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**JOINT ADVANCED WARFIGHTING SCHOOL**



**COUNTERING VIOLENCE ALONG THE UNITED STATES – MEXICO BORDER: THINKING STRATEGICALLY**

by

**Angie Applegate**

*Department of Homeland Security*

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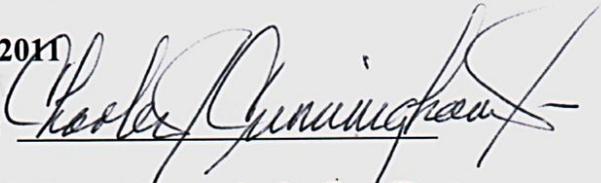
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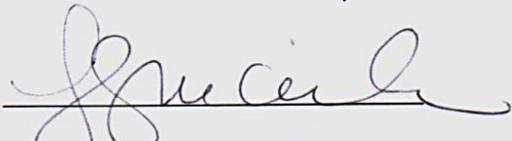
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## **ABSTRACT**

The thesis of this research is: The United States (U.S.) and Mexico need to create and employ a clearly defined border security strategy to correct the shortfalls in current efforts. The U.S. has no overarching border security strategy and relies on strategic documents that could be judged as poorly written and lacking sufficient guidance to drive action along the U.S.-Mexico border. As a result, the ad hoc U.S.-Mexico border security strategy has been unsuccessful in efforts to stop the violence along the U.S.-Mexico border. The author provides an analysis of the National Southwest Border Counternarcotics Strategy (NSBCS-2009), National Drug Control Strategy – 2010 (NDCS-2010), Quadrennial Homeland Security Review Report – 2010 (QHSR-2010) and the Mérida Initiative. The analysis is done by examining these strategic documents using an ends, ways, means, and risks framework. Mismatches are identified, uncertainties addressed, and lessons learned are applied. Finally, the author offers recommendations to achieve security along the U.S.-Mexico border and within the interior of both countries. If these recommendations are implemented, the U.S. and Mexico should have a bonafide strategy to implement actual strategic change, rather than a continuing list of failures.

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## GLOSSARY OF ACCRONYMS

<b>BUR-2010</b>	Bottom-Up Review Report of 2010, Department of Homeland Security
<b>CRS</b>	Congressional Research Service
<b>DEA-Intel</b>	Drug Enforcement Administration Office of Intelligence
<b>DHS</b>	Department of Homeland Security
<b>DHS-I&amp;A</b>	Department of Homeland Security Office of Intelligence and Analysis
<b>DOD</b>	Department of Defense
<b>DOJ</b>	Department of Justice
<b>DOS</b>	Department of State
<b>FBI-DI</b>	Federal Bureau of Investigation's Directorate of Intelligence
<b>FY</b>	Fiscal Year
<b>GAO</b>	Government Accountability Office
<b>HIDTA</b>	High Intensity Drug Trafficking Area
<b>HSE</b>	Homeland Security Enterprise
<b>IMET</b>	International Military Education and Training Account
<b>JIATF-S</b>	Joint Interagency Task Force South
<b>NAFTA</b>	North American Free Trade Agreement
<b>NAZTF</b>	National Arrival Zone Task Force
<b>NDCS B-Sum</b>	National Drug Control Strategy Budget Summary
<b>NDCS-2009</b>	National Drug Control Strategy of 2009
<b>NDCS-2010</b>	National Drug Control Strategy of 2010

<b>NSBCS-2009</b>	National Southwest Border Counternarcotics Strategy of 2009
<b>NSC</b>	National Security Council
<b>ONDCP</b>	Office of National Drug Control Policy
<b>POE</b>	Port of Entry
<b>QHSR-2010</b>	Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland, 2010
<b>TCO</b>	Transnational Criminal Organizations
<b>U.S.</b>	United States

# CHAPTER 1

## INTRODUCTION

The author's thesis is: The United States (U.S.) and Mexico need to create and employ a clearly defined border security strategy to correct the shortfalls in current efforts. The U.S. has no overarching border security strategy and relies on strategic documents that could be judged as poorly written and lacking sufficient guidance to drive action along the U.S.-Mexico border. As a result, the ad hoc U.S.-Mexico border security strategy is unsuccessful in countering violence along the U.S.-Mexico border, where drug-related violence, including kidnappings, brutal murders, and assassinations are routine. This violence is carried out by transnational criminal organizations (TCOs)<sup>1</sup> that operate with impunity in Mexico.

The drug-related violence and lack of security are the subjects of U.S. Congressional hearings, interagency policy committees, bilateral agreements, government assistance programs, and the focus of multi-agency initiatives and programs. Despite these efforts, the border remains unstable and filled with violence. This research provides recommendations to achieve security both at the U.S.-Mexico border and within the interior of both countries. If these recommendations are implemented, the U.S. and Mexico would have a bonafide bilaterally agreed upon strategy to implement actual strategic change, rather than a continuing list of failures.

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<sup>1</sup> Throughout this paper, the term "transnational criminal organizations" or "TCO" will be used to identify criminal organizations that are routinely labeled in publications as "drug cartels" and "drug trafficking organizations." The term TCO is applicable, as these organizations have expanded into criminal activities such as human trafficking, kidnapping, extortion, and murder for hire.

The author's research methodology uses an analysis framework to examine the strategic documents governing U.S.-Mexico border security. The framework, an adaptation of analytical models developed by Harry R. Yarger, Henry C. Bartlett, and Arthur F. Lykke, Jr., assesses the ends, ways, means, risks, and debated variables to determine the soundness of existing strategies. The methodology analyzes the current strategies and reveals needed changes. In doing so, the report also describes the security environment and the root causes of the security crisis caused by drug-related violence along the U.S.-Mexico border. The TCO's criminal activity yields very large amounts of illicit revenue, which allows these organizations to rise to uncontrollable levels of power and to undermine the Mexican government's authority. The data reveals drug-related homicides in Mexico rose from 1,776 in 2005 to 15,273 in 2010, an 859 percent increase.<sup>2</sup> Most drug-related homicides have occurred in the northern border states of Mexico, with the heaviest concentration, 84 percent, in the major drug trafficking and production zones of Chihuahua, Sinaloa, Guerrero, and Baja California.<sup>3</sup>

The research sequentially examines the National Southwest Border Counternarcotics Strategy of 2009 (NSBCS-2009), the National Drug Control Strategy of 2010 (NDCS-2010), and the Department of Homeland Security 2010 Quadrennial Homeland Security Review (QHSR-2010), and the Mérida Initiative. The analysis identifies mismatches, addresses uncertainties, and applies lessons learned from the risks and shortfalls of previous drug control endeavors. The author offers ten

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<sup>2</sup> Viridiana Ríos and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2010*, (San Diego: Trans-Border Institute, 2011), 5. <http://justiceinmexico.files.wordpress.com/2011/02/2011-tbi-drugviolence4.pdf>, (accessed March 7, 2011).

<sup>3</sup> *Ibid.*, 9.

recommendations as follows: 1) Develop and maintain a U.S. professional strategist cadre; 2) Define and communicate the end-states relating to U.S.-Mexico border security; 3) Transfer U.S. Office of National drug control Policy's (ONDCP's) roles, responsibilities, and authorities to the Department of Justice (DOJ); 4) Develop and implement strategic change to U.S. drug control policy and properly fund the stated priorities; 5) Persuade Mexico to stop using the military to conduct law enforcement activities and to transition to civilian law enforcement; 6) Integrate U.S. intelligence community efforts with those of law enforcement to better inform joint operations and tactics; 7) Department of State (DOS) expedite and streamline U.S. Mérida funding, acquisitions and delivery programs; 8) Pursue a U.S. strategic long-term partnership with Mexico as an equal partner; 9) DHS clarify which agencies are responsible for each action in published strategic documents, and refine the Homeland Security Enterprise (HSE) concept; and 10) ONDCP implementation of the National Arrival Zone Task Force (NAZTF) using a unity of effort model.

Additional recommendations are outlined for leadership. These recommendations urge the governments of both the U.S. and Mexico to act in close collaboration to improve the likelihood of success of combined efforts to counter violence along the U.S.-Mexico border. The research details the proactive leadership role of the White House in developing effective U.S.-Mexico border security strategy. Specifically, the White House needs to leverage its ability to anticipate change and work with Congress and Mexico to effect changes that will create a safe and secure border. For example, the U.S. should aggressively negotiate a new security treaty with Mexico. Concurrently, Congress

needs to act promptly on key funding requests. Finally, the U.S. should lead efforts to embrace Mexico as a full strategic partner in mutual efforts to rid Mexico of the TCOs.

This research details the need for a paradigm shift, because strategy development and the supporting operations and tactics are relying on out-dated paradigms, norms, and rule sets. The research shows that paradigm shifts are required in the following areas: 1) Drug abuse and illicit drug markets must be recognized threats to the vital national interests of both the U.S. and Mexico, and 2) The U.S. needs to re-evaluate border security in light of the paradigm of globalization, resulting in investment in the people of Mexico and in immigration reform.

In summary, the author's research recognizes that: the U.S. and Mexico need to create and employ a clearly defined border security strategy to correct the shortfalls in current efforts. The research develops recommendations to achieve security at the U.S.-Mexico border as well as within the interior of both countries. This research offers the reader the opportunity to think strategically about resolving the border security problems caused by illicit drugs in both the U.S. and Mexico.

## CHAPTER 2

### NATURE OF THE CONFLICT – SECURITY ENVIRONMENT

The U.S. and Mexico need to create and employ a clearly defined border security strategy to correct the shortfalls in current efforts. To do this, it is crucial to understand the nature of the conflict and the security environment. The U.S.-Mexico border is rife with drug-related violence occurring mainly in Mexico, which represents a significant threat to the security of the U.S. This drug-related violence is carried out by warring transnational criminal organizations (TCOs) involved in the struggle for control over very lucrative illicit drug smuggling routes. These routes are used to transport drugs, people, and other illicit commodities into the U.S. with drugs being the most prevalent smuggled illegal commodity. The violence has plagued Mexico since 2006 and has claimed over 34,611 lives.<sup>1</sup> Extraordinarily, the violence has remained contained within Mexico. To date, there has been no pattern of “spillover violence” into the U.S.<sup>2</sup>

#### Nature of the Conflict

In December 2006, Mexican President Felipe Calderon began to use the Mexican military in a campaign against the TCOs, launching his first military anti-drug operation -

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<sup>1</sup> Viridiana Ríos and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2010*, (San Diego: Trans-Border Institute, 2011), 18.

<sup>2</sup> The U.S. interagency community has defined “spillover violence” as deliberate, planned attacks by the TCOs on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as government buildings, consulates, or businesses. This definition does not include TCO on TCO violence, whether perpetrated in Mexico or the U.S. - Anthony P. Placido, Assistant Administrator, Drug Enforcement Administration and Kevin L. Perkins, Assistant Director, Federal Bureau of Investigation, “Drug Trafficking Violence in Mexico: Implications for the United States,” Statement for the record, before the U.S. Senate Caucus on International Narcotics Control, Washington, DC, May 2010.

Operation Michoacán.<sup>3</sup> President Calderon used the military in this manner because the local police personnel were perceived as being complicit and directly involved in TCO illegal activities.<sup>4</sup> The use of the military destroyed the balance of power between the TCOs, with the resulting destabilization of the illicit drug industry leading to a massive increase in violence. Dabaghi and Alatorre demonstrate this by observing, “As traditional trafficking and smuggling routes were disrupted, TCO alliances shattered, TCO leadership members were arrested, and the TCOs resorted to extraordinary levels of violence as a means to conduct illicit business.”<sup>5</sup> The number of killings increased, as did the brutality: beheadings, torture, and public executions.<sup>6</sup> Now, all of these have become common occurrences in certain locations in Mexico.<sup>7</sup> The TCOs are ruthless in their tactics, quick in their violent methods, and have perpetuated a culture that settles business disputes through violence. These conditions extend beyond the TCOs themselves and are common among the police, government officials, the Mexican military, and the general public.

An additional aspect of the security environment is the revenue generated from illicit drugs that establishes the TCOs’ base of power. The U.S. has become the number one global consumer for illicit drugs, accounting for one-third of the total market, with

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<sup>3</sup> David A. Shirk, *The Drug War in Mexico: Confronting a Shared Threat; Council Special Report No. 60* (New York: Council on Foreign Relations, 2011), 9-10.

<sup>4</sup> June S. Beittel, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Rising Violence*, (Washington, DC: Congressional Research Service, January 2011), 2-4.

<sup>5</sup> Kendall Dabaghi and Jose Maria Alatorre, “Mexico’s Long Hour of Truth: The Neglected Roots of Mexico’s Drug War,” *World Politics Review*, (October 2010): 1.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

approximately 95 percent of these drugs smuggled into the U.S. from Mexico.<sup>8</sup> As a result, the TCOs generate billions of dollars in profits. According to the Bureau for International Narcotics and Law Enforcement Affairs *International Narcotics Control Strategy Report*, approximately 15-30 billion dollars in illicit profits per year are smuggled out of the U.S. back to the TCOs.<sup>9</sup> This allows the TCOs to wield an extraordinary level of power within Mexico, and makes the TCOs a formidable force in opposition to the Mexican government.

Another facet of the conflict and lack of security along the U.S.-Mexico border is the smuggling of illegal weapons and bulk currency. Both are a vital part of the TCO's ability to operate, and are smuggled out of the U.S. into Mexico daily.<sup>10</sup> The weapons are the tools used by the TCOs to commit violent acts, and the currency allows the TCOs to fund overhead costs in order to expand and continue criminal activities. This illicit flow of weapons and currency out of the U.S. and into the hands of the TCOs allows them to exercise control over Mexican officials. The TCOs use bribery, violence, and intimidation as a means of influence.

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<sup>8</sup> Frank G. Shanty, ed., *Organized Crime: from Trafficking to Terrorism*, (Santa Barbara: ABC-CLIO, Inc., 2008), 2, 332 and 344; and United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, (Washington, DC: 2011), 383.

<sup>9</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, (Washington, DC: 2010); This estimate is not clearly defined and is debated and there is uncertainty in the data as demonstrated in a November 12, 2010 interview, Mexican President Calderon estimated the TCOs profits to be approximately 40 billion per year – CBS Evening News, “*Felipe Calderon Tells CBS News about Deadly Cartels, An Aggressive Offensive and His Top-Secret War Room*” (November 12, 2010), <http://www.cbsnews.com/stories/2010/11/12/eveningnews/main7049424.shtml>, (accessed November 14, 2010), Additionally, a RAND report, when discussing the calculation of TCO gross export revenue states, “we would be remiss if we did not acknowledge the great uncertainty surrounding these figures.” - Beau Kilmer, et al., *Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help*, 30.

<sup>10</sup> United States Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment*, 14.

As a result, government corruption is a serious challenge in both Mexico and the U.S. This presents a considerable hurdle for Mexico in reforming institutions and confronting TCOs whose assets run into the billions of dollars.<sup>11</sup> Corruption is also an issue for the U.S. along the Mexican border.<sup>12</sup> The corruption has bled into all levels of the government of Mexico: Federal, State, local, military, and all sectors of law enforcement, including prosecutors and judges. Such corruption makes effecting the rule of law extremely difficult and in some locations impossible.

### Mexico's Transnational Criminal Organizations

The TCOs have complicated the security environment, which has made countering their activity more difficult. In the past, TCO activity was limited to the smuggling of drugs and illegal aliens and the TCOs would have been seen to have three critical vulnerabilities: illicit drugs, weapons, and illicit cash. Today, the TCOs have expanded extensively. *The World Politics Review* states that the TCOs have diversified and transformed into multifaceted global criminal organizations involved in a myriad of crimes.<sup>13</sup> These crimes include smuggling, kidnap for ransom, murder for hire, human trafficking, and other criminal activities on a global scale with control of a majority of the world's largest drug market.

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<sup>11</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, 434-435.

<sup>12</sup> Kevin L. Perkins, Assistant Director, Criminal Investigation Division, Federal Bureau of Investigation, "New Border War: Corruption of U.S. Officials by Drug Cartels." Testimony before the U.S. Senate Homeland Security and Governmental Affairs Ad Hoc Subcommittee, Washington, DC, March 2010.

<sup>13</sup> Dabaghi and Alatorre, "Mexico's Long Hour of Truth: The Neglected Roots of Mexico's Drug War," 2.

The TCOs control more of the wholesale distribution of heroin, methamphetamine, and marijuana distribution than other major drug trafficking organizations in the U.S.<sup>14</sup> The National Drug Threat Assessment 2010 states that the influence of the Mexican TCOs is expanding, primarily in areas where the direct influence of Colombian organizations is diminishing.<sup>15</sup> The TCOs have also expanded their operations and are full-fledged organized crime groups.<sup>16</sup> The TCOs operate in more than 47 countries, corrupting public officials and inflicting untold violence on their enemies.<sup>17</sup> While their base of operation is in Mexico, the Mexican TCOs have a global reach. The gravity of the illicit drug problems in Mexico continues to rise, is spreading, and the threat of spilling over to the U.S. is serious and growing.

In summary, understanding the nature of this conflict, the security environment, and the scope of the Mexican TCOs' criminal activities is crucial to develop and implement an effective strategy. Since President Calderon began his campaign against the TCOs, the level of violence in Mexico has steadily increased. The TCOs exert extreme levels of power as they generate billions of dollars in illicit profits that allow them to corrupt the Mexican government system through violence, intimidation, and bribes. The TCOs are involved in smuggling, distribution of drugs, and other crimes that generate large amounts of illicit profits. While these profits are the

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<sup>14</sup> Finklea, et al., *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*, 4.

<sup>15</sup> United States Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment*, 9.

<sup>16</sup> Dabaghi and Alatorre, "Mexico's Long Hour of Truth: The Neglected Roots of Mexico's Drug War," 2.

<sup>17</sup> *Ibid.*

primary reason the TCOs exist and are in business, their motivation can change. The second and third order effects can be extensive and extremely dangerous to U.S. security.

## CHAPTER 3

### A FRAMEWORK FOR ANALYSIS: ENDS, WAYS, MEANS, AND RISK

Poor strategy is expensive, bad strategy can be lethal, when the stakes include survival, very bad strategy is almost always fatal.”<sup>1</sup>

Colin Gray, *Modern Strategy*

To execute national policy at any level, a proper strategy must be developed.

Therefore, it is necessary to understand the difficulties of strategy and to place structure into strategy analysis. This section provides an overview of a framework that utilizes assessment of the ends, ways, means, and risks variables used to determine the soundness of the current strategy being employed along the U.S.-Mexico border. The framework is an adaptation of analytical models developed by scholars of military strategic thinking such as, Harry R. Yarger, Henry C. Bartlett, and Arthur F. Lykke, Jr.

Numerous books, journal articles, and publications have been written on the development and execution of strategy. Many models and frameworks have been developed that attempt to determine the likelihood of success for a strategy. Two examples published by Yarger and Bartlett utilize an ends, ways, means, and risks analysis of strategy and its implementation.<sup>2</sup> The analysis conducted in this research relies primarily on the theories and writings of Yarger, but also uses Bartlett’s works. Yarger based his model and thoughts on the teachings of Arthur F. Lykke, Jr., and therefore, some of Lykke’s concepts will be discussed.

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<sup>1</sup> Colin S. Gray, PhD, *Modern Strategy*, (Oxford: Oxford University Press, 1999), 1.

<sup>2</sup> Harry C. Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, (Carlisle: Strategic Studies Institute, 2006) and Henry C. Bartlett et al., *Strategy and Force Planning*, 4th ed. (Newport: Naval War College Press, 2004), 17-33.

In his monograph, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, Yarger defines strategy as the art and science of developing and using the political, economic, social-psychological, and military powers of the state in accordance with policy guidance to create effects that protect or advance national interests relative to other states, actors, or circumstances.<sup>3</sup> Yarger continues that strategy accomplishes this by expressing its logic in rational, linear terms—ends, ways, and means.<sup>4</sup> Strategy is all about *how* (way or concept) leadership will use the *power* (means or resources) available to the state to exercise control over sets of circumstances and geographic locations to achieve *objectives* (ends) that support state interests.<sup>5</sup> Bartlett, Yarger, and Lykke all utilize the variable of risk in their strategy models.<sup>6</sup> Details of the models are described below.

**Ends** – The goals and objectives of the strategy. These are the desired end-states attempting to be accomplished. The ends must be clearly and concisely stated and communicated. In the case of the U.S., communication is usually accomplished through high-level strategic documents, such as the National Security Strategy. The ends may also be derived from the text of Presidential speeches, statements, as well as other authoritative persons. Nonetheless, ends must always be decided upon by executive leadership: the President and the senior leadership of departments and agencies.<sup>7</sup>

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<sup>3</sup> Harry C. Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, 1.

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

<sup>5</sup> J. Boone Bartholomees, Jr. ed., *U.S. Army War College Guide to National Security Policy and Strategy*, 3<sup>rd</sup> ed. (Carlisle: Strategic Studies Institute, 2006), 107.

<sup>6</sup> *Ibid.* 110; and Henry C. Bartlett et al., *Strategy and Force Planning*, 4th ed., 21.

<sup>7</sup> Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, 50.

**Ways** – “How” the strategy will be put into operation using available resources. Ways tie resources to the objectives by addressing who does what, where, when, how, and why, with the answers defining “how” an objective will be achieved.<sup>8</sup>

**Means** – Resources utilized to accomplish the objectives and goals. The resources are not limited to the financial and funding fields, but can include equipment, personnel, facilities, and systems. Resources can be constrained when the objectives exceed the resources available to achieve the ends of the strategy.<sup>9</sup> Proper resource allocation acts to set priorities within the strategy. Means also includes the political and public will; and Bartlett also referred to the concept of means as “tools.”

**Risk** - The chance of failure created when there is an imbalance in the other components of the model (the ends, ways, and means), as described by Lykke. If any of the other components are not aligned, the risk of strategic failure increases. There is always some risk in a dynamic strategic environment.<sup>10</sup> Risk can also be defined as the probable consequences of success and failure.<sup>11</sup> Here, it is thought of as the “effects.”

Bartlett additionally describes external variables, one of which is the security environment. The security environment is difficult to assess correctly. Yarger offers that it is a system of systems in order to emphasize its complexity; the strategic environment is a composite of complex systems, linked vertically and horizontally.<sup>12</sup> A brief overview of the security environment of the U.S.-Mexico border is provided in Chapter 2. The security environment entails all types of external variables that affect the area of study.

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<sup>8</sup> Ibid. 55.

<sup>9</sup> Bartlett et al., *Strategy and Force Planning*, 4th ed., 17-33.

<sup>10</sup> Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, 63.

<sup>11</sup> Ibid.

<sup>12</sup> Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, 22-23.

Although an in-depth assessment of the security environment would entail a separate study, the previous chapter provides context for the U.S.-Mexico approach to illicit drugs and the U.S. Southwest border. Indeed, this description of basic strategic framework illustrates that certain “tried and true” frameworks can help a great deal in efforts to both understand existing attempts and those that are likely to succeed in correcting past mistakes.

An important facet of strategy is that it is an art, which must be accomplished as a product of thinking deeply and developed with great care. Most current publications recognize that strategy is closer to an “art” than to a science. This is a recurring theme when studying the writings of Yarger and his adaptations of Lykke’s model. The art portion is in the weights and values that are placed on the different variables of the model. Lykke specifies that when any of the basic elements are incompatible with the others, our national security is at risk.<sup>13</sup> This valuing and weighting is very subjective in nature and must be done correctly; thus, the essence of the “art” of strategy development.

According to Yarger, as he expands Lykke’s model, strategy must be put to tests assessing if the strategy is suitable, feasible, and acceptable. The strategy must be tested against simple questions: 1) Suitability—will its attainment accomplish the effect desired (relates to objective)?; 2) Feasibility—can the action be accomplished by the means

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<sup>13</sup> Joseph R. Cerami and James F. Holcomb, Jr. ed., *U.S. Army War College Guide to Strategy*, (Carlisle: Strategic Studies Institute, 2001), 184.

available (relates to concept)?; and 3) Acceptability—are the consequences of cost justified by the importance of the effect desired (relates to resources/concept)?<sup>14</sup>

Finally, strategy must be continually reevaluated, readjusted, and reassessed. This re-evaluation takes into account any changes in any of the variables, internal and external.<sup>15</sup> The readjustment takes the proper corrective actions based upon the discovered changes to the variables. The reassessment places the strategy through the suitability, feasibility, and acceptability tests.

“Strategy” has become a buzzword within the Interagency Community and often has been used with little care and imprecisely in titles and documents. The U.S. Interagency Community uses “strategy” as a general term for a plan, a concept, a course of action, or a “vision” of the direction in which to proceed at the personal, organizational, and governmental—Federal, State, or local—levels.<sup>16</sup> Such casual use of the term to describe nothing more than “what we would like to do next” is inappropriate and denies the complexity of true strategy and strategic thinking.<sup>17</sup> This research demonstrates the lack of understanding and application of proper strategy development and to some degree, a lack of knowledge of the essence of strategy, which has resulted in the U.S. attempting to implement poor strategies. This study examines the current “strategies” of border security for the U.S.-Mexico border by systematically determining the fundamental soundness of each. This will assist in the development of a more

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<sup>14</sup> Henry C. Eccles, “Strategy—The Theory and Application,” *Naval War College Review*, Vol. 32, No. 3, May-June 1979, quoted in Bartholomees, Jr. ed., *U.S. Army War College Guide to National Security Issues, Volume I Theory of War and Strategy*, 3<sup>rd</sup> ed., 48.

<sup>15</sup> Bartlett et al., *Strategy and Force Planning*, 4th ed., 21.

<sup>16</sup> Douglas C. Lovelace, Jr., forward to *Strategic Theory for the 21st Century: The Little Book on Big Strategy* by Harry C. Yarger (Carlisle: Strategic Studies Institute, 2006), v.

<sup>17</sup> *Ibid.*

effective strategy and the realization of U.S.-Mexico border security – or at least movement towards a suitable, feasible, and acceptable strategy.

## CHAPTER 4

### NATIONAL SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY – 2009

The numerous agencies responsible for securing the U.S.-Mexico border include, but are not limited to, Department of State (DOS), Department of Defense (DOD), Department of Justice (DOJ), Department of Homeland Security (DHS), Office of National Drug Control Policy (ONDCP), and the National Security Council (NSC). They are guided by several strategic documents including the National Southwest Border Counternarcotics Strategy of 2009 (NSBCS-2009), the National Drug Control Strategy of 2010 (NDCS-2010), the Department of Homeland Security 2010 Quadrennial Homeland Security Review, (QHSR-2010) and others.<sup>1</sup> The next four chapters “unpack”<sup>2</sup> the above listed strategic documents that drive border security actions. This chapter will examine the NSBCS-2009 against an ends, ways, and means framework.

Ends - end-states attempting to be established

In the opening letter of transmittal to Congress of the NSBCS-2009, ONDCP Director R. Gil Kerlikowske states, “Along with the Mérida Initiative...and our national effort to reduce the demand for illegal drugs at home, the National Southwest Border Counternarcotics Strategy is a key component of our comprehensive national response to the threat along the U.S.-Mexico border.”<sup>3</sup> The NSBCS-2009 gives one strategic goal of

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<sup>1</sup> This research provides analysis of the listed documents as they drive the strategy and actions of the U.S. departments and agencies responsible for the security of the border. Other documents influence action along the border but are outside the scope of this research, as they are considered secondary.

<sup>2</sup> The term “unpack” is utilized by Lieutenant General Charles Cunningham, (Ret.) of the Joint Forces Staff College, Norfolk, VA during his teaching of Strategy and Strategy Analysis.

<sup>3</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, (June 2009).

the strategy: “Substantially reduce the flow of illicit drugs, drug proceeds, and associated instruments of violence across the Southwest border.”<sup>4</sup> The stated strategic goal is not an end-state, nor is it defined with sufficient clarity. For example, the goal does not take into account the fact that the drug trade and the TCOs have properties similar to a balloon filled with air – if pressure is exerted at one point, the air in the balloon shifts to a new position. If the U.S. and Mexico achieve success along the U.S.-Mexico border, the TCOs will simply shift their methods and locations of smuggling drugs and other illegal activities. The TCOs understand the market for illicit drugs exists in the U.S.

Furthermore, the NSBCS-2009 lists what it terms “Strategic Objectives,” as follows:

1. Enhance intelligence capabilities associated with the Southwest border.
2. Interdict drugs, drug proceeds, and associated instruments of violence at the ports of entry, between the ports of entry, and in the air and maritime domains along the Southwest border.
3. Ensure the prosecution of all significant drug trafficking, money laundering, bulk currency, and weapons smuggling/trafficking cases.
4. Disrupt and dismantle drug trafficking organizations.
5. Enhance counterdrug technologies for drug detection and interdiction along the Southwest border.
6. Enhance U.S. – Mexico cooperation regarding joint counterdrug efforts.<sup>5</sup>

All of the above stated objectives use action verbs and are not end states. The terms: enhance intelligence; interdict drugs; ensure prosecution; disrupt and dismantle; enhance technologies; and, enhance U.S.-Mexico cooperation, are vague and left to

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[http://www.whitehousedrugpolicy.gov/publications/swb\\_counternarcotics\\_strategy09/swb\\_counternarcotics\\_strategy09.pdf](http://www.whitehousedrugpolicy.gov/publications/swb_counternarcotics_strategy09/swb_counternarcotics_strategy09.pdf), (accessed August 24, 2010).

<sup>4</sup> Ibid., 2.

<sup>5</sup> Ibid., 5.

interpretation by departments and agencies. Additionally, the objectives appear to promote a status quo approach to existing systems and cultures. The strategic objectives are simply a listing of the mission sets of the departments and agencies involved in the U.S. counterdrug efforts. It appears that each agency participating in the development of the NSBCS-2009 sent a representative to an ONDCP working group, and that the NSBCS-2009 was produced with little thought other than each representative making sure his or her agency's interests and equities were represented and protected.

#### Ways - "how" the strategy will use available resources

As a purported strategic driver of the actions of the U.S. relating to U.S.-Mexico border security, the NSBCS-2009 lists the following general programmatic action areas:

1. Intelligence and information sharing
2. Smuggling at and between the ports of entry
3. Air and marine assets interdiction
4. Investigations and prosecutions
5. Counter money laundering and bulk cash smuggling
6. Smuggling/trafficking of weapons
7. Technology advances
8. Partnership with the Government of Mexico.<sup>6</sup>

A thorough examination of the NSBCS-2009 reveals that it is a poor document where it comes to strategic direction. Actually, the document is little more than lists and details of all programmatic areas concerning border security. The NSBCS-2009 responds to a congressional mandate<sup>7</sup> and appears only to do little more than pacify Congress. The NSBCS-2009 offers little strategic direction on ways.

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<sup>6</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*. 1-65.

<sup>7</sup> *Office of National Drug Control Policy Reauthorization Act of 2006*, U.S. Code 21 (2006), § 1701, et. sec. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ469.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ469.109.pdf), (accessed February 23, 2011).

## Means - resources used to achieve the end-states

In November 2010, ONDCP issued an Implementation Update for the NSBCS-2009. The update is a 64-page report that states nothing related to achieving any level of security along the Southwest Border. The following is one example of an update:

On October 14, 2009, Secretary of Homeland Security Janet Napolitano announced \$88 million in American Recovery and Reinvestment Act funding for non-intrusive inspection equipment—enhancing border security by expanding CBP capabilities to scan commercial traffic for contraband through the use of X-ray and other imaging technologies.<sup>8</sup>

The use of commercial aircraft as a way to smuggle drugs into the U.S. from Mexico is not a method used to smuggle shipments of any consequence. Rather, it is common for TCOs to smuggle shipments weighing over 2,000 pounds into the U.S. through land ports of entry (POE) or other illegal crossing gates. Smuggling via commercial aircraft would require a complex internal conspiracy of employees of the commercial carrier and would have large overhead personnel costs. Alternatively, transporting drugs through a land POE requires the employment of a single load driver. The commercial carrier option makes the TCOs vulnerable to penetration by law enforcement; the more members involved in a conspiracy, the greater chance that one of the employees could be a documented law enforcement informant, or undercover agent. Additionally, the sizes of the shipments via commercial aircraft are small when compared to the size of loads smuggled through POEs along the Southwest Border. The same analogy holds true for the smuggling of bulk currency. Therefore, there is a question as to why this fact was included - other than the agencies involved needed, or desired, to show some type of

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<sup>8</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy Implementation Update*(2010), 8. [http://www.whitehousedrugpolicy.gov/publications/swb\\_implementation10/swb\\_implementation10.pdf](http://www.whitehousedrugpolicy.gov/publications/swb_implementation10/swb_implementation10.pdf), (accessed December 21, 2010).

progress. The author concludes that ONDCP and the departments and agencies involved in the development of the NSBCS-2009 have failed to produce any type of coherent strategy relating to the U.S.-Mexico border.

In summary, the NSBCS-2009 was written as a result of a Congressional mandate. ONDCP intended the NSBCS-2009 to be a strategic document and a comprehensive response to the threat along the U.S-Mexico border. This is a large part of the problem with the document; it was authored by ONDCP, the office that heads the nation's drug policies, not by an operational enforcement agency. The single stated strategic goal does not take into account that TCOs are resilient and resourceful. Simply strengthening the U.S.-Mexico border will not eliminate the TCOs as a threat. It will only cause the TCOs to shift operations to different locations. Ultimately, the NSBCS-2009 is short sighted and myopic.

## **CHAPTER 5**

### **NATIONAL DRUG CONTROL STRATEGY - 2010**

This chapter provides an analysis of the National Drug Control Strategy 2010 (NDCS-2010), which also drives action of the U.S.-Mexico border security efforts. The NDCS-2010 was produced by the Office of National Drug Control Policy (ONDCP), the policy and coordination office within the Executive Office of the President that establishes policies, priorities, and objectives for the nation's drug control policy. ONDCP does not have direct authority over the departments and agencies charged with the counterdrug mission. Rather, ONDCP controls budget recommendations to Congress of agencies involved with drug control. Additionally, ONDCP administers numerous antidrug and counter-drug programs such as the High Intensity Drug Trafficking Area (HIDTA), the National Youth Anti-Drug Media Campaign, and Drug Free Communities. In the case of the HIDTA program, ONDCP has no direct authority over the participating agencies. ONDCP only seeks participation and influences action through funding incentives. In short, ONDCP has no authority to drive direction or strategy and it relies upon unity of effort – a condition that is extremely difficult to achieve under existing organizational structures.

Ends - end-states attempting to be established

The NDCS-2010 introduced what President Obama described as a “blueprint” and a “new direction” for the drug control strategy based on common sense, sound science,

and practical experience.<sup>1</sup> The NDCS-2010 was presented as a balanced strategy comprised of a broad range of initiatives.<sup>2</sup> The strategy focuses on “three critical ways” to address the drug problem: 1) Prevention, 2) Treatment, and 3) Law enforcement.<sup>3</sup> As the NDCS-2010 relates directly to U.S.-Mexico border security, it states the goals of the strategy are:

1. Disrupt Domestic Drug Trafficking and Production;<sup>4</sup>
2. Strengthen International Partnerships;<sup>5</sup> and
3. Improve Information Systems for Analysis, Assessment, and Local Management.<sup>6</sup>

Using the ends, ways, and means, the above are erroneously considered to be goals, when in fact they are the ways that capabilities will be applied to achieve specific goals, objectives, or ends. Strategy is the “ways” and states what is going to be done, rather than the intended accomplishment.

Further, the NDCS-2010 does not list any end-states it is attempting to achieve. An analysis of the NDCS-2010 reveals the strategy lists two specific goals that are to be attained by 2015: “Curtail illicit drug consumption in America” and “Improve the public health and public safety of the American people by reducing the consequences of drug use.”<sup>7</sup> Again, these are statements of “ways” and not statements of desired end-states. The closest statement of an end-state is listed in the following passage:

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<sup>1</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy*, (2010), iii. <http://www.whitehousedrugpolicy.gov/publications/policy/ndcs10/ndcs2010.pdf>, (accessed August 24, 2010).

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 63-74.

<sup>5</sup> *Ibid.*, 77-88.

<sup>6</sup> *Ibid.*, 91-96.

<sup>7</sup> *Ibid.*, 6.

The Obama Administration’s National Drug Control Strategy relies on a comprehensive approach, informed by experience and evidence, to reducing drug use and its consequences in the United States.<sup>8</sup>

Even this statement is more like an assumption. As such, it does not offer any insight or guidance when considering the U.S.-Mexico border security environment.

#### Ways - “how” the strategy will use available resources

The NDCS-2010 declares it is a “comprehensive approach” and “collaborative effort by dozens of departments, agencies, Members of Congress, and the American people, and its implementation is a shared responsibility guided by ONDCP and its interagency partners.”<sup>9</sup> The NDCS-2010 list seven specific areas of strategic effort:

1. Strengthen Efforts to Prevent Drug Use in Communities.
2. Seek Early Intervention Opportunities in Health Care.
3. Integrate Treatment for Substance Use Disorders into Health Care, and Expand Support for Recovery.
4. Break the Cycle of Drug Use, Crime, Delinquency, and Incarceration.
5. Disrupt Domestic Drug Trafficking and Production.
6. Strengthen International Partnerships.
7. Improve Information Systems for Analysis, Assessment, and Local Management.<sup>10</sup>

The NDCS-2010 claims to establish a “truly balanced approach” to the drug problem, stating, “there is no single solution—neither demand, nor supply-side programs alone can get the job done.”<sup>11</sup> The NDCS-2010 lists a three-pronged strategy that implements evidence-based prevention, treatment, and enforcement policies.<sup>12</sup>

The NDCS-2010 states that the core of the drug problem is the American

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

<sup>9</sup> Ibid.

<sup>10</sup> Ibid., 1-4.

<sup>11</sup> Ibid., 7.

<sup>12</sup> Ibid.

addiction and appetite for illicit drugs, stating, “The number-one cause of the drug problem in the United States is our enormous demand for drugs.”<sup>13</sup> While this simple statement illustrates that ONDCP appears to be on the right track with their assessment of the nature of the problem it is extremely important for ONDCP, itself, to intellectually embrace this fact. A derived assumption is the U.S. will continue to be a major market for illicit drugs. If the U.S. did not have the market for the illicit drugs, the TCOs would not have the motivation to produce and smuggle the drugs. Accepting that U.S. drug addiction is at the core of the issue is one thing. Still, taking action to mitigate and correct this is quite another thing and cannot be effective until this is done.

The NDCS-2010 lists demand reduction (the combination of drug prevention and drug treatment programs) as the basis for the solution. Specifically, the NDCS-2010 lists numerous programs designed to prevent drug use before it starts. Preventing drug use before it begins is a cost-effective, common-sense approach to promoting safe and healthy communities.<sup>14</sup> While the NDCS-2010 seems to recognize that translating this uncontroversial principle into effective action has often been challenging,<sup>15</sup> this really is an understatement. The NDCS-2010 stresses the need for a local community-based approach as an effort to reduce demand by investing in youth-based prevention and treatment programs. In doing so, the NDCS-2010 shifts the overall burden and responsibility for demand reduction to local governments. Sadly, this is unrealistic, because local governments lack the capabilities to make demand reduction viable.

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<sup>13</sup> Ibid., 8.

<sup>14</sup> Ibid., 13.

<sup>15</sup> Ibid.

A portion of the “ways” of the NDCS-2010 consists of enforcement programs aimed at disrupting drug trafficking organizations. The NDCS-2010 claims these enforcement programs are “a more comprehensive, coordinated national approach to respond to this critical threat.”<sup>16</sup> The NDCS-2010 then provides details of the programs ranging from taskforce models, information sharing initiatives, and law enforcement collaboration. The NDCS-2010 directly addresses border security by referring to the implementation of the NSBCS-2009 (discussed in Chapter 4) as an action item stating “it is an important component of the Administration’s national drug control policy.”<sup>17</sup> The likelihood of success is greatly reduced by the National Drug Control Strategy -2010 reliance upon the NSBCS-2009, a document that provides no strategic direction.

The NDCS-2010 directs The Interdiction Committee (TIC), an interagency body that coordinates supply reduction activities. The committee is chaired by the Coast Guard and chartered by ONDCP, to structure the National Arrival Zone Task Forces (NAZTF) similar to the Coast Guard-led Joint Interagency Task Force South (JIATF-S).<sup>18</sup> The new NAZTF would come under the structure of a National Task Force, and serve as a comprehensive cross-cutting coordination mechanism for intelligence fusion, information sharing, interagency coordination, and multinational partnering.<sup>19</sup> The NAZTF is intended to also integrate multiple federal coordination centers for air, land, and sea, with regional and local intelligence and coordination centers to ensure near real-time dissemination of intelligence to task forces and agencies to support rapid facilitation

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<sup>16</sup> Ibid., 64.

<sup>17</sup> Ibid., 67-68.

<sup>18</sup> Ibid., 68.

<sup>19</sup> Ibid.

of controlled deliveries, or interdiction operations.<sup>20</sup> A plan detailing the NAZTF's implementation was to be provided to ONDCP by the TIC by November 2010; to date, no such plan has been announced or published. It appears that the complexity of the arrangements within the National Task Force may defeat the "ways" within the strategy. This drives risk of failure to the high or extreme level.

#### Means - resources used to achieve the end-states

The NDCS-2010 lists demand reduction (the combination of treatment and prevention) as the strategy's top priority, comprising two-thirds of its stated three-pronged approach. The author's analysis of the ONDCP Budget Requests reveal mismatches in the NDCS-2010 caused by ONDCP's failure to resource properly the function area of demand reduction. Again, complexity of arrangements may be too great to overcome.

Every year, the ONDCP publishes the details of the federal drug control budget in a budget summary report (NDCS B-Sum). The NDCS B-Sum provides details of programmatic funding for the totality of drug control efforts of the U.S. Federal Government. It specifically identifies resources and performance indicators for programs within the Executive Branch that are integral to the President's drug control policy.<sup>21</sup> The NDCS B-Sum extends beyond programmatic areas by providing such details. While the NDCS B-Sum should reflect the actual priorities of the drug control strategy through the allocation of funding, such priorities are lost in Congress. If the NDCS states a

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<sup>20</sup> Ibid.

<sup>21</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy: FY 2010 Budget Summary*, (2010), 1, <http://www.whitehousedrugpolicy.gov/publications/policy/10budget/fy10budget.pdf>, (accessed August 24, 2010).

particular element of the strategy is a priority, but then does not receive sufficient resources to properly fund the element, it cannot be viewed as a priority.

Table 1, FY-2009 to FY-2011 (Budget Authority in Millions), (p. 29) offers another possible way to understand and analyze the priorities of U.S. drug control strategy. The latest NDCS B-Sum was published February 2010 and provides details of the President's Budget Request for Federal Fiscal Year 2011 (FY-2011). As depicted in Table 1, the NDCS B-Sum requests a total of \$15.552B and categorized the request into five major functions: 1) Prevention (\$1.718B), 2) Treatment (\$3.883B), 3) Domestic Law Enforcement (\$3.918B), 4) Interdiction (\$3.727B), and 5) International (\$2.308B).<sup>22</sup> The FY-2011 request is an increase of 3.5 percent over the FY-2010 enacted amount.<sup>23</sup> According to the Bureau of Labor Statistics, the U.S. rate of inflation for calendar year 2010 was 1.6 percent.<sup>24</sup> When adjusted for inflation, the stated FY-2011 3.5 percent increase is actually a 1.9 percent increase over the previous fiscal year. The budget numbers reveal the mismatch of the NDCS-2010. The ends are not properly aligned with the means; 36 percent of the drug control budget is allocated to demand reduction, while 64 percent is allocated to supply-side reduction. Stopping the flow of illicit drugs is the actual priority of the strategy while stopping the demand is a far more viable strategy.

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<sup>22</sup> *National Drug Control Strategy: FY 2011 Budget Summary*, (2010), 2-10.

<sup>23</sup> *Ibid.*, 15.

<sup>24</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Consumer Price Index, All Urban Consumers - (CPI-U), U.S. city average, All items 1982-84=100*, <http://ftp.bls.gov/pub/special.requests/cpi/cpi.txt>, (accessed January 16, 2011).

<b>Federal Drug Control by Function FY-2009 to FY-2011 (Budget Authority in Millions)</b>					
	<b>FY-2009 Final</b>	<b>FY-2010 Enacted</b>	<b>FY-2011 Request</b>	<b>10-11 Change Dollars</b>	<b>Change Percent</b>
<b>Function</b>					
Treatment	3,561.9	3,745.5	3,882.5	136.9	3.7%
<i>Percent</i>	23.3%	24.9%	25.0%		
Prevention	1,854.7	1,514.3	1,717.7	203.3	13.4%
<i>Percent</i>	12.1%	10.1%	11.0%		
Domestic Law Enforcement	3,869.4	3,843.5	3,917.3	73.8	1.9%
<i>Percent</i>	25.3%	25.6%	25.2%		
Interdiction	3,910.2	3,640.1	3,727.0	86.9	2.4%
<i>Percent</i>	25.6%	24.2%	24.0%		
International	2,082.2	2,288.0	2,308.1	20.1	0.9%
<i>Percent</i>	13.6%	15.2%	14.8%		
<b>Total</b>	<b><u>\$15,278.4</u></b>	<b><u>\$15,031.5</u></b>	<b><u>\$15,552.5</u></b>	<b><u>\$521.1</u></b>	<b><u>3.5%</u></b>
<b>Supply/Demand</b>					
Demand Reduction	5,416.6	5,259.9	5,600.2	340.3	6.5%
<i>Percent</i>	35.5%	35.0%	36.0%		
Supply Reduction	9,861.8	9,771.6	9,952.4	180.8	1.9%
<i>Percent</i>	64.5%	65.0%	64.0%		
<b>Total</b>	<b><u>\$15,278.4</u></b>	<b><u>\$15,031.5</u></b>	<b><u>\$15,552.5</u></b>	<b><u>\$521.1</u></b>	<b><u>3.5%</u></b>

**Table 1: Federal Drug Control Spending by Function<sup>25</sup>**

The functional areas of prevention and treatment combine to form the basis of “demand reduction.” Adding the percentage of the allocated funds for these two areas, (prevention 11% + treatment 25%), reveals 36% of the drug control budget is allocated to demand reduction. Enforcement or “supply-side reduction” is the combination of domestic law enforcement, interdiction, and international.<sup>26</sup> Adding the three functions

<sup>25</sup> *National Drug Control Strategy: FY 2011 Budget Summary*, (2010), 15.

<sup>26</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy: FY 2011 Budget Summary*, 9. Under the heading of International, the Departments of Defense, Justice and State perform a wide range of drug control activities primarily focused on or conducted in areas outside of the United States, focusing on the disruption or dismantlement of the

(domestic law enforcement + interdiction + international) reveals 64% of the budget is allocated to supply-side reduction. The data in Table 1 reveals that little has changed over the past three budget cycles.

Additionally, outside these figures are the department and agency budgets that are allocated directly toward border security efforts. As an example, on August 13, 2010, President Obama signed Public Law (P.L.) 111–230, an act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, that allocated \$600 million additional funds to border security, specifically the U.S.-Mexico border.<sup>27</sup> The funds were specified in P.L. 111-230 as two-year money, meaning they could be spent during FY-2011. All of the funds from P.L. 111-230 were directed to security efforts aimed at supply-side reduction enforcement programs. All of these funds were intended solely for the purpose of hardening and strengthening the U.S. side of the border. None of these funds were directed to demand reduction efforts. Moreover, law enforcement agencies are able to obtain funding from other sources of revenue such as the Department of Justice Forfeiture Fund and the Department of Treasury Forfeiture Fund.<sup>28</sup>

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most significant international drug organizations, and increasing the drug enforcement capability of partner nations.

<sup>27</sup> *Department of Defense Appropriations Act*, Public Law 111-230, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess. (August 13, 2010.) <http://www.gpo.gov/fdsys/pkg/PLAW-111publ230/pdf/PLAW-111publ230.pdf>, (accessed November 20, 2010).

<sup>28</sup> Title 31 USC § 9703 and Title 28 U.S.C. § 524 establish the Department Treasury Forfeiture Fund and the Department of Justice Forfeiture Fund both of which allow agencies to recoup expenses that are incurred during the course of an investigation that lead to the seizure of merchandise, assets and evidence. These expenses can be incurred and reimbursed both before and after the time of seizure and include the employment of contractors to perform services related to the seizure and forfeiture of assets, and other expenses that can be reasonably tied to the seizure of assets, such as payments to sources of information and confidential informants. Additionally, Equitable Sharing Agreements allow for agencies to directly receive amounts of seized and forfeited into their budgets for the purposes of administering law

At this juncture, it is important to note agencies such as DHS's Immigration and Customs Enforcement conduct certified undercover operations. These are carried out in accordance with Title 19, United States Code, Section 2081, which allows the agency to utilize the proceeds derived from undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to custodian of public money laws.<sup>29</sup> Accordingly, undercover operations are able to deposit funds, establish businesses, and develop profits, which can be utilized to fund investigative activities. Departments and agencies involved with law enforcement are extremely innovative and have utilized alternate funding sources for decades.<sup>30</sup> These funding sources are in addition to Congressional appropriated funding streams and are directed exclusively to enforcement. Essentially, law enforcement develops additional resources that further tilt the mismatches of the strategy.

In summary, the National Drug Control Strategy of 2010 lists two goals that are to be attained by 2015, neither of which is a statement of a desired end-state, nor offers any insight or guidance when considering the border security environment. The NDCS-2010 identifies that the core of the drug problem is the American addiction and appetite for illicit drugs, and lists demand reduction as the basis for the solution. The strategy then shifts most of the burden and responsibility for demand reduction to local

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enforcement programs. Such funds are not appropriated by Congress and are outside the scope of funding listed in the NDCS B-Sum and typically are exclusively utilized for enforcement actions.

<sup>29</sup> *Customs Duties*, U.S. Code 19 (2006), § 2081, [http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$\\$xa\\$\\$busc19.wais&start=3010683&SIZE=7222&TYPE=PDF](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$$xa$$busc19.wais&start=3010683&SIZE=7222&TYPE=PDF) (accessed December 21, 2010).

<sup>30</sup> The source of these funds are "trafficker directed proceeds" and the profits from undercover businesses, (storefronts). Trafficker directed proceeds are monies paid to undercover agents by subjects of investigation during the course of an investigation. In essence, agencies are able to covertly have subjects of investigation fund investigative activities. Additionally, these funds are deposited into interest bearing accounts at financial institutions and the interest gained becomes part of the operational funds.

governments. Furthermore, the NDCS-2010 attempts to induce cooperation among law enforcement by mandating the establishment of a national task force (NAZTF). The NAZTF is to serve as a comprehensive cross-cutting coordination mechanism to ensure near real-time dissemination of intelligence to task forces and agencies to support rapid facilitation of operations. A plan detailing the NAZTF's implementation, as of the date of this writing, has yet to be unveiled.

Finally, the means of the strategy are not properly aligned with its unclear ends and potentially competing ways. The budget numbers of the NDCS B-Sum offer some compelling insights regarding the mismatch between ends and means. For example, 36 percent of the drug control budget is allocated to demand reduction, while 64 percent is allocated to supply-side reduction. To correct this imbalance, an appropriate allocation would be 60 percent of the NDCS budget being allocated to demand reduction with 40 percent allotted to supply reduction. Additionally, outside these figures are the department and agency budgets for border security and alternate funding sources, which are only available exclusively to law enforcement agencies.

## CHAPTER 6

### QUADRENNIAL HOMELAND SECURITY REVIEW - 2010

Another strategic driver concerning U.S.-Mexico border security strategy and counter-TCO efforts is the DHS Quadrennial Homeland Security Review Report (QHSR-2010). The QHSR-2010 fails to define a desired end-state for border security and does not address the threat of the transnational criminal organizations (TCOs). Additionally, the QHSR-2010 does not list roles and responsibilities for departments and agencies regarding border security. Rather, it uses the general term “Homeland Security Enterprise,” (HSE) which is defined as the Federal, State, local, tribal, territorial, nongovernmental, and private sector entities, as well as individuals, families, and communities who share a common national interest in the safety and security of America and the American population.”<sup>1</sup> Furthermore, the QHSR-2010 defines the DHS concept of homeland security as: “Homeland security is a concerted national effort to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive.”<sup>2</sup> The QHSR-2010 outlines the U.S. homeland security missions and broad areas of activity around which the HSE is oriented.<sup>3</sup> DHS followed up the QHSR-2010 with the Bottom-Up Review Report (BUR-2010). The BUR-2010 does not allow for an assessment of the available “tools” to achieve border security, as it is an internal examination of DHS and not the entire

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<sup>1</sup> Department of Homeland Security, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland*, (Washington, DC: 2010), 12.

<sup>2</sup> *Ibid.*, 13.

<sup>3</sup> *Ibid.*, ix.

“Homeland Security Enterprise.” This chapter will offer an examination of the QHSR-2010 and the BUR-2010 against the ends, ways, and means model.

#### Ends - end-states attempting to be established

The QHSR-2010’s stated aim is “a vision for our homeland as safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive.”<sup>4</sup> A review of the QHSR-2010’s stated aim, as demonstrated, is the definition of homeland security. Moreover, the aim is not specific. It does not address the level of drug-related violence in Mexico that is a major threat to U.S-Mexico border security efforts. Ultimately, the QHSR-2010 does not explicitly address the threat of TCO spillover to the U.S.

As it relates specifically to U.S.-Mexico border security, in the section titled Securing and Managing Our Borders Mission Goals, the QHSR-2010 lists the following:

1. Effectively Control U.S. Air, Land, and Sea Borders:  
Objectives – Prevent illegal entry, and Prevent illegal export and exit.
2. Safeguard Lawful Trade and Travel:  
Objectives - Secure key nodes, and Secure conveyances.
3. Disrupt and Dismantle Transnational Criminal Organizations:  
Objectives - Identify, disrupt, and dismantle transnational criminal and terrorist organizations, and disrupt illicit pathways.<sup>5</sup>

The above listed goals and objectives are “how” the HSE will conduct business and not a statement of the desired end-state(s).

#### Ways - “how” the strategy will use available resources

The QHSR-2010 establishes the concept of the HSE and fails to evaluate roles

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<sup>4</sup> Ibid., vii.

<sup>5</sup> Ibid., 26.

and responsibilities for any department or agency. Further, the QHSR-2010 details a three-pronged approach to securing the U.S.-Mexico border that is to be accomplished by the HSE. Precisely, it states the approach “depends on partnerships with Federal, State, local, tribal, territorial, and international law enforcement agencies to share information and conduct coordinated and integrated operations.”<sup>6</sup>

A key element for the success of the QHSR-2010’s approach is identifying, disrupting, and dismantling criminal and terrorist organizations. The QHSR-2010 states, “Success will require many key activities...” which transcend Federal, State, local, tribal and territorial law enforcement agencies as well as the intelligence community.<sup>7</sup> The QHSR-2010 then lists the definition of information sharing but provides no details of how the information should be shared or used.

Finally, the QHSR-2010 states the HSE must disrupt illicit pathways used by criminal and terrorist organizations.<sup>8</sup> These illicit pathways are the smuggling routes into the U.S. used by the Mexican TCOs to smuggle people, contraband and drugs:

Working appropriately with domestic law enforcement partners, the Intelligence Community, and foreign partners, we must identify these illicit pathways, understand their nodes and conveyances monitor, their use, and effectively intervene to stop dangerous people or goods in transit and dismantle the pathways themselves.<sup>9</sup>

The QHSR-2010 fails to provide details as to “how” the illicit pathways will be disrupted.

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<sup>6</sup> Ibid., 44.

<sup>7</sup> Ibid., 48.

<sup>8</sup> Ibid., 49.

<sup>9</sup> Ibid.

## Means - resources used to achieve the end-states

A review of the QHSR-2010 reveals that it does not directly address the means of homeland security or the HSE. An examination of the BUR-2010 reveals it is an internal examination of DHS and not the HSE. The BUR-2010 specifically states that it is not a strategic plan, not a budget request, does not attach resources to strategic goals and objectives, nor does it describe the sequence in which DHS will seek to implement the initiatives and enhancements.<sup>10</sup> The BUR-2010 sets forth DHS's conclusions concerning the priority initiatives and enhancements necessary to strengthen existing programs and address priority capability and capacity gaps over the FY 2012-2016 period in order to set a foundation for future success.<sup>11</sup>

As it relates to U.S.-Mexico border security, the BUR-2010 states:

1. Expand joint operations and intelligence capabilities, including enhanced domain awareness;
2. Enhance the security of the global trade and travel systems responsible for the secure movement of people and goods, including enhanced container and maritime security and prioritization of immigration and customs investigations relating to global trade and travel systems;
3. Strengthen and expand DHS-related security assistance internationally (e.g. border integrity and customs enforcement security assistance) consistent with U.S. government security and foreign assistance objectives in consultation and coordination with the Departments of State and Defense; and
4. Work closely with the governments of Canada and Mexico to enhance North American security.<sup>12</sup>

Examining the above shows that the BUR-2010 does not specifically address resources utilized to accomplish the objectives and goals. The BUR-2010 does not speak to the

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<sup>10</sup> Department of Homeland Security, *Bottom Up Review Report*, (Washington, DC: July 2010), v-vi. [http://www.dhs.gov/xlibrary/assets/bur\\_bottom\\_up\\_review.pdf](http://www.dhs.gov/xlibrary/assets/bur_bottom_up_review.pdf), (accessed October 4, 2010).

<sup>11</sup> *Ibid.*, 2.

<sup>12</sup> *Ibid.*, 16.

financial and funding fields, equipment, personnel, or facilities. The BUR-2010 does not allow for an assessment of the available “tools” to achieve border security. This is not surprising given the absence of a coherent and balanced strategy. While it is intended to serve as a road map for areas where additional emphasis, investment, and effort are needed to strengthen mission performance, improve departmental operations and management, and increase accountability for the resources entrusted to DHS,<sup>13</sup> this effort is also hobbled by the lack of an appropriate strategy. The BUR-2010 demands capabilities but fails to address them.

In summary, the QHSR-2010 fails to define the specific end-states it is attempting to achieve and does not explicitly address the threat of the TCOs. Additionally, the document does not list specific roles and responsibilities for departments and agencies; instead, it introduces the concept of the “Homeland Security Enterprise.” An assessment of the means was by examination of the ill informed BUR-2010. Thus, the BUR-2010 does not provide the necessary availability of “tools” needed to achieve border security. This unfortunate collection of circumstances is because it was an internal examination of DHS, and not the entire “enterprise.” The HSE is defined as the Federal, State, local, tribal, territorial, nongovernmental, and private-sector entities, as well as individuals, families, and communities who share a common national interest in the safety and security of America and the American population: the HSE is everybody. Ultimately, the QHSR-2010 and the BUR-2010 fall short with respect to thinking strategically and lack specificity to do so. Considering the objectives of U.S. strategy, it would be fair to

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<sup>13</sup> Ibid., 39.

examine what capabilities from Mexico may realistically be included within the broader enterprise, such as the North American Free Trade Agreement (NAFTA).

## CHAPTER 7

### MÉRIDA INITIATIVE

This chapter “unpacks” the Mérida Initiative using the ends, ways and means framework and provides a history of the initiative. There are no official U.S. government documents that state the overarching strategy of the Mérida initiative. Therefore, the findings of this research were developed from the collective analysis of Government Accountability Office (GAO) Reports, Congressional Research Service (CRS) Reports, academic publications, and U.S. Government statements.

Principally, the Mérida Initiative is a foreign assistance program to Mexico aimed at providing tools to combat TCOs. Mérida began during FY-2007, in response to a request from Mexico for increased cooperation and assistance. The U.S. and Mexico began the Mérida Initiative, a package of U.S. counterdrug and anticrime assistance to Mexico and Central America.<sup>1</sup> Mérida was proposed, approved, and started under the Bush administration. Members of Congress initially expressed concern that they had not been adequately consulted by the Bush Administration during the development of the Mérida Initiative.<sup>2</sup> Initial congressional reception of the Mérida Initiative was lukewarm<sup>3</sup> but Congress ultimately voted to authorize the aid package.<sup>4</sup>

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<sup>1</sup> Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (Washington, DC: Congressional Research Service, June 2009), 3.

<sup>2</sup> Ibid.

<sup>3</sup> Ray Walser, Ph.D., “Mexico, Drug Cartels, and the Mérida Initiative: A Fight We Cannot Afford to Lose,” *Background*, no. 2163 (2008): 3.

<sup>4</sup> Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (June 2009), 3.

## Ends - end-states attempting to be established

As stated above, the Mérida Initiative does not have an official document that enumerates the strategic intent. The Mérida initiative does not have a documented end-state(s), which it is attempting to achieve. Rather, it speaks to the “how;” the ways of strategy. A 2010 CRS report lists the four primary stated goals of the Mérida Initiative (under the Bush administration) as:

1. Break the power and impunity of criminal organizations;
2. Assist the Mexican and Central American governments in strengthening border, air, and maritime controls;
3. Improve the capacity of justice systems in the region; and
4. Curtail gang activity in Mexico and Central America and diminish drug demand in the region.<sup>5</sup>

The above listed goals are a list of the “ways” of the strategy and, not end-states; they are stated as actions.

Subsequently, the Obama administration has expanded the scope of the Mérida Initiative by establishing “four pillars” of the Initiative.<sup>6</sup> This new framework has been referred to as the “Beyond Mérida” strategy. The pillars are: 1) Disrupting and dismantling criminal organizations, 2) Institutionalizing the rule of law, 3) Building a 21st century border, and 4) Building strong and resilient communities.<sup>7</sup> Again, these goals are not goals; they are a list of the ways of the strategy and require interpretation. They are all actions and not end-states.

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<sup>5</sup> Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (Washington, DC: Congressional Research Service, April 2010), 3.

<sup>6</sup> Eric L. Olson and Christopher E. Wilson, *Beyond Mérida: The Evolving Approach to Security Cooperation*, (San Diego: Woodrow Wilson Center for Scholars, Mexico Institute, May 2010), 4-5.

<sup>7</sup> Ibid.

## Ways - “how” the strategy will use available resources

Nevertheless, even using illustrative end-states, Mérida strategy is seriously flawed. The Mérida Initiative centers on technology transfer and critics of the initiative claim it does not focus enough on capacity-building and institutional reform. DOS claims to be the lead for the Mérida Initiative, which is a multi-year program that provides equipment and training to support law enforcement operations, and provides technical assistance for long-term reform and oversight of security agencies in Mexico.<sup>8</sup>

Specifically, Mérida provides funding for non-intrusive inspection equipment, ion scanners, canine units, technologies to improve and secure communications systems that collect criminal information in Mexico, technical advice and training to strengthen the institutions of justice, and vetting for a new police force.<sup>9</sup> It also provides case management software to track investigations through a system, new offices of citizen complaints and professional responsibility, witness protection programs to Mexico, helicopters and surveillance aircraft to support interdiction activities and rapid response of law enforcement agencies to Mexico, equipment, training, and community action programs to implement anti-gang measures.<sup>10</sup> A CRS report notes that with respect to funding for Mexico, several studies have criticized the Mérida Initiative for focusing too much on technology transfer and not enough on capacity-building and institutional

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<sup>8</sup> U.S. Department of State, *The Mérida Initiative-Fact Sheet*, (Washington, DC: Bureau of International Narcotics and Law Enforcement Affairs, June 2009), <http://www.state.gov/p/inl/rls/fs/122397.htm>, (accessed September 15, 2010).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

reform.<sup>11</sup> Such serious flaws tend to be the sad results of pervasive lack of strategic thinking.

Means - resources used to achieve the end-states

It should be no surprise that the resources of the Mérida Initiative have been delivered slowly and incompletely. According to a GAO report, as of March 31, 2010, 46 percent of Mérida funds for fiscal years 2008 to 2010 were obligated, and approximately 9 percent was expended (see Table 2, p. 42).<sup>12</sup> Over 40 percent of the funding remains untouched by DOS. Congress additionally, appropriated \$293M for Mérida activities for FY-2010<sup>13</sup> that is not depicted in Table 2.

<b>Mérida Funding Status as of March 31, 2010 Dollars in millions</b>				
	<b>Allocated</b>	<b>Obligated balance</b>	<b>Expended balance</b>	<b>Untouched Funds</b>
<b>FY08 Supplemental</b>	<b>398.0</b>	<b>290.9</b>	<b>107.1</b>	<b>0</b>
<b>FY09 Omnibus</b>	<b>300.0</b>	<b>44.1</b>	<b>2.7</b>	<b>253.2</b>
<b>FY09 Supplemental</b>	<b>420.0</b>	<b>330.1</b>	<b>6.4</b>	<b>83.5</b>
<b>FY10</b>	<b>204.3</b>	<b>4.6</b>	<b>5.0</b>	<b>194.7</b>
<b><u>Mexico total</u></b>	<b><u>\$1,322.3</u></b>	<b><u>\$669.7</u></b>	<b><u>\$121.2</u></b>	<b><u>531.4</u></b>

**Table 2: Mérida Funding Status as of March 31, 2010 Dollars in millions<sup>14</sup>**

Analysis of the funding status (Table 2) reveals the physical tools that Mérida was designed to supply are not in the hands of the operators for whom they were

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<sup>11</sup> Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (April 2010), 14.

<sup>12</sup> United States Government Accountability Office, *Mérida Initiative: The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures*, GAO-10-837, 11.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

intended. Funding that is obligated means that it has been set aside and designated for a purpose; it does not mean that the equipment, training, or tools have been purchased and delivered. For these reasons: 1) statutory conditions on the funds, 2) challenges in fulfilling administrative procedures, and 3) the need to enhance institutional capacity on the part of both recipient countries and the U.S. to implement the assistance, DOS has delivered less than 10 percent of the scope of the initiative.<sup>15</sup> There is plenty of evidence that there is little to no confidence in the future of Mérida.

Further, funding assistance provided to Mexico is not limited solely to the Mérida initiative. Mexico receives assistance through other State and Defense Department assistance accounts, some of which is for security and counterdrug programs.<sup>16</sup> For example, in FY-2009 Mexico received the miniscule amount of \$0.8M for military training programs funded through the State Department's International Military Education and Training Account.<sup>17</sup> On a positive track, DOD provided a \$13M counterterrorism training and equipment package to the Mexican military, and an additional \$12.2M in counternarcotics training assistance to Mexico in FY-2008.<sup>18</sup> Additionally, DOD assistance expanded to \$34.2M in FY-2009 in order to complement Mérida programs.<sup>19</sup> On December 16, 2009, Congress appropriated an additional \$50M in FY-2010 funding for counternarcotics communication equipment for Mexico in the

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<sup>15</sup> United States Government Accountability Office, *Mérida Initiative Funding*, GAO-10-253R, (Washington, DC: 2009), 3, <http://www.gao.gov/new.items/d10253r.pdf>, (accessed October 3, 2010).

<sup>16</sup> Clare Ribando Seelke, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, (April 2010), 7.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

FY-2010 Department of Defense Appropriations Act (H.R. 3326/P.L. 111-118).<sup>20</sup>

According to the Department of State's, *International Narcotics Control Strategy Report*, Mexico's spending for security-related secretariats in 2011 will be \$10.7 billion.<sup>21</sup>

In summary, the author's research did not discover any official U.S. government documents that state the overarching strategy of the Mérida Initiative. Based upon GAO Reports, CRS Reports, academic publications, and DOS U.S. Government statements, the Mérida Initiative is a foreign aid package to Mexico intended to provide tools to counter transnational criminal organizations, and does so without listing end-states.

Nevertheless, the White House has expanded the scope of the Mérida Initiative (Beyond Mérida) to include "four pillars." The "ways" of the initiative place emphasis on technology transfer without any clearly defined end-state(s). Clearly, the Mérida Initiative has a great deal of room for improvement. It should begin by publishing a Merida Initiative Strategy defining its ultimate end-state(s), ways, means, and accelerating acquisitions and delivery programs.

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<sup>20</sup> Ibid., and *Department of Defense Appropriations Act, 2010*, H.R. 3326/P.L. 111-118, <http://www.gpo.gov/fdsys/pkg/BILLS-111hr3326enr/pdf/BILLS-111hr3326enr.pdf>, (accessed December 12, 2010).

<sup>21</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, 384.

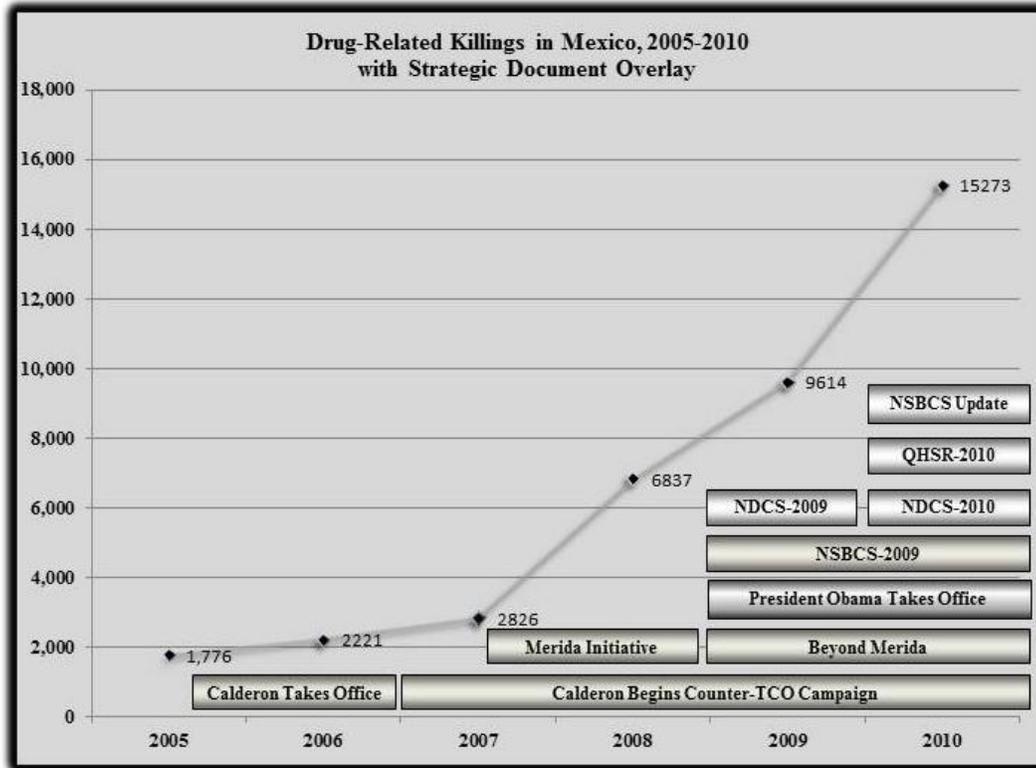
## **CHAPTER 8**

### **RECOMMENDATIONS TO REDUCE RISK**

This chapter provides ten focused recommendations to increase the likelihood of success to counter violence along the U.S.-Mexico border through the development and implementation of proper strategy. The recommendations are derived from the identified risks created by the mismatches and shortcomings of the current poorly developed strategy. If the U.S. does not move in the direction of these recommendations, the risks of failure will remain high.

Analysis of the data reveals that despite the efforts of the U.S. and Mexico, TCO violence continues to increase. Figure 1 (p. 46) depicts the number of drug-related killings in Mexico per year from 2005 to 2010. The data are overlaid by the strategic events that have taken place since 2006. These events include: Mexican President Calderon taking office in Mexico; Calderón beginning his counter TCO campaign; the Mérida Initiative; U.S. President Obama taking office; Beyond Mérida; issuance of the National Southwest Border Counternarcotics Strategy; issuance of the National Drug Control Strategy of 2009; issuance of the Quadrennial Homeland Security Review-2010; issuance of the National Drug Control Strategy of 2010; and the National Southwest Border Counter Narcotics Strategy Implementation Update. Figure 1 demonstrates the steady increase per year in drug-related killings and reveals how the actions and strategies of the U.S. and Mexico have failed to stop the killings. Relatively, Figure 1 shows how the strategies appear to have had an adverse effect, as additional strategic drivers have been developed and implemented. Still, the number of drug-related killings

has increased. While an apparent relationship is very arguable, it is obvious that existing policies are not sufficiently effective. The strategy along the U.S-Mexico border needs to be adjusted to achieve success in countering the level of violence.



**Figure 1: Drug-Related Killings in Mexico 2005-2010 with Strategic Overlay<sup>1</sup>**

Ends - desired end-states attempting to be accomplished

Define and Communicate the End-States

Considering the NSBCS- 2009, the NDCS-2010, the QHSR-2010, and Mérida documents, it is obvious that the U.S. has not clearly stated and communicated the end-

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<sup>1</sup> The number of drug-related killings per year were derived from: Ríos and Shirk, *Drug Violence in Mexico: Data and Analysis Through 2010*, 5.

states it seeks to achieve. Each department and agency involved in the efforts to secure the U.S.-Mexico border have a general sense of what they are attempting to accomplish, but this is open to individual department and agency interpretation. Therefore, to reduce risk, the U.S. must develop and publish strategies that clearly define end-states for U.S.-Mexico border security. The U.S. needs to specifically address whether eliminating the TCOs and demand reduction are part of the desired end-state. This would help all departments and agencies involved in the border security “enterprise” to act in concert and to work toward those common defined end-states. An illustrative statement that delineates desired end-states, goals, and objectives for U.S-Mexico border security strategy may be:

A safe, secure, and resilient border with Mexico that eliminates serious threats and is achieved in ways that preserve the freedoms and the prosperity of the U.S. and Mexico.

While the above end-state does not specifically address TCOs or U.S. illicit drug markets, such a statement can stand the test of time and be applied under all foreseeable conditions.

Ways - “how” the strategy will use available resources

Transfer Office of National Drug Control Policy’s Roles, Responsibilities, and Authorities

The White House and Congress should transfer the roles, responsibilities, and authorities relating to the coordination of the U.S.-Mexico border from ONDCP to the Department of Justice (DOJ). While ONDCP is not involved in other border security strategies of the U.S., it could productively collaborate in support of DOJ. This research has shown that ONDCP is not the correct entity to direct the strategic actions of the U.S.

relating to security.

ONDCP is a policy and coordination office with the sole mission of drug control. ONDCP drives strategic thinking and actions based on drug policy and fails to address other key issues involved in border security, such as immigration and the smuggling of illicit commodities. The DOJ should assume this role from ONDCP because the U.S. Attorney General is the chief law enforcement official of the nation, capable of developing a comprehensive border security strategy, rather than the insufficient strategy developed by ONDCP. Border security involves a myriad of issues beyond drug policy.

### Develop and Implement Strategic Change to Drug Control

White House drug control strategy is constant despite its shortfalls. Former President George W. Bush in his letter of transmittal for The National Drug Control Strategy Annual Report of 2009 stated, “From community coalitions to international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.”<sup>2</sup> This statement makes it clear that the Bush administration pursued policies of prevention, treatment, and enforcement. These are essentially the same policies the U.S. has been pursuing for decades. The words may be somewhat different – stopping initiation v. evidence-based prevention – but the ultimate meanings and supporting actions are almost the same. ONDCP needs to develop and implement programs that will reduce the U.S. illicit drug market rather than advocating the same failing actions and programs.

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<sup>2</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy*, (2009), iii, <http://www.whitehousedrugpolicy.gov/publications/policy/ndcs09/2009ndcs.pdf>, (accessed December 1, 2010).

ONDCP needs to invest in innovative efforts to develop a solution to the U.S. drug problem. The solution does not necessarily rely on new forms of technology designed to catch drug smugglers, nor on the creation of yet another task force, nor on the development of yet another national concept plan. The solution requires enforcement policies that issue harsh penalties to those who use and smuggle drugs into the U.S., along with drug prevention programs that stop drug use before it starts.<sup>3</sup> Eliminating the demand in the U.S. is the only viable end-state for any type of drug policy and should be the cornerstone of the U.S. drug control strategy.

A critical decision point the U.S. faces is legalization of illicit drugs as a method of reducing and eliminating illicit markets. The NDCS-2010 states the U.S. is opposed to the legalization of drugs under any circumstances. Specifically it states: “Keeping drugs illegal reduces their availability and lessens willingness to use them. That is why this Administration firmly opposes the legalization of marijuana or any other illicit drug. Legalizing drugs would increase accessibility and encourage promotion and acceptance of use.”<sup>4</sup> Nevertheless, legalization is a politically polarizing issue. Still, legalization must be considered when examining the issues of illicit drug production, trafficking, and markets. Legalization of currently illicit drugs is fraught with moral and social dilemmas and issues, but it must be considered and included in the debate. Moreover, the debate should include the strategic end-state of any strategy to eliminate the TCOs, which already constitute a serious threat to U.S. freedom, a vital national interest.

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<sup>3</sup> Henry H. Willis, et al., *Measuring the Effectiveness of Border Security Between Ports-of-Entry*, (Santa Monica: RAND, 2010), 5

<sup>4</sup> The White House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy* (2010), 8.

## Implement National Arrival Zone Task Forces Using Unity of Effort

The creation of the National Arrival Zone Task Forces must be tied to funding and implemented with the unity of effort concept. According to the NDCS-2010, the NAZTFs will serve as a comprehensive cross-cutting coordination mechanism for intelligence fusion, information sharing, interagency coordination, multinational partnering. The NAZTFs will also integrate multiple federal coordination centers for air, land, and sea, with regional and local intelligence and coordination centers to ensure near real-time dissemination of intelligence to task forces and agencies to support rapid facilitation of controlled deliveries or interdiction operations. The implementation of NAZTFs will have strategic implications for U.S.-Mexico border security efforts because 95 percent of illicit drugs enter the U.S. from Mexico.<sup>5</sup> Law enforcement agencies along the U.S.-Mexico border operate autonomously and will only reluctantly give in to such activities unless participation is enforced through budget actions. At the strategic, operational, and tactical level, the implementation of a NAZTF concept is a major policy shift and will disrupt enforcement operations in the beginning. Local operators and senior leadership will be reluctant to participate for fear of the ramifications of their investment into the NAZTFs in terms of loss of their independent decision-making. Law enforcement organizational experience shows that if the NAZTF concept is implemented with any type of command structure that dictates agency loss of operational control, the NAZTFs will be doomed. The NAZTF concept can only be implemented through a

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<sup>5</sup> Frank G. Shanty, ed., *Organized Crime: from Trafficking to Terrorism*, 2, 332 and 344; and United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control*, 383.

pervasive unity of effort concept. Anything else will cause the stakeholders to resist and sabotage the NAZTF concept wherever possible.

### Clarify and Refine the “Homeland Security Enterprise” Concept

The QHSR-2010 defines the Homeland Security Enterprise (HSE) in broad terms. The intent of DHS when creating the concept of the HSE, was to include all stakeholders and twenty-two partner organizations into homeland security. The QHSR-2010, developed through a collaborative approach that included the Interagency Community, solicited input from the public to ensure all possible views and opinions were heard. In doing so, and using the concept of HSE, the QHSR-2010 fails to assign roles and responsibilities and falls short when determining which departments and agencies will conduct activities. DHS needs to state specifically which agencies are responsible for each action. Otherwise, competition among agencies will arise with everyone assuming they are in charge, resulting in no one being in charge.

### Persuade Mexico to Stop Using the Military

The Mérida Initiative has provided significant equipment and technology infrastructure improvements for the Mexican military, such as helicopters. Mexico needs to stop using the military to do the job of law enforcement. The U.S. can shape policy and strategy in Mexico through the types of programs and assistance under the Mérida Initiative. The military is neither trained nor equipped to conduct effective law enforcement. Using the military in this capacity is like using a sledgehammer to drive in a nail. The military is not adept at conducting criminal investigations which require the collection and preservation of evidence, the development and maintenance of confidential

sources of information, and the application of criminal laws and criminal procedures. Militaries are not designed for law enforcement. The Mérida Initiative needs to shape Mexican actions toward civilian law enforcement through the allocation of programmatic assistance funding that is directed solely towards civilian law enforcement and judicial systems. The militaries of both countries have a role in this endeavor, but it is in a supporting role. The lead for the efforts in Mexico should be transitioned to law enforcement.

### Integrate U.S. Intelligence Community into Law Enforcement

The U.S. must, as appropriate, integrate the intelligence communities of the U.S. and Mexico with law enforcement operations and tactics. The role of intelligence as part of border security to counter-TCO efforts is critical. As noted in Richard A. Best, Jr.'s Congressional Research Service report, the success of agencies to provide security along the border depends on the availability of reliable information on the nature of potential threats to border security.<sup>6</sup> Mr. Best states that the role for intelligence agencies is necessarily classified, but based on publicly available information; these agencies have a number of capabilities that are apparently being utilized to supplement information acquired from law enforcement sources.<sup>7</sup> Although it is not possible, based on unclassified materials, to provide a metric for the value of intelligence information on border security efforts, it seems reasonable to conclude that these capabilities could make

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<sup>6</sup> Richard A. Best Jr., *Securing America's Borders: The Role of the Intelligence Community*, (Washington, DC: Congressional Research Service, December 2010), summary.

<sup>7</sup> *Ibid.*, 2.

a significant contribution.<sup>8</sup> Mr. Best further states the intelligence community has some long standing statutory missions that directly relate to protecting the homeland from various outside foreign threats.<sup>9</sup> For instance, the Anti-Drug Abuse Act of 1988 articulates the sense of Congress “that, given the magnitude of the illicit drug problem and the threat it poses to the national security of the U.S., agencies of the intelligence community should be more actively involved in the effort to combat illicit international drug trafficking.”<sup>10</sup>

Additionally, Title 50, United States Code, Section 401a (5) explains the terms “national intelligence” and “intelligence related to national security” as:

all intelligence, regardless of the source from which derived and including information gathered within or outside the U.S., that pertains, as determined consistent with any guidance issued by the President, to more than one U.S. Government agency; and that involves threats to the U.S., its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on U.S. national or homeland security.<sup>11</sup>

This is the very essence of why the U.S. has established intelligence agencies – to provide information that assists and furthers security efforts.

As noted in the 2008 RAND report *Reorganizing U.S. Domestic Intelligence: Assessing the Options* “...efforts to control the smuggling of illegal drugs into the country have long had associated intelligence efforts, and law enforcement activities focused on controlling money laundering involve significant financial intelligence

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid and *Anti-Drug Abuse Act of 1988*, P.L. 100-690, sec. 4801.

<sup>11</sup> *War and National Defense*, U.S. Code 50 (2006), § 401a, et. sec.,

[http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$\\$xa\\$\\$busc50.wais&start=481593&SIZE=9838&TYPE=PDF](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$$xa$$busc50.wais&start=481593&SIZE=9838&TYPE=PDF), (accessed December 14, 2010).

infrastructures.”<sup>12</sup> It does not matter if these efforts are termed homeland security, national security, counter-terrorism, counter-intelligence, or counter-espionage; they all impact the security of the nation. It seems logical to conclude that border security, and more specifically counter-TCO efforts, are among the mission sets of the intelligence community.

Within DHS there exists the Office of Intelligence and Analysis (DHS-I&A), which is headed by an Under Secretary. The function of DHS-I&A is to provide homeland security intelligence and information to the Secretary, other Federal officials, and State, local, tribal, and private sector partners.<sup>13</sup> The priorities of DHS-I&A are: 1) threats related to border security; 2) threats of radicalization and extremism; 3) threats from particular groups entering the U.S.; 4) threats to the Homeland's critical infrastructure and key resources; 5) weapons of mass destruction and health threats.<sup>14</sup> DHS-I&A is an intelligence component within a department that has a primary mission of law enforcement. This is similar to the structure of the Federal Bureau of Investigation's Directorate of Intelligence (FBI-DI), which manages all FBI intelligence activities making certain that intelligence is embedded in every investigative program and field office.<sup>15</sup> Additionally, the Drug Enforcement Administration (DEA) houses an Office of Intelligence (DEA-Intel) that initiates new investigations of major drug organizations, strengthens ongoing investigations and subsequent prosecutions, develops

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<sup>12</sup> Gregory F. Treverton, *Reorganizing U.S. Domestic Intelligence: Assessing the Options*, (Santa Monica: RAND, 2010), 24.

<sup>13</sup> Department of Homeland Security, “About the Department,” *Office of Intelligence and Analysis*, [http://www.dhs.gov/xabout/structure/gc\\_1220886590914.shtm](http://www.dhs.gov/xabout/structure/gc_1220886590914.shtm), (accessed November 2, 2010).

<sup>14</sup> Ibid.

<sup>15</sup> Federal Bureau of Investigation, “About Us,” *Directorate of Intelligence*, <http://www.fbi.gov/about-us/intelligence>, (accessed November 2, 2010).

information that leads to seizures and arrests, and provides policy makers with drug trend information upon which programmatic decisions can be based.<sup>16</sup> DHS-I&A, FBI-DI and DEA-Intel are formal members of the U.S. intelligence community. The main functions of these intelligence components are to collect and analyze intelligence information, not to conduct covert intelligence operations.

The U.S. must determine the types of activities these dual mission agencies will conduct and must determine the willingness to enlist these agencies to conduct covert intelligence operations. Additionally, the U.S. must answer the fundamental question of what actions it is willing to take to achieve the end-state of completing the dismantling and destruction of the TCOs, and if the TCOs should be included on the annually submitted DOS Foreign Terrorist List.<sup>17</sup> This list is an assessment of each foreign country in which acts of international terrorism occurred that were, in the judgment of the Secretary, of major significance.<sup>18</sup> Currently Mexican TCOs are not included on the Secretary of State's Foreign Terrorist List.<sup>19</sup> The DOS Country Report on Terrorism-2009 states, "No known international terrorist organizations had an operational presence

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<sup>16</sup> Drug Enforcement Administration, "Intelligence," <http://www.justice.gov/dea/programs/intelligence.htm>, (accessed November 2, 2010).

<sup>17</sup> TCOs fit the legal definition of terrorist organizations according to Title 18, United States Code, § 2331. Specifically, TCOs commit violent acts dangerous to human life, violate criminal laws of the U.S. and Mexico with the intent to intimidate and coerce civilian the population of the U.S and Mexico. Additionally, TCO actions are intended to influence policy of both the U.S. and Mexican governments by the use of intimidation, coercion, mass destruction, assassinations, and kidnappings. *Crimes and Criminal Procedure*, U.S. Code 18 (2006), § 2331, 500-501, [http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$xa\\$busc18.wais&start=3708711&SIZE=5049&TYPE=PDF](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$xa$busc18.wais&start=3708711&SIZE=5049&TYPE=PDF), (accessed December 4, 2010).

<sup>18</sup> *Foreign Relations and Intercourse*, U.S. Code 22 (2006), § 2656f., 869-873, [http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$xa\\$busc22.wais&start=6590776&SIZE=24513&TYPE=PDF](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$xa$busc22.wais&start=6590776&SIZE=24513&TYPE=PDF), (accessed December 4, 2010).

<sup>19</sup> United States Department of State, *Country Reports on Terrorism 2009*, (Washington, DC: 2010).

in Mexico and no terrorist incidents targeting U.S. interests and personnel occurred on, or originated from Mexican territory.”<sup>20</sup> The report, however, notes that Mexico continues to confront “well-armed, organized crime elements in several regions of Mexico and traditional hot spots for narcotics trafficking saw record levels of violence.”<sup>21</sup> This statement is reflective of the definition of a terrorist organization.

Placing the TCOs on the Foreign Terrorist List would serve multiple purposes, such as, changing the thought process of Congress and the interagency community approach to counter-TCO activities, assisting in determining proper courses of actions, and determining how to integrate covert operations into the overall border security effort. Intelligence and national security professor and author Dr. Loch K. Johnson, in the book Strategic Intelligence, states it is essential for the President to maintain covert action as an option.<sup>22</sup> Dr. Johnson further lists instances such as the need to disrupt the activities of a terrorist group, hamper the efforts of a rogue state to develop weapons of mass destruction, or prevent narcotics traffickers from manufacturing drugs for shipment into the U.S.<sup>23</sup> The advocates of this view argue the U.S. should maintain a capability short of military action to achieve its objectives when diplomacy alone cannot do the job.<sup>24</sup> The TCOs fall into the gap Dr. Johnson describes.

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<sup>20</sup> Ibid., 180.

<sup>21</sup> Ibid., 20-21.

<sup>22</sup> Loch K. Johnson, *Strategic Intelligence*, (Westport: Praeger Security International, 2007), 263.

<sup>23</sup> Ibid., 263-264.

<sup>24</sup> Ibid.

Means - resources used to achieve the end-states

### Invest in a Professional Strategist Workforce

As stated in Chapter 3, “Strategy” has become a buzzword within the interagency community and has been inappropriately used in titles and U.S. government documents. Departments and agencies responsible for developing and implementing strategic documents should establish and maintain a professional well trained strategist cadre. This research reveals a gap in U.S. strategy development that has caused a domino effect. The personnel assigned to draft and create strategy do not have a sufficient understanding of the elements of strategy and proper strategy development. The gap manifests itself in the documents that drive the strategy of the U.S. This gap permeates all sectors of government including the White House staff, Congress, and the interagency community. The gap has further cascaded down to the tactical level of departments and agencies. As a result, numerous U.S. strategic documents do not contain the elements of a generally recognizable serious strategy (ends, ways, means, and risk), as revealed by the documents “unpacked” during this research. The investment in a professional strategically thinking staff is a fundamental first step necessary to mitigate and eventually eliminate this gap. With such a capability, efforts such as Mérida could be based on clearly defined strategies that are suitable, feasible, and acceptable.

### Improve Capabilities by Streamlining Acquisitions and Delivery Programs

The 2010 GAO report, *Mérida Initiative Funding*, identifies several factors that affect the delay of the Mérida funding process and the delivery of assistance to Mexico. These factors are: (1) statutory conditions on the funds, (2) challenges in fulfilling administrative procedures, and (3) the need to enhance institutional capacity on the part

of Mexico and the U.S. to implement the assistance.<sup>25</sup> Less than 10 percent of the equipment and technical assistance has been provided and DOS could not provide a schedule for future assistance deliveries.<sup>26</sup> DOS must work with the interagency community and Congress to speed up and streamline the Mérida funding, acquisitions and delivery programs.

### Establish a Resilient Strategic Partnership with Mexico

The U.S. needs to pursue a resilient, strategic, long-term, and equal partnership with Mexico. As noted in a 2009 RAND report on U.S. policy options for security in Mexico, a strategic partnership will entail long-term commitments by the U.S. to support reforms and institution building in Mexico.<sup>27</sup> In addition, a resilient strategic partnership will require the U.S. to assume shared responsibility for the drug problem, reduce domestic demand, stop the illegal flow of arms, bulk cash, money laundering, and chemical precursors into Mexico.

The risk of failure is extreme if the U.S. does not view the U.S.-Mexico border security as a long-term campaign. Robert Killebrew, Army Colonel (Ret.), of the Center for a New American Security, in a panel discussion on the geopolitics of Northern Mexico and implications for U.S. policy, stated that the effort to rid Mexico of the TCOs is a 20 to 40 year project.<sup>28</sup> Killebrew stated that Mexico has not yet committed to a

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<sup>25</sup> United States Government Accountability Office, *Mérida Initiative Funding*, GAO-10-253R, 3.

<sup>26</sup> Ibid.

<sup>27</sup> Schaefer, Agnes Gereben, Benjamin Bahney and K. Jack Riley, *Security in Mexico: Implications for U.S. Policy Options*, (Santa Monica, CA: RAND, 2009), 61.

<sup>28</sup> Robert Killebrew, *The Geopolitics of Northern Mexico and the Implications for U.S. Policy*, Panel Discussion, (Washington, DC: Foreign Policy Research Institute, January 20, 2011), <http://www.fpri.org/audio/2011/0120.danelo.mexico.mp3> (accessed January 31, 2011).

long-term campaign.<sup>29</sup> Mexico does not seek a robust partnership with the U.S. and neither Americans nor Mexicans seem eager for the U.S. to invest in a nation-building project across the Rio Grande.<sup>30</sup> Therefore, the risk of failure in any effort to purge Mexico of TCOs is great. Many current U.S. and Mexico practices will have to change.

In summary, this chapter provided an analysis of the risk created by the mismatches and shortcomings of the current strategies that drive actions along the U.S.-Mexico border and actions to counter Mexican TCOs. The chapter provided ten focused recommendations to increase the likelihood of success by reducing the risk of failure. If the U.S. does not adopt such recommended actions, the U.S. will fail to protect its vital national interests. If such recommendations are pursued, the U.S. and Mexico will have a viable strategy, rather than a continuing list of failures.

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<sup>29</sup> Ibid.

<sup>30</sup> David J. Danelo, "The Many Faces of Mexico," *Orbis* 55, no. 1, (Winter 2011): 178, <http://www.fpri.org/orbis/5501/danelo.manyfacesofmexico.pdf>, (accessed January 31, 2010).

## CHAPTER 9

### RECOMMENDATIONS FOR LEADERSHIP

This chapter provides recommendations for the U.S. and Mexico leadership, to increase the likelihood of success of countering violence along the U.S.-Mexico border. The White House and Congress need to take a hands-on leadership role and negotiate a new security treaty with Mexico. Congress has the distinct capability to legislate, drive strategy, policy, and actions through the “power of the purse.” This is critically important along the U.S.-Mexico border. The governments of the U.S. and Mexico need to become equal partners in the efforts to rid Mexico of TCOs. If they fail to do this, the violent struggle with the TCOs will continue and will increase until the threat in both countries transforms from terrorism to insurgency.

#### White House

The President needs to take a proactive leadership role in the development of U.S.-Mexico border security strategy. The President cannot afford to wait for a catastrophic event to occur on U.S. soil caused by the TCOs, similar to the TCO catastrophic events occurring daily south of the U.S. border. These events have already claimed over 35,000 Mexican lives. As the President stated in his 2011 State of the Union Address when referring to the tragic shooting of U.S. Representative Gabriel Giffords in Arizona, “What comes of this moment is up to us.”<sup>1</sup> Perhaps that call to action can also be applied to the TCO problem. Such could be the case when a

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<sup>1</sup> Barrack Obama, “Remarks by the President in State of Union Address,” *The White House, Office of the Press Secretary*, January 25, 2011, <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>, (accessed February 2, 2010).

significant violent event has occurred in the U.S., because the Mexican government was unable to act in Mexico.

Moreover, the President needs to use his authority along with his leadership role, as noted by Foreign Policy Research Institute, Senior Fellow David Danelo, to establish new security treaties with Mexico.<sup>2</sup> We would do well to go back to our roots, as noted by Alexander Hamilton in *Federalist* 75, “the President is to have power, ‘by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur.’”<sup>3</sup> Mr. Danelo observes Mexico and the U.S. are operating under an outdated treaty.<sup>4</sup> The current U.S.-Mexico security treaty is the *Treaty of Guadalupe Hidalgo*, which was negotiated and ratified in 1848.<sup>5</sup> This treaty and its existing structures are not built for permanent cooperation or strategic partnerships.<sup>6</sup> Additionally, the treaty does not account for technical advances such as aircraft and radar systems, and other modern technology. The President needs to take a proactive leadership stance and negotiate a new security treaty with Mexico that has specific focus on the complexities of the current security environment.

## U.S. Congress

The U.S. Congress needs to assist the President in pursuing a new security treaty

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<sup>2</sup> David Danelo, *The Geopolitics of Northern Mexico and the Implications for U.S. Policy*, Panel Discussion (Washington, DC: Foreign Policy Research Institute, January 20, 2011), <http://www.fpri.org/audio/2011/0120.danelo.mexico.mp3> (accessed January 31, 2011).

<sup>3</sup> Alexander Hamilton, “Federalist #74: The Command of the Military and Naval Forces, and the Pardoning Power of the Executive,” in *The Federalist Papers*, ed. Clinton Rossiter (New York: New American Library, 1961), 448.

<sup>4</sup> Ibid.

<sup>5</sup> National Archives and Records Administration, “Transcript of Treaty of Guadalupe Hidalgo (1848),” *Our Documents*, <http://www.ourdocuments.gov/doc.php?flash=true&doc=26&page=transcript> (accessed 2-13-2011)

<sup>6</sup> David Danelo, *The Geopolitics of Northern Mexico and the Implications for U.S. Policy*.

with Mexico. As observed by John Jay in *Federalist #64* when writing on the powers of the Senate, “the power of making treaties is an important one, especially as it relates to war, peace, and commerce...as will afford the highest security that it will be exercised by men the best qualified for the purpose, and in the manner most conducive to the public good.”<sup>7</sup> Congress needs to pay close attention to John Jay’s words, still applicable today, and support the President to negotiate a new security treaty that is most conducive to public good while supporting the ends, ways, and means of U.S.-Mexico border security.

### Government of Mexico

Mexico needs to accept the U.S. as a full strategic partner. As noted by Mr. Danelo, Mexico’s government does not seek a robust partnership with the U.S.<sup>8</sup> The lack of desire to partner fully with the U.S. is part of a vicious cycle. The U.S. does not fully trust the officials of Mexico, and in return, the Mexican officials are skeptical of the U.S. and its efforts. Mr. Danelo observes within Mexico, the political class has focused too much on diplomatic sensitivities and too little on practical and public cooperation.<sup>9</sup> To forge any type of progress, Mexico should realize the U.S. is simply attempting to assist Mexico with efforts to rid the country of the TCOs. While the U.S. is acting in furtherance of its self-interests, it is not attempting to infringe upon the sovereignty of Mexico. Mexico needs to assist the U.S., by providing the necessary means to achieve success. This includes negotiating and implementing a new security treaty that fully considers the intricacies of the current security environment. This will, in turn, allow the

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<sup>7</sup> John Jay, “Federalist #64: The Powers of the Senate,” in *The Federalist Papers*, ed. Clinton Rossiter, (New York: New American Library, 1961), 388.

<sup>8</sup> David J. Danelo, “The Many Faces of Mexico,” 178.

<sup>9</sup> Ibid.

U.S. to implement effective security tactics.

In summary, the proactive leadership of the President is needed to initiate change that will counter violence along the U.S.-Mexico border. This includes active leadership to negotiate a new security treaty with Mexico. Further, Congress has the distinct capability to drive strategy, policy, and action through budget control. Finally, Mexico needs to accept the U.S. as a full strategic partner.

## CHAPTER 10

### CHANGE THE PARADIGM

The U.S. and Mexico need a paradigm shift to improve the likelihood of success along the U.S.–Mexico border. Judging from the results, reducing the demand for illicit drugs is simply not at the top of the U.S. government’s priority list. The strategy development, supporting operations, and tactics are relying on old paradigms, norms, and rule sets. These old paradigms have driven U.S. and Mexico’s unsuccessful actions for decades. For example, the U.S. drug policy has been operating under the priority of supply side reduction with demand reduction in a secondary role. The U.S. has grown tolerant and has accepted drug abuse and illicit drug markets as a way of life and as an acceptable evil. Illegal drug abuse does not incite a sense of urgency; this must change.

The U.S. and Mexico cannot expect to employ the same strategies and conduct the same activities and actions repeatedly and achieve different results. As Dr. Christopher Bellavita states in a *Homeland Security Affairs* article, “When business as usual gets in the way of doing what needs to be accomplished, it may be time to challenge basic assumptions.”<sup>1</sup>

In addition, when developing U.S-Mexico border security strategy, the U.S. needs to use the paradigm of globalization. This requires the U.S. to develop appropriate action that is based upon the fact the world is globalized in terms of economies and populations. As of March 2010, approximately 6.5 million unauthorized immigrants from Mexico are

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<sup>1</sup> Christopher Bellavita, PhD, “Changing Homeland Security: In 2010, Was Homeland Security Useful?” *The Journal of the Naval Postgraduate School Center for Homeland Defense and Security, Homeland Security Affairs* 7, (2011), 5.

living in the U.S.<sup>2</sup> According to the Pew Hispanic Center, unauthorized immigrants made up 5.2% of the U.S. work force in 2010.<sup>3</sup> Given these facts, the U.S. must shift action and develop strategies that plan for the eventual and inevitable unification of North America, (Canada, Mexico, and the U.S.).<sup>4</sup> The U.S. should invest in the unauthorized immigrants in the U.S., as well as the general population of Mexico. This would entail investing in the education and social programs of Mexico. Such action would challenge existing norms. No doubt, this would be met with resistance. Nevertheless, the U.S. should proactively pursue such a paradigm shift, rather than accepting extreme risk.

This new paradigm should involve immigration reform, because such reform is central to U.S.-Mexico border security. Numerous think tanks and academic institutions have produced studies and papers on different types of immigration reform. The National Immigration Forum observed that the U.S. has achieved about as much control of the border as possible without solving the core problem; the U.S. immigration system needs to be modernized to accommodate U.S. immigration needs.<sup>5</sup> The U.S. should provide adequate legal entry channels, so potential immigrants to the U.S. do not try to go around a broken immigration system.<sup>6</sup> From an enforcement perspective, illegal immigration serves to complicate the situation when searching for dangerous goods and dangerous people crossing the border. In order to eliminate this fog of illegal immigrants along the

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<sup>2</sup> Jeffrey S. Passel and D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, (Washington, DC: Pew Research Center – Pew Hispanic Center, 2011), 2.

<sup>3</sup> *Ibid.*, 1.

<sup>4</sup> Lieutenant General Charles Cunningham, (Ret.) of the Joint Forces Staff College, Norfolk, VA during his teaching of Strategy and Strategy Analysis has presented the concept of the unification of North America, (Canada, Mexico, and the U.S.).

<sup>5</sup> National Immigration Forum, *The Border Security Buildup: True Border Security Requires Reforming Our Broken Immigration Laws*, (Washington, DC, 2010), 1, [http://www.immigrationforum.org/images/uploads/2010/Border\\_Security\\_Fact\\_Sheet.pdf](http://www.immigrationforum.org/images/uploads/2010/Border_Security_Fact_Sheet.pdf), (accessed October 7, 2010).

<sup>6</sup> *Ibid.*

border, the U.S. needs comprehensive immigration reform. This is essential for improvement in the control of the U.S.-Mexico border

During the 2011 State of the Union address, President Obama expressed the value of the diversity of the American public:

We are part of the American family. We believe that in a country where every race and faith and point of view can be found, we are still bound together as one people; that we share common hopes and a common creed; that the dreams of a little girl in Tucson are not so different than those of our own children, and that they all deserve the chance to be fulfilled. That, too, is what sets us apart as a nation.<sup>7</sup>

The new paradigm views the citizens of Mexico in the manner described above and calls for the U.S. to see the people of Mexico as a source of power. Doing so, along with changing the immigration system, will allow for a safer and more secure border, while preparing for the possible, eventual unification of North America.

In summary, these paradigm shifts of approaching U.S.-Mexico border security in terms of globalization and the potential power of the Mexican people, are critical to the success for U.S.-Mexico security. The paradigms of the past are outdated and have driven the failed policies; the U.S. and Mexico should not expect different results from employing the same strategies of the past. Drug abuse and illicit drug markets need to become a top priority requiring the U.S. to invest in the citizens of Mexico while implementing immigration reform. Ultimately, the U.S. immigration system has to be modernized to accommodate U.S. immigration needs.

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<sup>7</sup> Barack Obama, "Remarks by the President in State of Union Address," <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>, (accessed February 2, 2011).

## **CHAPTER 11**

### **CONCLUSION**

This research provides a vigorous analysis of the current strategic documents governing U.S.-Mexico border security strategy against an ends, ways, means, and risk model. To reduce the risk of failure, focused recommendations for a better strategy are offered. First, the U.S. should develop and maintain a professional strategist cadre. The U.S. needs to clearly communicate the desired end-state it is endeavoring to achieve; it is clear the U.S. has failed to do this. A notional end-state is “A safe, secure, and resilient border with Mexico that stops all threats and is achieved in ways that preserve the freedoms and the prosperity of the U.S. and Mexico.” Additionally, the U.S. should transfer the roles and responsibilities of ONDCP relating to U.S.-Mexico border security to the Department of Justice. Although most of the supply of the illicit U.S. drug market is smuggled from Mexico, ONDCP is the agency responsible for U.S. drug policy, that policy is heavily weighted towards enforcement and ONDCP is not the correct entity to coordinate border security strategy and operations. Moreover, the U.S. must specifically define roles and responsibilities when attacking problems through an “enterprise” concept. Incorrectly interpreting and applying the enterprise concept will lead to confusion, duplication of effort, and counter-productive actions.

Further, the U.S. should appropriately integrate the efforts of law enforcement operations with the intelligence communities of both the U.S. and Mexico. The role of intelligence in border security and counter-TCO efforts is critical to success. The TCOs fall into a gap between diplomacy and kinetic military action, and the U.S. should

integrate the intelligence community and its covert action capabilities as a tool in the effort to rid Mexico of the TCOs. In addition, Mexican TCOs fit the definition of a foreign terrorist organization, and the U.S. should place TCOs on the foreign terrorist list.

The circumstances in Mexico have gone on far too long and the U.S. continues to turn a blind eye to the underlying cause of this security crisis – U.S. drug addiction. The U.S. needs to take corrective action and it must do so in the immediate future by developing and implementing change to its drug control policy that focuses on demand reduction. To assist this effort, the U.S. and Mexico must adopt a new strategic partnership norm. In addition, the U.S. must streamline Mérida funding acquisitions and delivery programs. The funding of Mérida is of no benefit if left unspent.

The U.S. cannot afford such an uncertain and dangerous situation to exist at, or near its southern border. Maintaining a status quo approach will result in failure. The problem of the TCOs is not going to correct itself and the Mexican government is ill-prepared to handle the situation alone. Mexico is incorrectly using its military to do the job of law enforcement, and must transition this function to the Mexican civilian law enforcement agencies. Essential to the solution is the White House and Congress assuming active leadership roles. The White House and Congress, as well as the American public must also realize that security is not cheap and this effort will not be without cost. Ultimately, the alternative to not addressing the problem and continuing along the same path is even more expensive.

The thesis of this research is: The U.S and Mexico need to create and employ a clearly defined border security strategy to correct the shortfalls in current efforts. The

U.S. has no overarching border security strategy and relies on strategic documents that could be judged as poorly written and lacking sufficient guidance to drive action along the U.S.-Mexico border. The research shows that as a result, the ad hoc U.S.-Mexico border security strategy is unsuccessful in countering violence along the U.S.-Mexico border. The U.S. and Mexico must improve their strategies for border security and counter-TCO efforts. If the recommendations of this research are adopted, the U.S. and Mexico may be in a position to employ a viable strategy resulting in a safer and more secure border. In the end, the road for achieving success in Mexico is a long and difficult one. The U.S. may not see results in the area of demand reduction for decades and the U.S. and Mexico will continue to battle the TCOs for as long as the U.S. presents its demand for illicit drugs from Mexico.

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