National Guard to patrol the border in order to ensure the safety of New Mexico citizens.<sup>31</sup> And while Governor Jan Brewer of Arizona has requested federal troops to protect the border, she has not invoked her authority, as Governor Richardson did, citing Arizona's troubled finances as prohibiting such an act.<sup>32</sup>

On 25 May 2010, President Obama announced that up to 1,200 National Guard troops would be sent to the southern border to support the Border Patrol.<sup>33</sup> According to John Brennan and General James Jones, the Assistant to the President for Homeland Security and the National Security Advisor, respectively, the National Guard troops will be utilized as a bridge to longer-term enhancements in border protection and law enforcement personnel from the Departments of Homeland Security and Justice to target illicit networks' trafficking in people, drugs, illegal weapons, money, and the violence associated with these illegal activities.<sup>34</sup> Further, President Obama stated that the National Guard troops would help with intelligence work, drug and human trafficking interdiction, and relieving border guards on security tasks so they can do more law enforcement.<sup>35</sup>

## Key Mexican Drug Cartels

According to the Mexican government there are seven drug cartels operating in Mexico.<sup>36</sup> Three of the major cartels or drug trafficking organizations (DTO) operating along the US-Mexican border are the Gulf, Juárez and what are described as Federation cartels. The Federation is led by representatives of the Sinaloa, Juárez, and Valencia cartels. The cartels work together, but remain independent organizations.<sup>37</sup> Since Mexican President Felipe Calderon declared war against the cartels in December 2006, more than 30,000 people have been killed in cartel-related violence in Mexico.<sup>38</sup> The concern that exists on the United States side of the border are narco-terrorism, the crossing of illegal immigrants, trafficking of illegal substances (drugs, weapons and human trafficking) as well as direct and indirect spillover violence that stems from these drug trafficking organizations.

The Gulf cartel is present in 13 states [within Mexico] with important areas of operation in the cities of Nuevo Laredo, Miguel Alemán, Reynosa, and Matamoros in the northern state of Tamaulipas.<sup>39</sup> Within the Gulf cartel exists an enforcer gang known as the Zetas. The Zetas are unique among drug enforcer gangs in that they operate ~~as~~ a private army under the orders of Cárdenas' Gulf cartel, the first time a drug lord has had his own paramilitary.<sup>40</sup> The original Zeta members were comprised of Mexican soldiers that deserted Special Air Mobile Force Group and aided the gang to conduct more organized and complex operations.

The Juárez cartel has been found in twenty-one Mexican states and its principle bases are: Culiacán, Sinaloa; Monterrey, Nuevo León; the cities of Ciudad Juárez, Chihuahua, and Ojinaga, Chihuahua; Mexico City; Guadalajara, Jalisco; Cuernavaca,

Morelos; and Cancún, Quintana Roo.<sup>41</sup> This cartel raises funds and conducts operations in the same manner as the other cartels, but controls a larger portion of the Mexico.

Several cartels have also formed an alliance known as “The Federation.” The Federation is led by representatives of the Sinaloa, Juárez, and Valencia cartels.<sup>42</sup> These cartels work together in collaboration, but maintain their individual organizations.

### Conclusion

The vast majority of the literature discussing the support to law enforcement agencies conducted by the Department of Defense comes from within the DoD. Information deals specifically with past operations in the form of formal or an informal after action reviews (AARs). There is little discussion written about how the military can or can not support the law enforcement agencies better, however; none of the southwestern states are not requesting more support from the federal government.

This paper focuses on the support that is currently being given to law enforcement agencies and concludes with a recommendation on ways to improve or maintain support. The complexity of this subject and the amount of literature that is examined will form the base line of how the recommendation is formed.

Analysis of the current literature will demonstrate the seemingly one sidedness of the information as it pertains to the current support provided. Defense of the southwestern border is seldom discussed and the support that is currently given is only on a temporary basis using National Guard units on the land.

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<sup>1</sup>Matt. M. Matthews, OP22, *The US Army on the Mexican Border: A Historical Perspective* (Ft Leavenworth, KS: Combat Studies Institute, 2007).

<sup>2</sup>Ibid., 12.

<sup>3</sup>K. Jack Bauer, *The Mexican War, 1846–1848* (New York: Macmillan Publishing Company, 1974), 33.

<sup>4</sup>International Boundary and Water Commission, “The International Boundary and Water Commission, Its Mission, Organization and Procedures for Solution of Boundary and Water Problems,” [http://www.ibwc.state.gov/html/about\\_us.html](http://www.ibwc.state.gov/html/about_us.html) (accessed 27 December 2010).

<sup>5</sup>*Ibid.*

<sup>6</sup>Matthews, 38.

<sup>7</sup>*Ibid.*, 31.

<sup>8</sup>*Ibid.*

<sup>9</sup>*Ibid.*, 32.

<sup>10</sup>*Ibid.*, 41.

<sup>11</sup>*Ibid.*, 44.

<sup>12</sup>Philip H. Sheridan, *Personal Memoirs of P. H. Sheridan*, Vol. 2 (North Scituate, MA: Digital Scanning, Inc., 1999), 214.

<sup>13</sup>Matthews, 51.

<sup>14</sup>Timothy J. Dunn, *The Militarization of the U.S.-Mexico Border 1978–1992* (Austin, TX: The Center for Mexican-American Studies, 1996), 11.

<sup>15</sup>Matthews, 76.

<sup>16</sup>International Boundary and Water Commission.

<sup>17</sup>Matthews, 77.

<sup>18</sup>Dunn, 111.

<sup>19</sup>*Ibid.*

<sup>20</sup>Matthews, 78.

<sup>21</sup>Joint Task Force North, “History,” <http://www.jtfn.northcom.mil/subpages/history.html> (accessed 27 December 2010).

<sup>22</sup>*Ibid.*

<sup>23</sup>Dunn, 124.

<sup>24</sup>Michael D. Doubler, "Operation Jump Start: The National Guard on the Southwest Border, 2006-2008," [http://www.ng.mil/features/jumpstart/pdf/NGB\\_JumpStart.pdf](http://www.ng.mil/features/jumpstart/pdf/NGB_JumpStart.pdf) (accessed 26 December 2010).

<sup>25</sup>*Ibid.*, Foreword.

<sup>26</sup>*Ibid.*, 19

<sup>27</sup>National Guard Bureau, After Action Report, *Operation Jump Start: Operational Lessons Learned* (Washington, DC: Joint Doctrine, Training and Force Development, 11 March 2009), 4.

<sup>28</sup>Joint Task Force North, "Mission," <http://www.jtfn.northcom.mil/subpages/mission.html> (accessed 26 December 2010).

<sup>29</sup>*Ibid.*

<sup>30</sup>Christian Anderson, "Guard Responds to Border Violence," *GX Magazine*, 8 April 2010, <http://nationalguard.com/news/2010/apr/09/guard-responds-to-border-violence> (accessed 26 December 2010).

<sup>31</sup>State of New Mexico, "Governor Bill Richardson Orders National Guard to Patrol the Mexican Border," 31 March 2010, [http://www.governor.state.nm.us/press/2010/march/033110\\_01.pdf](http://www.governor.state.nm.us/press/2010/march/033110_01.pdf) (accessed 26 December 2010).

<sup>32</sup>Randol C. Archibold, "Obama to Send Up to 1,200 Troops to Border," *The New York Times*, 25 May 2010, <http://www.nytimes.com/2010/05/26/us/26border.html> (accessed 27 December 2010).

<sup>33</sup>Chuck R. Mason, *Securing America's Borders: The Role of the Military* (Washington, DC: Congressional Research Service, June 2010).

<sup>34</sup>Whitehouse.gov, Letter from Assistant to the President for Homeland Security and Counterterrorism and National Security Advisor on Southwest Border Security to Senator Levin, Chairman of Senate Armed Services Committee, [http://www.whitehouse.gov/sites/default/files/Letter\\_to\\_Chairman\\_Levin.pdf](http://www.whitehouse.gov/sites/default/files/Letter_to_Chairman_Levin.pdf) (accessed 26 December 2010).

<sup>35</sup>Lisa Daniel, "Obama: National Guard Can Aid Intelligence, Interdiction at Border," *GX News*, 27 May 2010, <http://www.nationalguard.com/news/2010/may/27/obama-national-guard-can-aid-intelligence-interdictionat-border> (accessed 10 January 2011).

<sup>36</sup>Colleen W. Cook, *Mexico's Drug Cartels* (Washington, DC: Congressional Research Service, October 2007), 1.

<sup>37</sup>*Ibid.*

<sup>38</sup>United States Department of State Bureau of Diplomatic Security, *Joint OSAC/DSAC Report: Mexico-U.S. Border Security* (Washington, DC: U.S. Department of State, December 2010), 2.

<sup>39</sup>Cook, 1

<sup>40</sup>Oscar Becerra, “New Traffickers Struggle for Control of Mexican Drug Trade,” *Jane's Intelligence Review*, 1 September 2004.

<sup>41</sup>Cook, 7

<sup>42</sup>*Ibid.*, 1

## CHAPTER 3

### RESEARCH METHODOLOGY

#### Introduction

This chapter will explain the manner in which the research was conducted to develop a conclusion and recommendation on the thesis topic: Is the United States military providing adequate support to law enforcement agencies in the prevention of narco-terrorism from entering the homeland? The research will be broken down into four separate sections. The first section will narrow the overall topic of homeland security and defense to how it deals specifically with the military's support to the prevention of narco-terrorism from entering the United States through the research approach that was used. Secondly, I will explain the step-by-step method in which I developed answers to my secondary questions and how they tied into the primary thesis question. Thirdly, strengths and weakness of the methodology that I used to draw my conclusion is demonstrated. Lastly, a conclusion will be discussed based upon the research conducted.

#### Research Approach

During the course of this research, I used the comparative research methodology to develop the primary and secondary questions involving the military's support to the prevention of narco-terrorism from entering the homeland from the southwestern border. Research shows that the United States military has been involved in conflicts on both sides of the southwestern border directly and indirectly from the times of the western expansion. Matt Matthews The Long War Occasional Paper 22, *The US Army on the*

*Mexican Border: A Historical Perspective* best summarizes the last 200 years with the statement:

Since the mid-19th century, the United States has frequently employed the US Army on its southern border to perform various roles in support of the Nation—from outright war, to patrolling the border, to chasing bandits while securing persons and property on both sides of the border, and most recently to supporting civil law enforcement and antidrug efforts. Events since 9/11, such as the recent deployment of National Guard Soldiers to the Mexican border, are only the latest manifestation of this long tradition.<sup>1</sup>

Studying the past support provided to the citizens of the United States as well as the protection of the homeland develops a foundation of the norm.” The research also consisted of the procedures used to request forces [military] and the support that is currently being provided by those forces. In order to understand the type of support needed, the research also focused on the threat that these forces are directly and indirectly fighting through their support. The analysis provided through the use of the comparative research will show that the military is not providing enough support to stop narco-terrorism from entering the homeland. This lack of protection in our security along the southwestern border ultimately affects the United States’ overall security and Mexico’s ability to maintain a credible and legitimate government.

### Step-by-Step

The first step in the process of conducting this paper was to define the problem and explore topics that interested me. The topic of the southwest border security and narco-terrorists entering the United States interests me for two reasons. The first is that my military occupation skill is Psychological Operations officer with a region expertise in South and Central America. The South and Central American region provides a starting and transition point for many drugs that funnel their way into the United States

by entrance from Mexico. Lastly, I strongly feel that the southwestern border is an area that is highly susceptible as the next entrance point for an event similar to those of 11 September 2001 and we must not wish away the vulnerability. By researching this topic, I want to gain more knowledge on the military's support to stopping narco-terrorist from entering the United States and explain the problem and provide recommendations to ways to eliminate narco-terrorist from entering the homeland.

The second step during the conduct of the research was to read and understand national documents, reports, literature and Department of Defense websites discussing the topic. Important information that pertained to the topic were the *2010 National Security Strategy*, *2008 National Defense Strategy*, Joint Publication 3-27 *Homeland Defense*, United States Government Accountability Office (GAO) report titled *Homeland Defense: DoD Needs to Take Actions to Enhance Interagency Coordination for Its Homeland Defense and Civil Support Missions*, and United States Northern Commands (USNORTHCOM) website regarding Joint Task Force North (JTF-N).

Information that was gathered during the research assisted in developing the third step. This step was the validation and answering of the secondary questions through the use of these documents. Ensuring that no bias existed in developing the answers to these questions, multiple sources were researched and utilized to find different perspectives on the topic. Questions were developed to support the answer to the primary question were critical in providing a foundation for the overall thesis. The six questions developed to aid in answering the primary question were: what can we learn from past and current United States military operations conducted on the United States and Mexican border, what are the restrictions and authorizations that the Department of Defense utilizes to

operate from within the United States, what organizations does the Department of Defense support along the United States and Mexican border, are there any successful or unsuccessful examples of the Department of Defense supporting combating of narco-terrorist, what capabilities does the U.S. military have to detect and combat narco-terrorist from entering the United States, and what types of narco-terrorism organizations operate along the southwestern border? The answers to the secondary questions will be explored during the analysis portion of chapter 4.

### Strengths and Weakness

During the research it was discovered numerous times through reading that there existed strengths and weakness pertaining to information about the research topic. Homeland defense of the United States is rarely discussed and written about in the National and International media stage. This topic poses two areas that provide a large basis of information and assisted in answering the secondary questions.

When answering the secondary question of past operations conducted by the military along the southwestern border, there was almost too much information on it to research. The historical operations conducted by the military have been written about by so many writers that you can read the accounts of the actions and cross reference the event for relative accuracy and draw a good conclusion about the mission and support given. Historically it is important to know exactly what was done in the past so that in the event the same situation occurs, you can learn from those lessons of the past. Good descriptions of this were found during the research until the conclusion of Operation Wetback in 1954.

Research information on the Mexican drug cartels exist in all forms of media specifically over the last five years. This over abundance of information acts as a double edge sword the research is conducted. Because of the fluid nature of the drug cartels, the areas in which the organizations operates varies from year to year and the tactics and techniques that are being used by these organizations evolves based on the Mexican governments steps to combat the threat within Mexico as well as the environment on the United States side.

As I began to research the topic of the southwest border, initially it appeared as though there was a vast amount of information. Upon a review of the literature, only a small portion discussed the research question and the current use of military forces along the border over the past ten years. Most of the research that was conducted discovered that the Department of Defense and forces that fell under the DoD were the authors of these documents. One sided biases was understood when researching the military's support due to the limited number of outside sources reviewed.

### Conclusion

The research methodology chapter explained the manner in which the research was conducted. Information that was researched ranged from the main topic dealing with the amount of support that the military is providing to eliminate the threat of narco-terrorism to the secondary questions dealing with current and past support provides regulations and authorities to the threat that we face across the southwestern border. The research was broken down into four separate sections to allow for the easy understanding of the way in which the research was conducted and developed.

The next chapter will dissect the research into analysis and explain and interpret the facts that have developed involving the secondary questions which in return will provide the basis for answering the thesis question. The analysis of the subject shows many circumstances exist that draw direct correlation to support that is currently being given to support of the past and that in many way, the threat that we are facing today has existed for years. The analysis will also discuss some of the difficulties that impacted the research and unexpected discoveries as the topic was examined in depth.

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<sup>1</sup>Matt. M. Matthews, OP22, *The US Army on the Mexican Border: A Historical Perspective* (Ft Leavenworth, KS: Combat Studies Institute, 2007).

## CHAPTER 4

### ANALYSIS

#### Introduction

This chapter, I will dissect the research into analysis and explain the results of my research. Analysis of the subject will be divided into four categories related to the United States Military support to Law enforcement agencies along the southwestern border beginning with the past U.S. military operations on the U.S. and Mexican border, restrictions and authorizations given to Department of Defense forces providing military support to law enforcement agencies, supporting and supported agencies the Department of Defense provided support too and the capabilities utilized by those supported agencies and concludes with a look at the organizations threatening our security along the southwest United States.

#### Analysis

##### Past U.S. Military Support Operations on the U.S. and Mexican Border

Numerous examples of military support to law enforcement agencies exist in the past and current time period and a correlation can be drawn from each instance. The use of military forces along the southwestern border began as early as the initial westward expansion of the United States to the request by President Obama in 2010 for additional National Guard troops. ~~In~~ the spring of 1829, at the behest of President Andrew Jackson, the US Army ordered a small contingent of soldiers to move from Jefferson Barracks to Cantonment Leavenworth to begin providing security for the Missouri traders making the dangerous trek to and from Santa Fe, New Mexico.”<sup>1</sup>

Major Riley, under orders from General Henry Atkinson, Commander of the Western Department received the task to ~~proceed~~ from Cantonment Leavenworth, about the first of June, on the Santa Fe road, to the Arkansas River, for the protection of caravans engaged in commercial intercourse with the provinces of New Mexico.” Major Riley and his soldiers remained at the Arkansas River to react to any attacks upon the traders while inside the border of Mexico. Within miles of leaving the protection of the U.S. Army escort, the caravan was attacked by Kiowa Indians. Bent [the leader of the caravan] quickly ordered his men to dig in and sent riders racing back to the Arkansas to request aid from Riley and his men.<sup>2</sup> That night, Riley and the men of the 6th Infantry Regiment crossed the Arkansas into Mexico, marking the first but certainly not the last time a US Army incursion into Mexican territory would be warranted.<sup>3</sup> The military assistance to secure the caravan in Mexico found the Indians had abandoned the attack on the caravan. Months later Bent and the caravan returned to Major Riley’s location along the Arkansas River ~~guarded~~ by a large contingent of Mexican soldiers under the command of Colonel Jose Antonio Viscarra.”<sup>4</sup> The meeting of these two military leaders was non-threatening and Major Riley felt confident that the safety of the caravan back from Mexico to the Arkansas River could be accredited to the escort provided by the Mexican military.

Following the end of the Mexican-American War, the Army downsized bringing challenges to the newly established border. A provision of the Treaty of Guadalupe stipulated that the United States was responsible for thwarting Indian attacks from the United States into Mexico.<sup>5</sup> Completion of this task fell to the U.S. Army, which established nine forts in an attempt to protect the citizens of Mexico and Texas from

Indian attacks. From 1849 to 1851, the US Army was so short-handed it was forced to call on the services of the legendary Texas Rangers.<sup>6</sup> In 1852, the United States Government withdrew the Treaty of Guadalupe provision due to the unwinnable task of stopping all Indian attacks U.S. citizens and those of Mexico.

Throughout the next century the U.S military involvement on the southwestern border remained tense. The relationships that existed between Major Riley and Colonel Viscarra deteriorated over time. Events that caused the development of friction between the two sides developed from situations such as; Captain Callahan a Texas Ranger and his men riding into Mexico and subsequently burning the Mexican town of Piedras Negras. Juan Cortina a Mexican shooting and wounding the Brownsville city marshal who had beaten one of Cortina's former employees.

By the end of World War I, the US-Mexican border remained dangerous and volatile as Mexican President Venustiano Carranza continued his battle to subdue Francisco "Pancho" Villa.<sup>7</sup> Mid 1919, Villa and nearly 4,000 of his soldiers surrounded Juarez, Mexico. The commander of the El Paso, Texas military district, Brigadier General James B. Erwin, believed that Villa may attack into El Paso. In no time, the 2d Cavalry Brigade, commanded by Colonel Selah R. H. "Tommy" Tompkins, took up positions east of El Paso, while the 4th Battalion, 24th Infantry Regiment, and a battalion of the 82d Artillery Regiment assumed positions in the streets of downtown El Paso.<sup>8</sup> The following night, Villa's soldiers shot and killed soldiers and civilians in El Paso from the other side of the Rio Grande. As a counteraction, General Erwin utilizing Army sniper, cavalry and artillery returned fire and launched an attack into Juarez to rid the town of Villa and his men. According to the Los Angeles Times reporter at the scene, "There were

approximately 3,600 American troops on Mexican soil ten minutes after they were ordered to make the crossing.”<sup>9</sup> This attack into Mexico by General Erwin and the American military forced the U.S. government officials to reassure the Mexican government that the attack was not an invasion but protection of the citizens of El Paso and the United States. After the Battle of Juarez, approximately 20,000 US Army soldiers continued to guard the Mexican border.<sup>10</sup> However, many high-ranking Government officials believed still more troops were needed. On 20 June, Secretary of War Newton C. Baker appeared before the Military Affairs Committee of Congress and recommended –at least 100,000 soldiers . . . be available at all times to deal with the Mexican menace.”<sup>11</sup>

During the 1920s, the U.S. military role in combating the issues of revolutionaries and thieves as well as illegal immigration was transferred to new Federal agencies. In 1924, the U.S. Border Patrol was formed to enforcement governmental policies along the southwestern border. As Graham H. Turbiville Jr. suggests, –border law enforcement became more regularized in dealing with cross-border criminality and border control generally.”<sup>12</sup>

With a labor shortage and onset of World War II, the United States government entered into an agreement with the Mexican government to temporarily allow farm workers into the United States. Called the Bracero Program, the accord brought thousands of impoverished Mexicans across the border.<sup>13</sup> By the early 1950s, however, the Immigration and Naturalization Service (INS) grew increasingly alarmed by the massive influx of undocumented Mexican workers, a situation that threatened to undermine the capabilities of the Border Patrol.<sup>14</sup>

In 1954, US Attorney General Herbert Brownell launched Operation Wetback, a major coordinated effort to round up and expel illegal aliens.<sup>15</sup> The US Attorney General knowing that an operation such as Operation Wetback would severely strain the manpower and capabilities of the US Border Patrol requested assistance from the U.S. Army. The Army disapproved the request saying the operation would “seriously disrupt training programs at a time when the administration’s economy slashes were forcing the service to drastically cut its strength. Army generals also opposed the idea because a division would be needed just to begin to control the influx, while sealing off the border would require even more troops.” General Joseph Swing thought placing US Army soldiers on the border was “a perfectly horrible” idea that would “destroy” relations with Mexico.”<sup>16</sup>

In the end, the Border Patrol conducted the operation, rounding up and deporting more than 100,000 Mexicans.<sup>17</sup> According to Dunn, Mexicans were not the only ones humiliated by Operation Wetback. “Mexican Americans were also negatively affected, because the operation graphically reinforced the principle of their having to be prepared at all times to prove their U.S. citizenship or face deportation.”<sup>18</sup>

The United States military slowly began service again on the southwestern border from the legislation passing the Defense Authorization Act of 1982. To help the military assist law enforcement in the War on Drugs, the act relaxed certain rules pertaining to the Posse Comitatus Act.<sup>19</sup> According to Dunn:

During the 1980s the military was called on to take a new and expanding role in antidrug efforts in the border region, one which centered on providing high-tech equipment and conducting surveillance operations and training exercises. The Defense Department was apparently slated to become extra “eyes and ears” for

civilian agencies engaged in drug enforcement activities and, at least on occasion, in playing this role it also aided immigration enforcement efforts on the border.<sup>20</sup>

The United States War on Drugs throughout the 1980s continued to increase and the United States military played a vital role in providing support to the fight. Critical to the success of Operation Alliance during 1986 was the utilization of military equipment, training and airborne platforms. The capabilities that the military allowed federal agencies to utilize fighting the War on Drugs aided in passing the Defense Authorization Act of 1989. This legislation authorized the U.S. military to loan equipment to not only federal law enforcement agencies, but also state, local and foreign law enforcement agencies to battle the War on Drugs.

Along with the passing of the Defense Authorization Act in 1989, President George H. W. Bush established a new headquarters ~~to~~ serve as the planning and coordinating operational headquarters to support local, state, and Federal law enforcement agencies within the Southwest border region to counter the flow of illegal drugs into the United States. JTF-6's original area of operations consisted of the four border states of California, Arizona, New Mexico and Texas—a land area of more than 660,000 square miles.<sup>21</sup>

The focus on the southwestern border drug activity and the declaration by the Secretary of Defense the area as a high priority mission, the military began to support law enforcement agencies with not only Reserve and National Guard troops, but also Active duty service members. According to Dunn:

[The new missions] . . . took myriad forms in the U.S.-Mexico border region. These included conducting small-unit and long-range reconnaissance patrols in hard-to-cover areas; providing, deploying, and monitoring electronic ground sensors, providing intelligence support; clearing brush and improving roads along the border; training law enforcement personnel in intelligence analysis and

survival skills; providing air transport of law enforcement personnel in interdiction and eradication efforts; staffing listening and observation posts; using remotely piloted reconnaissance aircraft; staging military exercises in suspected drug trafficking zones; conducting radar and imaging missions; providing operational planning assistance and providing DoD personnel to develop data bases as well as mapping and reconnaissance folders for Border Patrol sectors.<sup>22</sup>

Past operations and support that the military provided along the southwestern border provides a baseline for the analysis of current operations and how the military in its Homeland Defense and Security role can better provide support to law enforcement agencies. The first step in answering the question “is the military providing enough support to law enforcement agencies along the southwestern border” is not a simple process. Challenges that exist regarding United States regulations and authorities for the use of the military must be taken into account before operations can begin.

### Restrictions and Authorizations

The President and Congress of the United States are authorized the ability to deploy the armed forces from Articles I, II and IV of the United States Constitution. The President’s authority comes from Article II sections 1 and 2. These authorities charge the President to faithfully execute the laws of the U.S. and to serve as the “Commander in Chief of the Army and Navy of the United States, as well as the Militia of the several States.”<sup>23</sup> Article IV requires the federal government to “protect each [State] against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.”<sup>24</sup> Article I, Section 8 grants Congress the power to levy taxes “to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasions.”<sup>25</sup>

Civilian law enforcement activities which are performed by military personnel are prohibited under the Posse Comitatus Act (PCA). The PCA was initially passed in response to public concerns regarding the role of the military during Reconstruction because of widespread suspicion that the military had tilted the 1876 presidential election toward Rutherford B. Hayes.<sup>26</sup> The Act reads: ~~“Whoever, except in cases and under~~ circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the 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.”<sup>27</sup>

By court ruling, the Navy and Marine Corps have also been placed under the restrictions of the PCA. For example, 10 U.S.C. § 375 directs the Secretary of Defense to promulgate regulations forbidding the direct participation ~~“by a member of the Army,~~ Navy, Air Force, or Marines in a search, seizure, arrest, or other similar activity” during support activities to civilian law enforcement agencies.<sup>28</sup> When the National Guard is only under control from the state government the PCA is not applicable to the National Guard. As a matter of policy, however, National Guard regulations stipulate that its personnel are not, except for exigent circumstances or as otherwise authorized, to directly participate in the arrest or search of suspects or the general public.<sup>29</sup>

Congress is empowered, under the Constitution, to call forth the militia to execute laws of the Union.<sup>30</sup> The Constitution does not authorize the President, in words, to use the military to execute the law. Federal courts have yet make a ruling as to if the Constitution includes areas where the President can execute action based on implied constitutional powers. DoD regulations, nonetheless, do assert two constitutionally based exceptions—sudden emergencies and protection of federal property.<sup>31</sup> Another exception

to the PCA occurs when Congress has authorized the use of the military to enforce domestic law. Congress has done so in three ways: by giving a branch of the Armed Forces civilian law enforcement authority (e.g., the Coast Guard), by addressing certain circumstances with more narrowly crafted legislation, and by establishing general rules for certain types of assistance.<sup>32</sup>

In 1981, Congress passed the Military Cooperation with Law Enforcement Agencies (MCLEA) Act to assist in the war on drugs declared by President Reagan. The Act prescribed how the DoD may support law enforcement counternarcotics (CN) efforts, including: providing information to authorities collected during military operations; providing military equipment to be used by state and federal law authorities; and providing training.<sup>33</sup> Chapter 18 does place several restrictions on DoD operations when working with MSCLEA. DoD personnel and assets can only track traffic outside the United States or within 25 miles of U.S. borders, if first detected outside the border. LEAs must reimburse DoD for the support it provides unless the support ~~is~~ provided in the normal course of military training or operations” or if it ~~results~~ in a benefit ... substantially equivalent to that which would otherwise be obtained from military operations or training.”<sup>34</sup> Lastly, according to § 376: the DoD can only provide MSCLEA if it does not adversely affect ~~the~~ military preparedness of the United States.”

In 1989, Congress began to expand the military’s support role. For example, Congress directed DoD, to the maximum extent practicable, to conduct military training exercises in drug interdiction areas, and made DoD the lead federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.<sup>35</sup> The National Defense Authorization Act for FY1991 under Section 1004

authorized the DoD to extend support in several areas to any federal, state, and local (and sometimes foreign) LEA requesting counterdrug assistance. Section 1004 has since been amended to include the following authorizations for DoD: construct of roads, fences, and lighting along the U.S. border; to provide linguists and intelligence analysis services; conducting aerial and ground reconnaissance; and establishment of command, control, communication, and computer networks to better integrate law enforcement, active military, and National Guard activities.

#### Supporting and Supported Agencies and Capabilities Utilized

After the terrorist attacks on 11 September 2001, the US military's role in supporting law enforcement agencies along the Mexican border greatly increased.<sup>36</sup> JTF-6 changed its name in 2004 and was re-designated as Joint Task Force North (JTF North). JTF North's mission changed as well to include homeland security support to all Federal law enforcement agencies. JTF North's website states that:

JTF North is the DoD organization tasked to support our nation's federal law enforcement agencies in the identification and interdiction of suspected transnational threats within and along the approaches to the continental United States. Transnational threats are those activities that involve international terrorism, narcotrafficking, alien smuggling, weapons of mass destruction, and includes the delivery systems for such weapons that threaten the national security of the United States.<sup>37</sup>

JTF North website describes two types of support: southwest engineer support and homeland security support. Southwest engineer support is an indirect support capability that JTF North provides to Federal agencies. Joint Task Force North engineer support missions consist of: road construction and improvement, border perimeter

lighting installation, border fence construction, vehicle barrier construction, and mobility construction.<sup>38</sup> According to the JTF North website:

From 1999 to 2006, JTF North engineer support missions along the southwest border included approximately 82 miles of road construction and improvement, 12.3 miles of border perimeter lighting installation, 12.5 miles of border fence construction, 20 miles of vehicle barrier construction, and various mobility construction projects; i.e. bridges, drainage structures, vehicular guard rails, etc.<sup>39</sup>

JTF North coordinates military support to law enforcement agencies in order to anticipate, detect, deter, prevent, and defeat transnational threats to the homeland.<sup>40</sup> The first step in the process for Federal agencies to gain military support to assist in homeland support to security is the request for assistance process. This assistance process begins with the formal request for support to the JTF North command.

JTF North strongly encourages all state and local agencies requesting homeland defense support to submit their requests through a federal law enforcement agency.<sup>41</sup> State and local agencies requesting military counterdrug support should first submit their requests through their state National Guard counterdrug coordinator. Should the National Guard not be able to support the request, the state and local agencies would then request through a federal law enforcement agency.

As requests are submitted to JTF North that is aligned with the regulations and authorities for DoD support, JTF North will coordinate the request with a military unit who has volunteered to provide support. JTF North facilitates mission planning and execution with the unit and the supported agency.<sup>42</sup>

While executing a JTF North mission, military units and individuals are under the tactical control (TACON) of the JTF North Commander and work in direct support of the

supported federal law enforcement agency.<sup>43</sup> A planner along with other staff members review each operation ensuring legally, efficiency, and safety of all involved.

There are six support categories within the two types of support that JTF North provides to law enforcement agencies, they are listed in table 1.

Table 1. Support Categories

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OPERATIONAL<br>SUPPORT  | <ul style="list-style-type: none"> <li>• Aviation Support Operations</li> <li>• Aviation Transportation/Insertion/Extraction</li> <li>• Aviation Medical Evacuation (MEDEVAC)</li> <li>• Aviation Reconnaissance</li> <li>• Daytime Operations</li> <li>• Nighttime Operations</li> <li>• Air and Maritime Surveillance Radar</li> <li>• Unmanned Aircraft Systems (UAS)</li> <li>• Ground Surveillance Radar</li> <li>• Listening Post/Observation Post</li> <li>• Ground Sensor Operations</li> <li>• Ground Transportation</li> </ul> |
| INTELLIGENCE<br>SUPPORT | <ul style="list-style-type: none"> <li>• Law Enforcement Agency Case Sensitive Intelligence Support</li> <li>• Collaborative Threat Assessment</li> <li>• Geospatial Intelligence Support</li> <li>• Modified Threat Vulnerability Assessment</li> <li>• Threat Link Analysis Product</li> </ul>                                                                                                                                                                                                                                         |
| ENGINEERING<br>SUPPORT  | <ul style="list-style-type: none"> <li>• Personnel Barriers</li> <li>• Vehicle Barriers</li> <li>• Lights</li> <li>• Roads</li> <li>• Bridges</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                 |
| GENERAL SUPPORT         | <ul style="list-style-type: none"> <li>• Mobile Training Teams - which include: <ul style="list-style-type: none"> <li>• Basic Marksmanship</li> <li>• Trauma Management</li> <li>• Emergency Response</li> <li>• Counterdrug Field Tactical Police Operations</li> <li>• Counterdrug Marksman/Observer Training</li> <li>• Counterdrug Special Reaction Team Training</li> </ul> </li> </ul>                                                                                                                                            |

|                                |                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <ul style="list-style-type: none"> <li>• Integrated Mission Planning</li> <li>• Intelligence and Link Analysis</li> <li>• Interview Techniques</li> <li>• Multi-Subject Tactical Instruction</li> <li>• Threat Mitigation Training</li> <li>• Other training as requested</li> <li>• Other training as requested Transportation</li> <li>• Sustainment</li> </ul> |
| INTERAGENCY<br>SYNCHRONIZATION | <ul style="list-style-type: none"> <li>• Support interagency planning process</li> <li>• Facilitate interagency and bi-national info sharing</li> <li>• Point of Integration Operations</li> </ul>                                                                                                                                                                |
| TECHNOLOGY<br>INTEGRATION      | <ul style="list-style-type: none"> <li>• Leverage Department of Defense science &amp; technology investment</li> <li>• Ground/ Air/ Maritime sensor integration</li> <li>• Information Efficiency and Networks</li> <li>• Biometrics</li> <li>• Tunnel Detection</li> </ul>                                                                                       |

*Source:* Joint Task Force North Homeland Security Support, Website, [http://www.jtfn.northcom.mil/subpages/homeland\\_s.html](http://www.jtfn.northcom.mil/subpages/homeland_s.html).

Recent examples of DoD support to law enforcement agencies correlating to these categories are easy to find as data mining is conducted. Three examples of support provided is the 2006 Operations Jump Start National Guard support, aviation support provided by active duty Army units, and the most recent 2010 deployment of National Guard forces to the southwestern border.

Operations Jump Start came to fruition as a result of the unknown numbers of illegal immigrations from Mexico and Central America through our southwestern border states. While most immigrants were only seeking job opportunities and a better way of life for themselves and their families, there were increasing concerns with crime and the sheer, overwhelming size of the human migration.<sup>44</sup> With the war on terrorism weighing

heavily on the United States Populations minds; if this large number of illegal immigrants could cross into America uncontested, then why would a terrorist not attempt this also?

The four southwestern border state governors, whose constituents deal with the illegal immigration issue on a daily basis, were consistent and strident in their calls to the Federal government for increased security along the border. The four chief executives—Governor Arnold Schwarzenegger of California, Governor Janet Napolitano of Arizona, Governor Bill Richardson of New Mexico and Governor Rick Perry of Texas—firmly believed that the border states faced a crisis not of their making.<sup>45</sup> The four governors often had to mobilize state and local authorities to enforce laws that were the responsibility of the federal government.<sup>46</sup>

In 2005, the Governor of Arizona declared a state of emergency because of the situation along the State's border. Governor Napolitano released \$1.5 million in state funds to help with law enforcement. The next year, Arizona committed another \$100 million in an attempt make border security better. On 7 March 2006, she wrote both DHS and DoD a formal appeal to request the full commitment of the Arizona National Guard to the border with the federal government providing full reimbursement for all costs.<sup>47</sup> In Texas, Governor Perry launched Operation Rio Grande in February 2006 in which the state spearheaded the border security efforts within its territories.

In May 2006, President George W. Bush during an address to the United States about the issue of immigration stated that border security is a “basic responsibility” of a sovereign nation and an “urgent requirement” for national security. The increased security goal was to maintain an open border for commerce and continue to allow lawful immigration. Meanwhile, the increase in security would close the border to illegal

immigrants, as well as ~~er~~iminals, drug dealers, and terrorists.” To enhance security, the president called for an expansion of the Border Patrol from 12,000 to 18,000 agents by the end of 2008.<sup>48</sup> Additional funding would allow for the construction of support assets such as barriers, lights and road networks [engineer support]. Meanwhile, funding also supported the additional usage of assets such as motion sensors, infrared cameras and unmanned aerial vehicles (UAV) [operational and intelligence support].

President Bush informed the American public that approximately 6,000 National Guard troops would be deployed. The lead agency would remain the Border Patrol and the National Guard troops would not be directly in law enforcement. Instead, the National Guard would assist and support the Border Patrol by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building patrol roads and providing training.<sup>49</sup> National Guard troops performed their duties during Operation Jump Start in a Title 32 status. The federal government funded the operation; however they remained under the control of the governors of the four Border States.

In order to keep a clear line of separation between the National Guard and law enforcement activated, the Department of Homeland Security, Department of Defense and National Guard Bureau developed five missions for the National Guard forces to provide support to the Border Patrol. As the Department of Homeland Security memorandum states the five missions were:

1. Relief of Border Patrol agents performing duties that are not law enforcement in nature, such as general, vehicle and facilities maintenance, control room operations, administrative support, training and information technology support.

2. Enhancing surveillance and reconnaissance capabilities to provide increased detection and tracking capabilities. These operations include operation of mobile, fixed and airborne sensor systems.
3. Enhanced intelligence, command and control, and communications capability to increase the effectiveness of the border enforcement forces.
4. Providing transportation services, including ground and air, to provide efficient processing and removal of apprehended aliens.
5. Construction support for tactical infrastructure (barriers, fences, roads, light/sensor towers) and facilities (detention facilities, temporary remote base camps, and engineering missions).<sup>50</sup>

Operation Jump Start officially ended in July 2008, with more than 30,000 National Guard personnel performing duties in support of law enforcement agencies.

Their specific achievements were wide ranging and included:

1. 176,721 illegals apprehended with National Guard assistance
2. 1,116 vehicles seized
3. 316,401 pounds of marijuana and 5,224 pounds of cocaine seized
4. 581 Border Patrol agents returned to law enforcement duties
5. 102 undocumented aliens rescued
6. 28,667 flight hours logged during aviation support
7. 13 miles of road, 31 miles of fencing and 86 miles of vehicle barriers built, and more than 1,153 miles of road improved and repaired.<sup>51</sup>

Examining an example of active duty units that volunteer for service in support of law enforcement agencies shows the two fold benefits of the utilization. During the

spring of 2007, the 1st Combat Aviation Brigade, 1st Infantry Division volunteered its capabilities to JTF North. According to an agent with the Border Patrol, the mission was requested ~~to~~ assist in the interdiction of narcotrafficking and alien smuggling along the U.S. and Mexican border. The 1-6 CAV provided us with aircraft and manpower to fly in certain areas of southern New Mexico. They were our eyes and our ears. They were able to communicate with our agents on the ground in the event they observed any illegal activity.”<sup>52</sup>

During an interview with Jerome Corsi, the author of the article *U.S. military fights drug war on Mexican border*, Brigadier General Anthony R. Ierardi, commander of JTN North, stated:

Many of the military participating units see the JTF North mission as an opportunity to train in advance of a scheduled assignment to Iraq or Afghanistan. So, for example, if an Army aviation unit is in a cycle where they are preparing for deployment to Iraq, or Afghanistan, or anywhere for that matter, their commanders might deem that volunteering for a mission at JTF North might be good training, because of the opportunity to operate in a relevant environment that would replicate what they will face in the Middle East.<sup>53</sup>

At the conclusion of this support, the Border Patrol attributed the aviation support provided to them with the successful apprehension of 182 illegal immigrants and untold number of illegal substances. —This is just another front on the Global War on Terrorism,“” the Commander of 1-6 CAV, Lieutenant Colonel John Thompson, remarked.<sup>54</sup>

In May 2010, President Obama released a statement that he had authorized the call-up of 1,200 National Guard troops to the US Mexico border, an administration office, requesting \$500 million in supplemental funds.<sup>55</sup> The announcement came just a week after the state dinner honoring Mexican President Felipe Calderon, in which

President Obama promised to “continue to do what’s necessary to secure our shared border.”<sup>56</sup> The call-up of the National Guard was also in response to at least two requests from states requesting additional support. Earlier that week, President Obama discussed the issue with Arizona Senator John McCain, who has requested additional federal resources along his border state. Senator McCain called for the introduction of 6,000 National Guard troops to police the Southwestern border, with 3,000 for Arizona alone.<sup>57</sup> Governor Jan Brewer of Arizona also requested Guard troops at the border but decided not to use her authority to do it herself, citing the state’s tattered finances.<sup>58</sup> During the same time period, the governors of New Mexico and Texas also requested more support.

On 13 August 2010, President Obama signed into act a bill providing \$600 million in emergency funding to help secure the border.<sup>59</sup> This bill also provides for the addition of roughly 1,500 new law enforcement agents, new unmanned aerial vehicles, new forwarding operating bases, and \$14 million in new communications equipment.<sup>60</sup> Homeland Security Secretary Janet Napolitano announced as well, unmanned aerial vehicles (UAV) will be flown from Corpus Christi, Texas. The UAVs are capable of providing support along the entire southwestern border from California to the Gulf of Mexico in Texas.

It is too early into the most recent deployment to determine what impact the National Guard will have on providing support to law enforcement agencies. However, based on past performance and history of support one can assume that there will be positive results.

## Threats Operating along the Southwestern Border

Priority number one for the United States is the security of the homeland. In order to provide this security, the first step in the process of analyzing the question and making a recommendation and conclusion to solve the problem is to understand the operating environment and obtain the knowledge of what the United States defines as a threat. This definition of a threat begins with the National Security Strategy and becomes a part of the Department of Defense National Defense Strategy.

During the research of this topic, there were no groups or organizations that were named as a specific threat to homeland security. The overarching theme throughout the documents divides threats into two categories: state actors and non-state actors. Of these two types, non-state actors are further broken down to include transnational non-state actors which are the most dangerous to the security of the United States. This subgroup is the most dangerous to the security of the United States because they are not recognized by any nation and operate across multiple countries and capitalize on operating in under-governed and ungoverned territories.

According to the National Security Strategy combating the threats first requires engagement: —The cornerstone of this engagement is the relationship between the United States and our close friends and allies in Europe, Asia, the Americas, and the Middle East—ties which are rooted in shared interests and shared values, and which serve our mutual security and the broader security and prosperity of the world.”<sup>61</sup>

When specifically discussing our southwestern border, we must change the way we think about our shared borders, in order to secure and expedite the lawful and legitimate flow of people and goods while interdicting transnational threat that threaten

our open societies.<sup>62</sup> Strategic cooperation with Mexico states that building a strong economic partnership, fighting the illicit drug and arms trade, and promoting sound immigration policy are critical to the security and stability of the region.

The National Defense Strategy continues with the strategy and approach for combating security threats to the United States in broad statements. These broad statements narrow begin to narrow down and define threats another level. Within these transnational non-state actors, violent extremist ideology groups and armed sub-national groups are identified as threats to homeland security. No named groups are identified at this level as well, only why these groups are a threat to the security of the homeland.

The first group is defined as violent extremist ideological groups or is those that reject the rules and structures of the international system. Its adherents reject state sovereignty, ignore borders, and attempt to deny self-determination and human dignity wherever they gain power.<sup>63</sup>

The second groups defined under the transnational non-state actor are armed sub-national groups or organized crime groups. These criminal organizations are those involved with illegal narcotics, human trafficking and narcotrafficking as well as arms trade.

It is not difficult to determine why the United States government and Department of Defense categorize organizations that replicate these attributes as threats. Looking at the southwestern border for what is considered a threat under these guidelines those organized criminal organizations or drug cartels operating along the southwestern border easily fit into the category of transnational non-state actors and are threats to the security of the United States as well as that of the international community.

Now that the threat to security is known; the threat must be examined and understood so that it may be countered. In order to do this; who and where the threat operates, what that threat does to provide income for operations, how the threat operates and why the threat exists. By examining these aspects of the organizations a logical conclusion can be made and a recommendation on how to best defeat this threat can be made.

The Mexican government acknowledges seven cartels operating within the country. The three largest cartel operations are the Gulf, Sinaloa and the Juárez. The Gulf cartel operates in 13 states with major operation in the cities of Nuevo Laredo, Miguel Alemán, Reynosa, and Matamoros in the state of Tamaulipas. The Gulf cartel also conducts key operations in Monterrey in Nuevo León; and Morelia in Michoacán. The Sinaloa cartel operates in 17 states, with operational nodes in Mexico City; Tepic, Nayarit; Toluca and Cuautitlán, Mexico State and most of the state of Sinaloa. The Juárez cartel operates in 21 Mexican states and their operating areas exist in: Culiacán, Sinaloa; Monterrey, Nuevo León and the cities of Ciudad Juárez, Chihuahua, Ojinaga, Chihuahua; Mexico City; Guadalajara, Jalisco; Cuernavaca, Morelos; and Cancún, Quintana Roo.

Due to recent pressure by the Mexican government to combat these cartels, the cartels have formed alliances to counter the government pressure. The Tijuana cartel and Gulf cartel have entered into one of these alliances as a result of prison negotiations by their leaders. Several cartels have also formed –The Federation,” or a number of cartels united in an alliance with each other. The Federation is led by representatives of the Sinaloa, Juárez, and Valencia cartels. Alliances within the cartel system are constantly changing and are based more on convenience instead of personal or ideological ties. The

Gulf cartel paired with the much smaller Tijuana cartel, and Juarez, Sinaloa, and Valencia have cooperated in the past.<sup>64</sup> As a comparison to the three largest cartels, the Tijuana cartel operates in at least 15 states with their main operating areas within Tijuana, Mexicali, Tecate, and Ensenada in Baja California and parts of Sinaloa.

The cartels that operate along the southwestern border are mainly thought of as producing revenue to support their operations by activities within the drug trade, but that is only one aspect of the criminal organizations. These criminal organizations also gain financial income from taking advantages of the private sector industries that operate inside of Mexico and along the southwestern border. These activities include extortions, kidnapping for ransom, organized retail theft, and a range of other criminal profiteering activities.

Retired General Barry McCaffery in an after action report from a consulting trip in 2008, as an advisory body to the Mexican Federal Law Enforcement leadership, stated that:

Drug criminal behavior is the central threat to the state. Mexico probably produces 8 metric tons of heroin a year and 10,000 metric tons of marijuana. 90% of all US cocaine transits Mexico. Mexico is also the dominant source of methamphetamine production for the US market. The drug cartels have criminal earnings in excess of \$25 billion per year . . . and physically repatriate more than \$10 billion a year in bulk cash back into Mexico from the US.<sup>65</sup>

Meanwhile, not altogether surprisingly, drug-related violence in Mexico rose from more than 2,500 deaths in 2007 to more than 5,600 deaths in 2008.<sup>66</sup>

Nearly 30 percent of respondents in the OSAC [Overseas Security Advisory Council] Mexico benchmarking survey indicated that their organization has suffered acts of extortion in Mexico.<sup>67</sup> The interesting portion of this report is that the business organization itself is not being extorted, but the family members and workers of the

organization are the ones being extorted. Although Mexico's various drug cartels remain the primary culprit of these threats, other criminal elements have eagerly adopted this tactic due to the enormous financial gains that are possible.<sup>68</sup>

Within Mexico, there are two categories of kidnappings, traditional and virtual. The virtual kidnappings are those in which the criminal organization makes a false claim to family members that a loved one is being held, in reality there is no family member kidnapped. The traditional kidnappings normally involve those wealthier persons within the population of Mexican nationals. The vast majority of kidnapping never involves the local or state government and the kidnappers' ransom is paid in cash. Unofficial estimates of the number of traditional kidnappings in Mexico range from 600 to 5,000 per year.<sup>69</sup> The sophistication of kidnapping in Mexico is evident by the kidnapping of the Mexican presidential candidate Diego Fernandez de Cevallos. After seven months of captivity, Diego Fernandez de Cevallos was released. Local news media reported in October that the family paid more than \$20 million in ransom, though the family never confirmed that.<sup>70</sup>

The leading cause of organized retail theft in Mexico involves direct employee action or support.<sup>71</sup> Organized criminal groups in Mexico attempt to coerce employees in two methods: either through financial incentives or the threats of violence. This coercing allows the organized criminal group the ability to gain access to the facilities and production good. Fear of Mexican cartels and low wages makes the Mexican employees an easy target for cartels. A recent study of pharmaceutical shipment thefts found that 65 percent of the incidents occurred in the states of Jalisco, Mexico, Guanajuato, Mexico Distrito Federal, and Michoacán.<sup>72</sup>

Criminal insurgent strategy can be separated into three categories: attrition, psychological operations, and decapitation strikes.<sup>73</sup> The cartel's long-term strategy to winning the fight is intimidation of the Mexican government and the ability to operate freely. In order to accomplish this, the cartel attempts to force the Mexican government to back down from pressuring the cartels. Psychological the cartels will have an effect on the population with the accomplishment of the Mexican government backing down. This lack of Mexican security causes the population to form a lack of trust and confidence in their governments' ability to provide security. The attrition begins with the killing of low ranking police and military forces. Through countless ambushes and executions the military and police force slowly decrease in strength and security forces size.

Cartels also utilized bribery to gain intelligence. Paid police assets and a network of spies provide cartels with intelligence on law enforce operations, allowing cartels to escape dragnets and gain the tactical advantage against police.<sup>74</sup> The cartels even succeeded in placing a spy in the President's office.<sup>75</sup>

Just like military organizations, the cartels utilize psychological operations to capitalize on their operations by telling the police and military members in the area of the attack to leave and join their organizations. Recruiting banners are prominently displayed in Mexican cities, death lists are strewn throughout cemeteries, and police radios are hacked so cartels can personally deliver threats to officers.<sup>76</sup> Some police officers have even been beheaded, Al Qaeda-style.<sup>77</sup>

The United States government in its own strategy documents list transnational non-state actors and specifically organized criminal groups as a threat to our security. The United States government has been slow to recognize and adapt to the growing link

between crime and terrorism.<sup>78</sup> From the analysis of the threat along our southwestern border, I believe that we need to examine the possible capability that these cartels have in becoming a narcoterrorist organization assisting in moving terrorist and or weapons across the southwestern border. In a speech given by David Luna, the Director of Anticrime Programs at the State Department, he stated that:

According to the U.S. Drug Enforcement Administration, 19 of the 44 groups that the U.S. Government has designated as Foreign Terrorist Organizations (FTOs) participate in the illegal drug trade and many also engage in financial and other forms of crime. Besides drug trafficking, these activities include direct involvement in arms smuggling, commodity smuggling, goods smuggling, migrant smuggling, trafficking in persons, extortion, kidnapping, intellectual property theft, counterfeiting, fraud, credit theft, armed robbery, and money laundering. As terrorist groups begin to increasingly take on characteristics of organized crime entities, our international response will need to incorporate more of the tools used by law enforcement to combat organized crime.<sup>79</sup>

### Conclusion

This chapter dissected all the research conducted on this topic and provided the analysis of my thesis questions. Analysis was divided into four categories related to the United States Military support to Law enforcement agencies along the southwestern border beginning with the past U.S. military operations on the U.S. and Mexican border, restrictions and authorizations given to Department of Defense forces providing military support to law enforcement agencies, supporting and supported agencies the Department of Defense provided support too and the capabilities utilized by those supported agencies and concludes with a look at the organizations threatening our security along the southwest United States. These threats go beyond the traditional military threats from other nation-states. The most critical conclusion that was developed from this analysis of the research is that the security of the United States is threatened by a transnational non-

state actor threat in the form of criminal organizations also known as the Mexican drug cartels.

The next chapter will take all of the facts and information that has been gathered and provide a conclusion to my question regarding adequate support to law enforcement agencies that the DoD is providing. Lastly, I will propose a recommendation to assist in resolving issues dealing with the Mexican Drug Cartels and the possibility of those organized criminal groups becoming narcoterrorists.

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<sup>1</sup>Matt. M. Matthews, OP22, *The US Army on the Mexican Border: A Historical Perspective* (Ft Leavenworth, KS: Combat Studies Institute, 2007).

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<sup>31</sup>32 C.F.R. § 215.4.

<sup>32</sup>Mason, 4.

- <sup>33</sup>Civins, 4.
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<sup>53</sup>Jerome R. Corsi, "U.S. Military Fights Drug War on Mexican Border," June 2008, <http://www.wnd.com/index.php?pageId=67495> (accessed 4 February 2011).

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## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

The previous chapter compiled all the research conducted on this topic and provided the analysis of my thesis questions. Analysis was divided into four categories related to the United States Military support to Law enforcement agencies along the southwestern border beginning with the past U.S. military operations on the U.S. and Mexican border, restrictions and authorizations given to Department of Defense forces providing military support to law enforcement agencies, supporting and supported agencies the Department of Defense provided support too and the capabilities utilized by those supported agencies and concluded with a look at the organizations threatening our security along the southwest United States. These threats go beyond the traditional military threats from other nation-states. The most critical conclusion that was developed from this analysis of the research is that the security of the United States is threatened by a transnational non-state actor threat in the form of criminal organizations also known as the Mexican drug cartels.

Based on the analysis within chapter 4, this chapter will present recommendations that the Department of Defense is currently providing adequate support to law enforcement agencies working along the southwestern border. However; as troop strength and capabilities in Iraq begins to decline in the next year, the Department of Defense needs to provide increased support along the southwestern border as well as plans to conduct Foreign Internal Defense (FID) with Mexico. Additionally, this chapter will make a conclusion that the solution to the problem on the southwestern border will not be

solved with additional military support to law enforcement agencies. In order to solve the problems occurring along the southwestern border, the solution is a collaborative approach by both the United States and Mexican government.

### Conclusions

Simply providing additional military support to law enforcement agencies along the United States side of the border and conducting foreign internal defense in Mexico will not solve the problem. The military is only one portion of the solution to the complex problem. Through the course of research and analysis on this topic, and a review of the operational environment that enables the problem the solution is a simultaneous and collaborative effort by both the Mexican and United States governments.

Understanding the historical issues that are present today has existed along the border since the seizure by the United States of half of the Mexican territory. Because of the United States war with Mexico, there has been a volatile relationship over the southwestern border. Additionally, countless cross border raids by Indians, bandits, and revolutionaries only make the situation even more volatile. Presently, the complex problem that exists with the drug cartels is forcing the two governments to deal with the issues and to resolve the past. Mexico's political decision to stop the drug cartels criminal activities beginning with President Fox in 2000 and the decision to maintain the policies against the drug cartels with the election of President Calderon in 2006 were monumental. These unprecedented steps by the Mexican government were clearly an indicator of the first steps in resolving the byproduct of the issue on the United States side of the border. This indicator also provides the opportunity for both sides to resolve the

historical differences and begin developing new historical partnerships with each other for a safer more secure border.

A metaphor of using the drug cartels as a water balloon can be used to visualize the situation along the border. As the United States applies force on one side of the water balloon (either with military support to law enforcement, border patrol agents or physical barriers) the water balloon shifts to another area with less force. This increase in pressure also causes an equal shift in movement within Mexico. An example is drug cartels fighting for less restrictive drug smuggling routes within Mexican border towns. Since we know that the problem is the water balloon the only way to destroy the problem is equal pressure on both sides (simultaneous collaboration of the United States and Mexican governments). Simply squeezing the water balloon occasionally or squeezing and holding the balloon does nothing but waste time and effort as the problem continues to remain and affect others.

Describing the solution to the drug cartel problem is resolved by the utilization of the Diplomatic, Information, Military and Economic (DIME) approach. The military portion of this approach is described in the recommendations and if properly resourced and conducted will produce positive results. These results combined with the United States collaboration with Mexico on the other three approaches will aid in the establishment of governed spaces along the southwestern border are economically viable as well as a safe and secure international border with limited criminal activity as a result of drug cartels.

### Recommendation for Action

The Department of Defense is currently providing an adequate amount of military support to law enforcement agencies along the southwestern border, considering the high operational tempo that Department of Defense forces have maintained since the terrorist acts of 11 September 2001. With the ending of combat operations in Iraq and the reduction of forces, I recommend the Department of Defense begins utilizing those capabilities and assets to provide an increase to its support to law enforcement agencies along the United States southwestern border as well as provide Foreign Internal Defense (FID) support to the Mexican government upon their request.

According to the Congressional Research Survey report by Amy Belasco, the estimated average monthly boots on ground troop levels in Iraq for FY 2012 will be 4,100.<sup>1</sup> Troop strength in Iraq has varied from year to year from the initial combat operations in 2003 with a combat strength of 67,700 to a high of 157,800 during the surge in 2008.<sup>2</sup> At the same time, the numbers related to Afghanistan beginning in 2002 were 5,200 with a high of 63,500 estimated for years 2010 through 2012.<sup>3</sup>

The first step in my recommendation involves the military along the United States side of the southwestern border. Beginning in 2012, the Department of Defense would begin increasing the military assets supporting law enforcement agencies utilizing the capabilities not involved in Iraq or preparing for deployment to Afghanistan. Part of this first step needs to include assigning forces to NORTHCOM; those forces would fall under the command and control structure of the subordinate service component and during operations work directly for JTF North. These forces already have the installations and infrastructure that would support operations along the southwestern border. Land

forces would use the military installations as a hub to conduct operations from and establish semi-permanent observation posts between those legal checkpoints along the border to report back to law enforcement agencies when violations of the border are observed.

This proposal does not violate any established DoD regulations or authorities under the U.S. code. With this recommendation, NORTHCOM would begin having forces assigned to it for utilization for the homeland security and defense missions should it be necessary. Assignment of forces to NORTHCOM would be for the main purpose of providing military troops to provide support to law enforcement agencies along the southwestern border, which would require a large increase of troops along the border.

If this course of action were to be chosen, research and analysis show there is a history of tension that exists on the southwestern border between the United States and Mexico when the military begins operations near the sovereign boundary of each State. The two governments need to ensure that there is a clear understanding of what the United States military role along the border. At the same time, the unit's operating along the southwestern border need to have a full understanding of the operating environment that they are working. Knowledge of the operating environment at a minimum should include: Spanish language training, Mexican cultural training and the ability to operate in a joint and interagency environment.

The second recommendation that needs to be conducted near simultaneously to the military support to law enforcement agencies on the United States side of the border is the use of Department of Defense forces to conduct Foreign Internal Defense (FID) by, with and through Mexican forces. Foreign Internal Defense is defined in Joint Publication

3-22 as —participation by civilian and military agencies of a government in any of the action programs taken by another government or other designated organization to free and protect its society from subversion, lawlessness, insurgency, terrorism, and other threats to its security.”<sup>4</sup>

Before the Department of Defense can begin planning and conducting FID in the Host Nation (HN) of Mexico, conditions must be set for the support to occur. The 2008 National Defense Strategy relating to the topic of FID states:

The security of the United States is tightly bound up with the security of the broader international system. As a result, our strategy seeks to build capacity of fragile or vulnerable partners to withstand internal threats and external aggression while improving the capacity of the international system itself to withstand the challenge posed by rogue states and would-be hegemon.<sup>5</sup>

The first step towards beginning the process is that the HN must request the assistance from the United States government. Next, the request must be approved through the process from the Department of State to the Secretary of Defense from the President of the United States back to the supporting command (for Special Operations Forces, it is the Commander United States Special Operations Command (CDRUSSOCOM)) and finally to the supporting unit that will plan and execute the training as authorized in the deployment order from the Department of Defense. For FID to be successful in meeting an HN’s needs, the U.S. must integrate the efforts of multiple government agencies.<sup>6</sup> This integration is completed through the coordination and integration of the military assets and interagency assets that participate in the HN training.

Foreign Internal Defense is one of the twelve designated core activities for special operations. This mission along the southwestern border is an ideal task for Army Special

Operations Forces (ARSOF), since the active duty units are aligned with regional areas and have advanced cultural and communication skills. Should FID be approved for Mexico, the primary target audience for receiving the training would be training the Mexican military which includes the Army, Marines and Naval forces as well as the Mexican police at various levels. In regards to the training of police forces within Mexico, the Foreign Assistance Act of 1961 specifically prohibits assistance to foreign police forces except within specific exceptions and under a Presidential directive.<sup>7</sup> For the training of the Mexican police forces, should the President does not provide the exception, the interagency coordination and integration will be even more crucial to the overall success in assisting in stopping the lawlessness of the drug cartels.

#### Recommendations for Further Study

A lot of energy and effort has been placed into the research and analysis of the thesis topic as well as the issues pertaining to the southwestern border. Due to time constraints and the lack of open source information involving recent activities, not all topics could be included or researched in detail. Recommended topics that would be beneficial in planning for future military support include:

1. Impacts of the 2010 deployment of National Guard forces on the security of the border and the types of support they provided.
2. State militia involvement in border security and the integration into the overall security support plan.
3. How the Merida Initiative ties into the military support to law enforcement agencies role and the effect that it would have on possible foreign internal defense activities.

## Conclusion

The research and analysis conducted to provide the answer to the thesis primary question and secondary questions revealed that the law enforcement agencies are receiving the right type of support. However; the military in the near future will be capable of providing a more robust support platform with the reduction of forces from Iraq.

As a result of the research conducted, the analysis also determines that military support to law enforcement is not the solution to the problems along the southwestern border. History shows that the security of the homeland has in some form or fashion always included the Department of Defense, but the overall answer is the collaboration of both the United States and Mexican governments. As Ronald Reagan stated in a June 1984 news conference on the importance of border security: ~~But~~ the simple truth is that we've lost control of our own borders, and no nation can do that and survive.”<sup>8</sup>

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<sup>1</sup>Amy Belsaco, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11* (Washington, DC: Congressional Research Service, July 2009), 9.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>JP 3-22, July 2010, ix.

<sup>5</sup>*2008 National Defense Strategy*, 6.

<sup>6</sup>FM 3-05.137, 2-1.

<sup>7</sup>FM 3-07.1, B-4.

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