

U.S. SOUTHWEST BORDER SECURITY: AN OPERATIONAL APPROACH

A seminar report presented to the Faculty of the U.S. Army
Command and General Staff College

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ABSTRACT

U.S. SOUTHWEST BORDER SECURITY: AN OPERATIONAL APPROACH, by
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At the U.S. southwest border there exists the intersection of two distinct cultures, economies, political systems, and ideas of what comprises the national security interests of the U.S. and Mexico. Those security interests stem from a desire to prosper in the global economy while assuring the safety and security of their respective populations. While the expeditious flow of licit capital, goods, and people across the southwest border provides for the national prosperity of the U.S. and Mexico, it remains a source of vulnerability to the national security and prosperity of each country as well. The vulnerabilities at the border include illegal migration, illicit trafficking in arms, drugs, people and black market goods, and the drug-related violence and impunity in certain areas that permit illegal activities. Analysis of the transnational criminal networks reveals vulnerabilities that can be exploited by the U.S. using a whole of government approach to isolate and disintegrate key nodes of the network. A regionally focused task force that integrates interdiction, investigative and prosecutorial capabilities and provides unity of effort at the operational level will enable the U.S. to effectively target and disrupt and dismantle the networks of Mexican based transnational criminal organizations engaged in illicit trafficking of drugs, people, weapons, and their illicit proceeds.

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ACRONYMS

CBP	Customs and Border Protection
CDS	Counter Drug Support
CGSC	Command and General Staff College
COG	Center of Gravity
DEA	Drug Enforcement Agency
DHS	Department of Homeland Security
DOD	Department of Defense
DTO	Drug Trafficking Organization
ICE	Immigration and Customs Enforcement
JTF-N	Joint Task Force – North
LEA	Law Enforcement Agency
LTC	Lieutenant Colonel
MNC	Multi-National Company
MOE	Measure of Effectiveness
MOP	Measure of Performance
NAFTA	North American Free Trade Agreement
NG	National Guard
ONDCP	Office of National Drug Control Policy
SGA	Small Group Advisor
TCO	Transnational Criminal Organization
USBP	U.S. Border Patrol

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CHAPTER 1

INTRODUCTION AND BACKGROUND

Some problems are so complex that you have to be highly intelligent and well informed just to be undecided about them.

—Laurence J. Peter, *Wicked Problems & Social Complexity*

At the U.S. southwest border there exists the intersection of two distinct cultures, economies, political systems, and ideas of what comprises the national security interests of the U.S. and Mexico. Those security interests stem from a desire to prosper in the global economy while assuring the safety and security of their respective populations. Both nations generally understand that their individual prosperity and security depends, to an extent, on the other's. This interdependence introduces immense complexity to the situation given the multiple and diverse facets that must intersect and work together.

Today's global economy requires the safe and expeditious movement of capital, goods, and people to ensure the prosperity of its participants. While the expeditious flow of licit capital, goods, and people across the southwest border enhances the prosperity of the U.S. and Mexico, it also introduces vulnerabilities to the national security and prosperity of each nation. The vulnerabilities at the border include illegal migration, illicit trafficking of arms, drugs, people, black market goods, and drug-related impunity that permits illegal activities. Additionally, poor monitoring of sections of the border further exasperates these issues.

These illicit activities present a threat to the state and weaken institutional controls that provide for the safety and security of the population. In addition, they undermine national security objectives of both nations. The threats to both the U.S. and

Mexico are not symmetric. Although the Mexican view is presented for contrast, the focus of this study is to highlight the complexity of achieving security at the southwest border from the U.S. perspective.

This study was undertaken by a group of U.S. Army General Command and Staff College (CGSC) students with service experience that includes counterdrug, military intelligence, maritime interdiction, law enforcement, border security, international relations, and military support operations. A subject matter expert and advisor from the U.S. Border Patrol (USBP) participated as part of the research team.

The study was conducted at the unclassified level using available open source material. The research team had access to key stakeholders to develop situational awareness, and to understand multiple political, governmental, academic, military, and border security perspectives. Engagements included state and local political and law enforcement officials, Department of Homeland Security officials, academics from universities in the border region, public interest groups, Joint Task Force North (JTF-N), U.S. Northern Command (NORTHCOM), State National Guards, U.S. Senate staffers, and the Office for National Drug Control Policy (ONDCP).

The Problem

After considering the level of complexity resident in all aspects of the southwest border security issue, the seminar derived the following global statement of the strategic problem from multiple strategy documents published by the U.S. Government. The problem is: How does the U.S. government better manage the border region while maintaining an appropriate balance of:

1. U.S. and Mexican sovereign and diplomatic interests?

2. Appropriate balance between federal, state and local jurisdictions?
3. Efficient flow of trade and legitimate cross-border traffic?
4. Immigration policies that meet the demand of the U.S. for Mexican labor without illegal immigration?
5. Security against terrorism and illicit traffic in drugs, guns, humans, and reducing other criminal activity such that the public feels safe?
6. An acceptable level of risk, such that law enforcement and the judicial system can uphold the rule of law?

This problem statement is purposely very broad, and encompasses diplomatic, economic and immigration policy areas that interact in a systematic way with traditional security efforts. To address each aspect of this problem is beyond the scope of this report, if for no other reason than time available. For this reason, the research question narrows the focus of this study exclusively to operational level security concerns.

Research Question

An acceptable solution to the problem of achieving security along the U.S. southwest border may reside in answering the following question: What whole of government operational approach effectively manages risk and provides security along the southwest border? This question addresses points five and six above.

In order to answer the primary question, the following secondary questions are considered:

1. What poses risk to the U.S. national interests?
2. What is the perspective of Mexico?
3. What policies, guidance, and doctrine exist?

4. What are U.S. national interests on the southwest border?
5. What are Mexican national interests on the southwest border?
6. What is the role of DOD?

Assumptions

The following assumptions were made in the conduct of this study:

1. Mexican-based Transnational Criminal Organizations (TCOs) constitute a threat that is weakening states throughout the Western Hemisphere and thereby undermining the security of the U.S..
2. Mexican TCOs inhabit a corruption-crime-illicit trade nexus that undermines the stability and security of both the U.S. and Mexico along their shared border.
3. For the foreseeable future, the government of the U.S. will see the southwest border security issue as salient and devote resources to it.
4. The laws regarding the Department of Defense's (DOD) roles with respect to domestic law enforcement will not change.
5. Although narcotics are the most high profile good trafficked by TCOs, they are just a means to an end. If profits from narcotics erode, TCOs will find other enterprises.

Definition of Terms

Anonymity: The state of not being identifiable by name or otherwise.¹

Arrival Zone: The arrival zone includes the land, air, and maritime entry points along the borders of the United States and its territories.²

Impunity: The exemption from punishment which ought to be imposed; often used to refer to the failure of government to take serious steps against crime.”³

Interdiction: Law enforcement action that may include any of the following outcomes in terms of narcotics or their conveyances: ‘divert, disrupt, delay, intercept, board, detain, or destroy, vessels, vehicles, aircraft, people, cargo, and money.”⁴

Source Zone: The source zone primarily refers to the geographic area where narcotics embark maritime transport. It is the generic descriptor for the original source of illicit narcotics.⁵

Transnational Criminal Organization (TCO): traditional crime networks that have exploited expanding international trade and financial markets, while benefitting from rapidly advancing technology, broadened international travel, and improved global

¹ELearning Faculty Modules, s.v. “Anonymity,” http://elearningfacultymodules.org/index.php/E-Learning_Terminology, (accessed April 23, 2012).

²US Government Accountability Office, GAO 02-13, *Drug Control: Difficulties in Measuring Costs and Results of Transit Zone Interdiction Efforts* (Washington DC: Government Accountability Office, 2002), 20.

³The Constitution Net, s.v. “Impunity,” <http://www.constitutionnet.org/glossary/26/letteri>, (accessed April 23, 2012).

⁴U.S. Joint Chiefs of Staff, Joint Publication 3-03, *Joint Interdiction* (Washington D.C.: Government Printing Office, 2012), vii.

⁵U.S. Government Accountability Office, GAO 02-13, 20.

communications.⁶ TCOs tend to develop in nations where law enforcement institutions are weak and citizens have limited economic alternatives.⁷

Transit Zone: The transit zone encompasses the land, air and maritime domains between the arrival zone and the source zone.⁸

Limitations

The majority of the primary documents available were unclassified. Although the research team had access to For Official Use Only (FOUO) documents, they were only used to gain a better understanding of the environment. This will allow conclusions to be presented to a wider audience.

Scope and Delimitations

The complexity of the security situation at the U.S. southwest border is significant from the perspective of a single U.S. government agency, and multiplies when considering the numbers of stakeholders from the national to the local level. In light of the complexity, the study's focus is at the operational level. Strategy and policy guidance was referenced for contextual understanding and as a point of departure for operational analysis. Finally, while the study of specific TCOs operating in Mexico is a worthwhile endeavor, it is outside the scope of this study. In order to develop a whole of government

⁶John R. Wagley, *Transnational Organized Crime: Principal Threats and US Responses* (Washington DC: Congressional Research Service, March 2006): 2.

⁷Ibid. 5.

⁸U.S. Government Accountability Office, GAO 02-13, 1.

operational approach to southwest border security, it is more appropriate to focus on general TCO operations along the border rather than on specific organizations.

Significance of Study

The U.S. and Mexico border area comprises two sovereign nations, four states in the U.S and six states in Mexico, 44 counties, 80 municipalities and 14 pairs of sister cities.⁹ The border region is home to over 13 million people and is expected to surpass 25 million by 2025.¹⁰ The millions of U.S. and Mexican inhabitants along the southwest border make this an important region that affects the economic prosperity of both nations. According to the U.S. State Department, since the North American Free Trade Agreement (NAFTA) went into effect in January 1994, U.S. exports to Mexico increased by 228% to nearly \$137 billion in 2007. In the same time period, imports from Mexico increased by 444% to \$210 billion.¹¹ Unfortunately, prosperity and security along the southwest border have their antithesis; violence and crime generated by transnational criminal organizations (TCOs) who exploit the system for profit in illicit markets.

The illegal flow of drugs, people (illegal immigrants as well as potential terrorists), and black market goods to the U.S., along with movement of weapons, ammunition, and illicit currency to Mexico occur daily along the southwest border. The threat that terrorist organizations may attempt to move weapons of mass destruction into

⁹United States Mexico Border Health Commission, "The United States-Mexico Border Region at a Glance," <http://www.nmsu.edu/~bec/BEC/Readings/10.USMBHC-TheBorderAtAGlance.pdf> (accessed April 19, 2012).

¹⁰Ibid.

¹¹U.S. State Department, "Benefits of Free Trade Agreements – Mexico," <http://www.state.gov/e/eb/tpp/bta/fta/c26474.htm> (accessed May 16, 2012).

the U.S. across this border is real. These threats are compounded by the sophistication with which the TCOs challenge authorities and jeopardize the well-being of the population on both sides of the border.

These threats create a multitude of problems that require special attention from the federal agencies involved. The problems are interrelated and therefore no agency can operate in a vacuum. In essence, the challenges related to the southwest border are “wicked” or complex problems. Dr. Conklin points out “wicked problems” evolve in a social context where there are multiple stakeholders who are unaware of the multiple functions and connections found in a complex system.¹² A phenomenon Dr. Conklin describes as fragmentation results in each stakeholder making independent decisions to solve what they believe is a simple or complicated problem without regard to other stakeholders or aspects of the problem. Dr. Conklin adopts six distinguishing characteristics originally developed by Horst Rittels to describe wicked problems.

1. The problem is ill structured with an “evolving set of interlocking issues and constraints.”
2. There is no definitive solution; indicating that solutions will be tried until resources run out.
3. There are no simply right or wrong solutions, only better or worse solutions.
4. No two wicked problems are alike.
5. It is impossible to learn about the problem without attempting solutions.

¹²Jeff Conklin, “Wicked Problems and Social Complexity,” <http://cognexus.org/wp/wickedproblems.pdf> (accessed June 5, 2012), 3.

6. There are no given alternative solutions.¹³

All of the above characteristics are present when southwest border security is considered. First, southwest border security presents an ill structured problem with interlocking issues and constraints. It is difficult to define border security when the U.S. government must balance commerce, cultural migrations, labor, and public safety. Once more, it is even more difficult to overcome geographic and statutory jurisdictional constraints imposed on those who must actually implement solutions to the problem. The stopping rule, number 2, perhaps presents the biggest challenge. In an ideal world, there would be enough Border Patrol agents to cover the entire 2,000 mile long border, enough ports of entry to expeditiously handle every vehicle crossing the border, and enough agents to inspect these vehicles. It is well documented that this is not the case. Given current, and realistically anticipated constraints, resources become the limiting factor. This prevents the U.S. government from implementing an ideal solution and leads to the third rule. The third of Rittels' rules is just as applicable as the first, and this is evidenced by past attempts to secure the border. The right solution for those who wish to interdict drugs at the ports of entry is to carefully search every vehicle. While this solves one problem, it creates others with respect to the free flow of commerce. With so many competing interests and stakeholders, it is impossible to find the absolute right answer to border security. For example, smuggled narcotics often put interdictors and investigators at odds. Interdictors generally focus on identifying, intercepting, and seizing individually smuggled loads of drugs as they cross the border; often without regard to second and third order effects. While this is considered a successful interdiction, it can seriously

¹³Ibid., 8-9.

hamper an investigation. Investigators generally prefer to pursue “big fish”, even if it means a few small loads reach their destination. Interdictions can seriously impact ongoing investigations and demonstrates that the right answer is dependent on the frames stakeholders have.

Rittels also asserts that no two wicked problems are alike. The U.S./Canadian border is the closest analogy, yet each border is unique. Specifically, the challenges presented by terrain alone along the southwest border make the problem unique. Additionally, the illicit goods that cross the southwestern border are unique in the volume and threat they present to the general population in the border region.

Rule five states that it is impossible to learn about the problem without first implementing solutions. For example, in 1969 President Nixon initiated OPERATION INTERCEPT. This operation was designed to stop and search every vehicle entering the U.S. from Mexico. What was originally thought to be the answer to U.S. security concerns along the border quickly impacted both economies, and was abandoned after 19 days.¹⁴ In short, the solution only created more problems.

Finally, there are no given, alternative solutions to the problem. The entire discussion of this wicked problem alludes to this condition along the southwest border. On one end of the security spectrum, the southwest border could be completely militarized, defended, and closed. Operation INTERCEPT described above is a prime example as to why this is not a true solution. Conversely, an alternative would be to completely eliminate resources devoted to border security and open the border. This

¹⁴Eva Bertram, Morris Blachman, Kenneth Sharpe, and Peter Andreas, *Drug War Politics: The Price of Denial* (Berkeley, CA: University of California Press, 1996), 106-107.

would likely have a catastrophic impact on U.S. security as it would infringe on U.S. sovereignty, and would introduce potential threats from terrorists, mass migration, and mass movement of illicit goods. Proposed alternative solutions have at best treated symptoms, and at worst illuminated the presence of other problems.

U.S. national level strategies adopted to address the problems articulate ends that could improve security along the southwest border. However, there does not appear to be a bridge from the strategic to the tactical level. This report will highlight points of friction and opportunities for better integration of governmental capabilities to more effectively engage the problem.

U.S. national, regional, and organizational strategies for enforcement of narcotics and other criminal laws along the southwest border caused TCOs to constantly adapt their operations. This study attempts to identify ways to overcome the adaptations TCOs have made.

Methodology

The research techniques in this study are qualitative, and take a pragmatic perspective. The intent is to develop an operational approach (theory) based on the dynamics of the environment (environmental frame). Design methodology, as described in the Army Field Manual 5-0, *The Operations Process*, will develop an environmental frame, problem frame, and operational approach. The research approach is from an Interpretive/Constructivist worldview; meaning there is no singular, agreed upon reality that defines the southwest border security problem, and it is considered from the multiple perspectives of the various stakeholders.

The U.S. Army has doctrine for considering complex wicked problems, called the design methodology hereafter referred to as design. As demonstrated in this chapter, southwest border security is a wicked problem. Design is a critical thinking process that allows problem solvers to frame the environment, pinpoint the problem with as much refinement as possible, and develop an operational approach. The structure of design calls for both narratives and graphics covering three broad categories.¹⁵

1. Environmental Frame (which consists of the current environmental frame and the desired environmental frame).
2. Problem Frame.
3. Operational Approach.

Army Lieutenant Colonel (LTC) Celestino Perez, an Assistant Professor at the U.S. Army Command and General Staff College in Fort Leavenworth, Kansas, expands on the design methodology described in doctrine and provides a pragmatic approach. In an effort to amplify the categories mentioned above, LTC Perez recommends using key questions as a guide. Two of his questions address the environmental frame. First, what is going on in the environment? Second, what do we want the environment to look like? The third question amplifies the problem frame and asks where – conceptually – do we act to achieve our desired state? Lastly, the operational approach is framed by asking how do we act and speak in order to achieve our desired state.¹⁶

¹⁵U.S. Department of the Army, Field Manual 5-0, *The Operations Process*, (Washington, DC: Government Printing Office, March 18, 2011), 3-7.

¹⁶Celestino Perez, “A Practical Guide to Design: A way to Think about it and a way to do it,” *Military Review* (March –April 2011).

This report will rely on the method proposed by LTC Perez and provide both graphic and narrative representation of the problem and a proposed whole of government operational approach to address it. A hypothetical whole of government operational approach to border security is presented includes areas where DOD capabilities are or could be applied to support it.

CHAPTER 2

STRATEGIC CONTEXT

Introduction

As alluded to earlier, the complexity of the security situation at the U.S. southwest border is significant from the perspective of any single U.S. enforcement agency. In order to gain an appreciation of the challenges facing U.S. government agencies along the southwest border, it is important to understand the strategic environment. Mexico's internal and external challenges from TCOs must also be considered because they significantly impact the current security environment on both sides of the border. It is equally important to review current U.S. national strategies and policies for contextual and situational understanding. This chapter will focus on historical context from the Mexican perspective, the evolution of TCOs in Mexico, U.S. national strategies, and DOD capabilities that support border security.

Mexican Transnational Criminal Organizations

Mexican TCOs pose a threat to U.S. interests. It is important to understand how they function within the larger global illicit economy, and gain an appreciation for the regional threat they pose. Finally, it is important to understand the impact TCOs have on security along the southwest border.

Mexican TCOs can trace their history to Los Tequileros of the U.S. Prohibition era and the poppy cultivators that produced morphine for the U.S. to replace disrupted Asian supply lines during World War II. Today's "narco ballads" are reminiscent of songs written in praise of heroic Los Tequileros, who despite the Texas Rangers' shoot-

on-site policy supplied the demand for illicit alcohol in the U.S.¹⁷ It was during Prohibition that organized crime in Mexico consolidated control of trafficking corridors (known as Plazas) – the smuggling infrastructure along Mexico’s northern border with the U.S.¹⁸

Mexico now plays host to the leadership and core infrastructure of several of the most powerful TCOs in the Western Hemisphere.¹⁹ Through a vast system of illicit commerce, Mexican TCOs monopolize the cross-border trafficking of drugs, people, weapons and bulk cash between Mexico and its neighbors to the north and south.²⁰ Leveraging vast illicit profits and an arsenal of weapons to corrupt, co-opt, intimidate, and compel, Mexican TCOs have established zones of impunity throughout the nation within which they manage their criminal enterprises.²¹ Though their primary objective is to maximize profit from illicit activities, second and third order effects of TCO activities stimulate crime, violence, and instability, which together further undermines the legitimacy of state institutions.

¹⁷University of Texas, “History of Smuggling,” <http://www.laits.utexas.edu/jaime/cwp4/esg/smugglehistory.html> (accessed April 20, 2012).

¹⁸George W. Grayson, *Mexico - Narco-Violence and a Failed State?* (New Brunswick: Transaction Publishers, 2011), 33.

¹⁹National Drug Intelligence Center, *National Drug Threat Assessment 2011* (Washington DC: Government Printing Office, 2011), 7.

²⁰Tony Payan, “The Drug War and the US-Mexico Border: The State of Affairs,” *South Atlantic Quarterly* (2006): 868. Discussion of ‘black market’ mechanisms– an illicit, non-state system.

²¹Melvyn Levitsky, “Transnational Criminal Networks and International Security,” *Syracuse Journal of International Law and Commerce* (2003): 227.

The 2011 National Drug Threat Assessment indicates that, “Mexican [TCOs] dominate the supply, trafficking, and wholesale distribution of most illicit drugs in the U.S.”²² The U.S. State Department 2011 International Drug Control Strategy Report gives Mexico unique status in the region:

Mexico is both a major transit and source country for illicit drugs reaching the United States. Approximately 95 percent of the estimated cocaine flow toward the United States transits the Mexico-Central America corridor from its origins in South America. Mexico is also a major supplier of heroin, marijuana, and methamphetamine to the United States.²³

This distinction makes Mexican TCOs a threat for both the Mexican and U.S. governments.

Mexican TCOs are catalyzing the creation and expansion of sophisticated criminal enterprises – so called second and third generation gangs – which contribute significantly to instability throughout the Western Hemisphere and undermine security within the U.S.. Gangs along the U.S. southwest border in particular are well positioned to profit from illicit trafficking, according to law enforcement reporting. For example, Barrio Azteca – the Texas prison gang centered in El Paso – has worked with a Mexican TCO to smuggle illegal aliens, transport drugs, and control retail drug sales.²⁴ Human trafficking often involves forced or coerced participation in prostitution or forced labor. The most recent survey of local, state, and federal law enforcement indicates at least 35

²²National Drug Intelligence Center, 11.

²³U.S. Department of State, *2011 International Narcotics Control Strategy Report* Volume I (Washington, D.C.: US Government, 2011).

²⁴National Drug Intelligence Center, 11.

states reporting gang participation in alien smuggling, human trafficking or prostitution, with 28 percent of respondents indicating gang involvement in prostitution specifically.²⁵

The relationships established between Mexican TCOs and gangs vary widely, but typically conform to one of three types: business, partnership, or franchise.²⁶ The business-type collaboration is defined by limited transactions to purchase drugs from the Mexican-based TCO for retail distribution by the gang. On a spectrum of TCO-gang integration from most to least, business-type collaborations represent the lowest level of integration.

In a partnership-type association, a gang may enter a relationship with a Mexican-based TCO to receive wholesale quantities of drugs in exchange for providing services such as security or transportation of wholesale drugs. This type of collaboration, while still transactional, moves up the spectrum toward greater TCO-gang integration. In the third category of TCO-gang collaboration, the criminal gang becomes subsumed within the TCO itself and operates within the host country as an extension of the TCO, consequently representing the highest degree of TCO-gang integration.²⁷

Examples of these various levels of collaboration include the business-type relationship between the 38th Street gang in Los Angeles and a Mexican-based TCO where the criminal gang purchases wholesale quantities of methamphetamine and cocaine for distribution throughout their retail-level network in southern California. Likewise, the

²⁵Ibid., 20.

²⁶Max. G. Manwarring, *Street Gangs: The New Urban Insurgency* (Carlisle, PA: Strategic Studies Institute, 2005).

²⁷National Drug Intelligence Center, 12.

Mexican Mafia criminal gang in San Diego established a partnership with the Tijuana Cartel in exchange for drugs to supply their retail-level sales. Lastly, the Texas-based prison gang Barrio Azteca represents an example of a U.S. criminal gang that has been subsumed within a Mexico-based TCO. This criminal gang now serves as a franchise for the Juarez Cartel carrying out enforcement operations, providing retail distribution of cocaine and methamphetamine in the U.S., and facilitating cross border smuggling and transportation of illicit drugs north into the U.S. and bulk cash and weapons into Mexico.²⁸

Mexico's Challenges in Context

Since the late 1980s the salience of security and economic stability of the southwest border has increase dramatically as TCO threats have grown. There are numerous factors that led to the current situation. Two conditions are significant when considering the current environment.

1. The emergence of a true democratic process in Mexican presidential elections resulting in the 2000 election of a National Action Party (PAN) candidate.
2. The present TCO threat and elevated levels of violence along both sides of the southwest border.

Former Mexican President Vicente Fox and current President Felipe Calderon, the first PAN President in Mexican history, took an unprecedented hard-line stance against the drug cartels and corruption within the government. The heavy-handed approach

²⁸Federal Bureau of Investigation, "Federal, State, and Local Law Enforcement Round Up Barrio Azteca Members," <http://www.fbi.gov/elpaso/press-releases/2011/federal-state-and-local-law-enforcement-round-up-barrio-azteca-members> (accessed June 5, 2012).

created a less permissive environment that resulted in a struggle among criminal factions for control of illegal transit routes. This struggle gave rise to organizations, like Los Zetas, that are willing to take more violent actions to control illicit trafficking to the U.S.. It is precisely this new level of violence that is believed to pose the greatest threat to the security of the U.S. and Mexico. In March of 2011, U.S. National Intelligence Director James Clapper testified to Congress that “Drug trafficking and the prevalence of drug cartels in Mexico is a matter of national security for both countries.”²⁹

The Mexican TCOs did not simply emerge in the past 10 years. Arguably, the Mexican government’s struggle with criminal organizations traces back to the post-revolutionary control exerted by the Institutional Revolutionary Party (PRI). Prior to the 1910-1920 revolution, Mexican society was fragmented. Post revolution, Mexico transitioned to an era in search of stability, self identification, autonomy, and national consolidation. A quasi-democratic system developed from the turmoil of revolution and the desire for stability. There were two major political parties, the PRI and the PAN; however PRI exerted control for over 70 years while marginalizing PAN and other upstart parties.³⁰ The PRI exercised control through a system that, as Levy and Bruhn describe, limited access to power and control by distributing it among a small core of elites.³¹ At its inception, the PRI system was born of the desire to bring stability to

²⁹Fox News Latino, “US Intel Chief: Mexico Drug Violence Poses National Security Threat,” <http://latino.foxnews.com/latino/politics/2011/03/11/intel-chief-mexico-drug-violence-poses-security-threat/> (accessed May 25, 2012).

³⁰Daniel C. Levy and Kathleen Bruhn, *Mexico: The Struggle for Democratic Development* (Berkeley, CA: University of California Press, 2001).

³¹*Ibid.*, 91.

Mexico by limiting conflict and the risk of rupture among the elite while appeasing the masses.³²

The PRI system was logically extended to organized criminal organizations. For example, in exchange for established tiers of contributions – bribes – to various state institutions, the PRI acquiesced to the establishment of corridors in which TCOs could cultivate, manufacture, store, and transport illicit contraband bound for the U.S.³³ The criminal organizations were in the pockets of the PRI and vice versa. By 2000, the power and control of the PRI system had waned in the face of gradual democratic reforms. The 2000 presidential elections marked the first time that the PRI presidential candidate “had to endure open competition” with attacks from members of his own party.³⁴ The elites, criminal and non, who were once guaranteed protection by the federal government found themselves forced to protect themselves to retain their power and control. They adopted tactics such as “intimidation by paramilitary forces, murders, torture, and disappearances.”³⁵ The struggle for power and control essentially summarizes the problem that exists in Mexico. The competition between political parties has allowed TCOs to infringe on the government monopoly of power and control.

³²Ibid.

³³Ibid., 29.

³⁴Ibid., 92.

³⁵Ibid., 107.

Existing U.S. Strategies

There are numerous U.S. governmental agencies with jurisdictional claims related to the southwest border. These agencies promulgate policy and strategies to carry out their responsibilities, and this study considered those that apply most directly to the southwest border. Specifically, the following U.S. strategies dealing with drugs, illegal migration and illicit TCO activities were examined:

1. The National Security Strategy May 2010.
2. The National Drug Control Strategy 2011.
3. The National Southwest Border Counternarcotics Strategy 2011.
4. The Department of Homeland Security Strategic Plan Fiscal Years 2008-2013.
5. The 2012-2016 Border Patrol Strategic Plan.
6. The Strategy to Combat Transnational Organized Crime 2011.

The May 2010 National Security Strategy of the United States calls for a desired end state defined by four enduring national interests: security, prosperity, values, and international order. For the sake of comparison, the Mexican 2009-2012 National Security Strategy has two overarching national interests underwritten by 13 objectives and 145 supporting components towards achieving the objectives. The overarching national interests are to reinforce the Mexican national security system and to address the threats that endanger the national security comprehensively.³⁶ Both national security strategies of the U.S. and Mexico describe a whole of government approach to achieve

³⁶President Felipe Calderon, *National Security Strategy of Mexico 2009-2012*, <http://www.cisen.gob.mx/site/pdfs/progSegnal.pdf> (accessed April 27, 2012), 18-20.

their desired objectives. Notably, both documents include secure borders in order to facilitate trade as the avenue for economic prosperity for each country respectively.

The 2011 *National Drug Control Strategy* outlines two main goals with seven sub-measures toward achieving the objectives. The two goals are to curtail illicit drug consumption in the U.S. and to improve the public health and public safety of the people of the U.S. by reduction of the consequences of drug abuse.³⁷ The seven sub-measures are statistically measureable data points depicting at risk populations with a propensity for drug use and subsequent abuse. With respect to the southwest border, the 2011 National Drug Control Strategy dedicates a few specific focus areas. Establishment of the Border Intelligence Fusion Center (BIFS) at the El Paso Intelligence Center (EPIC) is key to ensuring implementation of the Administration's vision for accurate, actionable, and timely information and intelligence sharing.³⁸ In disrupting domestic drug trafficking and production, the strategy speaks to the "importance of partnering with other nations."³⁹ In the case of the U.S. southwest border, the strategy recognizes the requirement to work with Mexico in the areas of intelligence gathering, investigation, enforcement operations, and prosecutions.⁴⁰ Another area addressed is building resilient communities along the southwest border through education and technical assistance.⁴¹ All other specific goals

³⁷Barack Obama, *National Drug Control Strategy 2011* (Washington DC: Government Printing Office, 2011), 7.

³⁸*Ibid.*, 9.

³⁹*Ibid.*, 55.

⁴⁰*Ibid.*

⁴¹*Ibid.*, 15.

for the southwest border are deferred to the separate National Southwest Border Counternarcotics Strategy.⁴²

In the National Southwest Border Counternarcotics Strategy, the strategic goal is to “substantially reduce the flow of illicit drugs, drug proceeds, and associated instruments of violence across the southwest border.”⁴³ The ten strategic objectives delineate how to achieve the strategic goal. The objectives are: enhancing information and intelligence sharing; interdicting drugs, drugs proceeds and associated instruments of violence along the entire southwest border; disrupting and dismantling drug trafficking organizations along the southwest border; stemming the flow of illicit proceeds and illegal weapons across the border into Mexico; improving counterdrug technologies for drug investigation and interdiction; developing strong resilient communities to resist criminal activity while promoting healthy lifestyles; and enhancing cooperation with Mexican counterdrug efforts.

The Department of Homeland Security Strategic Plan Fiscal Years 2008-2013 outlines five key missions. The key missions are to: secure the country from terrorist threats and enhance security; secure the borders; enforce immigration laws; secure cyberspace; and build resilience to disasters.⁴⁴ The first three key missions directly link to actions taken along the southwest border. The Department of Homeland Security

⁴²Ibid., 60.

⁴³Barack Obama, *National Southwest Border Counternarcotics Strategy 2011* (Washington, DC: Government Printing Office, 2011).

⁴⁴Janet Napolitano, *Department of Homeland Security Strategic Plan Fiscal Years 2008-2013* (Washington, DC: Government Printing Office, 2008), i.

Strategic Plan Fiscal Years 2008-2013 further subdivides the five key tasks into goals that include objectives and performance indicators for measuring success.

Objectives for securing the country from terrorist threats and enhancing security focus on deterrence, early detection of all threats, and managing risks to critical infrastructure, key leaders and events. To secure the borders, the plan calls for the prevention of illegal flow of immigrants and goods across any point on the border “while expediting the secure flow lawful travel and commerce.”⁴⁵ Additionally, TCOs are to be disrupted and dismantled. Lastly, to enforce immigration laws the plan calls for the strengthening of the administrative control systems along with a comprehensive effort to prevent illegal immigration that includes addressing incentives that contribute to it.

The *2012-2016 Border Patrol Strategic Plan* has two goals. The first goal is securing the border through a combination of “information, integration, and rapid response in a risk based manner.”⁴⁶ The second goal focuses on internal growth, maturing, and strengthening of the border patrol force to exploit the new tools and approaches described by the first goal. The overall end state is to manage risk along the border to prevent terrorism, increase illegal immigrant certainty of arrests and reduce smuggling and its associated crimes.⁴⁷

The *Strategy to Combat Transnational Organized Crime* 2011 has a single principle - to “build, balance and integrate” all the instruments of national power to

⁴⁵Ibid., 7.

⁴⁶David V. Aguilar, *2012-2016 Border Patrol Strategic Plan* (Washington, DC: Government Printing Office, May 2012), 4.

⁴⁷Ibid., 7.

“combat transnational organized crime and related threats to national security and urge foreign partners to do the same.”⁴⁸ The end state is to reduce the threat posed by transnational organized crime from a national security level threat to a manageable public safety problem.⁴⁹ To achieve this end-state there are five key objectives: protecting the U.S. and partner’s population, strengthening partner’s capacity for governance and transparency, break transnational criminal organizations’ economic power and ability to exploit financial markets and instruments, defeat the transnational criminal organizations that pose the greatest threat, and build consensus and multilateral cooperation across industry, finance, academia, civil society, and non-governmental organizations at the national and international level. To meet these key objectives the strategy sets out 56 specific priority actions. Of all national strategies considered in this study, this strategy is the most complete description of both the threats to U.S. security interests and ways to address them. Specific to the security threats along the southwest border, the strategy seeks to sever the illicit flow of drugs, money, people, black market goods, and weapons across the border.

Southwest border security is not solely a U.S. issue. The social and security impacts of illicit cross-border trade are also felt south of the border. The Calderon administration took significant steps to combat narcotics within Mexico to include police and judicial reform. While these reforms made some headway, they also greatly increased the violence in Mexico. Additionally, they have forced TCOs to decamp into countries

⁴⁸Barrack Obama, *Strategy to Combat Transnational Organized Crime*, (Washington, DC: Government Printing Office, July 2011), 1.

⁴⁹*Ibid.*

where it is easier to operate.⁵⁰ The bi-lateral Merida Initiative was ratified by the U.S. and Mexico to help combat this trend. The Merida Initiative has assisted the Mexican government in accomplishing reforms and combating the narcotics trade. As a part of this initiative, the U.S. government appropriated \$1.6 billion to help Mexico in the fight against TCOs.⁵¹ To date, the initiative has supported comprehensive reform of the Mexican criminal justice system through training, education, and judicial partnerships. Additionally, the U.S. has helped the Mexican government establish and maintain a training academy for corrections officers in an effort to prevent TCOs from operating inside national prisons. Furthermore, United States Agency for International Development (USAID) programs promote the rule of law and help build resiliency in those communities hit the hardest by the drug trade. Finally, the U.S. government helped Mexico acquire the resources required to fight organized crime. This includes numerous helicopters to assist the military and federal police with security operations and state of the art detection equipment that enable more thorough inspections at air and land ports of entry. While there are no concrete figures on the amount of illicit cargo passing through land based ports of entry, estimates indicate that nearly 70% of drugs manufactured or shipped through Mexico arrive in the U.S. via land.⁵²

⁵⁰U.S. Department of State, *2011 International Narcotics Control Strategy Report*.

⁵¹U.S. Department of State, *Treaties in Force* (Washington, DC: US Department of State, 2011), 390.

⁵²Barack Obama, *National Southwest Border Counternarcotics Strategy 2011*.

DOD Support to the Southwest Border

In 1981, Congress passed Chapter 18 of Title 10 entitled Military Cooperation with Civilian Law Enforcement Officials.⁵³ This modification of U.S. law has ensured DOD resources can be brought to bear under specific conditions. Specifically Title 10 USC. § 371-381 governs military support for civilian law enforcement agencies in the following areas⁵⁴:

1. Use of information collected during military operations.
2. Use of military equipment and facilities.
3. Training and advising civilian law enforcement officials.
4. Maintenance and operation of equipment.
5. Restriction on direct participation in law enforcement by military personnel.
6. That support will not adversely affect military preparedness.
7. Requirements for reimbursement.
8. Nonpreemption of other law.
9. Enhancement of cooperation with civilian law enforcement officials.
10. Procurement of equipment by State and local governments through the Department of Defense.
11. Equipment for counter-drug, homeland security, and emergency response activities.

⁵³10 USC.A. §§ 371-382 (2001). See supra Chapter 2, Military Support to Civilian Law Enforcement.

⁵⁴10 USC Chapter 18 – Military Support for Civilian law Enforcement Agencies, <http://uscode.house.gov/download/pls/10C18.txt> (accessed May 29, 2012).

These sections allow the DOD to support law enforcement through the use of military equipment and facilities, training and advisory functions, and maintenance and operation of DOD equipment. These statutes also prohibit the DOD from collecting intelligence on U.S. citizens or preempting other law enforcement agencies. In essence, the DOD may only act in a supporting role.

Joint Task Force Six (JTF-6) was established November 13, 1989 at Fort Bliss, Texas, to support local, state, and federal law enforcement agencies within the Southwest border region in order to counter the flow of illegal drugs into the United States. The terrorist attacks of September 11, 2001 brought changes through passage of the 2004 National Defense Authorization Act. The Act authorized DOD to expend funds for counter drug operations to support counterterrorism task forces in an effort to mitigate the risk from the potential relationship between the illegal narcotics trade and terrorism.⁵⁵ On September 28, 2004, JTF-6 was officially renamed Joint Task Force North (JTF-N) and its mission was expanded to include homeland security support to the nation's federal law enforcement agencies. To date, JTF-N has completed over 600 missions in support of U.S. law enforcement and counter-drug task forces.

JTF-N has also undertaken multiple engineering projects along the Southwest border and deployed soldiers for short-term operations. Military units deploy through JTF-N on a strictly volunteer basis, as JTF-N has no assigned or apportioned units. These

⁵⁵U.S. Congress, House, Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control*, 112th Cong., 2nd sess., April 17, 2012, 3.

Title 10 deployments concentrate support on militarily unique skills and capabilities that domestic law enforcement agencies lack, or cannot practically replicate.

Title 10 counterdrug support must also provide a training opportunity that contributes to combat readiness and cannot be used for continuing, on-going, long-term operational support commitments at the same location.⁵⁶ The use of Title 10 forces is effective in large scale engineering operations and in other areas where their Mission Essential Task List (METL) and critical capabilities intersect with law enforcement requirements.

Under Title 32 of the U.S. Code, National Guard members may be ordered to perform full-time duty under section 502(f). For example, National Guard units were deployed during OPERATION JUMP START (OJS) and OPERATION PHALANX (OP) under 32 USC 502f.⁵⁷ In OJS, National Guard units were divided into Entry Identification Teams (EIT) and deployed at fixed interdiction sites specified by Customs and Border Protection (CBP). These sites were high visibility and served as a deterrent to help interdict illegal activities. Units deployed under Title 32 § 502f worked under the same guidelines as Title 10 Soldiers. This arrangement tied both the EITs and Border Patrol Agents to static pre-determined locations regardless of the evolving tactical situation on the ground.

Under Title 32, section 112 of the U.S. Code, the National Guard Counter Drug program is authorized up to 4,000 National Guard members performing drug interdiction

⁵⁶Ibid. 1.

⁵⁷Major General Hugo E. Salazar, *Testimony Before House Committee on Homeland Security Subcommittee on Border and Maritime Security*, 112th Cong., 1st sess., March 15, 2011.

or counterdrug activities in all 54 states and territories.⁵⁸ Units deployed under Title 32 § 112 Counter Drug Support (CDS) fall under the command of the State Governor and the Adjutant General (TAG). This allows for a much more flexible use of military assets and capabilities, as they are not restricted by the Posse Comitatus Act (PCA)⁵⁹ under the federal exemption offered to them.⁶⁰ National Guard units deployed under Title 32 § 112 have the authority to conduct surveillance operations within their States to support Federal agencies operating along the southwest border. These soldiers are working in the states they reside and are able to fully integrate into the law enforcement operational rhythm, as the length of their service both in time and location is far greater than their Title 10 & Title 32 § 502f counterparts.

Conclusion

As discussed in chapter 1, the complexity of the security situation at the U.S. southwest border makes it a wicked problem for all U.S. agencies involved. It is in the U.S. government's interest to help Mexico and ensure the violence affecting its closest neighbor does not bleed over to impact significantly the safety and security of the U.S. population. The root cause of instability in Mexico is the influence of the TCO networks, which are a significant threat to the security of the U.S. and Mexico. In the following

⁵⁸Ibid.

⁵⁹Sean J. Kealy, "Reexamining the Posse Comitatus Act: Toward a Right to Civil Law Enforcement," *YALE L. & POL'Y REV.* 21 (2003): 383, 389–98. Congress enacted the PCA in 1878, motivated by resentment of military enforcement of the civil law during Reconstruction and specifically by the controversial stationing of the military at polling places in some southern states during the 1876 Presidential election.

⁶⁰*Gilbert v. United States*, 6th Circuit (1999). State used NG for narcotics interdiction efforts.

chapter we refine the focus on security problem along the southwest border by presenting the current environment, the desired environment, and what is impeding the U.S. government from closing the gap between the two. This will lay the foundation for a conceptual operational approach.

CHAPTER 3

ENVIRONMENTAL AND PROBLEM FRAME

Introduction

The method of design was chosen to consider the complex problem of southwest border security for two primary reasons. First, design is well suited for attacking complex problems with multiple variables. As research has already demonstrated, southwest border security certainly is a multi-variable problem with numerous environmental, state, and non-state actors. Additionally, design enables research to fully consider the environmental context in order to better understand the nature of the problem. There is likely no single solution to the problem of border security. However, design provides a process to frame the problem and identify possible approaches to pursue the desired end state and conditions.

Current Environment

Describing the current environment for any given problem is a complex endeavor. U.S. Army Field Manual 5-0 states that the purpose of framing the environment is to capture “the history, culture, current state, and future goals of relevant actors in the operational environment.”⁶¹ Perez simplifies this idea by asking “what is going on in the environment?”⁶² To do so in the context of the border region requires consideration of the relationship of the U.S. to the Government of Mexico and to the TCO threat. Each country brings an existing bias to problem solving derived from its history and culture,

⁶¹U.S. Department of the Army, FM 5-0, 3-8.

⁶²Celestino Perez, “Practical Guide to Design,” 44.

and this bias affects the nature of the problem solving process. Before considering the environmental frame, it is useful to explore the cultural bias of the U.S. with regard to Mexico and the TCO. This study relies on a technique called the four ways of seeing.

Four Ways of Seeing

The Four Ways of Seeing is an analytical tool to identify cultural bias and establish a baseline of understanding.⁶³ This four-step process allows critical consideration of fundamental beliefs about stakeholder motives, values, self, and others. It considers how two stakeholders see themselves and see each other. The Four Ways of Seeing is applied to explore the U.S. – Mexico relationship and the U.S. – TCO relationship. The results of this exercise follow, and reflect the synthesis of information from many sources over several months. It is the considered opinion of the participants, and it would be difficult to cite a specific source for the outputs of the exercise.

United States - Mexico

The United States views itself as a powerful nation, grounded in rule of law. Its security policies are backed by sufficient resources to facilitate effective protection of its citizens and interests along the southwest border. The U.S. sees the task of defending the border as a key concern due to the myriad of societal problems that currently afflict Mexico. Further, the current Mexican situation presents opportunities for terrorists to exploit to gain entry into the U.S.. From the U.S. perspective, the low levels of public security and high levels of violence and perceived corruption in Mexico require the

⁶³University of Foreign Military and Culture Studies, *Red Team Handbook* (Fort Leavenworth, KS: Government Printing Office, 2011), 135.

United States to assume the lead role as the defender of the border region. Illegal Mexican immigrants are perceived as a burden on U.S. social systems along the border region, but Mexico remains a vital strategic economic partner. It is because of this relationship that the United States must strike a balance between security and free trade with its southern neighbor.

Mexico views itself as a strong sovereign nation with the capability and resources to handle its own problems internally. Many of the problems at the border stem from the social ills within the U.S. that create an environment of high demand for illegal narcotics, lax gun laws that contribute to the level of violence, and a strict immigration policy that centers on exploitation of Mexican labor force . Additionally, Mexico views itself as a major emerging market with the northern border region being vital to their overall economic prosperity.

Mexico views the U.S. as a nation desiring to impose its interpretation of democracy within the borders of Mexico and feels that U.S. security efforts may encroach on Mexican sovereignty. The U.S. is perceived as a significant enabler of the TCO because of lax gun control laws, ineffective drug demand reduction programs, and poor financial monitoring of illicit trade.

United States - TCOs

The U.S. views itself as a world leader with the responsibility to promote and protect emerging and developing democracies across the world, while doing what is necessary to protect its own vital national interests. In that vein, the U.S. feels that it has the correct model for emulation in terms of rule of law, governmental and economic institutions. The existing strength of these institutions makes the U.S. capable of

controlling its own internal threats that are generated by elements seeking to exploit the illicit market. The principal risk to U.S. interests are Mexican TCOs, as their transnational base of operations provides them a degree of safe haven that makes them difficult to target directly by unilateral U.S. efforts. Therefore, the U.S. is dependent on building and strengthening partnerships with other nations to successfully target and dismantle TCOs that pose significant threats to national security interests. The unrestrained growth and influence of TCOs in Mexico threatens both regional stability and the U.S. economic partnership with Mexico. As a result, TCOs are legitimate threats to the national security interests of both nations.

A TCO is a rational, self-interested, non-state actor within the international system. They are capable of violent behavior; however, their perception of acceptable risk is a limiting factor to their actions. TCOs integrate themselves into societal structures in both the licit and illicit economies as a means to strengthen their position and grow their infrastructure. They are diverse and vertically integrated organizations that strive to maximize market efficiencies through the exploitation of the globalized market. TCOs are integrated into all facets of international trade: “real movements (commerce of goods and services), financial movements, and virtual movements (information technology and hypermedia).”⁶⁴ For these reasons, it takes a very strategic- minded and capable organization to gain access to and remain in the ranks of Mexico’s third generation gangs.

⁶⁴Jose Gustavo Roger, *The Latin American Role in the Context of Economic Globalization* (Buenos Aires: Universidad de Belgrano, 2009), 8. The author presents an idea of three generations of MNCs. In his developmet of these generations, he cites Dr. Robert Gilpin, *The Political Economy of International Relations*, as the primary source for the concept.

The very nature of the TCO organizations reinforces the severity of the problem that TCOs present local law enforcement, Mexican federal agencies, and U.S. state and federal agencies. Primarily, the existing third generation criminal gangs in Mexico have become extremely efficient in their operations and completely integrated into both the legitimate and illegitimate worlds, which makes the movement of their illicit goods and capital that much more difficult to observe and interdict. Further, the nature of their networks (infrastructure) is extremely sophisticated. Their ability to outsource to existing lower level criminal organizations for stages of production and distribution prevents them from being tied directly to the activity. Additionally, it allows for greater entry into more markets at a lower cost because they do not have to develop their own infrastructure. TCOs are able to survive because of the sophistication of their organizational design. They stay ahead of the demand swings and continue to refine processes to maximize profit, which is a function of perfection through competition. Those that cannot adjust quickly enough to changes in the operational environment will either be destroyed through interdiction or absorbed by other players. The sophistication and design of these organizations allow them to exploit seams in jurisdiction and governance within Mexico and across international borders, which places them beyond the control of local authorities and justifies their label as a national threat to U.S. interests.

Border Region PMESII-PT Analysis

PMESII-PT is a model used by military planners to analyze the operational environment they are working in. While it does not cover every conceivable variable, it provides a method for considering the political, military (or law enforcement), economic, and social aspects of the operational environment. Additionally, PMESII-PT covers

information systems, infrastructure, and physical terrain. The final ‘T’ takes into account the temporal dimension and is commonly called time. The most significant environmental factors for this study are the physical terrain, infrastructure, politics, military (actually all security forces in this context), and economic and social variables.

The political landscape of the southwest border is best discussed at two levels; the state level and the national level. At the national level, the United States government has publicly demonstrated a strong desire to work closely with Mexico to ensure common prosperity and security. For the most part, the Mexican government seems to be at least partially receptive to U.S. overtures. At the state level, there is slightly more friction from state to state as local governments tend to focus on appeasing or answering the demands of their constituents not the federal institutions. This is especially true for U.S. border states that have a difficult time finding a balance between the need for cheap labor and the resources required to care for illegal immigrants. As an example, in their 2010-2011 budget it is estimated that illegal immigrants cost California roughly \$10 billion, half of the projected budget deficit for that period.⁶⁵ The constitutionality of State- led illegal immigration legislation such as Arizona SB 1070 and Arizona House Bill 2162 are being contested at the Supreme Court. The focus of legislation reflects the intent of the states to decrease the level of illegal immigrants by executing an “attrition by enforcement” doctrine. Mexican President Felipe Calderon said "the Mexican government condemns

⁶⁵Senator Tom Harmon, *Illegal Immigration* (Congressional Immigration Reform Caucus), <http://cssrc.us/web/35/immigration09.aspx> (accessed May 27, 2012).

the approval of the law and the criminalization of migration."⁶⁶ U.S. border states have a difficult time finding the resources required to care for illegal immigrants. With pending elections in both countries, political positions and policy decisions will fluctuate as political parties vie for votes. Despite political differences between nations and states of the border region, there exists a common desire for peace and prosperity.

The military and law enforcement aspects of the border region appear complicated, but are fairly straight forward. For both nations, southwest border security is primarily a law enforcement problem; not a military one. The difference lies in who is enforcing the law. On the U.S. side, there is a popular (and legal) aversion to using the military for law enforcement. This is not the case on the Mexican side where the military is traditionally more of an inwardly directed force and it is not uncommon to see them enforcing Mexican law.⁶⁷ From the 1950s to the 1970s the Mexican military concentrated on maintaining order by policing in both rural and urban areas to suppress dissident guerrilla activities, and once more in the 1980s they were used as new internal threats arose.⁶⁸ The same trend occurred in 2000 when President Fox decided to increase their role in the fight against drug trafficking and in maintaining public security.⁶⁹

⁶⁶Jonathan J. Cooper, "Arizona Immigration Law Target of Protest," Associated Press, <http://www.msnbc.msn.com/id/36768649/#.T8KnXO35aTA> (accessed May 27, 2012).

⁶⁷Jordi Diaz and Ian Nicholls, *The Mexican Armed Forces in Transition*, (Carlisle, PA: Strategic Studies Institute, January 2006), 20.

⁶⁸*Ibid.*, 32.

⁶⁹*Ibid.*, 37.

To complicate matters for Mexican law enforcement agencies, in Mexico there is no Second Amendment and the types of weapons and their caliber are strictly controlled. Police and other law enforcement personnel are not allowed to carry their weapons home or when not on duty. This gives TCOs marked advantages over law enforcement agencies. First, TCOs are often better equipped than state and local law enforcement in Mexico. Second, since the TCOs operate with impunity, they carry their weapons with them at all times. This puts Mexican law enforcement at a significant disadvantage when it comes to security enforcement along the southwest border. This is in sharp contrast to U.S. security agencies that possess the ability, but not always the authority, to secure the border with force.

Perhaps no aspect of the PMESII-PT model reflects the interdependence along the border better than the economic variable. The 10 U.S. and Mexican border states are vital to the economies of both nations. It is most certainly in the best interest of both nations to ensure the continued prosperity of these states and continue to encourage lucrative trade partnerships. It is estimated that in Nogales, AZ alone the local community is the recipient of over \$600,000 in tax revenues generated from retail sales to Mexican residents.⁷⁰ It is estimated that 40% of NAFTA trade flows through the Laredo border crossing while Ciudad Juarez is the maquiladora capital with over 300 manufacturing facilities usually managed by U.S. citizens that commute from El Paso. In short, the licit economy along the southwest border is essential for each nation, amounting to nearly a

⁷⁰This figure was given by Nogales, AZ port of Entry Office of Field Operations officers while conducting a border tour December 8, 2011. Officer working at the port of entry emphasized the necessity to have multiple crossing points open facilitate trade within the local community of Nogales, AZ.

quarter of each nation's gross domestic product GDP.⁷¹ The economic impacts of the illicit trade are much harder to quantify, however a recent report estimates it as high as 40% of the licit economy.⁷²

With the possible exception of the economy, the social aspect of this analysis model reflects the most similarities between the two nations. Often referred to by social scientists as "the borderlands," the region has a fairly homogenous culture that transcends the border. With familial and business ties on both sides, longtime residents of the border cities have interests in the prosperity of both nations. However this cultural similarity has not lead to tranquility among residents of the border. Illicit trade, violence, and illegal immigration have begun to impact the U.S. side of the border and have created a social rift. The general population along the border frequently has a foot in both worlds, and has traditionally felt secure doing so. This unique lifestyle is becoming more and more difficult to maintain as border crossing becomes harder and more dangerous. TCOs, or their subsidiaries, target border residents who commute across the border on a regular basis to transport illicit goods, drugs, and people across the border. The costs to these residents, especially those on the Mexican side, for not cooperating include threats to their (or their family's) livelihood and safety.

Understanding the complex physical terrain is vital to understanding the border problem. A large expanse of desert defines Mexico's northern border with the United

⁷¹U.S. Department of State, "Benefits of Free Trade Agreements – Mexico," <http://www.state.gov/e/eb/tpp/bta/fta/c26474.htm> (accessed on May 16, 2012).

⁷²Laredo, Texas, Chamber of Commerce, "Vision 2002: Economic Outlook Report," http://texascenter.tamui.edu/pdf_vision/vision0402s.pdf (accessed May 26, 2012), 1.

States. Eastern Mexico is dominated by the Sierra Madre Occidental mountain range stretching north into the United States. The Sierra Madre Oriental mountain range dominates the eastern part of the country along the Caribbean coast. These two mountain ranges geographically divide Mexico into three main corridors: Baja California/Sonora, Chihuahua/Coahuila, and Nuevo Leon/Tamaulipas. Each corridor is distinguished by a major border city corresponding to a legal port of entry to facilitate international crossings. The major border cities of Nuevo Laredo, Ciudad Juarez, Nogales, and Tijuana are geographically isolated from each other with little or no infrastructure to facilitate movement along the border. Between these major border cities, trade routes commonly start deep within Mexico's interior Bajillo zone, and then quickly diverge into one of the three main corridors. These geographically defined trade routes dictate the flow of goods, as major transit highways and rail lines were constructed to facilitate trade along the two dividing Sierra Madre mountain ranges. After exiting the Bajillo region the terrain is dominated by the Sierra Madre Occidental to the west and Sierra Madre Oriental to the east; trade routes moving east and west across these mountain ranges are minimal.

Within the United States, the border is virtually identical to Mexico in terrain. It is also divided into three major corridors: California/Arizona, New Mexico/West Texas, and South Texas. These major corridors sustain border "sister cities" with Mexico that facilitate trade at international crossing points. The U.S. side of the border includes over 650 miles of barriers, including approximately 300 miles of vehicle barriers and 350

miles of pedestrian fence.⁷³ Vehicle fencing is constructed along the large expanses between California and Arizona in the Mojave Desert to limit the extent of vehicle crossings in the open terrain. There is also significant vehicle fencing between the Rocky Mountain ranges in Arizona to El Paso, TX, where the Rio Grande River forms a natural border between TX and Mexico. Pedestrian fencing is constructed near all major international crossing ports of entry to deter foot traffic and force smugglers out into the open desert ranges where there is a higher probability of apprehension with technology and larger windows of time to interdict illicit goods. In addition to this fencing, U.S. law enforcement agencies operate from multiple forward operating bases which allow them to sustain operations in key areas, regardless of how remote they are.

It is these large mountain ranges where the possibility of detection is diminished due to the rugged terrain and absence of viable all-weather roads and infrastructure. The increased use of pedestrian fencing near large border cities coupled with the deployment of improved technology along the border have forced smugglers into more dangerous and rugged terrain to conceal their illicit activities. Notwithstanding this shift of foot traffic to the mountain ranges, it is the large commercial trade ports of entry that represent the greatest risk. Unlike Mexico, the U.S. has an extensive transport network that runs the length of the entire southwest border that facilitates movement regardless of physical terrain.

⁷³Ronald Vitiello, Deputy Chief, US Border Patrol, *Border Security and Enforcement - DHS's Cooperation with State and Local Law Enforcement Stakeholder*, 112th Cong., 1st sess., May 3, 2011, 1.

TCO Business Model

The problems with TCOs are a volatile subject among politicians, academics, and the peoples of both Mexico and the U.S.. The trouble with addressing the issue of TCOs begins with a failure to classify them as an organization and understand them as a threat to national security interests. First, it is necessary to understand that the strategic goal TCOs is profit. Therefore, their motive is to maximize profit share within the constraints of the environment. Second, TCOs lack both the desire and the components of a broad-based political or ideological movement designed to seize control of a government in some revolutionary manner. The methods and scale of violence may be similar to certain terrorist and insurgent groups, but their strategic goals are not. Moreover, describing a TCO as “terrorist” or “insurgent” tends to create a frame that becomes overly focused on security. TCOs create security problems, but those issues are a byproduct of their business.

Phil Williams, an expert analyst of TCOs stated: “The aim of TCOs is to derive as much profit as possible from their activities – within the limits of acceptable risk.”⁷⁴ TCOs originate in, receive support from, and expand operational reach by integrating the local and intrastate gangs. Gangs along the U.S.-Mexico border in particular are well positioned to profit from illicit traffic, as evidenced by law enforcement reporting. These TCO-gang partnerships allow the parent organizations to maintain healthy profits and at the same time mitigate risks associated with trafficking and narco-violence.

⁷⁴Phil Williams, *Violent Non-State Actors and National and International Security* (Zurich: International Relations and Security Network, 2008).

The relationships between Mexican TCOs and gangs have a very close parallel to the evolution of multi-national companies (MNCs), which serves to reinforce that TCOs follow a business model and should be thought of as such.⁷⁵ The “first generation MNCs” were purely opportunistic and sought to exploit their host countries with no concern for the impact on the state or its inhabitants. Similarly, first generation gangs fail to consider the second and third order effects of their actions. They are lower level street gangs with a loose organizational structure, and they conduct their day-to-day operations with little concern for long-term planning. Their goal is to purely exploit opportunities when they exist. The “second generation MNCs” looked to grow their investment in the state. In order to do this, they realized the utility of showing concern for worker’s rights and investing in infrastructure development as a means of solidifying their positions in the host nation. Second generation gangs are more centrally organized in order to establish a small business type of organization focused on improving financial gains.⁷⁶ At this stage, they begin to integrate themselves into societal structures in both the licit and illicit economies as a means to strengthen their position and grow their infrastructure. Last, “third generation MNCs” are diverse and vertically integrated organizations that strive to maximize market efficiencies through the exploitation of the globalized market. They are integrated into all facets of international trade: “real movements (commerce of goods and

⁷⁵Jose Gustavo Roger, *The Latin American Role in the Context of Economic Globalization*, 66.

⁷⁶Max G. Manwaring, *Street Gangs: The New Urban Insurgency*.

services), financial movements, and virtual movements (information technology and hypermedia).”⁷⁷

As third generation gangs, TCOs are marked by large territorial expansions, the ability to inhibit the state in the performance of its duties, and a sophisticated infrastructure capable of maximizing its commercial gains through licit and illicit economies. Like MNCs, third generation gangs have a degree of vertical integration in their supply chain infrastructure; meaning that different stages of production occur in various parts of the world. They desire to outsource certain parts of their logistical infrastructure as a means of diversifying risk and increasing efficiencies. This creates a complex infrastructure with only loose connections between the controlling authority, the production zone, the transit zone, and the distribution network. Similar to MNCs that utilize the same process, this allows sophisticated criminal organizations the ability to move in and out of multiple markets quickly with minimal cost. Further, if failure is caused at some point in the supply chain, the diversification affords the flexibility to shift efforts to more profitable zones before a point of failure is reached.

At this stage of criminal gang evolution, local law enforcement agencies can no longer control TCOs with a high degree of efficacy. TCOs act as freeriders within the system as they enjoy the benefits of the state, yet they do not conform to its rules. They seek to diversify their efforts between both licit and illicit activities as a means to penetrate and exploit international market systems and financial institutions. The TCOs’ willingness to circumvent the rule of law in the conduct of their business creates an unfair

⁷⁷Jose Gustavo Roger, *The Latin American Role in the Context of Economic Globalization*, 8.

competitive advantage that threatens the “stability and efficiency of the global market.”⁷⁸

Their activities add chaos to the system and threaten the “social contract” of the state.⁷⁹

The unrestrained growth and influence of TCOs in Mexico threatens both regional stability and the U.S. economic partnership with Mexico. As a result, TCOs stand as legitimate threats to the national security interests of both nations.

The threat environment formed by the TCO/gang operations could have the unintended but significant effect of causing a transition of sovereignty. The levels of anonymity and impunity enjoyed by TCOs permit their development and enable them to acquire influence in political and economic arenas. With enough power, influence, and leverage the will of the criminal organization could outgrow the capabilities of the state and result in the loss of control and effective loss of sovereignty over portions of its territory and people.

Michael Porter, a leading expert in the competitiveness of nations and firms, developed the “Diamond Model” to demonstrate that modern economies can strengthen themselves by growing areas of competitive advantage. He believed that a focus on areas of comparative advantage failed to account for the complexities of the global economy. Therefore, his design emphasizes that economic success is not merely inherited due to location, population, or the presence of natural resources. Rather, it is a function of the

⁷⁸Barack Obama, *Strategy to Combat Transnational Organized Crime*.

⁷⁹Garrath Williams, “Hobbes: Moral and Political Philosophy,” Internet Encyclopedia of Philosophy, May 21, 2003, <http://www.iep.utm.edu/hobmoral/#SH5a> (accessed April 28, 2012). Hobbes describes the social contract of the state as the situation wherein the governing body removes certain rights and freedoms in order to limit anarchy in the system. The populace willingly concedes these freedoms in order to enjoy a higher degree of protection and predictability.

interaction of the key determinants within his model coupled with the influence of the government and a firm's willingness to accept risk. Porter's original model was updated to incorporate variables that pertained to the success of multinational corporations.⁸⁰ By thinking of TCOs as another industry, similar to MNCs, one can apply their structure to the model in order to assess the critical requirements and vulnerabilities of the TCO business model.

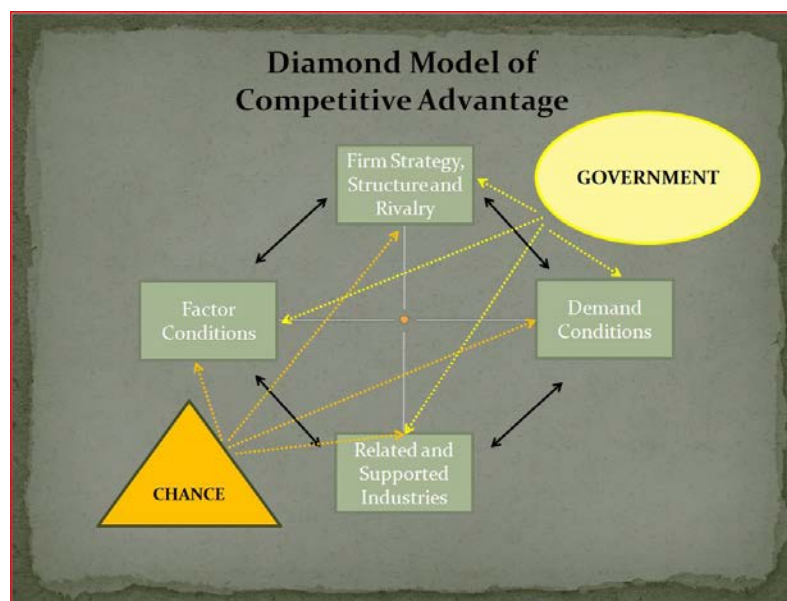


Figure 1. Porter's Diamond Model of Competitive Advantage
Source: See Footnote.⁸¹

⁸⁰Alan M. Rugman, and Joseph R. D'Cruz, "The "double diamond" model of international competitiveness: The Canadian experience," *Management International Review: Special Issue* 33, no. 2 (April 1, 1993): 17, <http://www.proquest.com.lumen.cgsccarl.com/> (accessed June 6, 2012). The Porter Diamond Model was updated in 1993 to the Double Diamond Model to demonstrate the effects that the variable factors have on the competitive advantage of MNCs domestically (inner diamond) and internationally (outer diamond).

⁸¹The description of the determinants of competitive advantage and their relationship with each other is based on notes taken in a class lecture received by the author of this article. Figure 1 was created for this article from a similar graphical

For TCOs, their specialized factors of production are their degree of impunity, specialized labor, ability to move financial capital over international borders to support operations, and infrastructure (logistical and financial). The model shows how both chance and the government act to increase or decrease areas of competitive advantage. TCOs operating from Mexico exploit seams in authorizations and jurisdictions both domestically and internationally as they seek to increase their degree of impunity. Their ability to behave in the manner in which they do is a function of the effectiveness of the rule of law to which they are subjugated. If institutions that specialize in investigations, interdiction, and prosecutions are weak, it creates wider seams along which TCOs can operate. At the international level, TCOs use established degrees of domestic impunity and international boundaries to attain safe haven, which prevents a stronger nation's institutions from effectively dismantling their operations. The wider the seams in authorizations and jurisdictions, the more chance the TCO is willing to take given that TCOs will seek to maximize profit "within the level of acceptable risk."

TCOs increase their economic prowess by diversifying their efforts to service the demands of both the licit and illicit markets in a manner that best enables them to maximize profits. In so doing, they often blur the lines between legitimate and illegitimate business operations, enabling them to move illicit goods and capital under the guise of licit operations. This undermines the integrity of the system and serves as a significant destabilizing factor to economic and financial markets. Drugs are the major

representation of the model used during the course of instruction. All of the concepts within the model are attributed to Porter's design, but the original source of the recreated model used in Figure 1 is unknown. The class was taught by J. Gustavo Roger at the Universidad de Belgrano (Buenos Aires, Argentina) as part of the graduate school curriculum for a Masters in International Relations (2009).

moneymaker for TCOs, but are not the lone activity. Illegal immigration is another activity related to security issues at the Southwest border. The same networks that move drugs illegally from Mexico to the U.S. also move people illegally, so high demand for either provides a market for their services.

Drugs and migrants are obviously different commodities. However, the infrastructure to source, transport, and distribute those commodities are similar. TCOs maximize their efficiencies by focusing on such related and supportive industries in the construct of their strategic vision and sophisticated infrastructure. It enables them to diversify between commodities and protect themselves in the event of changes to either the rate of demand or their ability to supply certain goods. For example, in the event of successful drug interdiction along one line of operation, supported and related industries enable their ability to alter lines of transportation and shipment along other routes that are having more success. Alternatively, they could choose to temporarily shift to other commodities that may have less demand but prevent crippling losses in profit during periods of successful governmental interdiction. However, high demand and acceptable levels of risk will drive TCOs to become more innovative. Recent examples of these innovations to circumvent effective border controls are evident in the construction of tunnels and the use of ultralight aircraft to deliver illicit goods into the U.S. The persistent nature of criminal violence in Mexico is linked to both the concept of clusters and competitive advantage. Primarily, the conditions of the operating environment in Mexico are permissive to the growth of organized criminal activity due to relative weaknesses in some of their security and judicial institutions. Further, the socio-economic conditions create a steady pool of unskilled/semiskilled labor and high demand

for assistance in gaining illegal entry into the U.S.. These are factors that the government needs to address if they are to effectively reduce the influence of TCOs in Mexico.

TCOs do not operate in a vacuum, and there exists a form of competition for the profit streams mentioned above. First, they compete against other TCOs for larger profit shares. Second, they compete against the state for survival. For these reasons, it takes a very strategic-minded and capable organization to accede into and remain in the ranks of Mexico's third generation gangs. The nature of this environment reinforces the severity of the problem that TCOs present local, state and federal law enforcement of both countries. Primarily, the existing third generation criminal gangs in Mexico have become extremely efficient in their operations and completely integrated into both the legitimate and illegitimate worlds, which makes their activities much more difficult to observe and interdict. Further, the nature of their networks (infrastructure) is extremely sophisticated. Their ability to outsource stages of production and distribution to lower level criminal organizations prevents them from being tied directly to the activity. Additionally, it allows for greater entry into more markets at a lower cost because they do not have to develop their own infrastructure. TCOs are able to survive because of the sophistication of their design. They stay ahead of the demand swings and continue to refine processes to maximize profit, which is a function of perfection through competition.

TCO Impunity Model

Applying the concept of insurgency to the acts and activities of criminal organizations invokes a passionate response from many. Dr. Geoff Demarest of the U.S. Army's Foreign Military Studies Office argues that nomenclature is less important than an appreciation of the implications of the ability of criminal organizations to grant

impunity. The extent to which the state maintains a monopoly on the granting—or withholding—of impunity, he argues, is the most appropriate measure of state success.⁸² When the state loses the power to hold individuals accountable for committing immoral and illegal acts within its territories, it has surrendered its sovereignty in that particular space. Demarest also describes the relationship between impunity and anonymity as inverse; whereas a criminal organization may initially require anonymity to conduct its illicit activities, as it gains impunity, the requirement for anonymity is reduced.⁸³

To maximize profits criminal organizations must have impunity to carry out their illicit activities. In states with relatively strong institutions and adequate control throughout the breadth of their physical space, impunity requires anonymity. For this reason, criminal non-state actor networks operate clandestinely in compartmented, cellular organizations to conceal their illicit activities and protect the larger operation. As the relative power—and hence, the impunity—of a criminal organization increases it can afford to reduce its anonymity. In the extreme circumstance of criminal anarchy, criminal organizations enjoy total impunity and no longer require anonymity. Strategic criminal organizations like Mexican TCOs seek to maximize profits by maintaining a degree of anonymity and establishing sufficient impunity without undermining state stability and legitimacy to the degree that it interferes with the illegal economy. When criminal impunity passes this tipping point, the state’s ability to carry out its responsibilities for maintaining infrastructure and services such as roads, ports of entry, energy production

⁸²Geoff Demarest, *Winning Insurgent War: Back to Basics*, 2nd ed. (Ft. Leavenworth, KS: The Foreign Military Studies Office, 2011), 483.

⁸³Demarest, *Winning Insurgent War*, x.

and distribution and the like is undermined if not destroyed. This relationship is depicted in the model that relates anonymity to impunity that follows.

Impunity is relative to the operating environment for the particular non-state actor network. It does not necessarily require ‘control’ - only acquiescence, which can be (and often is) unwitting. For a street gang with a retail drug sales network, impunity is derived from the apathy or ambivalence of the community and recognition from potential competitors of its market territory. At the wholesale level, impunity may come from information or privileges provided by corrupt government officials that facilitate the movement of illicit drugs along linear ‘lines of communication’. Ascending the operational and strategic levels of the criminal enterprise, impunity requires political and bureaucratic complicity that, as in the case of Colombia in the 1980s or Mexico today, delegitimizes the instruments of state power and ultimately threatens its sovereignty.

The threat environment is related to the levels of anonymity and impunity available to the TCO. Impunity is “exemption from punishment which ought to be imposed, often used to refer to the failure of government to take serious steps against crime.”⁸⁴ Demarest offers an impunity- based definition of state success in his book, *Winning Insurgent War: Back to Basics*. Demarest postulates that for a state to succeed in armed conflict, it must secure “the unique ability to grant impunity for violent action within all the geographic space” which the State claims sovereignty over.⁸⁵ If TCOs can defy the State’s monopoly on granting impunity, then the State is not securely sovereign.

⁸⁴The Constitution Net, s.v. “Impunity,” <http://www.constitutionnet.org/glossary/26/letteri>, (accessed April 23, 2012).

⁸⁵Demarest, *Winning Insurgent War*, 484.

Demarest states that the granting of impunity is tied to the management of anonymity, or “the state of not being identifiable by name or otherwise.”⁸⁶ To progress in the granting of impunity, TCOs must focus on the management of anonymity, for their people and their facilitators. Conversely, the state must focus on the removal of anonymity from the TCOs.

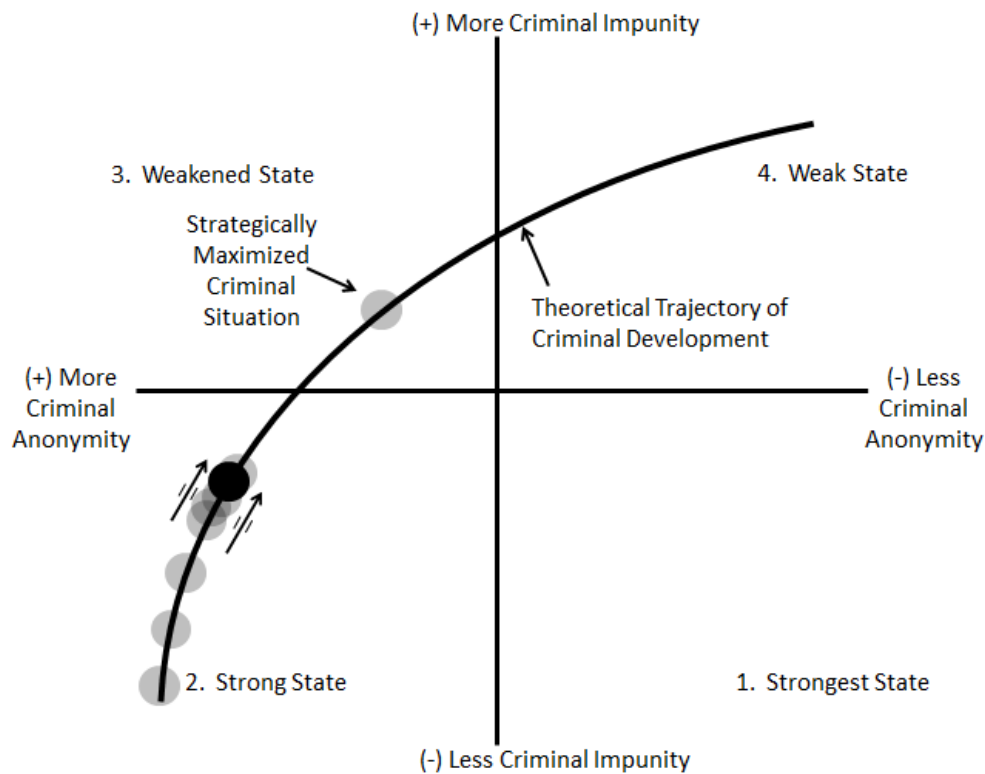


Figure 2. Impunity/Anonymity Model.

Source: Created by Authors.

⁸⁶ELearning Faculty Modules, s.v. “Anonymity,” http://elearningfacultymodules.org/index.php/E-Learning_Terminology, (accessed April 23, 2012).

Anonymity

The TCO Impunity and Anonymity Relationship Model represents the environment the TCO is in. The horizontal axis is the anonymity axis. The farther to the right along the anonymity axis the less anonymity is enjoyed due to the efforts and control of the state or the less anonymity is required due to the limitations of the state or strengths of the TCOs. Below the horizontal line reflects increased state ability control TCO activity or limited capabilities for the TCOs due to lack of capabilities or resources. Above the horizontal line reflects reduced capability of the state and increased strength of the TCOs. Both result in reduced requirement for TCO anonymity. The farther to the left along the anonymity axis the more anonymity is enjoyed. In these regions the capabilities of the state and the TCOs are comparable, with the state being slightly stronger below the line and the TCOs being stronger above the line. Anonymity is a requirement for the TCOs so that they can continue to grow and operate without hindrance.

Impunity

The vertical axis is the impunity axis. The farther down the impunity axis the less impunity is enjoyed by the TCO due to the efforts and activity of state enforcement agencies or the limitations of the TCOs. The right side of the vertical line, below the horizontal axis reflects a region of increased state control with limited capabilities for the TCOs as they are attempting to establish their operations by circumventing the state control. The farther up the impunity axis the more impunity is enjoyed due to the lack of capacity, efforts, and activity of the state or the less impunity is required by the TCOs due to their increased strengths. When TCO impunity passes this tipping point, the state's ability to carry out its responsibilities for maintaining infrastructure and services is

undermined. The relationship relative to TCOs activity within a state is depicted in the model that relates anonymity to impunity.

Impunity is relative to the operating environment for the particular TCO network. For a latent TCO cell such as a street gang with a retail drug sales network, impunity is derived from the apathy or ambivalence of the community and recognition from potential competitors of its market territory. At the wholesale level, impunity may come as a result of information or privileges provided by corrupt government officials that facilitate the movement of illicit drugs along linear 'lines of communication'. Ascending the operational and strategic levels of the TCO criminal enterprise, impunity requires political and bureaucratic complicity.

The model of the relationship between impunity and anonymity can be used to illustrate the current threat condition and the desired threat state. The current model depicts TCOs and their enabling networks as occupying the lower left quadrant of the chart, but exploiting anonymity to increase their relative power – and impunity – to carry out illicit activities. This model illustrates the general trend of TCOs and their networks as they seek to move up the curve and sustain conditions that allow them to maximize profit. The model is conceptual and not intended to be a quantitative representation of relationships. It is used intuitively to describe the relative development of specific organizations operating in bounded geographic spaces.

The same model is used to depict the desired state. Law enforcement seeks to disrupt and dismantle TCOs and their enabling networks by identifying, investigating and prosecuting these organizations. Law enforcement seeks to move criminal organizations off of the trajectory of criminal development and into the lower right quadrant. First they

try to reduce TCO anonymity through deliberate surveillance and investigations to reveal the clandestine networks. Then they try to reduce their impunity through arrests, successful prosecution, incarceration and asset seizure.

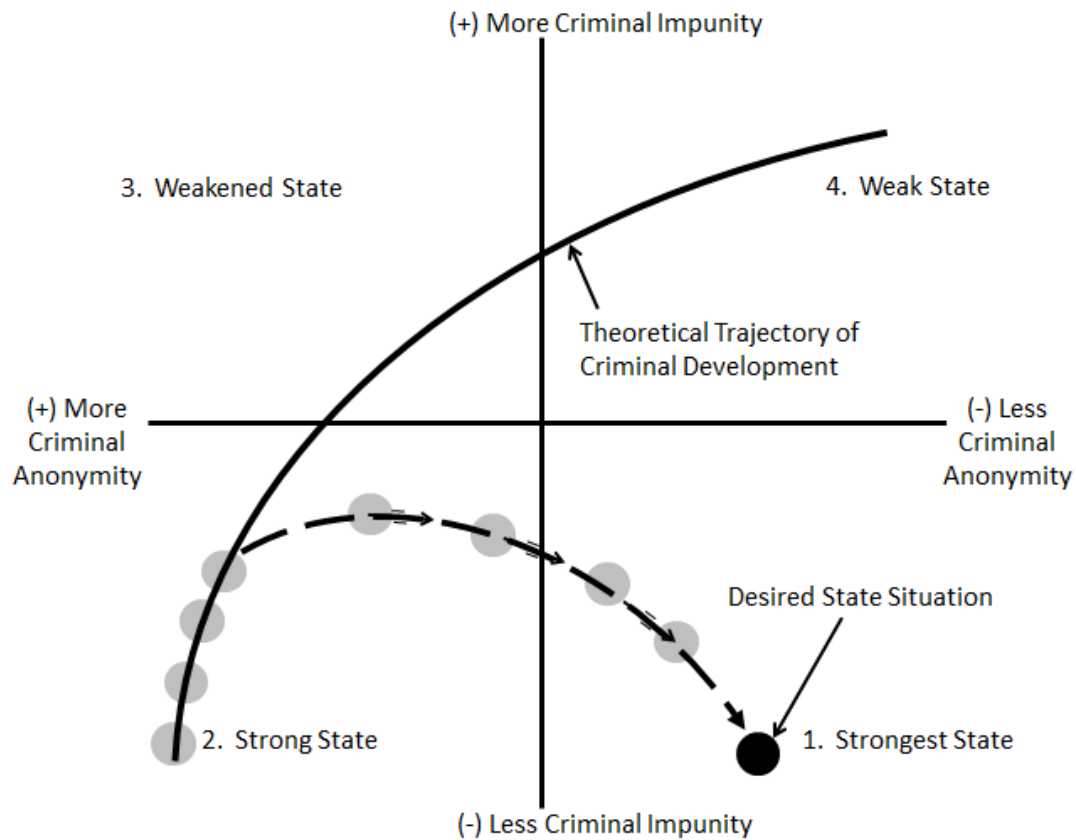


Figure 3. How the State Desires to Control TCOs in the Impunity Anonymity Environments.

Source: Created by Authors.

Current RAFT

Colonel (retired) Dale Eikmeier recommends using a model that describes relationships, actors, functions, and tensions (RAFT) to frame the current environment.

Eikmeier calls this the RAFT map, and explains that it is a system tool used to depict active environmental variables.⁸⁷

To understand the environmental frame, it is important to appreciate its client actors – the law enforcement agencies that it supports. In a broad sense, law enforcement agencies can be divided into three categories: interdiction, investigation, and prosecution. Law enforcement agencies with an interdiction mandate are the first responders responsible for protecting the lives and property of the citizenry. Interdiction agencies maintain a persistent presence to deter crime and remain on call to respond to criminal activity. At the federal level, these law enforcement agencies include the U.S. Border Patrol and the Office of Field Operations within U.S. Customs and Border Protection. At the state level, interdiction law enforcement agencies include the State Police and Highway Patrol. At the local level (county and city), most uniformed police perform interdiction functions.

Customs and Border Protection is the federal agency given charge as the lead interdiction agency along the Southwest Border and is comprised of three agencies:

1. The United States Border Patrol – charged with securing the areas between the ports of entry.
2. The Office of Field Operations – Charged with interdiction efforts at all legal points of entry i.e. airports, seaports, land ports.
3. The Office of Air and Marine – charged with interdiction efforts on the littorals of the United States and providing air support to interdiction agencies.

⁸⁷Dale Eikmeier, “Design for Napoleon's Corporal,” *Small Wars Journal* (Small Wars Foundation, September 2010): 3.

The main Federal investigative agencies along the southwest border are the Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), Bureau of Alcohol, Tobacco, and Fire arms (ATF), Immigration and Customs Enforcement (ICE), and the U.S. Treasury's Financial Crimes Enforcement Network (FinCEN). Each agency determines their metrics for measuring effectiveness. Frequently these metrics are focused on the successful prosecution of arrested offenders and are not compared to the total number of known offenders.⁸⁸ Each agency operates offices in the four U.S. Border states; however there is little if any coordination between the multiple offices. The coordination of DEA and ICE with CBP is steadily increasing as both Border Patrol and Office of Field Operations assign agents to work as liaison officers at the local offices.

Both DEA and ICE play a critical role in furthering indictments and ensuring prosecution when the interdiction agencies have apprehended groups of smugglers or narcotics loads. DEA and ICE share information when suspected smugglers are identified and cooperation is sought to allow a controlled drug load to pass in order to further an investigation. After cases are handed over to DEA or ICE little feedback is provided to the interdiction agencies. Little or no cooperation is received from FBI, ATF, or U.S. Treasury unless an interdiction has been made and the lead agency for seeking prosecution and seizure of the illicit cargo falls under their jurisdiction.

⁸⁸Frequently agencies are able to demonstrate increasing seizures and arrests to justify budget expenditures without accountability for measuring the illicit cargo i.e. humans or contraband that escapes detection and prosecution. The 2011 *National Drug Threat Assessment* shows increases in the flow of illegal narcotics with the exception of cocaine and CBP statistics show the steady decrease in illegal crossings. However, these statistics are not measured against the percentage of illicit cargo that detection and apprehension.

Prosecutors play a key role, as they decide which investigation will culminate in prosecutions. Often millions of dollars in labor and investigative effort are at stake. U.S. Federal Districts 5, 9, and 10 encompass the four U.S. border states. It is the prosecutors who decide if an arrest is sufficient and initiate the punishment phase of both investigation and interdiction operations. Often these agencies are over tasked and must adopt priorities regarding the types of prosecution accepted by the U.S. Attorneys. Prosecutors routinely explore possibilities of diversion schemes to mitigate excessive court loads. However, to ensure effective prosecution prosecutors cooperate with interdiction and investigation agencies, the courts, and public defenders.

In the current environment federal interdiction agencies do not work with three of the major investigative agencies. Interdiction agencies must contact these agencies through ICE or DEA, as they have the right of first acceptance when human smuggling or narcotics cases are apprehended. Interdiction agencies are restricted from contacting federal prosecutors without first seeking declination from either DEA or ICE. Only after an investigative agency and the federal prosecutor have declined to pursue charges in a case are interdiction agencies authorized to seek other alternatives for prosecution through state and local authorities.

Overlaying these three categories of law enforcement in physical space, it becomes evident that federal interdiction law enforcement agencies operate far forward on the U.S. border while state and local interdiction law enforcement perform related functions in greater depth. Investigative law enforcement agencies operate largely away from the borders, typically in more densely populated areas where relative rates of crime are higher. While some federal interdiction law enforcement agencies maintain liaison

with counterparts in Mexico and other countries, the investigative law enforcement agencies have a more robust presence outside of the U.S. in order to coordinate bilateral investigations of criminal activity. There is little liaison by prosecutors outside of the United States, and prosecutors are mainly engaged with investigators with little or no exposure to interdiction agencies.

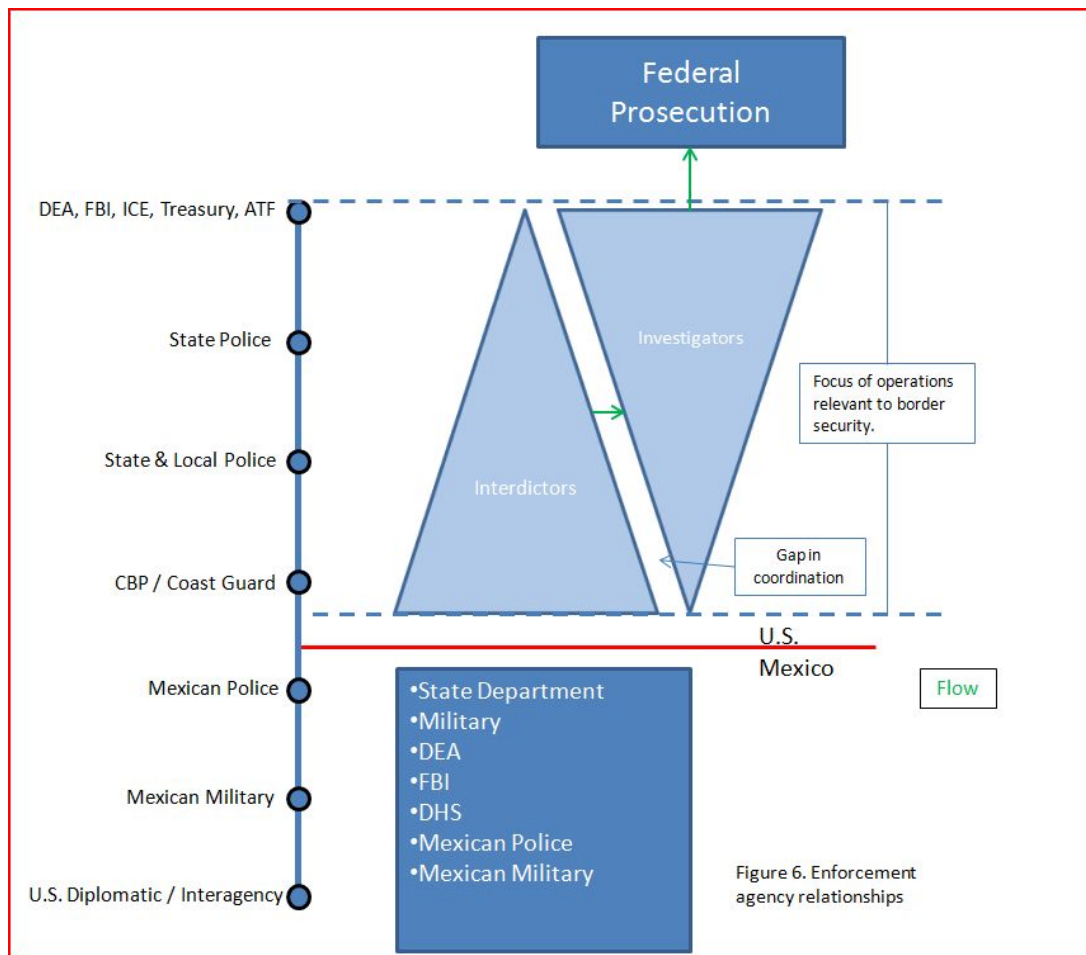


Figure 4. Current RAFT Model.

Source: Created by Authors

Comparing the strengths and vulnerabilities of these competing entities exposes potential opportunities that can be exploited and latent risks that should be mitigated to facilitate accomplishment of desired end state conditions.

Criminal networks intentionally exploit jurisdictional boundaries to infiltrate drugs, weapons, people and cash, with the knowledge that these ‘seams’ are often times neglected due to failures in communication and coordination. Likewise, individuals targeted by law enforcement in one jurisdiction find ‘refuge’ in the ‘sanctuary’ of other jurisdictions. This issue is related to the significant issue of ‘under-governed’ areas where criminal networks find refuge in areas where penetration by civil authorities is shallow and the attitudes of the population are ambivalent or tolerant of illicit activities.

Other critical vulnerabilities stem from insufficient operational capacity ranging from specialized skills and equipment to general manpower. The knowledge and experience to plan, execute and resource complex, enduring operations that target sophisticated criminal enterprises is outside of the means of most local law enforcement agencies. Generally, the public sector cannot support the infrastructure – human or capital - required to contest each and every illicit act committed by transnational criminal enterprises. To do so would require a politically unacceptable increase in taxes and a socially untenable move away from liberal democracy by additional restrictions on civil liberties. Drug trafficking organizations exploit this vulnerability and ‘mitigate’ their losses by leveraging high volume production capacity and cross-border smuggling activity to overwhelm civil authorities. The scale of production and smuggling are calculated to take into account ‘acceptable’ losses in order to sustain or increase retail supply.

Desired Environment

LTC Perez asks, “What do we want the environment to look like?”⁸⁹ It is vital to develop and communicate a desired end-state. It is important to understand that single agency action will likely not result in achieving an overarching nationally-desired end state. This frame provides the tools required LTC Perez’s question and assists in identifying potential opportunities for action.

Strategic End State

For the purposes of this study, the *Southwest Border Counternarcotic Strategy* is the most appropriate document to determine strategic end state. This strategy provides a narrowly focused lens for the complex problem of border security, but it is not the only strategic guidance. *The Strategy to Combat Transnational Criminal Organizations* also provides guidance that is useful for the development of operational approaches. *The Southwest Border Counternarcotic Strategy* is dedicated to “substantially reduce the flow of illicit drugs, drug proceeds, and associated instruments of violence across the southwest border.”⁹⁰ Additionally, the strategy is dedicated to, “disrupt and dismantle TCOs operating along the southwest border.”⁹¹ As mentioned previously, there are 10 strategic objectives dedicated to achieving the end state. These objectives require a whole of government approach to southwest border security and provide both a discussion of ends and ways to achieve those ends.

⁸⁹Perez, “A Practical Guide to Design,” 44.

⁹⁰Barack Obama, *National Southwest Border Counternarcotics Strategy* 2011, 2.

⁹¹*Ibid.*

Desired RAFT Model

The desired RAFT model, as depicted below illustrates improved operational cooperation between interdiction, investigative, and prosecutorial agencies in order to reduce jurisdictional seams. By minimizing operational gaps, U.S. security efforts along the southwest border will inhibit illicit activity by enhancing both interdiction and investigative capabilities and coordinate consequence delivery for both types of enforcement. The closure of the gap implies the integration of all three functions working together in a synchronized manner. This is obtained through common understanding of the nature of the problem and unity of effort.

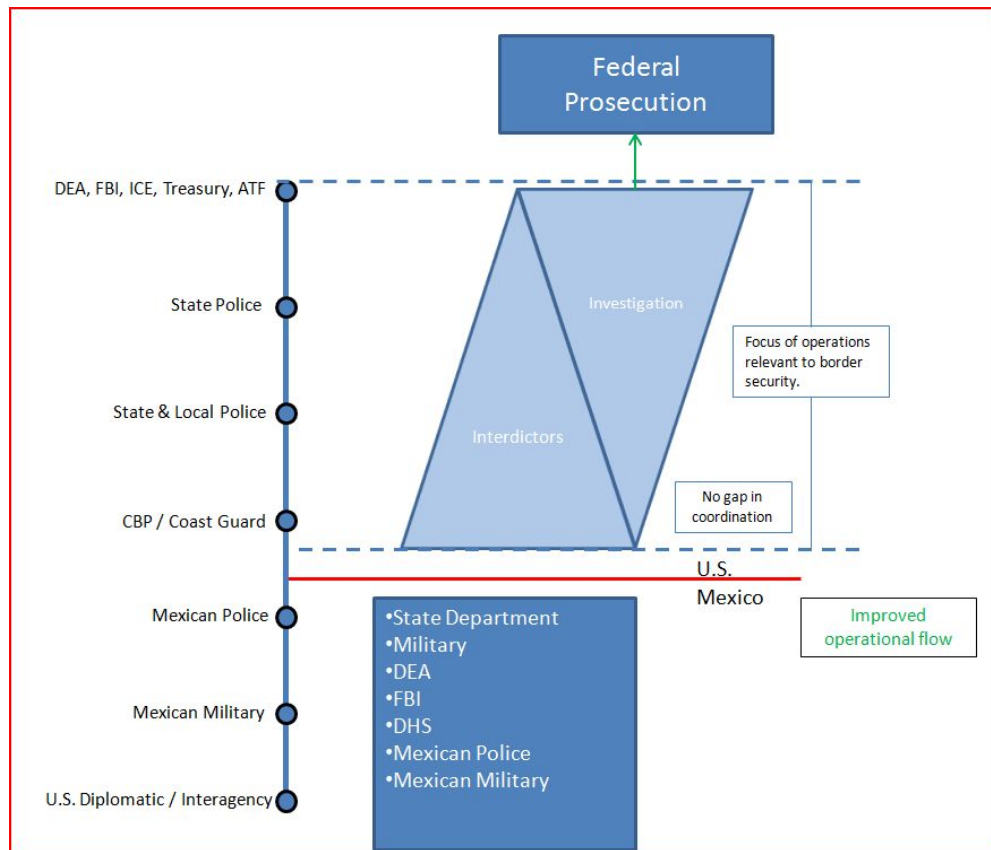


Figure 5. Desired RAFT Model.

Source: Created by Authors.

Problem Frame

In order to fill out the problem frame, Perez recommends asking the following question: “Where – conceptually - do we act to achieve our desired end state?”⁹² Eikmeier further clarifies this question by asking, “What is the problem or obstacle blocking the transition from the current state to our desired state?”⁹³ Accurately assessing this is vital to developing a feasible operational approach. The problem frame helps determine where change needs to happen, identify the strengths and weaknesses of the actors, determine opportunities and threats, and define what conditions need to exist for success.⁹⁴

TCO Activities

TCOs exploit both licit and illicit commerce in order to maintain profit streams. It is precisely these profit streams that enable TCOs to operate and expand their enterprises globally. In order to move from the current environment to the desired environment, the U.S. government must effectively dismantle the profit making abilities of TCOs.

TCO Impunity

TCOs operate with impunity south of the border due to the weakened judicial and social systems that exist in Mexico. This impunity allows TCOs to openly exploit government officials as well as the general population. In order to move towards the

⁹²Perez, “A Practical Guide to Design,” 44.

⁹³Ibid., 45.

⁹⁴Ibid.

desired environment, the U.S. government must work with Mexico to reduce TCO impunity.

U.S./Mexico Diplomatic Cooperation

Currently, the U.S. and Mexico frequently criticize each other for the ills along the southwest border. Despite this rhetoric, a great deal of diplomatic cooperation exists between the two nations. In order to improve the current environment, both nations must continue to enhance information and intelligence sharing at the national level. Additionally, local level law enforcement cooperation must be enhanced.

U.S. Policies

U.S. policies and strategies articulate the need to ensure the prosperity and sovereignty of both nations. What policies on both sides lack are resources and commitment to execute them in a unified manner. In order to move towards the desired environment, efficiencies must be achieved among U.S. agencies through a common understanding of the problem southwest border security poses and an approach carried out with unity of effort. The operational approach offered in the next chapter will offer a hypothetical way to get U.S. interdiction agents, investigators, prosecutors, and policy makers to agree on a common definition of border security while maintaining an appropriate balance of peace, prosperity, and control over the region. Common agreement on the nature of the problem as well as agreement on the way ahead will facilitate unity of effort; that is to say enable interdictors, investigators, prosecutors, and policy makers to share the burdens and successes of border security while striving to achieve a common goal.

Conclusion

In this chapter, the beginning stages of design were used to explore the security problem along the southwest border by presenting the current environment, the desired environment, and what is impeding the U.S. government from closing the gap between the two. As stated in chapter 1, southwest border security is a wicked problem with many intersecting, and often competing stakeholders. The environmental frames presented in this chapter help provide context and a common understanding of this multi-faceted problem. The problem frame enables the development of a unified operational approach by focusing interdictors, investigators, and prosecutors. The understanding gained allows the development of a hypothetical whole of government operational approach to security along the southwest border. The following chapter will discuss this operational approach with on the end of making southwest border security problems local public safety issues rather than threats to national security.

CHAPTER 4

OPERATIONAL APPROACH

Introduction

Design concludes with the development of a broad, conceptual approach that will accomplish organizational objectives and achieve the desired end state. LTC Perez calls for a narrative and graphic that communicates the conceptual approach and guides planning. Whereas the problem frame asked where to act to affect the current environment, the approach frame asks how to act. An effective way of describing the operational approach is by using center of gravity (COG) analysis, defeat and stability mechanisms, and operational lines of effort. The analysis presented provides a framework that may be used as a starting point when analyzing a particular TCO. The LOE proposed here are conceptual, and are intended to illustrate a way to present a common of the threat an approached to deal with it.

Center Of Gravity Analysis

A center of gravity is the “source of power that provides moral or physical strength, freedom of action, or will to act.”⁹⁵ This definition states in modern terms the classic description offered by Clausewitz: “the hub of all power and movement, on which everything depends.”⁹⁶ The loss of a center of gravity can ultimately result in defeat. The center of gravity is a vital analytical tool for planning operations. It provides a focal

⁹⁵US Joint Chiefs of Staff, JP 5-0, *Joint Operation Planning* (Washington, DC: Government Printing Office, August 11, 2011), xxi.

⁹⁶Karl von Clausewitz, *On War*, M.E. Howard and Peter Paret transl. (Princeton, NJ: Princeton University Press, 1976), 595-596.

point, identifying sources of strength and weakness. The analysis that follows illustrates a logical method to determine a COG and to determine its critical capabilities (CCs), critical requirements (CRs), and critical vulnerabilities (CVs). Once these are identified, and operational approach can be developed.

TCO's COG Analysis

The COG for TCOs is their complex network structure. The TCO's end is to maximize profits through the diversification of illicit operations. TCO operations are carried out by decentralized elements (i.e. accountants, attorneys, bankers, financiers, and smugglers) that exploit seams in law enforcement and prosecutorial jurisdictions. Illicit operations are sustained by influence gained through the threat or use of violence for coercion, through corruption, or through co-option or direct compensation to entice people to engage in illicit activity. In order to defeat TCOs, their network must be targeted and dismantled.

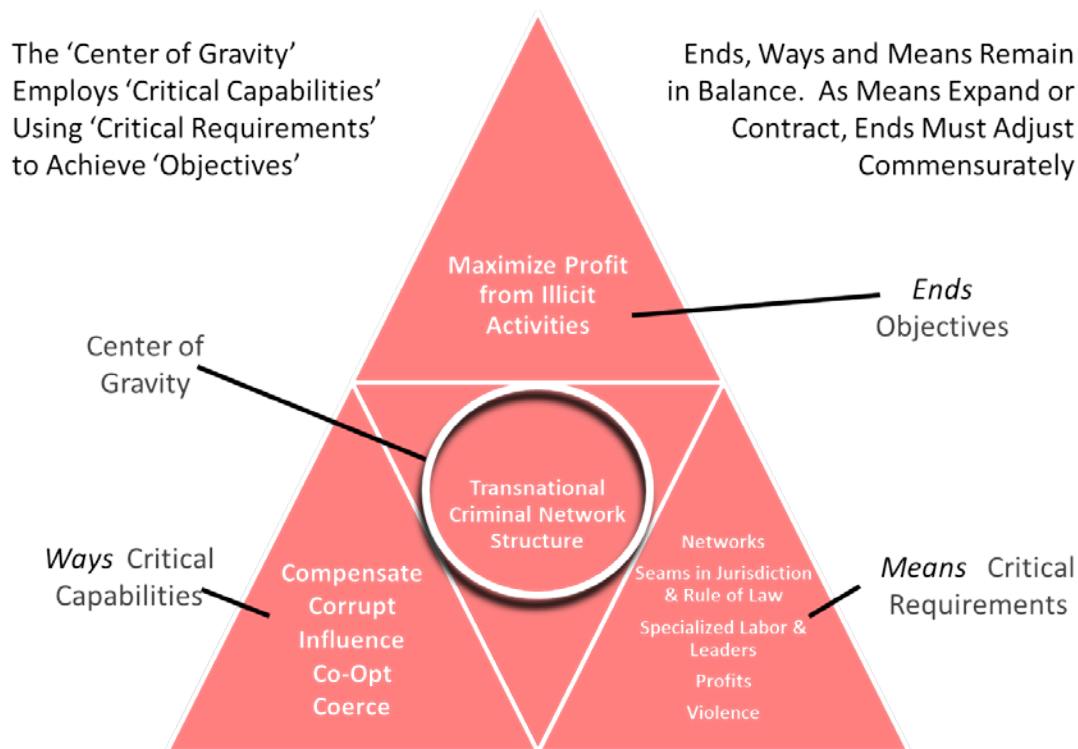


Figure 6. TCO COG Analysis.

Source: Created by Authors.

United States

The COG for the U.S. is the whole-of-government law enforcement capability. This capability, along with the ability to integrate investigation, interdiction, prosecution, and through the building of friendly networks to operate against illicit cross border traffic is where the U.S. can act most decisively along the southwest border. The means are unity of effort shared by all parties previously identified in the RAFT models. This includes include intelligence sharing, developing cooperative jurisdictional authorities, and conducting joint and interagency operations. Bilateral cooperation with Mexican authorities extends the influence federal law enforcement agencies.

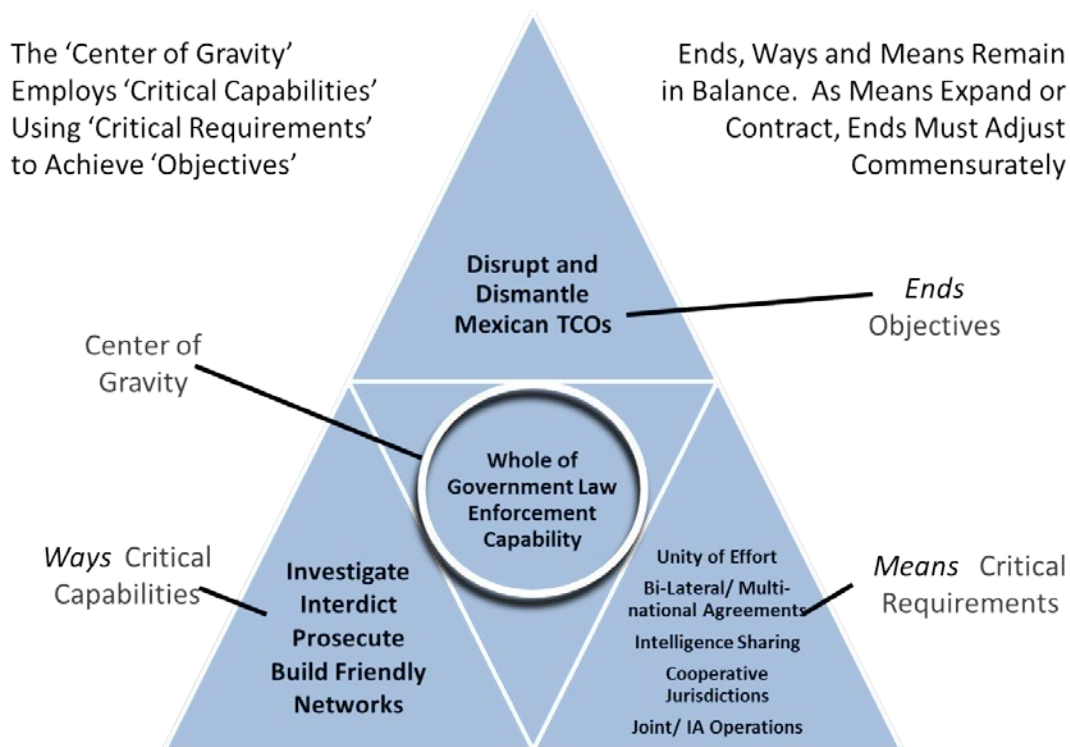


Figure 7. U.S. COG Analysis.

Source: Created by Authors.

Attacking Critical Vulnerabilities

COG and Critical Factor Analysis (COG-CFA) is a key element of operational design. It is conducted to develop an understanding of relationships in the operational environment and to identify vulnerabilities and strengths that can be leveraged. When an adversarial center of gravity is well protected and not subject to direct attack, COG-CFA helps develop indirect operational approaches to defeat critical vulnerabilities upon which that center of gravity depends. Attacking an adversary's COG requires analysis to

determine CRs that are vulnerable to attack. These are CV.⁹⁷ CVs are ultimately attacked through a targeting process. The process identifies how we can best act to achieve friendly success and mitigate adversarial challenges to friendly vulnerabilities.⁹⁸

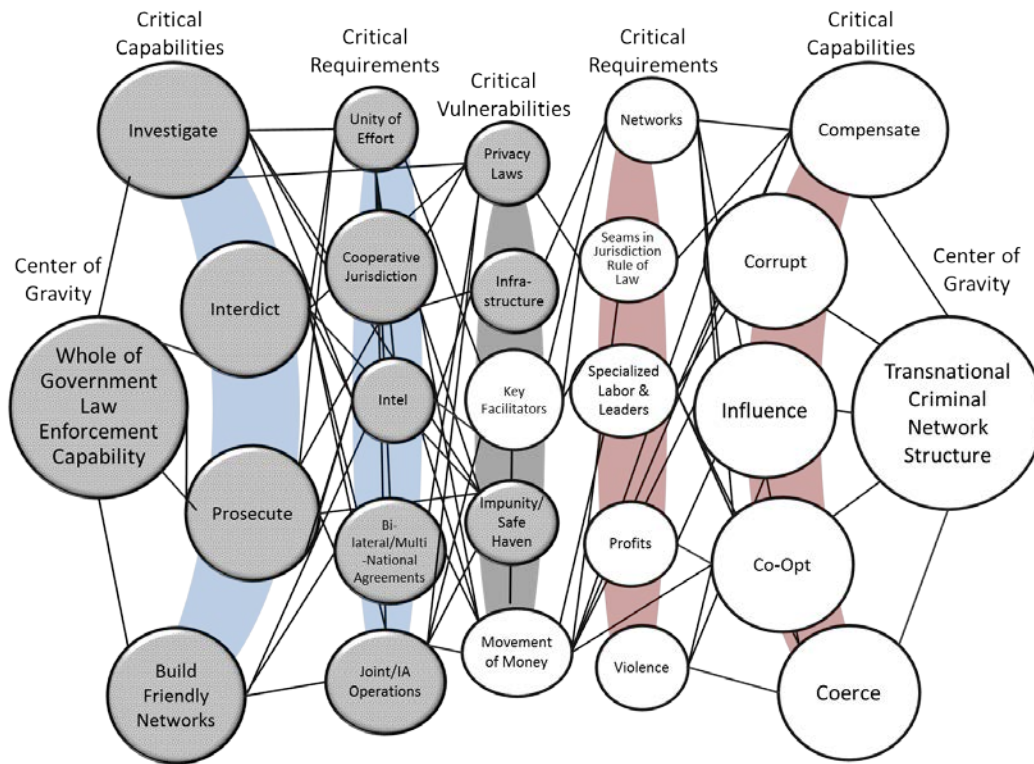


Figure 8. COG Critical Factor Analysis (CFA).

Source: Created by Authors.

The COG-CFA analysis indicates that key facilitators (derived from identified specialized labor), the degree of impunity, and the ability to move money are critical

⁹⁷U.S. Joint Chiefs of Staff, Joint Publication 5-0, GL-8. Critical vulnerability is defined as: “an aspect of a critical requirement which is deficient or vulnerable to direct or indirect attack that will create decisive or significant effects.”

⁹⁸U.S. Joint Forces Command, *Commander’s Handbook for Attack the Network*. (Washington, DC: Government Printing Office, May 20, 2011), I-4.

vulnerabilities for the TCO's operations. Of these, the key facilitators and the movement of monies are the most susceptible to U.S. action. U.S. capabilities to exploit these vulnerabilities include the development of cooperative jurisdictions, unity of effort, intelligence sharing, and joint and interagency operations conducted by a variety of federal, state, and local agencies. Critical to this effort is the successful integration of federal interdiction, investigation, and prosecution capabilities toward a common end in order to achieve unity of effort and reduce duplication of efforts. Last, the reference to friendly networks includes the development of measures to strengthen internal U.S. agency coordination and synchronization as well as improved partnerships with Mexico.

Defeat Mechanisms

“A defeat mechanism is a method through which friendly forces accomplish their mission against enemy opposition.”⁹⁹ The Army uses combinations of four defeat mechanisms to destroy, dislocate, disintegrate, and isolate an adversary. Applying focused combinations produces complementary and reinforcing effects not attainable with a single mechanism. Used individually, a defeat mechanism achieves results proportional to the effort expended. Used in combination, the effects are likely to be both synergistic and lasting. Our operational approach uses disintegrate and isolate. Disintegrate means to disrupt the enemy's command and control system, degrading its ability to conduct operations. This action leads to a rapid collapse of capabilities or will. Targeting financial specialists and other specialized labor will contribute to the disintegration mechanism. Isolation denies our TCO adversary access to capabilities that

⁹⁹U.S. Department of the Army, Army Doctrine Publication 3-0, *Unified Land Operations* (Washington, DC: Government Printing Office, May 16, 2012), 2-9.

enable the exercise of coercion, influence, potential advantage, and freedom of action. This is achieved by targeting critical logistical and financial networks and resources required by the TCO.

“A stability mechanism is the primary method through which friendly forces affect civilians in order to attain conditions that support establishing a lasting, stable peace.”¹⁰⁰ The four stability mechanisms are compel, control, influence, and support. For our operational approach, we are only concerned with using the support mechanism. Support is to establish, reinforce, or set the conditions necessary for the instruments of national power to function effectively. The building of friendly networks required for unity of effort in interdiction, investigation, and prosecution achieves the purpose of the support mechanism.

Proposed Lines of Operation and Effort

It is important to understand the strategic approach in order to appreciate how efforts will be nested for successful operations along the southwest border at the operational and tactical level. We developed strategic LOEs from the *2011 Southwest Border Counternarcotics Strategy* and the *Strategy to Combat Transnational Organized Crime* since no consolidated graphic and explanation using this convention exists in the various strategies published by the federal government. The approach is hypothetical in nature and can be adapted as the threat changes, but was required to develop an operational approach for the southwest border.

¹⁰⁰Ibid., 2-10.

If the U.S. truly desires to move toward the establishment of a “21st Century Border,” efforts must be synchronized to attack the TCO network in a manner that reduces their areas of competitive advantage.¹⁰¹ At the strategic level, LOEs must target critical vulnerabilities in the specialized factors of production that enable TCO operations: their degree of impunity, specialized labor, ability to launder money over international borders, and infrastructure (logistical and financial).¹⁰² This can only be achieved through a coordinated and unified effort among federal agencies that specialize in interdictions, investigations, and prosecutions. Additionally, the strategy should work to reduce demand for commodities that are most profitable for TCOs. Moreover, an effective policy must strengthen governmental institutions and broaden existing jurisdictions and authorizations that will reduce the seams along which TCOs operate with relative impunity. Effective strategy cannot be a unilateral effort. The issues with Mexican TCOs are a shared concern for both the U.S. and Mexico and diplomatic efforts should treat them as such.

Strategic Lines of Effort

At the strategic level, three broad lines of effort emerge for reducing the influence of Mexican TCO networks. The first strategic LOE is the synchronization of the efforts of interdiction, prosecution, and investigation. Second is to decrease the demand for illicit

¹⁰¹U.S. Department of State, “One of the four pillars of the Merida Initiative,” <http://www.state.gov/j/inl/merida/> (accessed May 23, 2012).

¹⁰²Within 2011 U.S. *Strategy to Combat Transnational Organized Crime*, elements of specialized labor are identified. It defines them as “facilitators” (accountants, attorneys, notaries, bankers, real estate agents) and “specialists.” It is recommended that financiers, corrupt civil servants/elected officials, be added as well as stress the need to target those that control access at border crossing points (the Gatekeepers).

goods. Third, build the friendly network (internal to the U.S. and with the Government of Mexico) critical to combating Mexican TCOs. Strategic policies to dismantle TCOs, disrupt the flow of illicit commerce, and promote overall stability and prosperity between the U.S. and Mexico should focus on the logical LOEs below. These strategic LOEs, with their respective decisive points provide a hypothetical strategic approach from which the operational approach is developed and are found in the figure below (Strategic Lines of Effort). These LOEs are not isolated in time or space, and the three broad logical flows are mutually supportive. The complexities of the problem require a strategic design that focuses efforts on reaching an acceptable enduring state that can be sustained over time. The decisive line of effort at the strategic level is demand reduction. The key critical requirement for all three LOEs to be effective is Unity of Effort. Without a Unity of Effort, common goals and objectives will not be achieved and seams in U.S. efforts can develop which will be exploited by the TCOs.

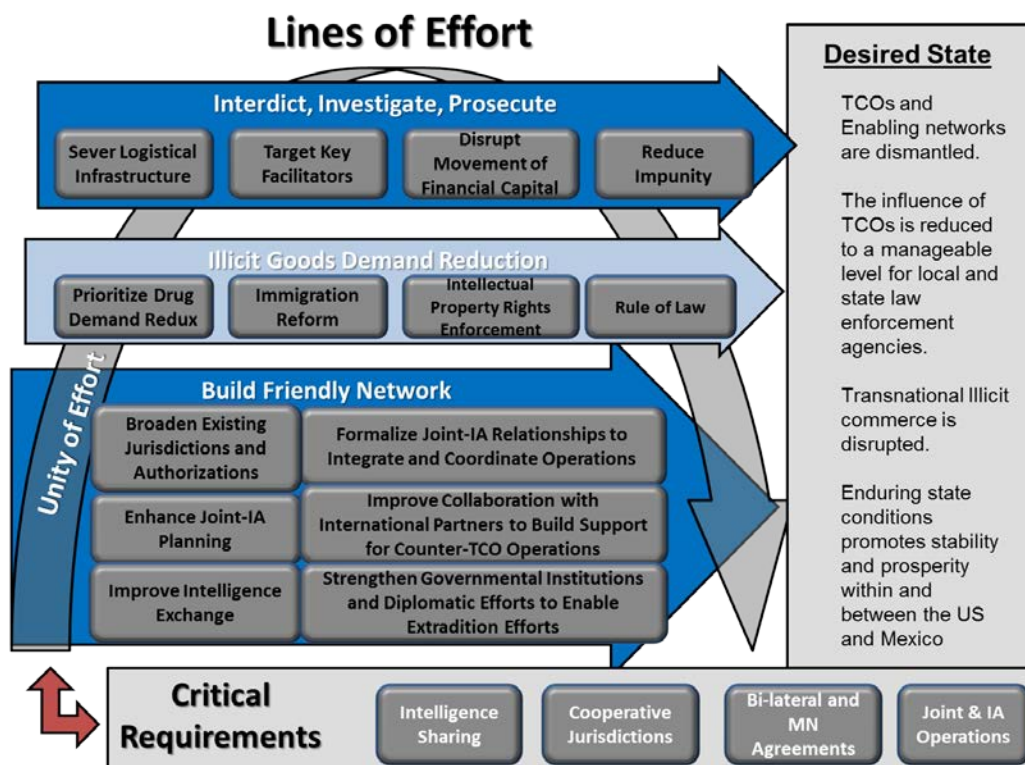


Figure 9. Strategic Lines of Effort.

Source: Created by Authors.

The LOEs isolate and disintegrate the specialized factors of production that provide TCOs a competitive advantage in the global market. However, the approach will influence all four determinants of competitive advantage to reduce a TCOs operational capacity and influence in the most efficient manner possible.¹⁰³ The strategic approach must employ all elements of national power (diplomatic, informational, military, economic, finance, intelligence and legal) to achieve the desired state.

¹⁰³The four determinants of competitive advantage were introduced in Chapter 3 under Porter's Diamond Model of Competitive Advantage (p. 40) and further explained in Appendix C.

Operational Lines of Effort

The operational approach is developed to translate the strategy into action along the southwest border. The focus of the operational LOEs does not include reducing demand as this is an effort beyond the capabilities of the relevant security actors along the southwest border. The first LOE is the interdiction efforts to isolate TCOs from key logistical and financial resources. The second LOE focuses on the disintegration of TCOs through the investigation and prosecution of specialized labor in the form of money launderers and key facilitators, and efforts geared towards the cooperation amongst and across jurisdictions. The third LOE is building friendly networks; partnerships and agreements that reduce exploitable seams along the southwest border. Similar to the strategic LOEs, these three LOEs are mutually supportive and are not isolated in time and space.

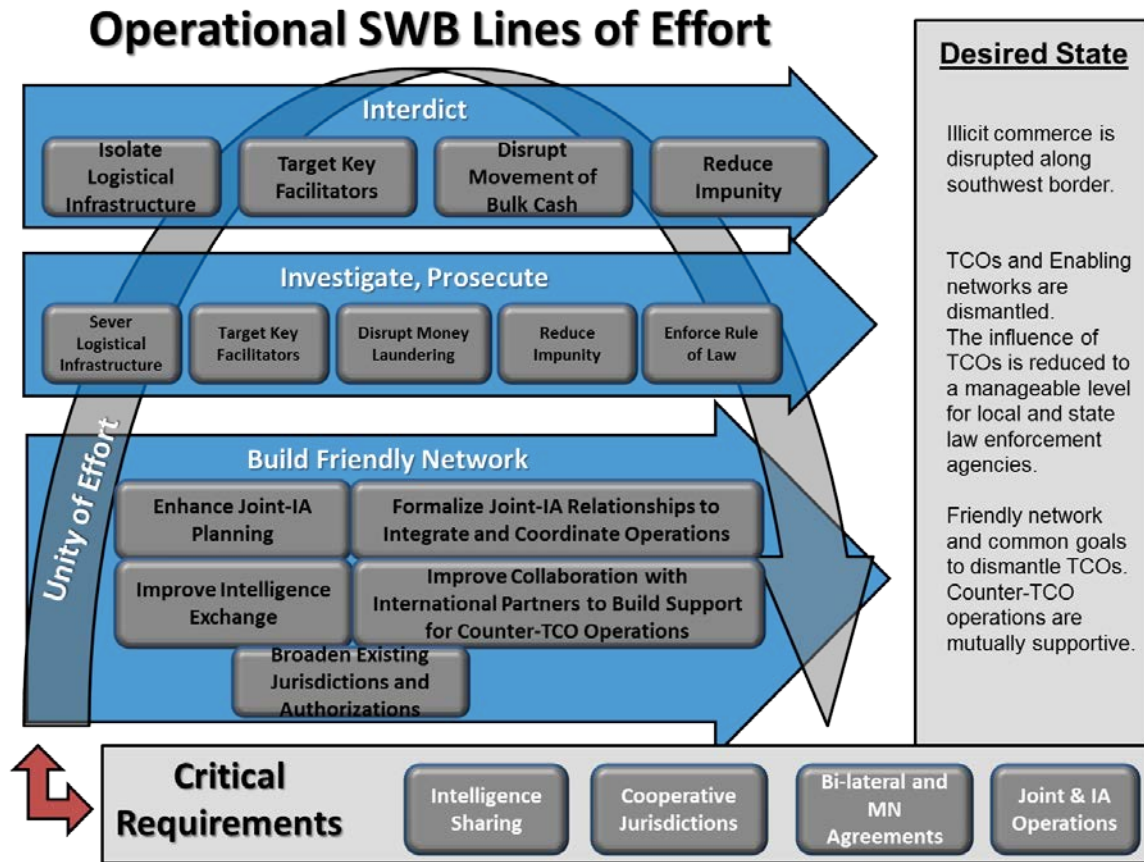


Figure 10. Operational Lines of Effort.

Source: Authors.

The decisive points for these three operational LOEs are objectives for agencies with interdiction, investigative, and prosecutorial responsibility. These LOEs are intended to isolate the TCO from required resources and disintegrate their operational leadership. Investigation and prosecution were separated from interdiction to highlight the importance of these efforts. Investigation and prosecution are decisive in this operational approach as this LOE results in the disintegration of TCO networks. Efforts to investigate and prosecute key facilitators and money laundering networks result in the removal of these critical requirements from the TCO network.

Interdiction efforts to isolate the TCOs from key logistical and financial resources will disrupt illicit commerce along the southwest border. Interdiction supports the investigative and prosecution effort by apprehending those individuals determined to be key facilitators with specialized skills in trafficking at the border. Efforts must also focus on the disruption of bulk cash smuggling and guns across the border to Mexico. Through an active and coordinated presence, federal, state, and local agencies reduce the impunity of TCOs.

The friendly network is critical to support the interdiction, and investigation and prosecution LOEs. Better planning and intelligence sharing will help reduce exploitable seams. Broadening our ability to coordinate actions across jurisdictions will also reduce exploitable seams. These efforts are required for the achievement of mutually supportive counter-TCO operations along the southwest border.

This whole of government approach should bridge the gap between the current operating environment and the desired state, which effectively reduces both the power and influence of TCOs. The decisive effort is investigation and prosecution to disintegrate the TCO networks, which should allow the U.S. to reduce the TCO threat to a manageable threat for state and local law enforcement.

Summary

This chapter provided analysis of the TCO threat. A COG analysis was conducted for both Mexican TCOs and the U.S. which identified critical capabilities, requirements and vulnerabilities for both. Strategic LOE were derived from current national strategies that further allowed for the development of an operational approach along the southwest

border. Lastly, operational Lines of Effort were developed with decisive points directed at TCO vulnerabilities.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Introduction

The intent of this study was to consider a whole of government approach best suited to enhance security along the southwest border of the United States. It identified several areas where interdiction agents, investigators, and prosecutors can concentrate their efforts. The key to success along the southwest border is a common understanding of the problem among the various stakeholders combined with unity of effort. Discussion of the primary and secondary research questions follows.

Conclusions

Primary Research Question: What whole of government operational approach effectively manages risk and provides security along the southwest border?

This question served as the purpose of this study. We found there are competing requirements for interdiction and investigative agencies that at times are at odds with their respective missions. At the operational level, the U.S should synchronize the critical capabilities of federal law enforcement to isolate and disintegrate Mexican TCO networks. However, supporting this approach requires a concerted effort to build the capacities of U.S. friendly networks to integrate efforts of investigative, interdiction, and prosecution agencies.

There is sufficient national level guidance from which to develop an operational approach. There are policies, strategies, and doctrine that seek the development of a secure environment along the southwest border. We recommend that the *2011 Southwest Border Counternarcotics Strategy* and the *Strategy to Combat Transnational Organized*

Crime serve as the basis to create single overarching strategy designed to reduce the duplication of efforts among federal agencies combating Mexican TCOs. This strategy should target the determinants of competitive advantage for the TCOs. Additionally, the strategy should formalize relationships and assign tasking authorities to ensure unity of effort is directed at dismantling the TCOs. This requirement synchronizes all aspects of planning, intelligence gathering and sharing, operations to isolate and disintegrate elements of the TCO infrastructure, key facilitators, degree of impunity, and movement of money.

This whole of government, law enforcement approach requires a joint interagency task force, both at the national and regional level. At the national level, we recommend a design similar to the Department of Justice’s Organized Crime Drug Enforcement Task Force (OCDETF), which represents a unified, interagency approach that “conducts comprehensive, multi-level attacks on major drug trafficking and money laundering organizations.”¹⁰⁴ The current structure of the OCDETF has the component parts of investigation, interdiction, and prosecution, which we identify as critical capabilities for operational success. This structure would build on the current OCDETF by adding support from DOD and DOS. This structure should continue to be DOJ led to place essential investigative and prosecutorial agencies in the lead. In addition, it will build on

¹⁰⁴OCDETF combines the resources and expertise of its member federal agencies which include: the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Marshals Service, the Internal Revenue Service, and the U.S. Coast Guard – in cooperation with the Department of Justice Criminal Division, the Tax Division, and the 93 U.S. Attorney’s Offices, as well as with state and local law enforcement. The principal mission of the OCDETF program is to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations and those primarily responsible for the nation’s drug supply.”

their established successes at coordinating unified action across multiple jurisdictions and between a variety of law enforcement agencies.

At the national level, this task force should also feature a unified tasking authority. This authority would allow efficient budget and resource prioritization. Additionally, it would create strategic goals based on regional threats and could shift to meet emerging national security threats posed by TCOs. These regional threats should be addressed through a focused task force responsible for establishing operational lines of effort and would include local and state law enforcement authorities. A Southwest Border Task Force would be an obvious example of where to use one of these task forces.

This task force should incorporate key components of DOD, existing southwest border intelligence fusion centers, and the Department of State (DOS) in a supporting role. DOD's role would be to provide support to task force missions within the constraints of existing authorities.¹⁰⁵ The inclusion of JTF-North to support the proposed task force would be a viable way to integrate existing DOD support to southwest border security and counter-narcotics missions. Incorporation of existing southwest border intelligence fusion centers (such as the DEA-led El Paso Intelligence Center [EPIC]) would provide a better means to channel and distribute intelligence to all relevant stakeholders, thereby creating greater situational understanding and minimizing the

¹⁰⁵Understanding that this approach is constrained by existing authorities that limit the participation of DOD equipment and personnel, it is the recommendation of the authors that existing authorizations and restrictions be broadened for DOD support that surpass the narrow view of counter-narcotics. As stated in this report, TCOs are the center of gravity for southwest border security issues and the movement and sale of narcotics are only a byproduct of their business model. DOD assets could best be employed to support the whole of government approach if authorities were expanded to allow the support to all designated counter-TCO related operations.

duplication of collection efforts. A DOS proponent should be assigned to support the task force to provides advice, assist with regional coordination, and provide and access (through the Mexico country team), to key border region actors in Mexico.

The proposed national task force provides an organization to translate national strategic goals into a unified strategic approach. In accordance with the 2011 *U.S. Strategy to Combat Transnational Organized Crime*, it should include an interagency Threat Mitigation Working Group to assess the progress of the proposed southwest border task force (and potentially other regionally focused task forces) to ensure that they are meeting their objectives and employing their resources in the most efficient manner possible.¹⁰⁶

Secondary Research Questions

Secondary Research Question #1: What poses risk to the U.S. national interests?

TCO operations in U.S. and Mexico pose a significant threat to security. The ability to conceal illicit trafficking of people and illicit commodities across the southwest border in the large volume of legitimate cross border trade provides Mexican TCOs access to U.S. markets. This access aids in the expansion of illicit markets and the growth of TCO influence in the U.S. This same access can also be exploited by terrorist organizations that wish to do harm to the U.S. Methods to counter TCO operations require a whole-of-government approach that supports a comprehensive, multi-national policy that effectively disrupts and dismantles TCO operations.

¹⁰⁶Barack Obama, *Strategy to Combat Transnational Organized Crime*, 1.

Secondary Research Question #2: What is the perspective of Mexico?

The most important principle of the Mexican perspective is the sustainment of Mexican sovereignty. Mexico views itself as a strong, capable nation with emerging markets. Mexico believes that many of the issues faced in its nation stem from the social ills of the U.S. From Mexico's perspective, if the U.S. did not have such a high demand for illicit commodities then Mexican TCOs would not thrive. Mexico contends that the focus of U.S. efforts to counter the TCO threat should target the reduction of U.S. demand and not encroach on Mexican sovereignty. Mexico realizes that the reduction of TCO operations and minimizing the flow of illicit traffic is a bi-lateral issue. The possibility of conflict lies in Mexico's willingness to accept U.S. assistance beyond indirect support to capacity building in Mexican enforcement agencies. Mexico believes that if both nations focus their efforts internally towards the same goals that regional security can be achieved without direct cross border assistance.

Secondary Research Question #3: What are U.S. national interests on the southwest border?

U.S. national interests along the southwest border are to maintain the flow of legitimate trade with its second largest trading partner, secure our population from external terrorist threats, and the disruption of TCO networks. Executive Order 13581 declared TCO networks to be, "an unusual and extraordinary threat" to national security, to include public safety, health, and economic stability. U.S. security concerns include a possible TCO-Terrorism nexus since terrorists increasingly are turning to transnational crime to fund and acquire logistical support.

Secondary Research Question #4: What are Mexican national interests on the southwest

border?

Mexico is our largest international trading partner behind Canada. This trade relationship is a significant incentive for Mexico to build and strengthen economic relationships with the U.S. Stronger relationships will support continued growth for Mexico's economy. Additionally, Mexico wants a more stable economy, to reduce endemic corruption in civic institutions and to reduce the violence caused by the TCOs.

Secondary Research Question #5: What is the role of DOD?

Finally, research considered the role of DOD forces along the southwest border. DOD support is defined by statute and policy which require a limited and supporting role. Active and National Guard units provide Defense Support to Civil Authorities (DSCA), but are not actively involved in law enforcement functions. There is redundancy and duplication efforts between some active and National Guard support that inhibits more efficient use of DOD capabilities along the southwest border.

Best Options for DOD Support

The question remains as to how to best deploy DOD units more effectively and best use DOD capabilities to achieve the greatest operational impact. In the short term, DOD authorities will remain the same. Efforts to minimize duplication of efforts amongst National Guard and active forces are needed. DOD capabilities should be applied to support the isolation and disintegration of TCOs in response to support requests from law enforcement agencies. In the short term this may continue to be intelligence support, training, aviation support supplementary to law enforcement capabilities, engineering support and logistical support.

Currently, DOD support is directed to the interdiction LOE by enabling improved law enforcement presence along the southwest border as well as providing intelligence directed at targeting key facilitators. This should continue, however additional support should be directed towards the investigation and prosecution LOE through analytical support to investigations by identifying key facilitators, logistical infrastructure, and money laundering networks.

Active forces should be used for tasks that allow for a longer decision cycle as approval may require up to 180 days. They are better suited to support federal law enforcement, and are also able to provide training and long term embedded intelligence support. Active forces are also able to provide supplementary aviation support. The building and strengthening partnerships is also possible through bi-lateral military to military engagements of all types. The potential benefits of active forces support along the southwest border include increased apprehensions and seizures by federal law enforcement, and deterrence of illegal activity through increased presence.

National Guard forces should be used for ground detection and monitoring missions through the state Counter Drug Support units. Short notice aviation requests should be supported through National Guard aviation assets. National Guard forces are better suited for longer term support deployments with State and local law enforcement which allows for better trust and relationship building. Long term embedded intelligence support is one of the ways these troops should be used. This allows for the direct support to investigations of TCO networks and allows soldiers trained in intelligence methods to help the agencies develop their own capabilities. The benefits of National Guard forces

includes increasing of apprehensions and seizures along the southwest border, the deterrence of illegal activity, and the responsiveness of requested support.

APPENDIX A

PMESII-PT TABLE

Political	-A prevalent and growing animosity against illegal immigration in the border region exists. -A growing sentiment among companies and political pressure seeking a guest worker program structured similar to the Bracero program -An increase in political will for cross border initiatives is demonstrated through the Merida Initiative
Military	-Political pressure to gain control of the southern border has led to the deployment of National guard units to supplement security operations -Operation jump Start was the largest deployment of NGU in recent years -The U.S. border Patrol has doubled in size from 2005, and employs over 21,000 Border Patrol Agents
Economic	-Mexico is the United States' second largest trading partner after Canada -The signed of NAFTA has led to a dramatic increase in international and U.S. companies relocating to the southwest border -The 23.61% of U.S. GDP is attributed to the Four southwest border states of CA, TX, AZ, NM
Social	-A growing divide among SW border residents is inflaming tensions and bringing attention to illegal immigration -There are several vigilante groups who have taken up arms and started patrolling the border in response to a perceived inability of the U.S. government to control the SW border
Information	-The lifelong residents of Border States are growing tired of the illegal immigration problem and the increased violence resulting from increased enforcement -Illegal immigration routinely dominates the news in SW border states and a growing distrust of immigrant population is evident -Law enforcement and civil rights activists have used social media as a propaganda weapon in defense of core beliefs
Infrastructure	-The U.S has four major corridors for trade; CA, AZ, West TX, and South TX. These corridors follow major public road infrastructure -Sister cities has continued to grow along the SW border in response to NAFTA -Industrial bonded warehouses continue to increase as international companies relocate to the SW border in search of the abundant cheap labor source Mexico supplies.

Table 1. U.S. Border States PMESII Analysis

Source: Authors

Table 2. Mexican Border States PMESII Analysis

Source: Authors

Political	-there are two dominant political parties of Mexico, the PRI and PAN -democracy by contemporary western standards did not take root outwardly until the 2000 presidential elections -with PAN candidate as president most of the border states governors shifted to opposing parties
Military	-the Mexican armed forces are inward focused predominantly on domestic natural disasters; provides security and stability to Mexico and its population -Isolated incidents of corruption at high levels hinder the credibility legitimacy in the eyes of the Mexican population
Economic	-Mexico and particularly the border states are economically integrated with the U.S. through proximity and NAFTA -the Mexican border states contribute 21% of the national GDP
Social	-there is a general distrust for government institutions partly attributable to an endemic culture of corruption -changes in the agricultural environs have displaced populations to urban centers and particularly the industrial centers along the border states with the U.S. -in comparison with the rest of the Mexican states, the population of the border states tend to have a higher literacy level education -the result is there is mixture of an abundance of labor force paired with an affluent society in the border states
Information	-freedom of the press across Mexico is controlled or repressed by diverse interest groups -TCOs coerce the various media outlets within their zone of impunity through intimidation, threats, and other forms of violence including death -the national media/news do not tend to highlight too much any of the success of the Mexican Armed forces or police; they tend to focus on what elected officials are doing and some of the atrocities organized crime -the various media outlets (television, newspapers, internet, and radio) are regionally focused and do not reach or affect the entire population equally; this phenomenon is either by choice or simply to survive depending on the security situation of their locality
Infrastructure	-the four major corridors defined by the terrain are paralleled with major transit routes and hubs that originate in the interior of Mexico -the population centers along the border states are correlated with industrial centers and natural water sources; however, much of the Mexican border states' population centers depend on the U.S. border states for their water and electricity -an increase in industrial complex opportunities have further reinforced the physical and economic integration with the U.S. border states

APPENDIX B

FOUR WAYS OF SEEING

US -> US *Defenders of the border *Grounded in Rule of Law *Victim of Mexico's Social Ills	MX -> MX *Victim of US Social Ills (immigration & drugs) *Strong, sovereign Nation Capable of Handling Own Problems *Major Emerging Market Where Southwest Border is vital for economic prosperity
US -> MX *Fragile, immature democracy with corrupt governmental institutions *Strategic Economic Partner *Burden on US Social systems	MX -> US *US security efforts may encroach on MEX sovereignty *Catalyst to TCO violence due to lax gun control, ineffective drug programs, and economic oversight

Figure 11. Four Ways of Seeing from U.S. Perspective

Source: Authors

How U.S. views U.S. • Model for other countries to emulate • Southwest Border is a vulnerable security threat • Capable of controlling internal narcotics issues if external supply is stopped • World leader • Example of democracy (Rule of Law) • Good partner • Liberators	How U.S. views TCOs • A national threat • Stability of partners • Well-being of citizens • Global economy • Focused on economic gain through illicit and licit means • Violent Non-State Actors (beyond a Law Enforcement issue) • Covert/ Dark networks • Attempting to gain political influence to maximize impunity
How TCOs view TCOs • Business providing goods to meet demand • No legal boundaries to “ways” to meet the “ends” • Strict competition (drives violence & increases efficiencies) • Enduring • Able to gain impunity when economically in best interest	How TCOs view U.S. • U.S. is the largest market • Large demand driving the business • Largest profit share • Has seams which are exploitable leading to accessibility of market • Violence averse; will respond to violent activities against U.S. citizens • Currently incapable of dismantling TCO networks outside of U.S. (Rule of Law, international agreements, etc.)

Figure 12. Four Ways of Seeing from Mexico Perspective

Source: Authors

APPENDIX C

PORTER'S DIAMOND MODEL OF COMPETITIVE ADVANTAGE

The “Diamond Model”: The Competitive Advantage of TCOs¹⁰⁷

Michael Porter, a leading expert in the competitiveness of nations and firms, developed the “Diamond Model” to demonstrate that modern economies can strengthen themselves by growing areas of competitive advantage. He believed that a focus on areas of comparative advantage failed to account for the complexities of the global economy. Therefore, his design emphasizes that economic success is not merely inherited due to location, population, or the presence of natural resources. Rather, it is a function of the interaction of the key determinants within his model coupled with the influence of the government and a firm's willingness to accept risk. Porter's original model was updated to incorporate variables that pertained to the success of multi-national corporations.¹⁰⁸

¹⁰⁷Michael Porter, *The Competitive Advantage of Nations* (New York: NY Press, 1990). The Diamond Model for nations (firms) to reach competitive advantage advanced by Harvard University Professor Michael Porter will be the basis of my application of TCO structure to a business model. Hereafter cited as Porter.

¹⁰⁸Rugman and D'Cruz., “The double diamond model of international competitiveness: Canada's experience.” The Porter Diamond Model was updated in 1993 to the Double Diamond Model to demonstrate the effects that the variable factors have on the competitive advantage of MNCs domestically (inner diamond) and internationally (outer diamond).

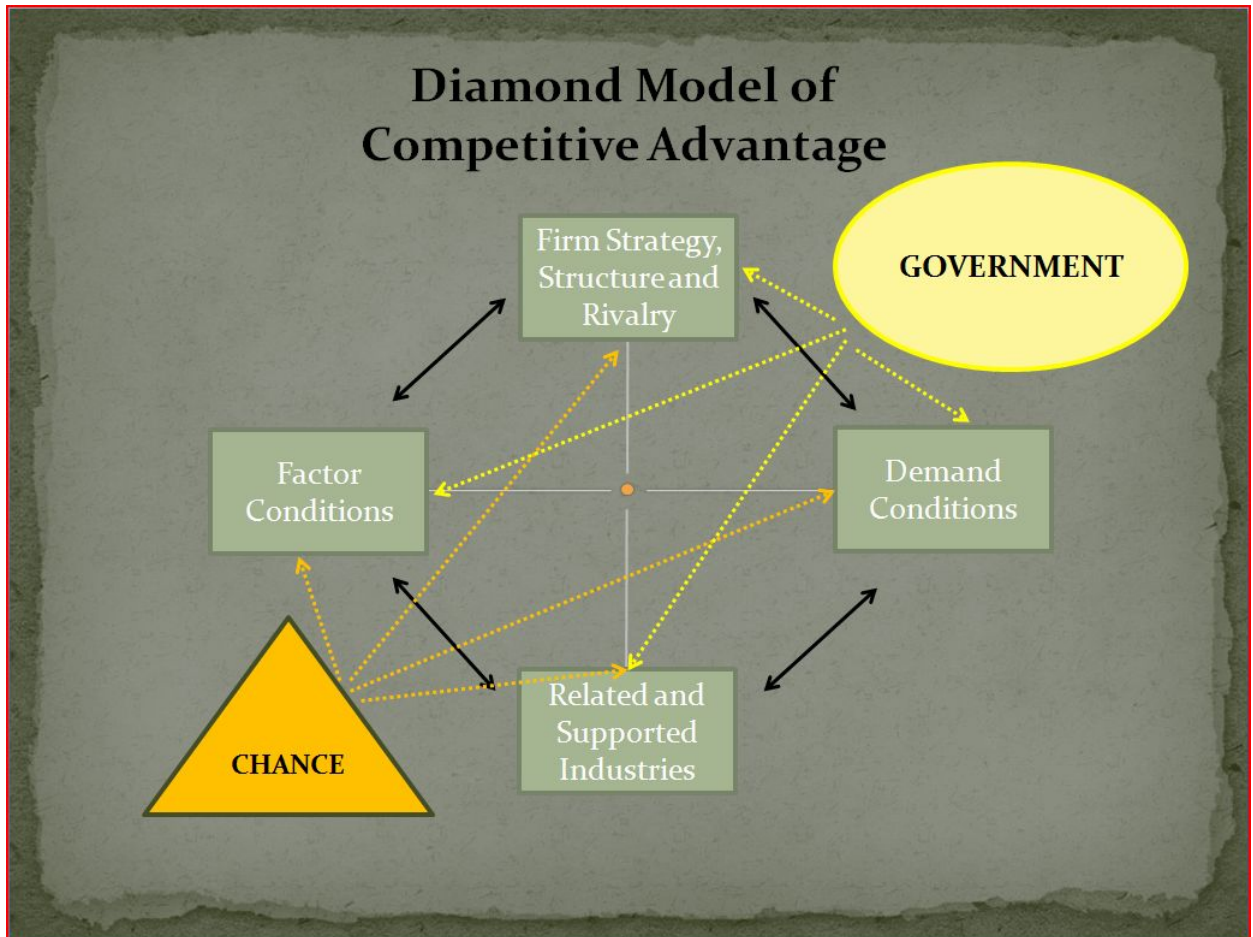


Figure 13. Porter's Diamond Model of Competitive Advantage¹⁰⁹

The Four Determinants of Competitive Advantage within Porter's Model

Factor Conditions

The first determinant of competitive advantage represents the inputs required for production. Porter separates them into two categories: basic (traditional factors of

¹⁰⁹ The description of the determinants of competitive advantage and their relationship with each other is based on notes taken in a class lecture received by the author of this article. Figure 1 was created for this article from a similar graphical representation of the model used during the course of instruction. All of the concepts within the model are attributed to Porter's design, but the original source of the recreated model used in Figure 1 is unknown. The class was taught by J. Gustavo Roger at the Universidad de Belgrano (Buenos Aires, Arg) as part of the graduate school curriculum for a Masters in International Relations (2009).

production such as land, unskilled/semiskilled labor, etc.) and specialized (factors that were not inherited by the nation (firm) but were created). Specialized factors of production require the investment of both time and money. These factors are represented by a skilled labor pool, which is defined by high levels of education and/or expertise, sophisticated logistical infrastructure, etc. Within the factor conditions, specialized factors of production are what truly add to a nation's (firm's) ability to gain a competitive advantage.

Demand Conditions

The next determinant of competitive advantage represents the degree of consumer sophistication and desire to obtain the product. A firm's goal is to maximize profit and satisfy the customer to ensure his continued desire for their product. Porter asserts that sophisticated buyers of products in high demand will force firms to become more innovative and efficient in order to survive.

Related and Supported Industries

The third determinant of competitive advantage relates to the degree of interconnectivity between related and supported industries. If a nation (firm) enjoys comparative or even competitive advantages in one industry, they can increase their overall competitive advantage if they also operate in a related or supported industry. It allows them to take advantage of interconnected logistical lines, resources, or market conditions that offer an advantage in that area. This leads to lower costs overall and more efficiencies in operations. Porter developed the concept of "clusters" based on this determinant. Clusters are similar or supported industries that co-locate in areas where

such conditions exist. When certain areas of competitive advantage exist, clusters will begin to form in order to increase the competitiveness and efficiencies of the whole.

Firm Strategy, Structure, and Rivalry

The fourth determinant of competitive advantage relates to the strategic vision, structure, and degree of rivalry that exists. Vision and structure can be heavily influenced by basic and specialized factors of production. Specifically, access to financial capital and skilled personnel capable of creating and implementing strategic goals strengthens a firm's competitive advantage. In addition, Porter believes that rivalry is a critical factor in developing the efficiencies in operations that truly maximize a firm's competitive advantage. The rationale is that rivalry forces firms to avoid complacency and continually seek to improve their product, lower their costs, and maximize the potential of their operations.

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