STRATEGY
RESEARCH
PROJECT

The views expressed in this paper are those of the author and do not necessarily reflect the views of the Department of Defense or any of its agencies. This document may not be released for open publication until it has been cleared by the appropriate military service or government agency.

THE NEW FRONT LINE: MILITARIZATION OF THE U.S. – MEXICO BORDER

BY

JOHN E. RAMIREZ

19990601 050

DISTRIBUTION STATEMENT A:
Approved for public release.
Distribution is unlimited.

USAWC CLASS OF 1999

U.S. ARMY WAR COLLEGE, CARLISLE BARRACKS, PA 17013-5050

DTIC QUALITY INSPECTED 4

USAWC STRATEGY RESEARCH PROJECT

The New Front Line:

Militarization of the U.S.- Mexico Border

by

John E. Ramirez

Colonel Cloyd B. Gatrell
Project Advisor

The views expressed in this paper are those of the author and do not necessarily reflect the views of the Department of Defense or any of its agencies. This document may not be released for open publication until it has been cleared by the appropriate military service or government agency.

DISTRIBUTION STATEMENT A:
Approved for public release.
Distribution is unlimited.

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

ABSTRACT

AUTHOR: John E. Ramirez

TITLE: The New Front Line: Militarization of the U.S.-Mexico Border

FORMAT: Strategy Research Project

DATE: 14 April 1999 PAGES: 41 CLASSIFICATION: Unclassified

Border relations between the United States and Mexico have had a tumultuous history. The connectivity between both countries has been demonstrated by the impact border issues have on each nation. Economic disparity, U.S. dependence on cheap labor, and the scourge of drugs that infects both nations have influenced this relationship.

U.S. border enforcement efforts have sought to remedy everything from the immigration crisis to terrorism. Border enforcement tactics have taken on military characteristics, including the use of military troops, equipment, and resources. This evolution toward border militarization has both focused on drug trafficking and criminalized immigration offenders. As border problems threaten U.S. national interests, further militarization of the border is logical.

TABLE OF CONTENTS

ABSTRACT ..... **iii**

THE NEW FRONT LINE: MILITARIZATION OF THE U.S.-MEXICO BORDER...1

ENDNOTES **30**

BIBLIOGRAPHY **35**

THE NEW FRONT LINE:

MILITARIZATION OF THE U.S. - MEXICAN BORDER

The United States is facing a serious crisis on our border with Mexico. Regaining control of the border is cited as a national interest justifying extreme measures, including much greater use of the military to control the border than in the past.

In the context of national security, militarizing the border seems logical. However, there is more to consider than simply whether we can or should use the military to seal the border. The first step in resolving this problem is to analyze its issues in light of our national interests. The U.S.-Mexico border has emotional national and regional security, political, economic, and social considerations. At the core of the border problem are matters of sovereignty, disparity among nations, migration, drugs, and terrorism.

Historical Background

History can give insight into how the border problem evolved, and into the potential effects of greater use of the military there. During the 1840's, observers thought the flow of migration would be from Texas to Mexico. Instead, the tide moved in the other direction, at first slowly, then with increasing force. This northward movement from Mexico was

scarcely noticed until the beginning of the twentieth century. By the 1920's, in part due to the Mexican Revolution, the number of legal and illegal immigrants had increased at an alarming rate.[1]

Previously, little had been done to restrict immigration. Through the early 1900's, a total of about 200,000 legal and a greater number of illegal Mexican immigrants entered the U.S. According to the U.S. census, the Mexican-born population rose dramatically over the next twenty years, from 103,000 in 1900, to over 486,000 in 1920.[2]

The 1917 Immigration and Nationality Law imposed an $8 head tax on immigrants, which slowed Mexican immigration. However, this provision was circumvented to overcome labor needs. A temporary worker program was begun to fill the void for laborers, which enabled over 73,000 Mexican workers to enter legally from Mexico from 1917 to 1923.[3] The Immigration Act of 1924 required a visa costing an additional $10. The combined $18 cost was too much for most Mexicans, and resulted in more illegal immigration. Dependency on immigrant labor was exacerbated as the western United States agribusiness developed. Feeding an industrial and urban nation with an emerging dietary dependence upon agricultural produce had become labor-intensive.[4]

This dependency on immigrant labor was of short duration. With the onset of the depression, many U.S. citizens were out of

work and willing to do anything. They found themselves in competition with Mexican labor, which led to a movement to drive out the Mexicans from the labor force. The federal government followed suit by refusing visas to new immigrants, and began to locate and deport undocumented Mexican laborers. Southern California was a major focus of this xenophobia. As in other times of great crisis, hysteria prevailed, with little effort to distinguish between illegal immigrants, citizens, and lawful resident aliens. In many cases, simply having physical characteristics identified as Mexican was sufficient to warrant deportation. The 13,000 repatriations from Los Angeles during 1931-34 included lawful residents and U.S. citizens. The result was a short-lived period of extremely low legal Mexican immigration, falling to a mere 22,000 during the decade.[5]

As World War II loomed and U.S. workers entered the armed forces, the need for labor intensified. Mexican immigrants, once again in demand, began pouring across the border illegally. The U.S. had no desire to stop this illegal migration. In 1942, the U.S. and Mexico agreed to a temporary worker exchange known as the "bracero" program. This allowed temporary agricultural workers to enter the United States due to the wartime labor shortage.[6] Pursuant to the agreement, Mexico recruited and transported workers to the border, where they were placed under the charge of the Farm Security Administration. This

"temporary" measure brought more than 300,000 agricultural workers to 24 states between 1943 and 1947, meeting the need for labor during this critical period.[7]

The end of World War II did not stop the "bracero" program. Under various agreements, the "temporary" measure for Mexican labor lasted until 1964.[8] The peak year of the "bracero" program was 1956, when 500,000 Mexican workers entered the U.S.[9]

The migration of workers went unabated due to the dependence of the United States on cheap labor. There were various reasons why the "bracero" program was unilaterally terminated in 1964, but the primary one was the decline of wages for U.S. agricultural workers.[10] In any case, the officially sanctioned way to get Mexican labor had ended.

Some argue that border enforcement characteristically perpetuates the dependence on cheap labor in nations such as the U.S. by assigning "criminal" status to a segment of the working class (i.e., undocumented immigrant workers). This renders those workers vulnerable to political and economic exploitation. This labor force often faces significant obstacles and sanctions due to its criminal status.[11]

Employers dependent upon undocumented workers prefer an open border policy. They want to employ undocumented workers when business is booming and restrict illegal immigration during austere times. This may be why attempts to control immigration

by employer sanctions have not worked. The essence of employer sanctions is voluntary compliance. Increasing barriers to restrict illegal immigration have not reduced undocumented workers. In fact, the increased costs and hazards associated with illegal immigration encourage more lengthy stays in the U.S. The potential gains to the immigrants and their families in Mexico are well worth the effort to overcome any barriers the U.S. may throw up.[12]

U.S. fluctuation between welcoming and condemning illegal immigration leads to the hypothesis that perhaps this is not solely a law enforcement issue. The asymmetric nature of the relationship between the U.S. and Mexico has perpetuated exploitative/dependent roles. Stability and prosperity in Mexico will go a long way to reducing migration of its work force, and also improve commerce and weaken drug trafficking.[13]

It is difficult to say whether the undocumented migrant labor market has the helped the U.S. or the Mexican economy more. Legal and illegal immigration has undoubtedly improved the economy in the United States. U.S. industry has prospered from the availability of cheap manual labor.[14] As a result of the insatiable need for labor, employers have continually sought immigrant labor from Mexico. The United States has reaped the benefit of more purchasing power due to cheaper goods and services produced by lower cost workers.[15] In the U.S. labor

market, Mexican workers have undoubtedly had an adverse effect on the economic opportunities of less skilled U.S. workers. Conversely, the northward flow of labor has improved the opportunities for those less skilled workers who remain in Mexico.

During the 1990's, national security was the most important issue facing the United States. As the threat to national security diminished with the end of the Cold War, economics emerged as the most important national interest. In the realm of economics, harmony between the U.S. and Mexico has never been better. The passage of the North American Free Trade Agreement (NAFTA) has furthered the economies of both countries. There is mutual interest in improving economic harmony with our closest neighbor to the south. NAFTA has had a positive influence in the Mexican economy, increasing industrial investment and jobs. The melding of the U.S. and Mexican economies has served both nations' interests well.[16]

Whether the creation of jobs in Mexico will reduce the flow of illegal immigrants remains to be seen. However, although the post-NAFTA Mexican economy is unlikely to spin out of control and lead to mass illegal immigration, Mexico is far from having a stable economy that raises the standard of living for its citizens. High levels of poverty and unemployment still contribute to the social and political ills of that nation.

NAFTA has helped ameliorate but has not solved Mexico's economic and social ills. While it has generated jobs for some, for others the promise of economic prosperity remains unfulfilled. NAFTA has not created a Mexican middle class. NAFTA has resulted in the shift of workers from the agricultural to the industrial centers of Mexico. These new workers in state-of-the-art factories earn roughly four times the minimum wage. While NAFTA is not going to be a quick fix to Mexico's under-employment, its full effects on the creation of jobs will take time to materialize.[17]

The major U.S. opposition to NAFTA was based on potential job losses to Mexico. These predictions in the job market never materialized. Compared with the overall size of the U.S. labor force, job displacement has been minimal. The road ahead for NAFTA is rocky, with several reforms still to be implemented. There are sensitive environmental and trade issues that impact both countries. Trade between both countries has increased from $80 billion to $200 billion since NAFTA's inception, but is only a small part of the healthy and prosperous bilateral relationship.[18]

Another link in the delicate border relationship is illegal drugs. The U.S. is extremely troubled by the drug trafficking across our border with Mexico. According to the U.S. Department of State, Mexico is the country that poses the most immediate

drug threat to the United States. Perhaps this was why the Nixon Administration launched Operation Intercept in 1969. During this operation, border inspections were intensified and border traffic scrutinized for nearly three weeks. The results were high frustration among U.S. and Mexican citizens alike, but only minimal drug seizures.

In 1975, the Mexican government, in collaboration with the U.S., initiated a campaign against illicit drugs. This effort, which involved deployment of the Mexican Army, focused on eradication of crops, interdiction of drug shipments, and disruption of drug organizations. This resource-intense undertaking was highly successful. The Mexican share of the U.S. marijuana market plunged from more than 75% in 1976, to 11% in 1979, 8% in 1980, and 4% in 1981. The Mexican share of the U.S. heroin market dropped from 67% in 1976, to 25% in 1980. The dip in the Mexican drug sources created opportunities in the U.S. for growers from Jamaica, Colombia, Afghanistan, Iran, and Pakistan. However, Mexican entrepreneurs soon managed to recoup a sizable portion of the market share. By the mid-1980s Mexico was supplying around 30% of the marijuana and about 40% of the heroin used in the U.S. What appeared to be highly effective anti-drug efforts actually led to more formidable Mexican drug organizations. Those that survived were stronger, better organized, more reliant on bribery and violence, and posed a

greater threat not only to Mexico but indirectly to the United States.[19]

When United States drug enforcement disrupted cocaine shipments coming from the Caribbean, narco-traffickers from Colombia began seeking new routes to the U.S. Mexico became the primary transit route for cocaine entering the U.S. In collaboration with Mexican drug organizations, the Colombian cartels transformed the modest Mexican cocaine trade. Multi-ton loads of cocaine headed across the border into the U.S. in trucks, small planes and trains.[20] In 1989, it was estimated that 30% of U.S.-bound cocaine passed through Mexico. Within three years that estimate surpassed 50%; the estimate has since reached as high as 75-80%. Seizures of cocaine in Mexico began a steep incline in 1985, and more than tripled from 1988 to 1990. Mexican drug organizations had undoubtedly become major players in the international cocaine market. The turn toward cocaine magnified the economic stakes in illicit drugs and redefined the relationship between politics and traffickers. Most ominously for the United States, it led to brutal world-class cartels.[21]

Drug trafficking has added turbulence to U.S.-Mexico relations. The lack of clear policies by either country to address the growing drug problem widened the gap between them on the issue.[22] The United States has charged Mexico with

responsibility for the drug-related problems in American society. Mexico, on the other hand, tends to emphasize the demand for illicit drugs by American society. They point out that despite the "War on Drugs," more that 12 million Americans continue to use illicit drugs.[23]

The primary goal under the National Drug Strategy is to reduce illegal drug use and its consequences in America. The consequences and repercussions of drug consumption pose a threat to public health, increase property crimes as well as crimes of violence, and encourage delinquency and gang membership. The yearly costs to U.S. society of drug use and related crimes are around $67 billion. As a result, the United States has centered its efforts on reducing the importation of illicit drugs from foreign countries.[24]

A key player in the border dilemma is the Immigration and Naturalization Service (INS). A critical development in border policy enforcement was the establishment of the U.S. Border Patrol within the INS. Initially part of the Department of Labor, the INS was transferred to the Department of Justice in 1940, due to national security considerations as World War II approached. This change transformed the agency, leading to more emphasis on law enforcement.[25]

After the war, the INS enforcement reverted to mass deportation to stem the tide of illegal Mexican immigrants.

Under the leadership of retired General Joseph Swing as INS Commissioner, 1954's "Operation Wetback" applied military strategy and tactics to round up and deport Mexican workers. Swing and two other former Army generals established an INS intelligence service and introduced military terminology and strategy into INS planning and execution. There was also an attempt to incorporate the military into INS operations to patrol the border. Although military officials scrubbed the plan because it would have disrupted military programs and required too many troops, this planted the seed for use of the armed forces to augment the INS.[26]

The influence of retired Army generals in senior INS positions reinforced thoughts of militarizing the border. In 1970, General Leonard Chapman was appointed INS Commissioner. Commissioner Chapman was credited with promoting the "illegal alien problem" as a national crisis. INS apprehensions of undocumented immigrants began to approach the levels that had preceded "Operation Wetback."[27] Under Commissioner Chapman, the INS functioned with military-like flexibility of organization and mobility, using a force of agents to work a designated area in concentric, widening circles, driving the "enemy" aliens across the border.[28]

The Mariel Cuban Boatlift helped galvanize a crisis mentality toward immigration issues. The 6 o'clock news showed

the public a seemingly unstoppable wave of immigrants pouring into the U.S. The simultaneous landing of Haitian and Indochina refugees on our shores reinforced the perception of a national crisis. Advocacy groups favoring a strict immigration policy proclaimed the crisis a threat to homeland security. The political situation demanded stricter immigration policy and stringent border enforcement.

This sense of urgency with its national security implication resulted in unprecedented expansion of the INS. The national sentiment for strict control of our borders gained momentum. The rise in crime statistics, the stress on social services, and an overwhelmed education system in south Florida and other states receiving large influxes of undocumented immigrants were taken as evidence of the need for a stronger border defense. Public demand to build up our border defense resulted in an infusion of DOD resources. INS began a series of military-assisted construction and maintenance tasks along the southern border. The strengthening of the INS infrastructure aimed toward drug enforcement also directly aided immigration enforcement.

Although the military is restricted from participating in law enforcement activities, the Defense Authorization Act of 1982 allowed the military to participate actively in operating and maintaining equipment on loan to federal enforcement

agencies.[29] INS and DOD both resisted direct military involvement in enforcement efforts. INS Commissioner Alan Nelson went on record "strongly opposing" efforts to deploy troops along the U.S.-Mexico border to aid in drug interdiction and immigration enforcement. However, he did express a willingness to support military assistance in constructing roads and fences, installing lighting on the border, and in transporting personnel, supplies and equipment.[30]

A 1991 congressional report on the Defense Authorization Act found that use of military personnel is authorized only for specific operations and only with respect to criminal violations of certain federal laws, chiefly drug and immigration laws. Thus it appeared legal for the military to become involved at least indirectly in immigration enforcement efforts. Army Lieutenant General Thomas Kelly, director of operations for the Joint Chiefs of Staff, stated that meshing the different culture of the military and law enforcement was difficult. He emphasized that the goal of law enforcement was to apprehend individuals and take them to court, while the military trained along very different lines.[31]

INS border enforcement functions emphasize operations at designated ports of entry, and patrolling the border between these ports. Operations at the ports of entry involve the inspection of applicants and goods coming into the United

States. A variety of methods and technology are used in patrolling the 2,000 miles of international boundary between these ports to prevent the surreptitious entry of undocumented immigrants and illegal drug couriers. These include physical patrols, low light cameras, and electronic and aerial surveillance.[32] Providing adequate coverage of the border is a daunting task. Traffickers of illegal aliens and drugs are quite ingenious and continually change their methods.

Traditional methods of border enforcement were inadequate to stem the ever-increasing undocumented immigrants and unprecedented drug smuggling. INS operations adapted by taking on military characteristics. The Border Patrol began utilizing the military doctrine of low-intensity conflict in an effort to increase its effectiveness. The militarization of the border included the use of military tactics, strategy, technology, equipment, and personnel in enforcement efforts. The key characteristic of low-intensity conflict in this context is that military forces take on police functions, while police forces take on military characteristics.[34]

The doctrine of low-intensity conflict applies tactics and strategy proven effective by the military in several regions, especially Central America. The doctrine includes the coordination of law enforcement agencies with the military in intelligence and surveillance efforts. This is accomplished

primarily by the use of elite active units, the National Guard, and reserve units. Law enforcement operations are integrated with military training to further enforcement of the border.[33]

Characterizing a secure border as vital to national security was the first step in linking the law enforcement efforts to military operations. The heightened emphasis on border enforcement reflected the assumption that the responsible law enforcement agencies and the military could overcome the threat. The basic premise was that the militarization of the border would enhance U.S. national security.[34] As a result, low-intensity conflict doctrine was implanted in agency operational procedures.

The low intensity doctrine brought high technology as well as less sophisticated enhancements to the enforcement mission. The beleaguered border agencies welcomed this infusion of resources. The enhancements included 10-foot chain-link fences in several major border cities; helicopters and fixed wing aircraft; replacement/upgrade of electronic intrusion detection ground sensors; closed circuit TV; radar and infrared detection systems; expanded intelligence systems and increased cooperation with Interpol; and construction of new detention facilities. All these fall within low-intensity conflict doctrine.[35]

The Immigration Reform and Control Act (IRCA), passed in 1986, was a turning point for the U.S. This reform was seen as

a means of gaining control of the immigration problem. The most significant aspect of this legislation was general amnesty for undocumented immigrants who met certain criteria. IRCA also included increased enforcement measures and employer sanctions. This placed responsibility for ensuring worker eligibility in the U.S. upon employers.

IRCA resulted in additional military resources to INS, increasing the militarization of the border. Twenty Army helicopters equipped with "nite-sun" searchlights and forward-looking infrared radar (FLIR) were made available to INS. The agency's communication equipment was upgraded with military equipment. Night-vision scopes, goggles, and low light TV surveillance systems were added to the INS arsenal. A joint military project developed a line-watch sensor system and new infrared night surveillance equipment that advanced INS technology.[36]

This equipment and technology expansion greatly increased the drug and illegal alien enforcement efforts by combining the use of border barriers, detection equipment, aviation equipment, and other military equipment conducive to low-intensity conflict doctrine. These efforts increased the agency's control over targeted undocumented immigrants and drug traffickers.

The INS strategy to gain control of the southern border included use of military construction projects. Barriers

diverted illegal entrants and drug traffickers from heavily populated areas, which facilitated their detection and capture. Newly constructed roads facilitated patrolling and surveillance of the border. The military's work in counter-drug operations aided in enforcing immigration laws.

During this period INS shifted emphasis toward criminal aliens, drug interdiction, and employer sanctions. This prioritization of enforcement efforts toward criminal aliens led to an emphasis on drug interdiction by the border patrol. This policy quickly filled INS detention facilities with criminal aliens. INS had to contract with other agencies to meet the agency's detention requirements. The INS publicized its increased enforcement efforts in protecting of the U.S. border. The media campaign served to instill fear in potential illegal immigrants.

An important part of the INS strategy was to solicit the Mexican government's assistance in preventing third country nationals from attempting to enter the U.S. by transiting Mexico. This was done by providing intelligence and monies directed toward Mexico's enforcement efforts. Mexico's cooperation with the U.S. in this effort made it more difficult for third country nationals to transit Mexico en route to the U.S. This was a very sensitive undertaking for Mexico, as it did not want to be seen as a buffer zone for enforcement of U.S.

immigration laws. However, this proved to be quite effective in the detection of immigrants headed for the U.S. border.

Law enforcement agencies can only be as effective as the statutes they enforce. The Immigration and Nationality Act (INA) of 1952 had become outdated. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act marked a major change in U.S. immigration law.[37] The new legislation gave the INS additional resources to improve the agency's image and performance. Budget, personnel and other resource limitations were less of an issue. However, hiring the additional 1,000 agents authorized to augment the current 6,000 Border Patrol agents is facing difficulty. The potential effects of even these significant infusions must be kept in perspective. Even if these agents were hired, trained, and on duty tomorrow, they would still fall far short of the 20,000 personnel needed to patrol the border properly.[38]

These legislative initiatives were the result of perceptions that the border problem was jeopardizing national security. Some legislators saw the armed forces as part of the solution. Legislation introduced in 1997 specifically called for the armed forces to assist the INS in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States. The legislation specified that the armed forces, in collaboration with U.S. Customs, were to inspect cargo,

vehicles, and aircraft at points of entry into the United States. The legislation passed in the House as an amendment to the FY98 Defense Authorization Bill[39]

The military has become a vital asset in the counterdrug program. The nexus between drugs and illegal immigrants has benefited the enforcement of immigration laws as well. Military assistance has been vital in the interdiction of drugs, improvement of communications systems, marijuana eradication, intelligence analysis, training of law enforcement personnel, and engineering and construction projects. So strong is the support for military assistance to law enforcement agencies that the House National Security Committee fully funded the President's $882.8 million request for the FY99 drug interdiction strategy.[40]

Military involvement in border operations has been increasing since the early 1990's. The military has conducted over 3,000 operations in support of border enforcement.[41] However, military assistance to law enforcement agencies is continually under scrutiny. The military must exercise extreme care not to violate the Posse Comitatus Act (USC, Title 18, Section 1385), which prohibits use of the Army or Air Force to enforce civilian law. Except as specifically authorized under the Constitution or by Act of Congress, the military may not conduct any direct civilian law enforcement activity, such as

detaining, arresting, or searching subjects; seizing evidence; or serving warrants. Although the Navy and Marine Corps are not specifically named in the Act, both have been included by regulation.

Drug trafficking has resulted in loosening the ban on military support to law enforcement. After President Reagan declared drug trafficking a national security threat, Congress began to validate exceptions aimed at reducing the importation of illegal drugs. The military can now provide a wide range of support to border law enforcement agencies, as long as there is a connection between the support given and illegal drug activity.[42] This support can be in the form of detection, interception, monitoring, and communication of drug movement in the immediate border area.

To assist law enforcement agencies in counterdrug operations, Joint Task Force 6 (JTF-6) was established in 1989.[43] Although its enormous area of responsibility includes the continental United States, Puerto Rico, and the U.S. Virgin Islands, JTF-6 focuses on designated High Intensity Drug Trafficking Areas (HIDTAs). These HIDTAs are centers of illegal drugs which have significant impact on the United States. The entire southwestern United States border, Houston, and Los Angeles areas are designated as HIDTAs.[44]

As a result of operations that have gone awry, JTF-6 has come under recent fire from politicians, government agencies, the communities in which it operates, and even from within its own ranks. Some critics say that JTF-6 operations have violated the Posse Comitatus Act. Others are of the opinion that the military should focus on the multitude of other military operations. Still others criticize the military for not doing enough to assist federal, state, and local law enforcement agencies, and have proposed legislation to deploy up to 10,000 troops along the border. However, since the 20 May 1997 shooting of a student by JTF-6 personnel in Redford, Texas, the use of ground troops on the border has all but ceased.[45] Armed military patrols in counter-drug operations now require special authorization from the Secretary of Defense.[46]

The Redford shooting had a tremendous effect on the public and political sentiments on utilization of the military for border enforcement. Despite lengthy investigation, some details of the incident are still unclear. What is clear is that Esequiel Hernandez lost his life as a direct result of a JTF-6 operation. A Marine observer team assigned to the United States Border Patrol was conducting surveillance of a low water river crossing which had frequently been used as a crossing point for illegal drugs and alien smuggling. Hernandez, who may not have been aware of the camouflaged and concealed observer team, fired

his .22 caliber rifle in their direction. The Marines felt threatened by the possible compromise of their location.[47]

Shortly after 1800, the Marines reported to their command post that Hernandez had fired toward them. The Marines maneuvered toward Hernandez for some 20 minutes. During this time, they received authorization from their command post to return fire. At 1827, the team leader shot Hernandez through the side of his torso. The M-16 round caused massive, fatal internal bleeding.[48]

Viewing the incident in retrospect is quite different than being on the ground at the time. Nonetheless, Department of Defense and Department of Justice share the burden for the failures that occurred in the operation. The Subcommittee on Immigration and Claims report lays blame on both agencies for serious mistakes that contributed to the death of Esequiel Hernandez.[49] The Redford community was appalled by the tragedy, and deeply concerned for the safety of their general population. Local residents began exploring legal action to demilitarize their area.

One obvious problem with JTF-6 missions is that the military views them as training. This training is not geared toward law enforcement, but military operations, the opposite end of the spectrum. The results can include inappropriate military response to law enforcement situations.

In another incident, a Special Operations force was conducting surveillance along the border area near Brownsville, Texas. Prior to the mission a Border Patrol agent had been shot in that general vicinity. The location was known as a dangerous area where border bandits preyed on border crossers.[50]

On the night of the shooting, the surveillance team encountered a suspect believed to be a bandit viewed earlier that evening. After given the order to stop, the suspect allegedly fired a warning shot into the ground. A JTF-6 team member fired eleven rounds from his M-16, striking the suspect in the back.[51] The shooting was justified based upon self-defense, but the operation placed the military in a precarious position.

These two examples raise serious issues about deployment of military forces on the border. Critics say the deployment of troops to a "sometimes chaotic, sometimes violent world" invites trouble. The secrecy of these deployments, along with the cultural differences of the border, may place innocent individuals in danger and contribute to this potential powder keg.[52]

The use of the military in gathering intelligence for border enforcement operations increases the effectiveness of the law enforcement agencies. Military assistance has been vital in establishing barriers at designated points, in building roadways

for law enforcement use, and most importantly, for training of law enforcement personnel. Military assistance provides the law enforcement community a fighting chance against highly organized, well-equipped, and high tech criminal organizations.[53]

Current Trends

The question remains as to the role of the military along the U.S.-Mexico border. Perhaps the answer is somewhere in between the current situation and a more proactive role in enforcement measures. The answer depends upon whether America is willing to have military troops on its border. The success of law enforcement agencies in countering the threat of drug and alien smuggling into the U.S. will determine the willingness of our citizenry to militarize our border. The values, safety, and quality of life in our communities will be measures the public factors into this decision. Another element in this decision will be the drain on social services, education, and welfare benefits expended on illegal immigrants. Perceptions about the decay of society, rise in crime and other effects of illegal drugs, and the burden inflicted on society by illegal immigrants and drugs will directly influence the attitudes of citizens toward deployment of the military for border enforcement.

One further issue relating to deployment of military troops on the border is the ever-increasing threat of terrorists coming over our border. The specters of weapons of mass destruction,

attacks on our information systems, or crippling damage to infrastructure weigh heavily in the trend to militarize the border. Terrorists planning these types of attacks would most likely attempt to enter the U.S. through our porous border. Close coordination between military and law enforcement agencies is crucial in preventing them from entering the U.S. The best way to prevent the introduction of these elements into the U.S. is strong and determined control of our borders. When faced with this reality, most Americans will undoubtedly favor militarization of our borders to preserve our security.

An alternative approach to alleviating the problems from large numbers of undocumented immigrants entering from Mexico is to narrow the economic disparity between the countries. This can be accomplished by using NAFTA to level the economic playing field, increasing commerce and industry, and creating more jobs in Mexico. Raising the standard of living in Mexico will reduce the attraction of coming to the U.S. Although the economy of Mexico will not be as strong as that of the U.S. in the foreseeable future, improving it will serve mutual national interests. This will not happen overnight, but both countries must increase efforts toward this end. Without it, only building a 2000-mile barrier between the countries will keep the wave of undocumented immigrants from flowing northward.

Recommendations

The effectiveness of enforcing the immigration and drug laws along the U.S. border would be best served by reorganizing the INS. The INS is subdivided into five key divisions. Each of these divisions is charged with enforcing certain aspects of the INA and does not cross over into other areas. The INS should be reorganized into one joint organization. This would facilitate the assignment of personnel from one functional area to another, according to the fluctuation of operational needs. Under normal situations, personnel would rotate through the various aspects of the operations. This would add staffing flexibility to address the changing needs of the agency and the nation.

The military must play a vital role in preventing the flow of undocumented immigrants and drugs through our borders. As previously discussed, the military has a JTF in place to provide support to border enforcement agencies. The JTF does serve a useful purpose, but a more effective structure is needed. There should be a permanent unified command with responsibility to protect and defend the continental U.S. This command would be responsible for providing civil assistance on a continuing, routine basis, in addition to times of national emergency. The active, National Guard, and reserve personnel in this command would be trained under a totally different emphasis than

preparedness for war. The training format would be oriented toward civil assistance operations, with emphasis on civil law enforcement.

Military personnel assigned to INS would first attend the INS academy at the Federal Law Enforcement Training Center. Upon completion of the academy and assignment to a duty post, each military individual would be assigned to work with an INS agent. These military personnel would be cross-designated as agents, with authority and responsibility in enforcing immigration and drug laws. Working toward the same ends, the military and the INS would have to train by the same means.

This would take legislation to change the Posse Comitatus Act to allow military personnel to provide civil assistance in a law enforcement capacity, but the effort would best serve our national interests. Law enforcement assistance to other local, state, and federal agencies would be facilitated by these means as well.

Conclusion

The destabilization that border issues pose toward U.S. national interests is the primary basis for increased use of the military in a law enforcement capacity. The need to curtail the flow of illegal drug trafficking and unrestricted migration across the border is necessary to ensure U.S. sovereignty. Over 254 million people, 75 million cars, and 3.5 million trucks

entered the U.S. from Mexico during 1996. Weeding out illegal border traffic from legitimate commerce and tourism is currently an impossibility.[54]

Federal law enforcement agencies responsible for the enforcement of drug and immigration laws do not have the resources necessary to effectively deter, detect, and apprehend violators of drug and immigration laws. This has resulted in a porous border that has failed to control the flow of drugs and undocumented immigrants into the U.S. Securing our border with Mexico will best be served by a formal militarization of the U.S.- Mexico border.

The heightened emphasis on border enforcement clearly demonstrates the need for cooperation of military and law enforcement agencies in securing our border. This cooperation will better protect the U.S. against illegal trafficking. The time to deploy troops to the U.S.-Mexican border to assist law enforcement agencies is now. These troops are needed to provide the necessary resources to prevent, deter, and detect the surreptitious entry of undocumented immigrants and illegal drugs. This deployment must continue until improved economic opportunities in Mexico eliminate the pressure for illegal immigration; effective domestic programs drastically reduce the demand for illegal drugs; and law enforcement agencies are able to carry out the border mission on their own.

WORD COUNT = 5,864

ENDNOTES

[1]Robert Jones Shafer and Donald Mabry, Neighbors; Mexico and the United States (Chicago: Nelson-Hall Publishers, 1981), 47.

[2]Ibid., 54.

[3]Ibid., 56.

[4]Ibid., 58-60.

[5]Ibid., 61-62.

[6]Barry Bosworth, Susan M. Collins, and Nora Claudia Lustig, eds., Coming Together? Mexico-United States Relations (Washington, D. C.: Brookings Institution Press, 1997), 157.

[7]Clint E. Smith, The Disappearing Border: Mexico-United States Relations to the 1990s (Stanford, California: Stanford Alumni Association, 1992), 60.

[8]Shafer, 90-91.

[9]Bosworth, 155.

[10]Ibid., 157.

[11]Timothy J. Dunn, The Militarization of the U.S. - Mexico Border, 1978 - 1992: Low-Intensity Conflict Doctrine Comes Home (Austin: University of Texas Press, 1996), 190.

[12]Bosworth, 179.

[13]Smith, xxiv.

[14]Shafer, 54-55.

[15]Bosworth, 156.

[16]Albert R. Coll, "United States Strategic Interests in Latin America: An Assessment," Journal of Inter-American Studies and World Affairs 39 (Spring 1997): 35-54.

[17]Alfred Corchado and Laurence Iliff, "NAFTA Widens Gaps in Mexico," Dallas Morning News, 26 December 1998, sec. A, p. 23.

[18]Jeffrey Shod, Senior Fellow, Institute for International Economics, interview on National Public Radio (NPR), news recording, 26 January 1999.

[19]Bosworth, 126-127.

[20]Ibid., 129.

[21]Ibid., 129-130.

[22]Smith, 102.

[23]Bosworth, 140-141.

[24]Ibid., 140-141.

[25]Dunn, 13.

[26]Ibid., 15.

[27]Ibid., 18.

[28]Ibid., 16.

[29]Ibid., 106-107.

[30]Ibid., 119.

[31]Ibid., 122.

[32]Smith, xxiii.

[33]Dunn, 29-30.

[34]Ibid., 31.

[35]Ibid., 40-41.

[36]Ibid., 43-45.

[37]U.S. Department of Justice, Immigration and Naturalization Service, Immigration and Nationality Act, Central Region (Dallas, Texas), 1996.

[38]Honorable James A. Traficant, Jr., "Let's Get Serious on the War on Drugs and Illegal Aliens," 9 November 1997; available from <http://www.usbc.org/105ic/bills/hr2922rem.htm>; Internet; accessed 7 November 1998.

[39]Ibid.

[40]Floyd D. Spence, "FY99 National Defense Authorization Act," ROA National Security Report (November 1998): 30-31.

[41]Department of Defense, National Defense University, Strategic Assessment 1998: Engaging Power for Peace, Institute for National Strategic Studies (Washington, D.C. 1998), 118.

[42]Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army," Parameters (Autumn 1997): 82-97.

[43]Joint Chiefs of Staff, Joint Publication 3-07: Joint Doctrine for Military Operations Other Than War, (Washington, D.C.: U.S. Department of Defense, 16 June 1995), III-3.

[44]William W. Mendel and Murl D. Munger, "The Drug Threat: Getting Priorities Straight," Parameters (Summer 1997): 110-124.

[45]Department of the Defense, National Defense University, Strategic Assessment 1998: Engaging Power for Peace, Institute for National Strategic Studies (Washington, D.C. 1998), 118.

[46]Associated Press, "Ground Troop Use On Border Curtailed, Officials Say," Dallas Morning News, 30 January 1999, sec. A, p. 36.

[47]Lamar Smith, "Report to the Subcommittee on the Death of Esequiel Hernandez, Jr.," November 12, 1998; available from <http://www.house.gov/lamar smith/pr-111298.htm>; Internet; accessed 5 December 1998.

[48]Ibid.

[49]Ibid.

[50]Thaddeus Herrick, "Borderline Shootings," 20 June 1997; available from <http://www.chron,com/content/chronicle/metropolitan/97/07/01/border/shooting.t-0.html>; Internet; accessed 5 December 1998.

[51]Ibid.

[52]Ibid.

[53]Ibid.

[54]Office of National Drug Control Policy, The National Drug Control Strategy, 1998 (Washington, D.C.: 1998), 43.

BIBLIOGRAPHY

Associated Press. "Ground Troop Use On Border Curtailed, Officials Say." Dallas Morning News, 30 January 1999, sec. A, p. 36.

Bosworth, Barry, Susan M. Collins, and Nora Claudia Lustig, eds. Coming Together? Mexico-United States Relations. Washington, D. C.: Brookings Institution Press, 1997.

Coll, Albert R. "United States Strategic Interests in Latin America: An Assessment," Journal of Inter-American Studies and World Affairs 39 (Spring 1997): 35-54.

Corchado, Alfred and Laurence Iliff, "NAFTA Widens Gaps in Mexico," Dallas Morning News, 26 December 1998, sec. A, p. 23.

Joint Chiefs of Staff, Joint Publication 3-07: Joint Doctrine for Military Operations Other Than War. Washington, D.C.: U.S. Department of Defense, 16 June 1995.

Department of the Defense, National Defense University, Strategic Assessment 1998: Engaging Power for Peace. Institute for National Strategic Studies. Washington, D. C. 1998: 118.

Dunn, Timothy J. The Militarization of the U.S. - Mexico Border, 1978 - 1992: Low-Intensity Conflict Doctrine Comes Home. Austin: University of Texas Press, 1996.

Herrick, Thaddeus. "Borderline Shootings." 20 June 1997. Available from <http://www.chron,com/content/chronicle/metropolitan/97/07/01/border/shooting.2-0.html>. Internet. Accessed 5 December 1998.

Lujan, Thomas R. "Legal Aspects of Domestic Employment of the Army." Parameters (Autumn 1997): 82-97.

Martinez, Oscar J. Troublesome Border. Tucson, AZ: The University of Arizona Press, 1988.

Mendel, William W., and Murl D. Munger. "The Drug Threat: Getting Priorities Straight," Parameters (Summer 1997): 110-124.

Office of National Drug Control Policy, The National Drug Control Strategy, 1998. Washington, D.C.: Office of National Drug Policy, 1998.

Shafer, Robert Jones, and Donald Mabry. Neighbors; Mexico and the United States. Chicago: Nelson-Hall Publishers, 1981.

Shod, Jeffrey. Senior Fellow, Institute for International Economics, interview on National Public Radio (NPR), news recording, 26 January 1999.

Smith, Clint E. The Disappearing Border: Mexico-United States Relations to the 1990s. Stanford, California: Stanford Alumni Association, 1992.

Smith, Lamar. "Report to the Subcommittee on the Death of Esequiel Hernandez, Jr." November 12, 1998. Available from <http://www.house.gov/lamar smith/pr-111298.htm>. Internet. Accessed 5 December 1998.

Spence, Floyd D. "FY99 National Defense Authorization Act." ROA National Security Report (November 1998): 30-31.

Traficant, Honorable James A., Jr. "Let's Get Serious on the War on Drugs and Illegal Aliens." 9 November 1997. Available from <http://www.usbc.org/105ic/bills/hr2922rem.htm>. Internet. Accessed 7 November 1998.

U.S. Department of Justice, Immigration and Naturalization Service, Immigration and Nationality Act. Central Region: Dallas, Texas, 1996.